

APPROVED

RELEASED

**MINUTES
SELECTMEN'S MEETING
MONDAY, NOVEMBER 1, 2021
6:00 P.M. - EXECUTIVE SESSION
6:30 P.M. - REGULAR MEETING**

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

ALSO PARTICIPATING: Town Administrator Joseph Powers

CALL TO ORDER

Chairman MacAskill called the meeting to order at 6:00 p.m. beginning with Executive Session.



EXECUTIVE SESSION

- A. Executive Session pursuant to G.L. c. 30A, sec. 21(a)(2) to conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel
- B. Pursuant to MGL, c. 30A section 21 (a) paragraph 3 to discuss with respect to collective bargaining for all town unions if an open session would have a detrimental effect on the town's bargaining position and the chair so declares;

Mr. MacAskill stated that the Board took up union and non-union matters during Executive Session. Some votes were taken but because they relate to personnel, those votes will not be announced tonight.

PUBLIC COMMENTS/ANNOUNCEMENTS

Chamber of Commerce Executive Director Cyndi Williams was present. She had the honor of attending an event this past week that was to dedicate the bridge at Route 137 over Route 6 to those that are suffering or have suffered from PTSD. This milestone is the hard work of John Dickson's 8th grade civics class as well as Bridges for the Fallen. Mr. Ballantine emphasized Ms. Williams's comments and noted that both he and Ms. Anderson attended the event. Ms. Anderson suggested that the Selectmen issue a proclamation for the civics class. Her fellow Board members agreed.

Council on Aging Director Emily Mitchell was present and commented that if anyone with SNAP benefits lost food because of the storm and power outages, there is an opportunity to have their food replenished. Copies of the application are available at the Council on Aging and staff would be more than happy to help with completion and submittal of the forms. Completed forms need to be submitted within 10 days of when the food was lost.

CONSENT AGENDA

- A. Vote to approve a Caleb Chase request in the amount of \$1000.00
- B. Vote to approve a Caleb Chase request in the amount of \$1000.00
- C. Vote to approve a Caleb Chase request in the amount of \$965.94

Ms. Anderson moved to approve the consent agenda as listed above, 2nd by Mr. Howell and approved 5-0-0.

OLD BUSINESS

Board of Selectmen
November 1, 2021

APPROVED

A. Discussion - Local Initiative Program (LIP) for Chloe's Path Affordable Housing Development (no votes will be taken)

Mr. MacAskill stated that the public would be speaking first then public comment would be stopped. After public comment, the meeting will be turned over to Attorney Singer for any response. The Board will then state their comments and/or concerns to the applicant. Mr. MacAskill commented that this is a LIP application and that applicant is not required to do this. If the Board does not support the LIP, he is sure that the developers will go to the state for an unfriendly 40b.

Peter Gori from 226 Sisson Road was present and commented that he still believes that this project is grossly oversized and that it is a luxury residential project. Mr. Gori went on to state that he feels this is not an affordable project and that it will create a property value issue. Mr. Gori stated that questions that were asked 105 days ago still have not been answered. Questions included additional information on a traffic study, would the project need Cape Cod Commission approval, deed restriction modification, sewers, lien on the property and if the developers knows how many residential projects in Harwich have on-site leasing. Mr. Gori will submit his completed list of questions to the Board. He went on record to state that quite clearly this project is just too large for this sensitive site.

Bill Kavaleski from 138 Forest Street was present and thanked the previous speaker for voicing their concerns that are the same as a lot of people in the neighborhood. His understanding is that the developer has been in talks with others in the area however not all have been involved or notified about these meetings. Mr. MacAskill responded that he has spoken with Brian Buh and that Mr. Bush is very responsive to requests from residents. Mr. Kavaleski commented that he is opposed to this project because of the size and location.

Judith Underwood from 220 Sisson Road was present and commented that she is a huge advocate of affordable housing. Due to technical issues, she has not been able to send a report to the Selectmen, but will get it to them by the end of the week. The report deals with the stabilization of the hill that was built in 2016. The neighbors are not confident that the hill was built to the specifications of the engineer. Ms. Underwood asked if there has been any discussion with Public Safety about having 2 egresses for the complex.

Clara McLardy was present and stated that she is concerned about the trajectory in town and she encouraged the Board to think of themselves as representatives of the community. Ms. McLardy feels that the story line we are being fed is that if we just were more open to these projects, it would take care of the problem. She asked the Board to try and evaluate this project on the side of the community and ask what is nurturing our community verses exploiting.

