

APPROVED

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TOWN CLERK  
HARWICH, MA  
2024 FEB -6 A 11:10

**MINUTES  
SELECT BOARD MEETING  
DONN B. GRIFFIN ROOM, TOWN HALL  
732 MAIN STREET, HARWICH, MA  
EXECUTIVE SESSION - 5:00 PM  
REGULAR MEETING - 6:00 PM  
MONDAY, JANUARY 22, 2024**

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

**ALSO PARTICIPATING:** Joseph Powers, Town Administrator

**I. CALL TO ORDER**

Ms. Kavanagh called the meeting of the Harwich Select Board to order on Monday, January 22, 2024 at 6:00 PM and read the Open Meeting Notice.

**II. EXECUTIVE SESSION**

A. 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

B. Pursuant to MGL c. 30A §21(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 §§ 22(f), (g) to review, approve and or discuss the possible release of executive session meeting minutes dated January 13, 2020; February 3, 2020; February 10, 2020; February 18, 2020; February 24, 2020; April 30, 2020; May 11, 2020; May 20, 2020; June 1, 2020; June 15, 2020; June 22, 2020; June 29, 2020; July 6, 2020; July 13, 2020; July 16, 2020; July 20, 2020; August 3, 2020; August 10, 2020; August 17, 2020; August 20, 2020; August 24, 2020; August 31, 2020; September 14, 2020; September 21, 2020; October 5, 2020; October 19, 2020; October 26, 2020; November 2, 2020; November 9, 2020; November 16, 2020; November 23, 2020; December 7, 2020; January 4, 2021; January 12, 2021; January 26, 2021; February 1, 2021; February 8, 2021; February 16, 2021; February 22, 2021; March 8, 2021; March 15, 2021; March 22, 2021; March 24, 2021; March 26, 2021; April 5, 2021; April 12, 2021; April 26, 2021; April 27, 2021; May 3, 2021; May 4, 2021; May 10, 2021; May 12, 2021; May 17, 2021; June 1, 2021; June 7, 2021; June 14, 2021; June 21, 2021; June 28, 2021; July 12, 2021; July 16, 2021; July 26, 2021; August 23, 2021; September 7, 2021; September 13, 2021; September 20, 2021; September 27, 2021; October 4, 2021; October 12, 2021; October 25, 2021; November 1, 2021; November 15, 2021; November 22, 2021; December 6, 2021; December 9, 2021; December 13, 2021; December 20, 2021; January 10, 2022;

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January 18, 2022; February 7, 2022; February 22, 2022; February 28, 2022; March 7, 2022; March 14, 2022; March 21, 2022; March 28, 2022; April 4, 2022; April 11, 2022; April 25, 2022; May 9, 2022; May 16, 2022; June 6, 2022; June 13, 2022; June 27, 2022; July 11, 2022; July 25, 2022; August 8, 2022; August 16, 2022; August 22, 2022; September 6, 2022; September 19, 2022; October 3, 2022; October 11, 2022; November 7, 2022; January 23, 2023; February 21, 2023; February 27, 2023; March 6, 2023; March 13, 2023; March 20, 2023; March 27, 2023; April 3, 2023; April 10, 2023; April 18, 2023; May 8, 2023; May 22, 2023; May 30, 2023; June 12, 2023; June 26, 2023; July 10, 2023; July 24, 2023; August 7, 2023; August 21, 2023; August 28, 2023; September 11, 2023; September 18, 2023; September 25, 2023; November 6, 2023; November 13, 2023; November 16, 2023; December 4, 2023; December 11, 2023; December 14, 2023.

C. Pursuant to MGL c. 30A, §21(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

### **III. PLEDGE OF ALLEGIANCE**

Ms. Kavanagh invited all attendees to join in the Pledge of Allegiance.

### **IV. PUBLIC COMMENTS/ANNOUNCEMENTS**

A. Next Select Board Meeting is Monday, January 29, 2024

Mr. Handler announced that the next Office Hours will be held on January 31st from 5:30-7:00 PM at the Community Center. Also the first date for the 2024 Listening Tour is scheduled for February 15th from 5:30-7:30 PM at the Community Center. The group of stake holders focused on at that meeting will be the Restaurant, Bar and Hospitality group.

Jamie Goodwin, Director of the Harwich Channel announced that the Select Board meetings are now being live streamed to YouTube.

Emily Mitchell, Town Clerk shared information with the public about the Vote By Mail Applications which she described in detail.

