**MINUTES**

**SELECT BOARD**

**DONN B. GRIFFIN ROOM, TOWN HALL**

**732 MAIN STREET, HARWICH, MA**

**SWEARING-IN CEREMONY 5:00 PM**

**EXCECUTIVE SESSION 5:30 PM**

**REGULAR MEETING 6:00 PM**

**MONDAY, MAY 22, 2023**

**MEMBERD PARTICIPATING:**  Michael MacAskill, Chairman, Mary Anderson, Vice Chair

Julie Kavanagh, Don Howell and Jeff Handler

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

**CALL TO ORDER:** Chairman MacAskill called the meeting of the Select Board to order on May 22, 2023 at 5:00PM and noted that the meeting will begin with the swearing-in of all newly elected officials. Following the swearing-in they will go into Executive Session and then begin the Regular Meeting no later than 6:00PM.

Emily Mitchell, Town Clerk was present to swear-in the newly elected and re-elected officials. There were 4 elected offices, each with two vacancies. She thanked all the candidates for running for elected office and congratulated all those who won their races.

She began with the Select Board, Jeff Handler had been previously sworn in, Don Howell was invited up and Jeff Handler joined in as they were sworn in by Ms. Mitchell.

Next to be sworn in were Merdedith Henderson and Ryan Clarke from Monomoy Regional School Committee.

Allen Thompson was sworn in as a member of the Water/Wastewater Commission.

The remaining elected officials were not present and will be sworn-in at another time.

Mr. Thompson thanked all the folks in town who have supported him since 1966. This will be his last run in public office, he plans to retire after his 3 year term.

All in attendance showed their appreciation with a standing ovation.

Ms. Mitchell explained what was included in the packets that she handed out to the newly elected officials.

**EXECUTIVE SESSION:**

A. Pursuant to MGLK c. 30A, s 21(a)(7) to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements (“Purpose 7”)- the Open Meeting Law, G.L. c. 30A, s22(f), (g)—To Review, approve and/or discuss the possible release of Executive Session meeting minutes dated January 23, 2023 and February 27, 2023

B. Pursuant to MGL, s30A s21(a)(3) to discuss strategy with respect to litigate if an open session meeting may have a detrimental effect on the litigating position of the Town- 5 Sea Street Extension

C. Pursuant to MGL c30A, 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.

Chairman MacAskill called the meeting of the Select Board back to order at 6:00PM reporting that tonight’s meeting began with a swearing-in ceremony for newly elected officials.

In Executive Session the minutes of January 23, 2023 and February 27, 2023 were approved. The release of those minutes was not approved. The discussion on the 5 Sea Street Extension has been rescheduled until May 30, 2023. No decision was made regarding the purchase, exchange, lease or value of real property.

**PLEDGE OF ALLEGIANCE:** Chairman MacAskill invited all attendees to join in the Pledge of Allegiance.

**WELCOME:**

A. Newly elected member Jeff Handler

Chairman MacAskill welcomed the new Select Board member Jeff Handler.

**PUBLIC COMMENT/ANNOUNCEMENTS:**

Cindy Williams, Executive Director of the Chamber of Commerce announced that they are now open 7 days a week and noted the hours of operation. She also noted upcoming events and shared details.

Link Hooper reminded everyone of the Public Workshop for low lying roads this Wednesday and he gave details.

Bernadatte Waystack of the Harwich Cultural Council announced that the Council will be honoring the designees of this year’s Cultural Grants and she shared details. It is a public event and everyone is welcome.

A. The Board is now known as the Select Board

Mr. MacAskill stated that they are now to be referred to as the Select Board with the passing of the ballot question at the latest election.

B. Committee Vacancies

Ms. Anderson highlighted the Historic District Historical Commission and noted their 3 vacancies and the causes that they are involved in.

C. Harwich Affordable Housing Trust Forum

Brianna Powell, Housing Advocate announced a public forum that the Trust and JM Goldson are hosting for public feedback and she shared details.

Mr. Powers reminded everyone of the Town’s Memorial Day Ceremony and he shared details.