Sandy McLardy was present and asked if the Town has the equipment to serve a building of this height. He also asked if the Water/Wastewater Superintendent could answer what the nitrogen load would be. Mr. MacAskill responded that the Town does have the correct equipment depending on the layout of the building. Water/Wastewater Superintendent Dan Pelletier was present and responded that in order to determine the nitrogen loan, he would have to work with the developer to look at the actual water use and then look at the treatment plant that they are proposing.

Attorney Andrew Singer was present and stated that he would respond to most of the questions in 2 weeks. As far as the Cape Cod Commission, Cape Cod 40b's are exempt from the process, thought the Commission does comment on them. In regards to the traffic study, they have done preliminary research and will be doing a full traffic study with seasonal conditions as they have previously stated.

Mr. MacAskill stated that he spoke with the developer regarding their project in Hudson that they sold. The developer had a different partner and different financing mechanism and someone wanted out. The developer has stated that they do not intend to sell this project.

Mr. Ballantine thinks that as this process goes forward, we have the ability to negotiate conditions. He commented a concern about the height of the building and wondered what would happen if the 3rd story of the building was removed which would reduce it to 62 units. The Board has also heard concerns regarding traffic. Mr. Ballantine would like to see this project limited to year round rentals and prohibit the opportunity for them to be converted into condominiums at a later date. In the past, we have looked at other projects to address directional lighting to give some relief to abutters. Another condition suggested was the improvement of sidewalks from Harwich Center to Shaws. Open space is vital and Mr. Ballantine would want to see strict conditions of the wildlife corridors.

Ms. Kavanagh stated that she does not see the proposed market rate rents as feasible for this area and doesn't see this as the housing that we are looking for. As much as we need housing, we need it for the people in the area that can afford it. Ms. Kavanagh added that it is important to find a way to have more workforce housing. The applicant has stated that there will be sewer in the area in the near future, which Ms. Kavanagh disagreed with. Page 2 of the marketing and outreach plan needs to be revised to reflect the correct town. If we are looking at reducing the numbers, Ms. Kavanagh suggested that if we are looking at reducing the numbers, maybe they look at the underground parking. She noted that nothing in the plan shows a proposal for solar but does show the units being heated with electric.

Ms. Anderson thanked everyone who has submitted comments regarding the project. She feels that we cannot let the perfect get in the way of the possible good of this project and would like to see us work together with the developer and condition the project. If the developer wants to stick with 96 units, she would like to see a 3rd of them be affordable. In addition, Ms. Anderson would like to see ADA compliant sidewalks from Route 28 to Harwich Center, all units to remain rental units in perpetuity, all units be year-round residents, if the property is connected to sewer, that all costs of connecting to the sewer belong to the developer and see maximum occupancy numbers for the units. In closing, Ms. Anderson wants the developer to work with the neighbors to mitigate any problems that they have described.

Mr. Howell acknowledged that he is a member of the Harwich Affordable Housing Trust and has been a member of the Harwich Ecumenical Council for the Homeless for more than 2 decades and added that he is not speaking on behalf of any of these organizations. Mr. Howell feels that perpetuity is not as long as it used to be. Mr. Howell objects to the town being a hostage by this request. He would like to see the applicant get approvals from the state and the conservation restrictions modified and then come back before the Selectmen for a discussion. Mr. Howell also stated that he is unimpressed with luxury units being counted towards the number of affordable units. Right now, he is still of the mind that he wants to see

if the Department of Environmental Protection will live the requirements of what is imposed on the lot.

Mr. MacAskill thanked everyone for being involved in these discussions and he also complimented the developer. Whether the Board agrees with the project or not, the Bush family has high marks as a quality builder and a good firm. If the Board is going to be a no vote, then we need to let the developer know before making them jump through any more hoops. Mr. MacAskill's major concern is regarding the size of the project. The Board has made it clear that they are pro-housing as long as it is what is best for the community. Density is of high importance to Mr. MacAskill and he added that we need to figure out how we are going to get more Harwich people. Mr. MacAskill asked for Attorney Singer to meet with his team and see if we can come to a middle-ground.

If the application goes forward, Mr. Powers required that the number of affordable units be corrected on page 8.

NEW BUSINESS

A. Annual Committee Meetings:

a. Board of Assessors

Board of Assessor's Chairman Richard Waystack was present. Mr. MacAskill congratulated him on his most recent award. The Board of Assessor's provided a detailed report to the Board. Mr. Waystack highlighted that at the Annual Town Meeting 2 years ago, the town endorsed us filing a community legislation to allow those under the age of 60 to be given relief of their taxes under financial hardship or infirmity. As of today we have not heard the results of our application but if passed, we will be the first in the Commonwealth to offer that option.

