

APPROVED

RELEASED

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, FEBRUARY 5, 2024

RECEIVED
TOWN CLERK
HARWICH, MA

2024 FEB 14 A 10: 04

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 Harwich Select Board to order at 5:00PM noting that they would be going into Executive Session and returning to the Regular Meeting no earlier than 6:00PM.

Mr. Handler moved for the Select Board to enter into Executive Session as presented, seconded by Mr. MacAskill.

Vote 4:0 in favor by roll call vote. Motion carried.

II. EXECUTIVE SESSION

A. 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 2, 2024; January 16, 2024; January 22, 2024

B. 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

Ms. Kavanagh called the Select Board meeting back to order at 6:00PM reporting that the Board did take action on item A. which was a vote to approve and not release without Town Counsel approval. Action and discussion was taken on item B. and the Board will vote on that item on February 12, 2024.

III. PLEDGE OF ALLEGIANCE

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

IV. PUBLIC COMMENTS/ANNOUNCEMENTS

A. Update from Senator Julian Cyr (This item was taken out of order)

Carrie Schoener, Health Director was present gave an update on the recent sewer extension approval, noting future connection dates. She also noted the Board of Health's internal policy for connection assistance encouraging anyone interested in assistance and extensions to call the Health Department.

Ashley Symington, Director of Youth and Family Services was present and gave updates and details on new programs and registration information.

Mr. Howell spoke about the organization, Girl Power, expressed his support and encouraged involvement.

Carolyn Carey, Community Center Director was present and noted the 24th anniversary of the opening of the Community Center. She gave an update and details on programs and upcoming events at the Community Center. All the information is on the Community Center's website.

Mr. Handler noted that the first stop on the 2024 Listening Tour will be Restaurant, Hospitality and Bar. He and Cindy Williams, Director of the Chamber of Commerce will be at the Community Center on February 15th from 5:30PM to 7:30PM in Room 3. He also noted a virtual public meeting to be held by the Cape Cod Commission on the Low Lying Roads Project and gave details.

V. CONSENT AGENDA (Taken out of order.)

A. Approve the following appointments for the Harwich Police Department, as recommended by the Police Chief:

1. Scott McFarland, Student Officer, effective February 19, 2024
2. Rachid Arnick, Student Officer, effective February 19, 2024
3. De'Andre Bennett, Student Officer, effective February 19, 2024
4. Jake Fugate, Student Officer, effective February 19, 2024
5. Nora Buckley Dyer, Emergency Telecommunications Dispatcher, effective February 6, 2024

Mr. Handler moved to approve the appointments to the Harwich Police Department as presented, seconded by Mr. MacAskill.

Kevin Considine, Deputy Police Chief was present and gave an update on the Department's current vacancy status. He also noted that the candidates have completed all the requirements necessary to attend the Plymouth Police Academy. Deputy Chief Considine gave an overview

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and timeline of the process the officers will go through including Field Training. He introduced and gave a brief background of each candidate individually.

Vote: 4:0 in favor. Motion carried.

Ms. Kavanagh welcomed all the candidates and all present expressed their congratulations with applause.

B. Approve the following committee recommendations from the Select Board Interview Committee:

1. Victoria Brown, Full member, Cultural Council Committee, term to expire June 30, 2024
2. Anthony Dimauro, Full member, Harwich Housing Committee, term to expire June 30, 2024

Mr. Handler moved to approve the committee recommendations as presented, seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

C. Approve a 100th Birthday proclamation for Mary Ratto Barron

Mr. Handler moved to approve a 100th Birthday proclamation for Mary Ratto Barron, seconded by Mr. MacAskill.

Vote: 4:0 in favor. Motion carried.

D. Approve Select Board Meeting Minutes:

1. January 16, 2024
2. January 22, 2024

Mr. Handler moved to approve the Meeting Minutes as presented, seconded by Mr. MacAskill.

Vote 4:0 in favor. Motion carried.

VI. PUBLIC HEARING

A. Approve the Cranberry Valley Golf Course rates & fees adjustments as recommended by the Golf Director; Continued from January 29, 2024

Ms. Kavanagh noted that this agenda item is being continued to next week.

VII. NEW BUSINESS

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A. Discussion on appointment of Police Chief; Consideration of Deputy Police Chief Kevin M. Considine; Votes may be taken

Ms. Kavanagh noted that Chief Guillemette will be retiring and has been a great asset to the Town of Harwich. Deputy Chief Considine was before the Select Board for their consideration as Chief of Police.

Deputy Chief Considine addressed the Select Board, thanking them for the opportunity and gave a description of his career with the Harwich Police Department.

Board members each expressed their support for Kevin Considine as the next Harwich Police Chief.

