

RECEIVED
TOWN CLERK
HARWICH, MA

2022 OCT 25 A 10:38

MINUTES
SELECTMEN'S MEETING
TOWN HALL
MONDAY, OCTOBER 11, 2022
5:30 P.M. - EXECUTIVE SESSION
6:00 P.M. - REGULAR MEETING
REMOTE PARTICIPATION OPTIONAL

APPROVED

RELEASED

SELECTMEN PARTICIPATING: Michael MacAskill, Larry Ballantine, Mary Anderson, Julie Kavanagh & Donald Howell

ALSO PARTICIPATING: Town Administrator Joseph Powers.

Mr. Howell moved that the Board of Selectmen go into Executive Session to discuss items as listed below, 2nd by Ms. Anderson. The vote was 5-0-0 with Mr. MacAskill, Mr. Ballantine, Ms. Anderson, Mr. Howell & Ms. Kavanagh all voting aye by roll call.

EXECUTIVE SESSION

- A. Pursuant to M.G.L., c.30A section 21 (a)(3) to discuss with respect to collective bargaining for all town unions and the Chair has determined that open session would have a detrimental effect on the town's bargaining position
- B. Pursuant to MGL, c. 30A section 21 (a) paragraph 2 to conduct strategy sessions in preparation for negotiations with nonunion personnel and contract negotiations for nonunion personnel – Fire Chief

CALL TO ORDER

Mr. MacAskill called the meeting back to order and reported that the Board discussed both topics and that no decisions were made.

PUBLIC COMMENTS/ANNOUNCEMENTS

Harwich Chamber of Commerce Executive Director Cyndi Williams was present and announced that the Chamber has partnered with the Harwich Junior Theater for a Halloween Trolley to the Addams Family. Information can be found on the Chamber website or at the Chamber office. This event will be held on October 22, & 23. The First Church of Harwich will be holding a Halloween children part from 2-4 on October 29. The Harwich Congregational Church will be holding their annual trunk or treat event on October 30.

Chief of Police David Guillemette announced that the Regional Squad Team will be using the range on Depot Road on October 24 from 11-3.

Fire Chief David LeBlanc was present and stated that Firefighter Eric Diamond had been deployed to the search and rescue team in Florida following the hurricane. FF Diamond should be returning to Massachusetts tomorrow. The team made over 80,000 searches and 2,000-3,000 interpersonal contacts. Chief LeBlanc will update the Board as soon as FF Diamond has returned.

- A. Next Board of Selectmen Meeting will be Monday, October 24, 2022

Board of Selectmen
October 11, 2022

Mr. MacAskill announced that the next Board of Selectmen's meeting will be held on Monday, October 24, 2022.

B. Committee Vacancies

Ms. Anderson read thru the list of committee vacancies and noted that the town relies on these committees to get a lot of work accomplished.

C. Route 28 Harwich Port Traffic Community Forum – Tuesday, October 25, 2022 6:00 p.m. at 204 Sisson Road

Mr. Powers announced that he will be hosting the Route 28 Harwich Port Traffic Community Forum on October 25, 2022 at 6:00 p.m. at 204 Sisson Road. The forum will be open to any and all interested parties.

D. 2022 Special Town Meeting – Tuesday, October 18, 2022 6:00 p.m. at Community Center – 100 Oak Street

Mr. Powers reminded everyone of the 2022 Special Town Meeting that will be held on October 18, 2022 beginning at 6:00 p.m. The meeting will be held at 100 Oak Street.

E. South Harwich Meetinghouse presents “Masterpieces at the Meetinghouse” – Sunday, October 16, 2022 3:00 p.m. at South Harwich Meetinghouse – 270 Chatham Road

Mr. Powers announced the South Harwich Meetinghouse “Masterpieces at the Meetinghouse” event that will be held on October 16, 2022 at 3:00 which will be at the South Harwich Meetinghouse located at 270 Chatham Road.

This Saturday at 10:00 there will be a Shelter Cape Cod Program being held by the Barnstable County Regional Emergency Planning Council partnering with American Red Cross. The program is called Cape Codders helping Cape Codders weather the storm and will be held at the Cape Cod Regional Technical School. In Harwich, there is always a need for shelters and it will be great to have this location back on line.