**CONSENT AGENDA:**

A. Approve the Select Board Meeting Minutes for May 8, 2023

B. Accept the resignation of Jeffrey Handler, Local Planning Committee, effectively immediately.

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

Mr. Handler abstained from voting on the meeting minutes as he was not present at that meeting and he abstained on his resignation.

Vote 4:0:1 with Mr. Handler abstaining.

**NEW BUSINESS:**

A. Presentation by Susy Holmes, Executive Director of Barnstable County Retirement on a potential Cost of Living Adjustment (COLA) increase from 3% to 5%. Votes may be taken.

Ms. Holmes informed the Board that that Barnstable County Retirement would like to increase the COLA from 3% to 5% for FY23. She explained that they are presenting to all the towns in the county to allow them to vote. Two Thirds of all the town’s positive votes are needed to make the increase. She explained the cost to the towns and offered an estimated increase to the town’s budget.

Ms. Anderson asked Mr. Powers if the town can include this in the budget.

Mr. Powers replied that if the majority votes to pass the increase, they will be obligated to include it in the budget. He noted that other towns voted against it because of the compounding effect. His concern is the way it relates to the bargaining that they had just completed.

Ms. Holmes noted that 9 towns have approved it and only one more is needed to have the two thirds vote. There are 5 towns who have not yet voted. She explained with specific numbers how the numbers compound. She also noted the $18,000 cap and the additional $30.00 per month for each retiree at that number.

The Board discussed the pros and cons of a positive vote.

Ms. Kavanagh moved to approve the increase form 3 to 5% in Fiscal Year 23 for the Barnstable County Retirement not to exceed $18,000 per year for those retirees, seconded by Ms. Anderson. Vote 4:0:1 with Mr. MacAskill abstaining.

B. Discussion of broadband in Harwich

Mr. MacAskill commented that he has been approached by interested parties related to broadband in Harwich. He welcomed John Ketchum who distributed information to the Board.

Mr. Ketchum explained that he is speaking for himself and not any committees that he is involved with in town. He gave a brief description of his background and gave a brief overview noting what he feels should be discussion items. He showed a presentation as he described broadband. He offered suggestions and feels they should be concerned about where the demand is going and where the network that they currently have, which belongs to Comcast, is going. He explained that the technology is called Passive Optical Network and noted it’s benefits. He also spoke about the service that Comcast uses in Harwich and on Cape Cod for internet access. His goal is to start the discussion of what they really need in Harwich, which he feels is Universal Broadband Access. He also noted what other towns are doing and the challenges that all towns are facing including cost.

Board members expressed concerns and asked questions. Discussion continued regarding it being a regional project. They agreed to have further conversations.

Mr. Powers noted that he and Mr. Ketchum have met several times including with representatives from Open Cape. He noted tasks that he had assigned to the IT Director and the staff is already working on this. He asked that they bring this conversation back but that the Board allow staff to do the work that they are doing and allow them to bring it back in a coherent manner.

Mr. MacAskill appreciates what the staff is already doing and also noted that this will require a regional approach. His next steps would be to have another meeting on this in the near future and to go over the next steps.

Mr. Ketchum thanked Mr. Powers and the Board for the opportunity to talk .

C. Discussion - Chatham Road and Route 39 intersection

Mr. Powers noted that many projects are languishing because there is no associated funding mechanism. This is on the docket for matters to include in the planning for the 2024 Annual Town meeting.

Mr. MacAskill commented on how long this discussion has gone on without it being the priority that it should be.

Link Hooper, DPW Director contacted the known homeowner at that intersection who also has concerns about the intersection being dangerous. They have questions that cannot be answered until the property is surveyed. He estimated the project cost to be $300,000 and also noted what they already done to try and impact the intersection.

Linda Cebula, Traffic and Safety Committee commented hat they have been looking at this intersection as far back as 2016. She asked what the ten steps are that have to be done for this project and if they could be put in writing.

Board members expressed their concerns.

