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MINUTES  
SELECTMEN'S MEETING  
TOWN HALL  
MONDAY, OCTOBER 26, 2020  
6:00 P.M. - EXECUTIVE SESSION  
6:30 P.M. - REGULAR MEETING  
REMOTE PARTICIPATION ONLY

APPROVED

RELEASED

**SELECTMEN PARTICIPATING:** Larry Ballantine, Michael MacAskill, Ed McManus, Donald Howell & Stephen Ford

**ALSO PARTICIPATING:** Interim Town Administration Joseph Powers

**CALL TO ORDER**

Mr. Ballantine called the meeting to order at 6:00 p.m. to begin with Executive Session.

**EXECUTIVE SESSION**

A. Pursuant to M.G.L. c. 30A, § 21(a)(6), to consider purchase, exchange, lease or value of real estate if the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body

Mr. Ballantine called the meeting back to order following Executive Session and reported that the Board will be continuing discussions.

**WEEKLY BRIEFING**

A. COVID-19 Updates

Health Director Meggan Eldredge was present remotely and reported that Harwich's positivity rate has decreased to 0.82%. On Friday, we did start to see new positive cases and our total case count has increased to 174. We are currently tracking 7 active cases. This trend of new cases is being seen throughout the Commonwealth. Even though we are seeing an increase in cases, hospitalizations and fatalities are beginning to decrease. Ms. Eldredge reported that because of the increase in cases, she suspects that Harwich will be moved into the red on the Department of Public Health reporting map.

The Health Department has been receiving inquiries regarding the travel order during the holiday season. The up to date travel order can be found at [www.mass.gov](http://www.mass.gov) Ms. Eldredge reviewed the order and stated that we are seeing a lot of questions from the schools about if children travel out of state for the holiday. The answer is complicated and as a local Board of Health we are not subject to enforce the order. Enforcement would be left up to DPH. We hope that people understand the importance of the guidance and that you are at a higher risk of exposure if you are traveling. Testing for travel would be required for someone 11 or older. If you are 10 or younger, you would not need to be tested and would rely on the test results of the parents.

A drive-thru public flu clinic is scheduled for Thursday and will be held from 2-4 p.m. at the Community Center. Pre-registration is required by either emailing [health@town.harwich.ma.us](mailto:health@town.harwich.ma.us) or calling 508-430-7509.

Mr. Ballantine asked if many restaurants are still offering outdoor seating. Ms. Eldredge responded that some establishments have continued to offer the outdoor option. We are receiving questions

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about putting sides of the tents down. If 3 or 4 sides of the tents are down, then it would be considered indoor dining and the establishment would have to adhere to the indoor dining guidance standards. Mr. Powers added that his office has reached out to the establishments with outdoor dining to ask for an update. More information will be provided to the Board as it is received.

B. Update on ongoing efforts by the Town in support of the business community

Harwich Chamber of Commerce Executive Director Cyndi Williams was present remotely. She reported that some establishments have taken their tents down. Ms. Williams stated that she will be starting to update the public on what measures restaurants have taken to make people feel safer dining inside.

**PUBLIC COMMENTS/ANNOUNCEMENTS**

On behalf of the Brooks Free Library Director, Mr. Ford stated that Brooks Free Library has extended their grab and go hours. Information can be found at [www.brooksfreelibrary.org](http://www.brooksfreelibrary.org) Masks or face coverings are required to be worn while inside of the library. The library will continue with this plan and hopefully be able to expand through the fall and winter months.

**CONSENT AGENDA**

- A. Vote to approve Caleb Chase Fund request in the amount of \$1,000
- B. Discussion and possible vote for the Chairman to sign Green Community Annual Report for staff to submit

**Mr. MacAskill moved to approve the consent agenda as listed, 2<sup>nd</sup> by Mr. McManus. The vote was 5-0-0 with Mr. Ballantine, Mr. MacAskill, Mr. Ford, Mr. McManus & Mr. Howell all voting aye by roll call.**

**NEW BUSINESS**

- A. Update from the Interim Town Administrator regarding the process on Chapter 40B projects

Mr. Powers referenced the memo that was provided in the Board's packet and said that tonight's agenda item stems from last week's discussion on an alleged 40B project. Mr. Powers stated that there is no pending 40B application relative to East Harwich presently before the town. Additionally, there is no project eligibility letter that has been submitted and there is nothing for the Board to discuss formally. It was the recommendation of Mr. Powers that any prospective applicant for any future project consider sponsoring and conducting community input forums before proceeding to any formal discussion to any board, commission or committee of the town.

Mr. Howell noted that there legitimate concern of the public because there were meetings that were taking place regarding supposed projects. He feels that the best course of action going forward is to make sure that nothing moves forward without public input.