Bob Nickerson of Harwich referenced the Route 28 Sidewalk Project and spoke as a homeowner who lives on Route 28. He noted challenges that homeowners have faced and also expressed support of a sidewalk project in general. Concerns were expressed regarding the Mass DOT's plan for the new sidewalk and its effect on their properties. Mr. Nickerson gave details of the proposed sidewalk and noted the results of correspondence he has sent to Mass DOT. He also noted what the properties owners are doing on their own, including hiring an attorney.. He asked the Select Board for help and gave a copy of the documentation he referenced to the Select Board.

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Ms. Kavanagh noted that because it is Mass DOT and Route 28, the Town is limited in what they can do. She offered to put this item on a future agenda for more discussion.

Ginny Hewitt, Library Director offered assistance to employees and Committee members who may need help completing the Conflict of Interest Training. She also offered feedback on the professionalism of the Harwich Police Department specifically regarding an incident that occurred at the library. She offered her personal thanks to the officers involved and to the Harwich Police Department.

Patrick Otton of East Harwich noted three citizen petition and gave detailed descriptions of each. He also commented on the First Destination of Harwich and expressed his concerns.

Mr. Powers noted an announcement released by the Cape Cod Commission regarding a remote meeting to be held on February 7th at 4:00 PM. It is a workshop for possible solutions for two low lying roads. Information will be on the Town's website.

## **V. JOINT MEETING WITH THE SELECT BOARD AND HARWICH AFFORDABLE HOUSING TRUST**

Larry Ballantine, Harwich Affordable Housing Trust (HAHT) Chair, Brendan Lowney, Vice Chair and Bob Spencer, Clerk were present.

A. Discussion on Harwich Affordable Housing Trust liaison

B. Update from the Chair of the Harwich Affordable Housing Trust

Mr. Ballantine gave an update on what the HAHT has been working on noting the posting draft RFP's quickly for transparency. He noted the Housing Strategic Plan which they completed with the help of Jen Goldson. Mr. Ballantine also highlighted the approval of funding for three affordable housing apartments at the Bank Street Fire Station, commenting on the Harwich Fire Association's contribution to the project. Mr. Ballantine also gave financial details, stated that they have followed the Affordable Housing Guidelines and gave the project's estimated date of completion. Mr. Ballantine also described another project that the HAHT is working on at 456 Queen Anne Road and mentioned that Laura Shufelt from the Mass Housing Partnership is present. Ms. Shufelt and her team are working on what the HAHT's next actions will be. Mr. Ballantine noted the complete HAHT's Financial Statement which details what the Trust has and what they are hoping to receive from the Stabilization Fund. He also expressed the Trust's support for the Pine Oaks Project going forward and noted other properties that the Trust will be looking into for a future project.

Mr. Spencer expressed his thanks to the Select Board for their support in creating the HAHT. He also expressed his gratitude to everyone who has worked over the years towards the success of the HAHT.

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Mr. Lowney also thanked the Select Board for their support in helping the HAHT work towards its goals.

Mr. MacAskill expressed his thanks to the Trust members. He noted the importance of gathering data to make decisions. He also suggested and gave support to asking CPC for more funds. Mr. MacAskill requested that the Financial Report be sent to Board members.

Mr. Handler also expressed his thanks adding that he supports the strategy of finding and staying ahead of the barriers. He also noted and thanked the Trust members for the progress at the Bank Street Fire Station.

Ms. Kavanagh asked when the Trust anticipates going out with the RFP and what the timeline is on the conceptual site plans.

Laura Shufelt, Director of Community Assistance at Massachusetts Housing Partnership responded noting that they are still working through edits on the RFP. She expects the conceptual site plans to be ready for the next meeting. She gave a description of what the site plans include along with an overview of next steps.

HAHT meeting adjourned.

## **VI. NEW BUSINESS**

### **A. Discussion on Harwich Housing Committee charge; Votes may be taken**

Ms. Kavanagh noted that a draft had been circulated to Board members.

Elizabeth Harder and Art Bodin of the Housing Committee were present. It is not a quorum for a meeting, they are attending for feedback and discussion purposes only.

Ms. Kavanagh asked Board members for comments and/or suggestions.

Board members asked questions and made suggestions. Conversation and discussion continued regarding the wording and phrasing within the Charge. Mr. Handler noted, for the record that they are not restricting the Housing Committee.

Mr. Ballantine suggested the use of more general wording to keep the Charge language as broad as possible.

Ms. Kavanagh noted the changes discussed.

Mr. Handler moved to approve the Harwich Housing Committee Charge as amended and as presented tonight, seconded by Mr. MacAskill.

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Vote 3:0 in favor. Motion carried.

Mr. Lowney clarified what the word attainable means as the Cape Cod Commission uses it.