NEW BUSINESS

A. Vote to approve and sign the November 8, 2022 State Election Warrant

Mr. Howell moved to approve and sign the November 8, 2022 State Election Warrant as presented in the packet, 2nd by Ms. Kavanagh and approved 5-0-0.

Mr. Howell stated that the November 8 election hours will be from 7:00 a.m. through 8:00 p.m.

B. Vote to appoint a representative to the Cape Cod and Islands Water Protection Fund Management Board

Mr. MacAskill asked if it would make sense for Water/Wastewater Superintendent Dan Pelletier to be the representative. Mr. Howell responded that the Board is made up of all political people, either Town Administrators or Selectmen. He feels strongly that it should remain in a political elective realm.

Mr. Ballantine sees this as more of a policy board than a technical board and would be in favor of having a Selectmen be the representative.

Mr. MacAskill asked that whoever the representative ends up being, that they provide updates to the Selectmen following any board meetings.

Ms. Anderson nominated Donald Howell as the Town of Harwich's representative to the Cape Cod and Islands Water Protection Fund Management Board, 2nd by Mr. Ballantine and approved 5-0-0.

JOINT MEETING WITH BOARD OF SELECTMEN AND BOARD OF HEALTH

Ms. Pfleger called the meeting of the Board of Health to order. Present were Sharon Pfleger, Kevin DuPont, Matthew Antoine & Ronald Dowgiallo.

- A. Presentation by Barnstable County Department of Human Services on Opioid Abatement Funds; Votes make be taken

Kate Lena, Substance Use Prevention Program Manager from Barnstable County was present. On July 21, 2022, Massachusetts Attorney General Maura Healey announced a \$26 billion settlement agreement with opioid distributors Johnson & Johnson, which will provide more than \$500 million to the Commonwealth and its cities and towns for prevention, harm, reduction, treatment and recovery across Massachusetts. The allocated funds will be dispensed in increments over the next 18 years and funds must be spent by the end of the fiscal year. Ms. Lena reviewed the state guidelines for municipal spending as outlined in the packet. The Regional Substance Abuse Council has provided recommendations on prevention, harm reduction, recovery and treatment, where were also outlined in the packet. RSAC does recommend pooling funds and collaborating with area municipalities as well as involving people impacted by substance abuse disorder in the conversation of how to spend the funds.

Ms. Lena briefly reviewed the opioid settlement and remediation of funds menu of example programs. If the town were to be interested, Ms. Lena offered to help with the startup of a substance use committee.

Ms. Anderson asked if there any Harwich representatives on the RSAC. Ms. Lena responded that Youth Services Counselor Sheila House is part of the council. Ms. Anderson commented that the next step for Harwich will be to decide on how the funds will be spent. She feels that the Board of Health, Health Director and Ms. House should bring back suggestions to the Selectmen.

Ms. Kavanagh wants to make sure that we use these funds to help people in all categories. She added that there is a need on the Cape for various mental health as well as substance abuse matters and that it would be great to see all of the different towns collaborate.

Mr. DuPont agreed with Ms. Kavanagh and added that as a primary care nurse, he sees a massive need for mental and behavioral health on Cape Cod. There are not enough providers to serve the population.

Mr. Howell agreed with Mr. DuPont. He stated that Harwich is very lucky to have Ms. House as a resource. He noted that there are other stakeholders involved, like the schools, and would like to see all of the groups come together. Mr. Howell would like to see a cooperative effort across town lines. Ms. Lena agreed.

Ms. Lena commented that creating opportunities for communication and working together is a really good first step. There has been a movement in addressing over prescribing medication and Ms. Lena added that we need to look at all topics surrounding substance abuse.

Mr. Ballantine agreed with all of the comments made and noted that he likes the idea of pooling funds across the Cape and would like to be sure that this is done in a formal process.

Ms. Anderson would like to see the Harwich experts sit down and talk about what we need, then see if other towns would like to join.