Mr. MacAskill asked to confirm that when Mr. Wise applied for the 10 lot subdivision, that was all he was doing. Mr. Howell responded yes. Mr. MacAskill asked for an update on any conversations with Mr. Wise and what direction he is planning on going. He would also like a follow up on the sewer regulations and if we can legally have a sewer regulation that would prohibit large developments. Mr. Howell responded that we are doing the sewerage to fix a problem that has been created over decades, not to solve a building problem.

- B. Vote to approve Board of Selectmen Meeting Minutes
1. 12.02.2019
  2. 12.09.2019

**Mr. MacAskill moved to approve the Board of Selectmen minutes as printed, 2<sup>nd</sup> by Mr. Howell. The vote was 5-0-0 with Mr. Ballantine, Mr. MacAskill, Mr. Ford, Mr. McManus & Mr. Howell all voting aye by roll call.**

### **CONTRACTS**

- A. Discussion and possible vote – Grant agreement between the Board of Selectmen and Affordable Housing Trust regarding 2020 Annual Town Meeting Article 33

Mr. Howell divulged that he is on both sides of this agreement and that he has no financial interest or responsibility. The Board agreed that they had no problem with Mr. Howell taking part in the conversation and voting.

Mr. Howell stated that he is not interested in spending money just because we have it. He would like to make sure that our legal counsel reviews the agreement and looks closely at the retention requirements.

Mr. MacAskill noted that the Community Preservation Committee has done an outstanding job of vetting projects. He did asked to see more communication between the Selectmen and CPC. Mr. Ballantine agreed that communication is critical.

**Mr. MacAskill moved to grant the agreement between the Board of Selectmen and Affordable Housing Trust regarding 2020 Annual Town Meeting Article 33, 2<sup>nd</sup> by Mr. Ford. The vote was 5-0-0 with Mr. Ballantine, Mr. MacAskill, Mr. Ford, Mr. McManus & Mr. Howell all voting aye by roll call.**

### **OLD BUSINESS**

- A. Update and discussion – Cape Cod and Islands Water Protection Fund (CCIWPF) Regulations

Mr. Howell stated that this continues to be a moving target. They have another meeting scheduled for November 5. He added that once this gets ironed out, Harwich may want to make a submission before the end of the calendar year.

- B. Discussion and possible vote – Interim Town Administrator's Goals and Objectives

Mr. Powers and Mr. Ford have been working closely on the goals and objectives. Mr. Powers walked the Board through the goal updates and stated that whenever possible, he tried to tie them back to specific Selectmen goals. In the end, everyone will be looking to Mr. Powers to support the Board as they go through their goals, while working on his own goals and cascading down through the organization.

The Board noted that they received the hard copy of the goals tonight and asked for an additional week to review.

Mr. Howell commented that this document look a lot more professional that what has been seen in previous years.

Mr. Ford stated that this is a working document and is always that anyone is welcome to make any changes as they see necessary.



Mr. Ballantine asked the Board to choose a couple of goals that would be relevant to move forward with the Interim Town Administrator's evaluation.

C. DHY Update – Re-evaluation of Comprehensive Wastewater Management Plan (CWMP) Phasing, Study Area Model, Flow and Cost Estimates

Water Superintendent Dan Pelletier and Town Engineer Griffin Ryder were present remotely. Russ Kleekamp and his colleagues from GHD were also present remotely.

Mr. Powers stated that earlier this year, he was approved by Mr. Pelletier & Mr. Ryder who said that they wanted to engage in a small services contract regarding data points with the sewer service project. GHD is the engineering firm that was hired by the town to work on sewer modeling.

In 2016, the town adopted the Comprehensive Wastewater Management Plan as a living document to address impaired water bodies in Harwich. We have also been in conversations with Dennis and Yarmouth about a Dennis-Harwich-Yarmouth clean waters community partnership.

Mr. Ryder & Mr. Pelletier have presented 2 sewer model options; one for Route 28 and one for Harwich Center. The Harwich Center option was developed internally and Route 28 was developed by CDM Smith. Mr. Pelletier stated that they were asked to further vet and refine the figures for each option. They then reached out to GHD for assistance. Harwich was looking for them to do their own independent analysis and a CAD model of what these 2 options would look like.

Mr. Kleekamp presented a google earth map of the areas that they were asked to look at. The map allowed them to develop the limits of gravity and lower pressure systems to help meet the wastewater needs of the town. GHD worked closely with Mr. Ryder & Mr. Pelletier to establish this design criteria. Mr. Kleekamp provided an overview of the model and how all of the information came together. The flow information used was based on the town's 2016 water usage information. He went on to review cost estimates and how they are developed. In addition to reaching out to material vendors, GHD spoke with contractors. GHD knows that their system of design works because it has been used in all of their multi-million dollar wastewater projects for the last 10 years.

Mr. Ryder stated that both he and Mr. Pelletier are very happy with the results of the model. It provides a validation of the analysis that was done back in March. The model provides an analysis tool to allow the town to move forward and can be used for planning as we move into the operation phase.