Mr. MacAskill noted that a current theme is tax collection, owner's unknown and miscellaneous parcels. He referred to a fairly large sand pit parcel in East Harwich that is paying taxes of \$3,000. This property was rented to RH White for their construction permit. Mr. MacAskill has heard rumors that there will be a large solar field in the pit. Mr. Waystack responded that the Board of Assessors has a fine line in terms of preparations versus regulation and policy. The solar field would be a business and they would have to submit paperwork to the Assessing Department. There is a policy that was put in place 10 years ago, which was endorsed by the Selectmen. For any parcel to be added to the tax role and taxed at best use, it needs to have an engineered stamped plan with a deed that corresponds to the plan.

b. Real Estate and Open Spaces Committee

Chairwoman of the Real Estate and Open Space Committee Elaine Shovlin was present. A report was submitted to the Selectmen. For the first time, they have no vacancies on the committee and their membership is very well balanced. The committee has been putting a lot of time into preparing recommendations for tax liens and owners unknown properties.

Mr. Ballantine and Ms. Kavanagh stated that the information that the committee provides is very helpful for the Selectmen.

Mr. Howell commented that he knows the committee has been frustrated in the past about the process of title abstracting. He hopes that we can move forward knowing that the Selectmen and Administration have committed to the process.

Board of Selectmen

November 1, 2021

c. Recreation and Youth Commission

No one was present on behalf of the commission. Mr. MacAskill commented on the noticeable 15% increase from 2020. He asked for further clarification on the parking violation numbers provided in the report. Mr. MacAskill stated that there is one vacancy on the committee.

Mr. Howell asked if it would be possible for the commission to provide the Selectmen with the amount of fees as compared to 2019 with the thought that COVID-19 may have distorted numbers.

d. Water/Wastewater Commission

Mr. MacAskill stated that due to illness of the presenting commission member, the Board would re-schedule.

e. Waterways Committee

Chairman of the Waterways Committee Tom Themistos was present. A report from the committee was provided to the Board. Mr. Themistos commented that the Harbor Master Department has been very busy. He stated that the Barnstable County dredge cleared out the residue in the Allen Harbor and Saquatucket Harbor channels. All material was used for nourishment on private and public beaches. Thanks to the Harbor Master, the town was awarded a grant totaling \$36,000 which will be used next year for the dredging of Allen Harbor. Saquatucket Harbor is booming on revenue. The boat ramp at Round Cove was replaced by Robert B. Our Company.

B. Discussion – Committee Vacancies

Mr. MacAskill reviewed the committee vacancies as presented in the packet.

Board of Assessor's Chairman Richard Waystack was present and commented that they have an opening and one alternate member that they are hoping to have sworn in. Mr. Howell responded that we tend to want to announce the vacancy so the general public has the option to submit an application and to allow for interviews them make a selection. Mr. MacAskill recommended that the alternate member contact the Interview Committee to schedule an appointment.

Mr. Powers stated that Town Moderator Michael Ford has worked with staff to have a notice posted in the Cape Cod Chronicle. He will be conducting interviews of any interested parties for the Finance Committee.

Mr. Howell stated that he is still unclear about the Forest Committee. After our tree warden moved on we decided to do most of that work in house through the DPW. Ms. Kavanagh responded that she thought the Board had talked about ending the committee back in 2018 and she thinks that we should take a look at it. Ms. Anderson added that she doesn't see the need for the committee. Mr. MacAskill wondered if it is a state required committee. Mr. Powers responded that he would look into the committee requirements.

Mr. Ballantine noted that the Accessibility Rights Committee is mandated by the state and that we are not fulfilling our state obligations by not having a full board. He would like to see this committee advertised and have it functioning.

Mr. Howell stated that we have exhausted the backlog of people who have submitted citizen interest forms. When Administration receives an application, staff emails the interview committee within days.

Ms. Anderson asked where we are at with the Community Center Committee. Mr. Ballantine responded that the Community Center Committee discussion would be brought back at a future meeting.

- C. Discussion and possible vote to approve the Board of Selectmen Public Hearing Minutes – February 10, 2020

Ms. Anderson moved to approve the Board of Selectmen Public Hearing Minutes from February 10, 202, 2nd by Mr. Howell and approved 5-0-0.