Ms. Pflieger suggested the formation of a substance use committee in order to start addressing some of these issues.

Health Director Katie O'Neill was present and said that there have been some preliminary discussions at staff level and that they have come to the agreement that this will be a multi-faceted approach. There has been discussion about involving the schools as well. The other route discussed was coming up with a substance abuse and mental health coordinator, who would work as a navigator. Other towns have this position and it falls under the Police Department as a Town Employee.

Sheila House was present and commented that she is very interested in prevention in working with children. There should be additional information from a 2nd assessment that will be available in mid-January. Ms. House did agree that there needs to be a structure moving forward.

Chief of Police David Guillemette was present and said that he is in agreement with everything being said tonight. He agreed that having some kind of a clinician on board would be a huge asset to the town. Ms. Anderson asked if the clinician would be full time or on an on-call basis. Chief Guillemette responded that the Town of Dennis has 3 clinicians now, and that they are employed by contract.

Ms. Pflieger stated that it would be helpful to have the physicians in the community be aware of the resources that are available.

Ms. Kavanagh commented that one of the issues is that there are places to send people for assistance, but that they are either not on the Cape or are not always geared to help with what resources are truly needed. Ms. Kavanagh wants to make sure that the town is able to figure out a way to help everyone involved and to help residents on the Cape.

Mr. Powers stated that whatever the outcome, he expects that the Cape & Islands Town Administrators will have this topic come before them. Whatever the end results are, it all comes back to how the funds are used.

Mr. MacAskill stated that he would be looking for a member of the Board of Selectmen to work with staff as a liaison to the committee.

Mr. Howell nominated Mary Anderson to be the Board of Selectmen liaison to the substance use committee, 2nd by Ms. Kavanagh and approved 5-0-0.

B. Discussion on State regulations regarding trash and potential general bylaw

Health Director O'Neill stated that the Board of Health had a discussion at one of their previous meetings and that the Board did not take any action. There is a state law that states that garbage and rubbish shall be put out for collection no earlier than the day of collection.

Ms. Anderson noted that she drove around town because she was not aware that there was an issue. She reported that she did not see any messes and that she looks at it as a personal choice.

Health Director O'Neill added that complaints of this nature are hard to enforce and require 2 inspections. Due to staffing levels, the Health Department needs to prioritize what comes in and unfortunately, trash cans are not high on the list. Usually when the Health Department goes on a complaint inspection of this nature, the problem has already been resolved. Health Department staff recommends to complainants that they reach out to their neighbors to see if they need any assistance, adding that it is not always the best when the Health Department steps in first.

Mr. Ballantine thought that providing additional education to residents might be beneficial and he suggested Channel 18 as a platform. Health Director O'Neill responded that staff can work on this as a winter project. Mr. Ballantine added that we are seeing an increase in the rodent population. Health Director O'Neill responded that rodents are a Cape wide issue and not just specific to Harwich. The Health Department does have a rodent brochure.

Ms. Pflieger moved to adjourn the meeting of the Board of Health, 2nd by Mr. DuPont and approved 4-0-0.

PUBLIC HEARING (No earlier than 6:30 p.m.)

A. Public Hearing continued from July 11, 2022 – Chase Escape Cape Cod, LLC d/b/a Summer House Café to present an update on the non-use of their Section 12, On-Premise, Seasonal All Alcohol Liquor License

Mr. Howell read the public hearing notice. Mr. MacAskill stated that this hearing is continued from July 11, 2022.

Mr. Powers reported that late this afternoon, he received an email from an Attorney who has informed the town through him that they now represent the establishment under the hearing. They have indicated that they request a continuance of the hearing date for the reasons that they are the new counsel and that the establishment no longer has a manager of record. The town was notified by Mr. Paulini that he has resigned from Chase Escape Cape Cod, LLC, effective immediately. Mr. Powers added that the establishment is scheduled to go before the Board of Health on October 20, 2022. Town Counsel has recommended that the hearing be continued until Monday, November 21, 2022 no earlier than 6:00 p.m.