Mr. MacAskill asked for a copy of the provided memo and associated links be emailed to him. He thinks that there is great data being provided and would like to have a conversation about using the model for East Harwich.

Mr. Ballantine thanked everyone for the work done so far and noted that discussions will continue to move forward. He added that we aren't doing this project just to spend money, but that we are under a lawsuit to get this done. Our chore is to move forward as cost effectively as possible.

Mr. Howell feels that to date this is the best money that we have spent in the sewer realm. To have something like this model that can either confirm or update and validate in a confidence boosting way is a good thing.

#### D. Update – Status of Liquor Licensing Disciplinary Hearings

Mr. Powers stated that he spoke with counsel today and they have not yet come up with a full-fledged plan, but wanted to ensure the Board and the public and the 2 liquor license hearings that were started in the Summer will be re-done. We are working on developing a strategy that should give all parties comfort that the hearings will be held in a safe and expeditious manner. He will provide more information as it becomes available.

Mr. MacAskill asked for a report from the Police Department on past and current noise complaints. He added that the Noise Committee meeting last week was very contentious. Mr. MacAskill informed the Noise Committee Chair that he would be speaking with the Board of Selectmen Chair about suspending their meetings and asked for a report of any decisions that the committee has made. Mr. MacAskill feels that meetings of the Noise Committee should be suspended until the Selectmen can give them more direction. The Selectmen need to give people peace of mind that they are paying attention.

Mr. Ford added that the people who were initially excited and supportive of these businesses are no very upset and want action on any alleged violations. He feels that the sooner hearings can be held, the better.

Mr. Powers stated that he received an email from the Vice Chair of the Noise Committee. Mr. Powers advised counsel that he has received videos from residents that have been taken throughout the summer. When the town does send notice an establishment, they will be advised that there are specific charges as well as significant public input. If the public would like to participate, Mr. Powers said that he would incorporate them into the process. Mr. Powers reviewed the Ballarin Factors that the Board can take into consideration when holding these hearings.

Mr. Ballantine said that this will be on next week as an agenda item and that the Police Chief will be included in the discussions.

#### E. Discussion and possible vote to adopt the updated Personnel Bylaw Employee Compensation Plan Tables

Mr. Howell commented that this is a very difficult time that we are experiencing and we don't know when we will come out of the tunnel. He added that it is nothing against the employees, but his concern is the self-survival of the town.

**Mr. Howell moved to adopt the updated Personnel Bylaw Employee Compensation Plan Tables to reflect a 1% increase in wages, 2<sup>nd</sup> by Mr. Ford. The vote was 5-0-0 with Mr. Ballantine, Mr. MacAskill, Mr. Ford, Mr. McManus & Mr. Howell all voting aye by roll call.**

#### **TOWN ADMINISTRATORS REPORT**

Mr. Powers stated that there will be a department head meeting later this week to discuss procurement.

Provided in the packet is the Contract Agreement between the Town of Harwich and Northeast Rescue Systems, Inc. for the procurement of Personal Protective Equipment (PPE) for the Fire Department signed by the Interim Town Administrator. The PPE is being purchased through the Commonwealth of Massachusetts Operational Services Division (OSD) FIR04/04A: Public Safety Equipment, Supplies, Services and Repairs Statewide Contract. The contract form is based on the KP Law 30B Supplies Contract Template and the Finance Director has confirmed the availability of funds and the source. Based on procurement laws, it was recommended that the Interim Town Board of Selectmen

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Administrator execute the contract with Northeast Rescue Systems, Inc. for the purchase of Fire Department PPE for \$24,848.00.

### **SELECTMENS REPORT**

Mr. MacAskill feels that it would be appropriate for the Affordable Housing Committee retract its vote to support a potential 40B project that wasn't really a project. As the liaison to the Committee, Mr. Ford responded that he could reach out to the Chair.

Mr. McManus promoted early voting for the upcoming election.

Mr. Howell reported that he received an email from an abutter of the Community Center. The abutter is concerned that he did not receive an abutter notification for the photovoltaic solar array install at the Community Center. Mr. Ballantine stated that he has spoken to the abutter and that the plans for the array have been located.

Mr. Howell commented that the ongoing road paving is not part of the sewer project. The paving is being done by National Grid after installation of new gas lines.

Mr. Howell requested a future agenda item to discuss the appointment of our legal counsel.

Mr. Howell promoted that there are 2 vacancies on the Zoning Board of Appeal that need to be filled as soon as possible.

### **ADJOURN**

**Mr. MacAskill moved to adjourn the meeting of the Board of Selectmen, 2<sup>nd</sup> by Mr. Ford. The vote was 5-0-0 with Mr. Ballantine, Mr. MacAskill, Mr. Ford, Mr. McManus & Mr. Howell all voting aye by roll call.**

Respectfully submitted,  
Jennifer Clarke  
Recording Secretary