- D. Discussion on policies and procedures related to tax payments for unknown and miscellaneous properties

In Mr. MacAskill's opinion, we are not doing enough. He will bring this back in the beginning of December with more information as well as both the Tax Collector and Assessor to make a presentation to the Board. Mr. Waystack commented that this is the perfect opportunity to work as a group to come up with a proposal.

Mr. Ballantine asked how many years we can go back to collect taxes. Mr. Waystack responded that we work under the Department of Revenue for guidelines.

- E. Discussion and possible vote on the 2020 Re-Precincting Plan for the Town of Harwich

Provided in the Board's packet is a map that was provided by the Secretary of the Commonwealth. This happens every 10 years and follows the federal census. The Board of Selectmen is required to take the vote as provided in the memo to accept the boundary lines that are depicted on the plan.

Mr. Howell moved to accept the re-precincting plan as presented and sign the memo as presented, 2nd by Ms. Anderson and approved 5-0-0.

- F. Discussion and possible vote to waive transfer station fees for yard waste associated with the Nor'easter on 10/27/2021.

Mr. MacAskill reviewed the existing storm damage brush fee waiver policy. This past storm took in a fairly insignificant amount of brush. He did note that there is a cost to deal with the brush. Based on staff at the Transfer Station, there was not a lot of requests received for the fee waiver. The DPW Director did not think that the amount of brush taken in called for waiving the fees.

Mr. Howell stated that we have weather than happens here often. We are hamstrung if we wait a week or so to call a meeting because people need to act quickly. He suggested that the Board review the policy.

Ms. Anderson stated that it would be a good thing to change the policy. Ms. Kavanagh agreed.

Mr. MacAskill noted that anyone bringing in a significant amount of weight will go to a private collector. Harwich does their fees by weight. When Harwich waives their fees, everyone comes to our Transfer Station. There would be a significant cost to the town in waiting this fee for every storm. He asked Mr. Powers to speak with the DPW Director on any potential changes to the policy to add a layer for emergency meetings. Mr. Powers agreed but offered that the policy as stated did work. There was never a contemplated declaration of emergency from the Governor. He feels that it is wise for the Selectmen to not enforce the policy at this time.

CONTRACTS

- A. Discussion and possible vote to approve a contract with Eastern Minerals, Inc. in the amount of \$138,000 for snow and ice public works supplies (materials)

Ms. Anderson moved to approve a contract with Eastern Minerals, Inc., in the amount of \$138,000 for snow and ice public works supplies (materials), 2nd by Ms. Kavanagh and approved 5-0-0.

- B. Discussion and possible vote to approve and authorize the Chair to sign the RJV Construction Corporation request for Change Order Number 4 for Sewerage Works Improvements Phase 2 Contract 2. This change order results in a net decrease to the contract price of \$564,559.

Ms. Anderson moved to approve and authorize the Chair to sign the RJV Construction Corporation request for Change Order Number 4 for Sewerage Works Improvements Phase 2 Contract 2. This change order results in a net decrease to the contract price of \$564,559, 2nd by Mr. Ballantine and approved 5-0-0.

- C. Discussion and possible vote to approve and authorize the Chair to sign the Robert B. Our Company's request for Change Order Number 6 for Sewerage Works Improvements Phase 2 Contract 1. This change order results in a net decrease to the contract of \$1,005,810.00.

Ms. Anderson moved to approve and authorize the Chair to sign the Robert B. Our Company's request for Change Order Number 6 for Sewerage Works Improvements Phase 2 Contract 1. This change order results in a net decrease to the contract of \$1,005,810.00, 2nd by Mr. Ballantine and approved 5-0-0.

TOWN ADMINISTRATOR'S REPORT

Mr. Powers asked Waste and Wastewater Superintendent Dan Pelletier to speak about the change orders as approved above.

Mr. Powers executed a contract for MC McGovern Municipal HQ in the town. It is a firm that sells transit cargo cans. In accordance with the 2020 vote of Town Meeting, we had purchased a 2022 transit cargo van for DPW. The total contract is \$45,288.75.

Mr. Powers spoke about the October 2021 nor'easter and paid kudos to all parties involved, including Eversource who has shown that they are a good strong partner.

SELECTMEN'S REPORT

Mr. MacAskill stated his amazement with how many people use the Harwich Transfer Station.

CORRESPONDENCE

No correspondence was discussed.

ADJOURNMENT

Mr. Ballantine moved to adjourn the meeting at 9:45 p.m., 2nd by Mr. Howell and approved 5-0-0.

Respectfully submitted,

Board of Selectmen
November 1, 2021

Jennifer Clarke
Recording Secretary