Mr. Howell moved to continue the hearing for Chase Escape Cape Cod, LLC d/b/a Summer House Café until November 21, 2022, no earlier than 6:00 p.m., 2nd by Mr. Ballantine and approved 5-0-0.

JOINT MEETING WITH BOARD OF SELECTMEN, HARWICH AFFORDABLE HOUSING TRUST & HARWICH HOUSING COMMITTEE

Mr. Powers called the meeting of the Harwich Affordable Housing Trust to order. Present were Joseph Powers, Donald Howell, Brendan Lowney & Larry Brophy.

There was no quorum for the Harwich Housing Committee, however members Mary Maslowski and Joe McParland were present.

A. Discussion on all items and topics related to housing

Mr. MacAskill stated that housing has been referred to as an emergency in Harwich for the last 15-17 years. The Housing Committee often asks what they can do and there are really no answers. With the Housing Trust, we have permission from Town Meeting on several parcels of land to transfer to the Trust. The land wouldn't necessarily be used to build housing, but could be sold

and the funds used for housing. Mr. MacAskill said that he often receives calls asking what is being done about housing. He added that the town voted to appoint counsel to the Housing Trust for real estate transaction purposes, not for their counsel to second guess town counsel or for them to start a back and forth with town counsel. Going forward, if we are going to keep talking about housing, then it is time to start building something.

Mr. Powers stated that a week ago, the Harwich Affordable Housing Trust hosted its 2nd community engagement forum on the question of affordable housing. He thought that it was a very productive evening of discussion with more than 40 people attending. They met for 2 hours and covered a lot of high level topics. Mr. Powers noted that it was good to resume community engagement in these conversations.

Mr. Powers also participated in the Lower Cape Housing Institutes Housing 101 workshop today. He reported that the Affordable Housing Trust voted back in August to begin at least twice monthly meetings. Mr. Powers stated that he would be presenting information to the Community Preservation Committee on Thursday afternoon.

Mr. Brophy noted that the 13 ½ Marceline Property was purchased in July 2021 and that the question has been why it isn't being built on. Mr. Brophy added that there has been difficulty with COVID as well as community engagement meetings. There has also been difficulty in finding a housing advocate or coordinator. Along the way, the trust is also in process of getting competitive bids from an appraiser, surveyor, engineer and real estate attorney. Discussions have taken place with both the Veterans Administration as well as Habitat for Humanity. The trust has also been in the process of trying to get a meeting together with the parties who developed the Yarmouth Commons property. In addition to these, they have been slowly moving forward on having discussions with adjacent property owners about land. Mr. MacAskill asked why we would want to buy more land without having built anything on the land that we already own. Mr. Brophy responded that this whole process takes time and that the land that is available now can be developed in of its own. Mr. Lowney added that the Marceline property is available for an RFP. They admit that there is a lot on the table and that the trust is going through the motions as best they can.

Mr. Howell feels that we need a basis for discussion regarding the Marceline property. He is heartened that we are at a decent place, but knows that there is much to do.

Mr. MacAskill wants to be sure that all of this happens at open meetings. Mr. Howell responded that it has to be that way.

Mr. Powers feels that last Tuesday was a seminal event. There was much value in having an opportunity to engage the community and ask questions and offer information. He knows that the Housing Committee is truly interested as well. Mr. Powers went on to review the purpose of the Housing Trust as outlined in the declaration of the trust. Mr. Powers added that the trust can now start moving forward with an RFP on the Pleasant Lake Avenue parcel, referred to as the Marceline property. As we do that, the trust needs to be mindful that the RFP process and what is done on the property will have a significant impact on the community.

Ms. Maslowski stated that all development comes down to numbers and what the town is ultimately comfortable with and what the developer can still make affordable with the numbers that have to happen.

Ms. Kavanagh stated that the other part of the discussion is if the town wants to be responsible for the project, or if they want to bring in a developer. There is also the massive discussion that needs to take place about zoning and density and addressing possible bylaw changes. The town

should be able to do a lot with the property acreage. Ms. Kavanagh hopes that bylaw discussions can start to move quickly because they also tie into the ADU bylaw that is not working the way that it should. Mr. MacAskill asked Ms. Kavanagh to send him an email of what she would like to accomplish.