Mr. Howell moved to promote Kevin Considine to Chief subject to a successful completion of negotiations with the Select Board, seconded by Ms. Kavanagh.

Vote 4:0 in favor. Motion carried.

Members of the Harwich Police Department and Deputy Chief Considine's family were present to show their support.

Deputy Chief Considine recognized the officers who were present and expressed his appreciation for them and their support. He also introduced his family members and expressed his gratitude to them for their support.

B. Town Administrator to present the Fiscal Year 2025 budget and budget message

Joseph Powers, Town Administrator gave a presentation on the Fiscal Year 2025 budget and budget message. He noted that the Budget Report is in the packet. He recommended that they proceed with caution and deliberate action. He noted the timeline moving forward in the budget process in accordance with the Charter. He continued with Revenue(Sources) pointing out specific items and giving details.

Mr. Howell asked for a projection and information on the Rooms Taxes.

Mr. Powers responded with the answers based on the information they have at this time.

Mr. Powers continued with Expenses/Uses pointing out specific items and giving details. He moved on to the Current Financial Outlook noting specifics and summarized noting the positive trend in State Aide.

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In response to a question from Mr. MacAskill, Mr. Powers noted service enhancements for several departments and clarified the definition of the term “onboarding”. Questions that will be asked and issues that will be discussed at the March 4th meeting were noted.

(Julian Cyr is now present to offer an update as listed under Public Comments/Announcements)

Senator Cyr gave an update on what has been accomplished on Beacon Hill specifically noting the Tax Relief Package, Wastewater Funds, the State Budget and local aide. Mr. Cyr emphasized that Housing is his priority and also a priority for the Governor, noting what is being done or proposed towards that effort including a Local Option Transfer Fee. He acknowledged Sarah Peak for her service, especially for the Cape and Islands.

Mr. Howell expressed concerns about funding for Wastewater and the need for help from Senator Cyr on Beacon Hill.

Mr. Cyr responded with an overview of what he projects for the future and what he intends to do going forward. He acknowledged the gap between the cost of projects and the available funds.

Board members expressed their thanks to Mr. Cyr for attending and for the information.

Stan Pestuzac of Harwich was present and commented on the septic benefit, noting why he would not qualify.

Mr. Cyr responded to Mr. Pestuzac’s concerns noting that the Governor has filed for a clarification of “retroactive”. In closing he asked the Select Board to communicate the Town’s needs to him. He will share information that other towns are using for the Select Board to consider as a template for Home Rules.

C. Discussion on Wastewater Management Plan Phase three

Dan Pelletier, Water/Wastewater Superintendent was present with Jeff Gregg, Project Manager from GHD. Together with Mr. Powers, they gave a presentation on Phase 3 of the Watershed Management Plan. They had a slide show with maps of the sewer service and parcels, sewer service types, sewer sheds and add alternates. The map was described in detail explaining options and possible service connections. Also included was a graph with costs and estimates. Areas identified were noted and descriptions given of the possible systems to be used in each. Mr. Pelletier mentioned cost reductions on specific items since previous estimates were done. Mr. Gregg gave an overview of the timeline for contract work moving forward. Information was given about the topics that will be discussed at the Public Meeting on Phase 3 which will be held on February 13th at the Harwich Community Center. Mr. Pelletier showed an interactive map with information which will be available on the Town’s website as well as the Water Department’s website.

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D. Vote to designate In Person Early Voting Hours and Location for the 2024 Presidential Primary Election

Emily Mitchell, Town Clerk was present and explained the State's voting requirements. She requested that the Board set the early In Person Voting Hours and the location for the March 5th Presidential Primaries and gave her recommendations.

Mr. Handler moved to accept the In Person Early Voting Hours recommended by the Town Clerk as presented in the packet: Saturday, February 24, 2024, 10:00AM to 4:00PM, no hours on Sunday, February 25th and Monday through Friday, February 26th to March 1, 2024, 8:30AM to 4:00PM at Town Hall, seconded by Mr. MacAskill.

Vote 4:0 in favor. Motion carried.

E. Discussion on proposed River Herring Harvest; Votes may be taken

Brad Chase of the State Division of Marine Fisheries and Don Yannozi, Director of Natural Resources and Assistant Harbor Master were present. Mr. Chase gave an update on the River Herring numbers which has increased substantially. He suggested that the Board discuss the possibility of the Town establishing a Herring Commission for help with future issues regarding harvests and runs. Mr. Yannozi expressed his support for having a Commission, giving his reasons and noting the benefits. He also commented that the herring runs are not just a Harwich concern and expressed the need for neighboring towns to work together for the execution of a plan for a strong harvest.