B. Discussion on the By-law Charter Review Committee charge; Votes may be taken

Ms. Kavanagh asked Board members for feedback.

Mr. MacAskill thanked the members of the Committee for their work on the draft. He made suggestions to changes in the wording.

Mr. Handler made suggestions to changes in the wording.

Linda Cebula and Noreen Donoghue, members of the By-Law/Charter Review Committee were present and contributed to the conversation.

Conversation continued regarding the Committee, the Liaison, the Select Board, procedures and communications.

Ms. Cebula will make the agreed upon amendments to the Charge and forward them to Mr. Handler. The vote on the Charge will an agenda item in two weeks.

Mr. MacAskill suggested and Ms. Kavanagh agreed to take item C. out of order.

C. Discussion on By-law Charter Review Committee Report Dated January 9, 2024.  
Votes may be taken.

(Taken out of order after H.)

Ms. Cebula noted that this report is not complete but the Committee's intent was to get something to the Select Board in January.

Mr. MacAskill offered comments and asked questions on specific items.

There was discussion regarding the distribution of the Warrant to residents prior to Town Meeting. Suggestions were made and options discussed.

Martha Donovan commented on financial items that are in the Warrant, suggesting that debt is not included at this time. She explained why she feels that debt should be included in the Warrant.

Ms. Cebula agreed with Ms. Donovan's comments.

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Ms. Kavanagh clarified that this is a report and the Select Board is not making changes, they are listening to the report and the suggestions. The conversation will continue.

Ms. Cebula noted the current wording in Section 271-16 regarding motions and votes being made available to registered voters. She noted that it had been changed in 2019 to say that all votes by individual person for the Select Board and the Finance Committee were to be printed in the Warrant.

Mr. MacAskill requested that the Chair get information about that Article from the Town Administrator and consider whether or not to put an Article forward this year.

Mr. Handler had questions regarding the Moderator's ability to allow people to speak and the suggestion of a fall Town Meeting.

Discussion followed regarding those issues.

The Board will followup on this item within two weeks.

Anita Doucette of the By-law Charter Review Committee gave a brief history of Town Meeting and elections.

Ms. Kavanagh stated that she will be reaching out this week to the person who will be working on the By-law Charter Review revisions. She will report back to the Board after that discussion.

D. Discussion on the Community Center Facilities Committee charge; Votes may be taken

Mr. Handler moved to approve the Community Center Facilities Committee charge as presented with one amendment, seconded by Mr. MacAskill.

Vote 3:0 in favor. Motion carried.

E. Approve the following committee appointments as recommended by the Interview Committee:

1. Maryann Campagna, Housing Committee, term to be discussed
2. Matt Hemeon, Housing Committee, term to be discussed

Mr. Handler moved to approve the committee appointments as presented, seconded by Mr. MacAskill.

Mr. MacAskill noted that these are not full three year terms and he will work with staff for the term end dates.

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Vote 3:0 in favor. Motion carried.

F. Approve a 2024 Class II Used Car Dealer & Class IV Auto Repair license renewal for Bassil Brothers, Inc. d/b/a United Gas, 570 Route 28

Mr. Handler moved to approve a 2024 Class II Used Car Dealer & Class IV Auto Repair license as presented, seconded by Mr. MacAskill.

Vote 3:0 in favor. Motion carried.

G. Approve a 2024 Class IV Auto Repair license renewal for V-Tech Auto Center, LLC, 805 Route 28

Mr. Handler moved to approve a 2024 Class IV Auto Repair license as presented, seconded by Mr. MacAskill.

Vote 3:0 in favor. Motion carried.

H. Approve a 2024 Annual Common Victuallers license renewal for CDVT, Corp. d/b/a Heart of the Sea, 1421 Orleans-Harwich Road

Mr. Handler moved to approve a 2024 Annual Common Victuallers license renewal as presented, seconded by Mr. MacAskill.

Vote 3:0 in favor. Motion carried.

## **VII. TOWN ADMINISTRATOR'S REPORT**

Mr. Powers reported on the Mass Municipal Association's business meeting and conference. He noted the Municipal Empowerment Act which he described. He also noted the State's 3% increase in Local Aide.

## **VIII. SELECT BOARD'S MEMBER REPORT**

Mr. Handler thanked Dan Pelletier and the entire Water Department for their work on a water main break over the weekend.

## **IX. CORRESPONDENCE**

None

## **X. ADJOURNMENT**

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Mr. MacAskill moved to adjourn, seconded by Mr. Handler.

Vote 3:0 in favor. Motion carried.

Meeting adjourned.

Respectfully submitted,

Judi Moldstad  
Board Secretary

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