Ms. Anderson commented that she is very frustrated about housing. She knows that there are 2 big organizations, Community Development Partnership and the Housing Assistance Corporation who can help with projects like this.

Mr. Ballantine does think that we need to start now and go with private developers. His frustration is that until we have a good discussion regarding zoning, we will stay at the back end of the problem. Mr. Ballantine stated that he is comforted at the way that the teams are working together now. He would like to see the trust and committee come back with action points so that residents can see that progress is being made. Mr. Ballantine does not see a reason why we can't go with an RFP right away. Mr. Lowney feels that we need to hear from the public more before an RFP should be sent out.

Mr. Powers reported that the trust will be working with the vendor to schedule a date for the next community engagement session.

Ms. Anderson wondered why the trust thinks that they will get more input from a 2nd session. Mr. Howell responded that it would be focused on a property and not universally Harwich. Mr. Lowney added that the consultant will bring a little more information and structure to the next meeting.

Speaking for himself, Joe McParland stated that in general, he feels that the housing committee has been an adopted child that has not been adopted since they day that they started. He doesn't know if the trust really wants them to do anything. Mr. McParland feels that the knowledge that CDP and HAC have is unbelievable and that the entire process will move faster if they are involved. He agreed that it would be hard to put out an RFP with a blank slate.

Ms. Maslowski asked everyone to remember that engaging CDP and HAC will have to follow the procurement process. She added that she is not opposed to density and that if you are trying to write out a narrative for the property, details need to be figured out ahead of time.

Mr. Howell stated that the Massachusetts Housing Partnership also offers assistance in putting together RFPs. He added that affordable and market rate housing option might not be an option for the Marceline property as the land was purchased with CPC money.

Mr. Powers knows that the housing committee has 2 other members and that he wants all of the members to know that the trust wants to continue working with them.

The board had a brief discussion on the membership makeup of the committee and Ms. Anderson said that she would follow up with Administration staff on members.

Chair of the Harwich Housing Authority Elizabeth Harder was present and stated that she will be filling out an application to be on the housing committee. She commented that the housing authority does give out rental vouchers. Ms. Harder wants everyone involved to remember that sometimes we need to think outside of the box and that we need housing now. If we don't have housing now, then no one will be able to live here and establishments will close and we will be in deep trouble. Ms. Harder stated that the trust has the money and the land and feels that the land should be sold now and then use the money to buy houses to renovate into apartments. Mr. Lowney added that this is why the community engagement forums are important.

Mr. MacAskill agrees that we need to build housing and also agrees that we don't need to wait for the grand plan to do something. There are a couple more buildings that the town owns that the Board will be taking up in the next 30 days on whether or not it would make more sense to use them to create housing. We need to show the tax payers that money is being used for something rather than just plans.

Mr. Lowney stated that he is a builder and that it is getting very expensive to build.

Mr. Brophy moved to adjourn the meeting of the Harwich Affordable Housing Trust, 2nd by Mr. Howell and approved 4-0-0.

TOWN ADMINISTRATOR'S REPORT

Mr. Powers announced that Town Clerk Emily Mitchell has appointed Jennifer Clarke from the Health Department to be the next Assistant Town Clerk. Mr. Powers congratulated Ms. Mitchell on a fantastic hire and added that the Health Department Executive Administrative Assistant position has been advertised internally today.

Mr. Powers announced the hiring of Madison LeBlanc as the Executive Administrative Assistant in the Assessing Office.

The town is making great process and is still working hard on filling many of the vacant positions.

Ms. Anderson asked Mr. Powers to send the housing advocate write up to the Selectmen. Mr. Powers responded that he would and that the information is also available on the town's website.

SELECTMEN'S REPORT

No Selectmen's report was given.

CORRESPONDENCE

No correspondence was discussed.

ADJOURNMENT

Mr. Howell moved to adjourn the meeting of the Board of Selectmen, 2nd by Ms. Anderson and approved 4-0-0.

Respectfully submitted,
Jennifer Clarke
Recording Secretary