Mr. MacAskill suggested a harvest at the West Reservoir only, commenting on how it has been handled in the past. He encouraged Mr. Yannozi to work with other communities and the Board to work on organizing volunteers.

Mr. Chase suggested a one day opening/celebration, considering the time frame involved for permitting, etc.

Mr. Howell gave a brief history of the Harwich's involvement with the herring runs and the inevitability of opening runs in the future. He also commented that he is not in favor of a Commission and stated his reasons.

Mr. Chase suggested that the Commission be an advisory Commission, not one with authority.

Ms. Kavanagh expressed concerns about having a celebration without a permitting system in place.

Mr. Handler also expressed concerns about moving forward with a one day celebration.

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Mr. Yannozi suggested that there be another discussion in a year's time with the focus and goal on having a run next spring.

Mr. Chase will provide a summary of what other towns have regarding an advisory commission.

Raymond Kane, Jr., Chair of the State Marine Fisheries Commission was present and noted that the discussion is for opening one run. He noted State Laws, gave a brief history and commented that he feels it is time to give the public access to one herring run. He encouraged the Board to move forward towards opening next year.

An unidentified man suggested that the herring be allowed to spawn before they are taken.

F. Approve the G.L.c. 268A, Section 23(b)(3) Disclosure of Appearance of Conflict of Interest for Ann C. Tucker, Planning Board

Mr. Handler moved to approve the G.L.c. 268A, Section 23(b)(3) Disclosure of Appearance of Conflict of Interest for Ann C. Tucker, Planning Board, seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

G. Discussion on the request for a liaison to the Barnstable County Human Rights Advisors Commission; Votes may be taken

Mr. Kavanagh explained that the request had been sent to her, the Commission is looking for a Harwich citizen to participate. She noted that if anyone is interested in this role, the description can be found in the packet and will be posted on the website.

Mr. Powers will follow up on having that information posted.

H. Vote to direct the Real Estate and Open Space Committee to evaluate 172, 178 and 246 Queen Anne Road for possible disposition

Mr. Handler moved to approve to direct the Real Estate and Open Space Committee to evaluate 172, 178 and 246 Queen Anne Road for the purpose of possible disposition by sale, seconded by Mr. Howell.

Mr. MacAskill asked Mr. Powers to confirm next steps once Real Estate and Open Spaces returns their recommendations.

Mr. Powers responded with an answer noting how this situation differs from other properties that had been sold in the past.

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Mr. Howell suggested that it would be beneficial to put the Request for Proposal (RFP) out and then go to Town Meeting with specifics.

Mr. Kavanagh emphasized that the Board has to know what Legal Counsel says they are allowed to do with the properties.

Mr. MacAskill commented that he feels they should go to Town Meeting with a recommendation from Real Estate and Open Spaces and a vote of the Select Board to sell those properties. He proposed that as this goes forward, the money go into an account to continue to work on the 7 million dollars plus of tax problems.

Mr. Powers confirmed that the reference to Real Estate and Open Spaces is for disposition by sale.

Vote 4:0 in favor. Motion carried.

VIII. OLD BUSINESS

A. Discussion on land of low value

Ms. Kavanagh gave an overview of conversations regarding the topic of land of low value. There is information in the packet regarding the option of having an auction.

Mr. Howell noted that the Select Board had previously voted to move forward on this issue.

Ms. Kavanagh explained why this item has been brought back for discussion.

Mr. MacAskill noted next steps and reasons why he would like to move forward.

Mr. Handler moved to act as the previous Board directed to have the Town Administrator be the point person to move this project forward for the purpose of sale, seconded by Mr. Howell.

Mr. Powers clarified the wording of the previous vote which did not direct the Town Administrator to be the point person.

The motion was amended as follows: Mr. Handler moved to reaffirm a third auction on the land of low value and to appoint the Town Administrator to be the point person, seconded by Mr. Howell.

Vote 3:1 in favor with Ms. Kavanagh voting no. Motion carried.

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B. Discussion on the revised job description for the Assistant Town Administrator; Votes may be taken

Ms Kavanagh noted that the packet includes the current Assistant Town Administrator's job description with Human Resources (HR) included and then also with HR removed.

Mr. Powers noted that there are two scenarios, one not changing anything and the other devolving the HR role.

Mr. MacAskill asked for next steps to review the Assistant Town Administrator's compensation schedule for the job that she is doing now.

Mr. Powers suggested having a conversation next week regarding the personnel By-law Class and Como Tables.

Mr. Howell commented that he does not feel that taking that one function out would change the pay scale for the Assistant Town Administrator (ATA).

Mr. MacAskill requested that the conversation on compensation be continued for two weeks so that he can be present. He also inquired about the process for procurements and of having another person trained for procurement to build a procurement team.

