

APPROVED

RECEIVED
TOWN CLERK
HARWICH, MA

2024 JAN 18 A 11:05

RELEASED

**MINUTES
SELECT BOARD MEETING
DONN B. GRIFFIN ROOM, TOWN HALL
732 MAIN STREET, HARWICH, MA
REGULAR MEETING 6:00 PM
EXECUTIVE SESSION TO FOLLOW
TUESDAY, JANUARY 2, 2024**

MEMBERS PARTICIPATING: Julie Kavanagh, Chair, Michael MacAskill, Vice Chair, Jeff Handler, Clerk and Don Howell

ALSO PARTICIPATING: Joseph Powers, Town Administrator

- I. CALL TO ORDER:** Ms Kavanagh called the meeting of the Select Board to order on Tuesday, January 2, 2024 at 6:00PM and read the Open Meeting Notice. She also noted that the Select Board will enter into Executive Session at the completion of the Regular Meeting.
- II. PLEDGE OF ALLEGIANCE:** Ms. Kavanagh invited all attendees to join in the Pledge of Allegiance.
- III. PUBLIC COMMENTS/ANNOUNCEMENTS**
 - A. Next Select Board Meeting will be Monday, January 8, 2024

Ms. Kavanagh announced the next Select Board meeting date and time.

Ms. Kavanagh read aloud a thank you card addressed to the Select Board, from the Harwich Preschool for the Support Grant that they received.

Mr. Handler announced that he will be setting the January and February Office Hour meeting schedules soon. Also, due to the positive response to previous meetings, he will be adding specific target groups for meetings. The potential initial groups include hospitality, small businesses, older population and parents of kids in the school system.

Elizabeth Harder, Harwich Delegate to the Barnstable County Assembly of Delegates was present and expressed the need to have a Harwich citizen on the Barnstable County Human Rights Advisory Council. She gave the contact information for any who may be interested.

Carolyn Carey, Community Center Director was present and announced the January events. All the information and the newsletter are on the Town's website.

January 2, 2024

January 2, 2024

Mr. Handler moved to approve:

- VI. A. Approve a 2024 Annual Innholders license renewal for Harwich Port Seafarer, Inc. d/b/a Mooncusser's Tavern, 86 Sisson Road
- B. Approve a 2024 Common Victuallers license renewal for The Stop & Shop #475, 111 Chatham Road
- C. Discussion on a resolution supporting the Cape Cod Chamber of Commerce's proposal to create a Tourism Destination Marketing District (TDMMD)
- D. Approve a temporary closure of Ember Pizza from January 2, 2024 through January 28, 2024

An update for this item will be on a future Agenda.

Ms. Kavanagh also has questions for the Golf Director.

Mr. Handler commented that what he read is well put together. He has some questions.

Roman Greer, Golf Director was unable to attend this meeting.

Ms. Kavanagh noted that there will not be a Public Hearing on A. Cranberry Valley rates & fee adjustments, at this time. There will be a discussion tonight instead.

- V. A. Approve the Cranberry Valley Golf Course rates & fees adjustments as recommended by the Golf Director

PUBLIC HEARING

Vote 4:0 in favor. Motion carried.

Mr. Handler moved to vote to approve the Consent Agenda as presented, seconded by Mr. Howell.

- B. Vote to approve the Assistant Town Administrator's recommendation to grant permission by VERIZON NEW ENGLAND INC and NSTAR ELECTRIC d/b/a EVERSOURCE ENERGY to place a new jointly owned pole-106/13.5-at #1552 Orleans-Harwich Rd. Route 39 Harwich, MA

- 1. December 4, 2023
- 2. December 11, 2023
- 3. December 18, 2023
- A. Approve Select Board Meeting Minutes for:

IV. CONSENT AGENDA

- A. Approve a 2024 Annual Innholders license renewal for Harwich Port Seafarer, Inc. d/b/a Mooncussers Tavern, 86 Sisson Road
- B. Approve a 2024 Common Victuallers license renewal for The Stop & Shop #475, 111 Chatham Road and
- D. Approve a temporary closure of Ember Pizza from January 2, 2024 through January 28, 2024

Seconded by Mr. MacAskill.

Vote 4:0 in favor. Motion carried.

The Board discussed C. A resolution supporting the Cape Cod Chamber of Commerce's proposal to create a Tourism, Destination Marketing District (TDMD).

Paul Niedzwiecki, CEO of the Cape Cod Chamber of Commerce was present and gave a presentation explaining the proposed TDMD in detail, giving examples of the benefits and noting that there are 6 eligible properties in Harwich. . He also noted case studies showing the generation of activity and money. Mr. Niedzwiecki explained where and in what percentages the generated funds would be distributed. He gave a summary of what they have accomplished to this date. He also explained that they are now looking for town resolution, to create a district and give the hotels the opportunity to petition to form the district. He described next moves if the district is created.

Mr. Howell asked for the six eligible properties to be identified.

Cindi Williams, Director of the Harwich Chamber of Commerce was present and responded that the six properties are: A Beach Breeze Inn, Handkerchief Shoals, Inn on the Beach, Windstead, Wequassett and Pelham on Earle. Four of the six attended a meeting describing the TDMD and all that attended were in favor of the self assessment process.