Mr. Powers responded that he and Ms. Eldredge, ATA have discussed working with Department Heads and supporting them through the procurement process. He supports allowing the Department Heads to go to the classes and obtain the certification for procurement. He described the process, cost and commitment of continuing education to become certified for procurement.

C. Discussion on the By-Law Charter Review Committee charge; Votes may be taken

Mr. Handler noted one concern which he had previously noted, specific wording under Scope and Responsibility that he felt should be removed.

Linda Cebula of the Charter Review Committee was present and expressed that the Committee feels that the wording in question should remain in the Charge and explained the reasons. She requested that the wording remain.

Discussion followed regarding the wording. After discussion it was agreed to remove the wording discussed.

Mr. MacAskill asked for clarification on wording in the Charter.

Ms. Cebula explained and clarified the meaning of the wording.

Mr. MacAskill moved to strike “including the By-law Charter Review Committee’s recommendations” but leave the first sentence in.

Mr. Howell moved to accept the By-Law Charter Review Committee charge with the deletion of the two sections that Mr. MacAskill referenced, seconded by Mr. Handler.

Mr. MacAskill outlined the two sections for the public as follows: Under “shall submit a report to Town Meeting concerning any proposed amendments and/or revisions to the Charter and/or By-Laws. (stop there) The other section to be struck- “the Select Board shall submit all such Articles to the By-Law Charter Review Committee no later than 14 days after the deadline for submission of our Articles.

Vote 4:0 in favor. Motion carried.

Ms. Cebula will make those changes and send the revised Charter to the Chair.

D. Review of the ongoing project list as provided by the Assistant Town Administrator

Mr. Powers reviewed the list before the Board noting minor changes made since the memo had been generated.

Jamie Goodwin of the Harwich Channel clarified the update on the new camera.

Mr. Powers continued through the list noting specific items.

Mr. MacAskill asked when the Board will review re-appropriation of funds. He asked for additional explanation on when projects will be initiated or when the funds will be returned.

Mr. Powers responded that they are presently reviewing those numbers. The age of the proposed projects will be considered in the rebalancing. He also noted related projects.

Mr. MacAskill requested an update on the Willow Street project.

Mr. Powers responded that Katie Cline, Legal Counsel had evaluated the next step. They are reaching out to the original surveyor to ask her questions. He believes that the answers are straight forward and the process is done but they are waiting to have that conversation. He explained that it is a legal matter, not a procurement issue.

Mr. MacAskill questioned the Fund, Land Research for assessing purposes and asked for clarification on how the money was spent by the company they hired to do the research. He would like to verify that none of that money was used for the second contract for tax rate certificate.

Mr. Handler asked about the next steps on By-Law Charter analysis which Ms. Kavanagh answered with an update. He also asked if there is an active Request for Proposal (RFP) on the Sand Pond Restroom Project.

Mr. Powers responded and explained next steps going forward with another RFP if there is interest in the project.

Ms. Kavanagh asked about the money noted for the Americans Disability Act (ADA) sidewalks in Harwich Center.

Mr. Powers responded with the update and explanation on that project.

IX. CONTRACTS

A. Vote to approve a contract with GHD in the amount of \$4,332,000 for construction phase services in relation to the Phase 3 wastewater project

Mr. Powers explained the benefit to approving this contract.

Mr. Handler moved to approve the contract with GHD as presented, seconded by Mr. Howell.

Mr. MacAskill commented that it is no reflection on GHD but he will vote no because the contract is incomplete. It is without a signature from the Finance Director showing approved funds and a procurement check list.

Mr. Powers responded that Mr. Pelletier informed him that as of 5:30PM this date, they do have the Appropriation.

Mr. MacAskill emphasized that he is not in any way against this contract, but it is not complete.

Mr. Howell agreed and suggested that they delay voting on this contract.

Mr. Handler withdrew his motion. Mr. Howell withdrew his second.

X. TOWN ADMINISTRATOR'S REPORT

Mr. Powers reported that Natasha Lyon, the new Executive Assistant to the Town Administrator will begin next Monday. He also announced the contract with Duffy Health Center.

XI. SELECT BOARD'S MEMBER REPORT

Mr. MacAskill asked the Town Administrator to pass along to Mr. Pelletier that he is very happy with GHD. Mr. MacAskill requested that the Board be given an updated tax lien list on 11 x 17 paper with large font. He also requested that an update 204 Sisson Road including programs and

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procurement be on a future agenda. He would also like to agenda the Pickle Ball rates at 204 Sisson Road.

XII. CORRESPONDENCE

None

XIII. ADJOURNMENT

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

Vote 4:0 in favor. Motion carried.

Respectfully submitted,

Judi Moldstad
Board Secretary

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