Mr. MacAskill moved to approve a resolution supporting the Cape Cod Chamber of Commerce's proposal to create a Tourism Destination Marketing District (TDMD), seconded by Ms. Kavanagh.

Peter MacRegan of the Inn on the Beach was present and offered his thoughts and reservations to the TDMD specifically noting the additional tax. He asked a number of questions which Mr. Niedzwiecki answered.

Mr. Niedzwiecki responded with answers regarding the additional taxes. He also suggested that a representative specifically for the seasonal properties would be helpful as would money being directed to the seasonal businesses. He also answered questions from the Board regarding an Annual Report and the ability to dissolve the district if needed.

January 2, 2024

Mr. Howell expressed concern about the Air B&B's and Vrbo and how they may benefit from this without carrying the same burdens as hotels. He also noted that an email from Weguassett urged the Select Board to support the TDM.

Ms. Williams read an email from the Beach Breeze Inn which expressed their support for the TDM.

Vote 4:0 in favor. Motion carried.

VII. OLD BUSINESS

A. Discussion on the Intermunicipal Agreement with Cape Cod Regional Technical High School for the bog at 374 Main Street

Ms. Kavanagh thanked Mr. MacAskill for his work and help on this item.

Mr. MacAskill thanked Leo Cakounes for bringing this forward, Bob Sanborn from the Tech School for his support and the Conservation Commission for their patience and support. If this moves forward, the school has voted to allow Mr. Sanborn to execute the document.

Mr. Howell expressed his support and noted that this preserves that property.

Mr. Handler also thanked Mr. MacAskill for his work.

Mr. MacAskill moved to approve the Intermunicipal Agreement with Cape Cod Regional Technical High School for the bog at 374 Main Street, seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

B. Discussion regarding a Human Resources position to be added by vote at Annual Town Meeting May 2024

Ms. Kavanagh noted that the description of the position is in the packet.

Discussion followed including possibly having to change the Charter in the future. The wording, "in collaboration with the Select Board through the Town Administrator" was discussed.

Mr. Powers responded, when asked, that he is comfortable with that wording and gave his reasons, specifically that the Administrator works for the Board.

Mr. MacAskill's question is that, if they have a reporting mechanism to the Select Board on a problem on a higher level, shouldn't they have a Charter change allowing that collaboration?

January 2, 2024

Ms. Kavanagh gave a description of the many benefits to filling a HR position and why she would like it to go forward now.

Mr. MacAskill emphasized that they are not hiring this Human Resource person to fix what people in the public are saying, that people have no where to go to complain about Administration or the Board. He feels a Charter change is needed.

Elizabeth Harder expressed her opinion and gave reasons why she does not think it requires a Charter change.

Discussion followed regarding the procedure and time line to make a Charter change.

Mr. MacAskill noted that the Assistant Town Administrator's job description includes HR and he would like to see a draft of a new job description for the ATA. He would also like to start the process to change the Charter.

Mr. Howell moved to ask the Charter By-law Committee to develop language that supports the Human Resource Director reporting to the Select Board as well as the Town Administrator , seconded by Mr. MacAskill.

Vote 4:0 in favor. Motion carried.

VIII. CONTRACTS

A. Vote to approve a contract with Rise Engineering in the amount of \$140,595.00 to replace the air conditioning unit at the Community Center

Ms. Kavanagh moved to approve the contract as presented, seconded by Mr. MacAskill.

Mark Kelleher of Harwich was present and suggested possibly getting a second bid for the job.

Mr. Powers responded that the procurement before the Board comports with best practices of the Commonwealth.

Vote 4:0 in favor Motion carried.

B. Vote to sign the Quitclaim Deed for 276 Queen Ann Road

Ms. Kavanagh moved to vote to sign the Quitclaim Deed for 276 Queen Ann Road, seconded by Mr. Handler.

Vote 4:0 in favor. Motion carried.

IX. TOWN ADMINISTRATOR'S REPORT

January 2, 2024

Mr. Powers announced a promotion of Michael Ramirez to Heavy Equipment Operator and also that Jonathan Winslow has been appointed to an open vacancy for Heavy Equipment Operator. He also noted a contract related to the Herring River Ecological Study. The contract is for \$72,6490 and is awarded to TRC Environmental Corporation.

X. SELECT BOARD'S MEMBER REPORT

None

XI. CORRESPONDENCE

None

No adjournment at this time as the Board moved into Executive Session.

XII. EXECUTIVE SESSION

- A. Pursuant to MGL c. 30A, s21(a)(6) to consider the purchase, exchange, lease or value of real property if the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the Town, 62 Route 28, West Harwich
- B. Pursuant to MGL c. 30A s21(a)(7) to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements, the Open Meeting Law, MGL c. 30A ss 22(f)(g) to review, approve and or discuss the possible release of executive session meeting minutes dated April 18, 2023, May 22, 2023 and May 30, 2023
- C. Pursuant to G.L. c. 30A, sec 21(a)(2) to conduct strategy sessions in preparation for negotiations with non-union personnel and to conduct contract negotiations with non-union personnel: Town Administrator

XIII. ADJOURNMENT

Recorded in Executive Session

Respectfully submitted,

Judi Moldstad

Board Secretary

January 2, 2024