Mr. Powers commented that they continue to search for an engineer, absent that there are funds available that have been going to general engineering. There is a project plan that accounts for what has just been passed as well as drawing in projects from years past to try and get all of the backlog done. This is one of those projects.

Mr. MacAskill asked that, if there is money available for engineering and surveying and that ’s what they need to put a plan and cost together, why wouldn’t they start with that?

Mr. Powers replied that he is unsure that the money is available because of the number of engineering projects that they already have. He will not know that until he looks at everything in total.

Mr. MacAskill commented that this project should be at the top of the list because it started in 2016.

Board members asked Mr. Hooper questions and made suggestions regarding speed limits and signs.

Mr. MacAskill commented that they will wait until Mr. Powers brings the plan back and then there will be further discussion.

D. Discussion on roles of Committee members giving the Select Board direction

Mr. MacAskill commented that this conversation began when a resident approached him with a project and he, as the liaison to that committee, sent him to that committee. Mr. MacAskill described the process that was followed. He noted that committees are advisory committees to the Select Board and that the Town Administrator expressed that he should know before it comes before the Select Board. He asked Mr. Powers what he thinks should be changed in that process.

Mr. Powers commented that he was not prepared for that conversation.

Mr. MacAskill will bring that conversation back on a future date.

E. Discussion on potential charter revisions

Mr. MacAskill noted that the packet includes some recommendations for revisions of the charter.

Mr. Powers commented that he has opined and offered again that, as someone who reads that book constantly, it is ripe for a review but he added, that is not his call.

Mr. MacAskill noted that he believes they have $75,000 to hire an outside firm to review the charter and make suggestions.

Mr. Powers believes that the scope was reduced at Town Meeting and he will check.

Mr. Howell commented that the scope was reduced form zoning bylaws down to the charter and regular bylaws.

Mr. MacAskill commented that he anticipates this coming back as part of the Town Administrator’s Plan. Some of the suggestions are part of a big picture, one that he would like to see the Board go forward with, to change the specified time of Town Meeting and he gave his reasons.

Mr. Howell noted that beginning the meetings with department heads earlier in February could help avoid issues with the Finance Committee closer to Town Meeting.

Mr. Powers is already working on getting earlier dates for next year. He can present the Board with a schedule and he gave a brief summary of past discussions about the charter and a charter commission, noting what the commission would do. He feels having a conversation along the lines of a commission first would be helpful. It would make the next steps simpler and he expressed his concerns about not having a required time to review. He will share a newsletter with the Board that refers to that issue. He feels there is great value in the Town contemplating where we are with the charter and how to handle it.

Mr. Howell noted that the dates mean that they can’t go past but you can always go sooner. He noted that he had been the chair of the Review Committee and noted the positive changes that had occurred.

Mr. Powers noted that he is talking about references in the charter that refer to Capital Outlay, Finance Committee, Select Board, separate from what he does. There is a disconnect in that this Town has had a practice of incorporating Finance Committee recommendations into the printed warrant. He noted that the printed warrant is the purview of the Select Board only. He noted that Finance Committee requirements that are in the charter. He suggested they look at the deadlines in the charter and two owns them and what they should do for next steps.

Board members voiced their opinions and concerns and all agreed that more conversation is needed. There was also conversation about KP Law and their involvement with the charter.

Mr. MacAskill referred to creating a commission and having the entire document reviewed and also hiring a firm to review He asked Mr. Powers how that can be accomplished.

Mr. Powers replied that legally speaking there are two mechanism that towns can use to change their charters which he described in detail. He will ask counsel the procedure to create a commission.

Mr. Howell noted that a Charter Commission is an elected body.

F. Discussion and possible vote to send a letter of support for the project at 5 Bells Neck Road

John Carey of Hyannis spoke to the Board, asking for a letter of support for the project at 5 Bells Neck Road. He thanked them for their previous support on a project and he gave an update.

Mr. Powers asked Mr. Carey questions about the project. He commented that the Board could offer a letter of support but could not refer to the project as a partnership.

Board members offered their support and agreed to sign the letter.

Mr. Powers and staff will “tweak” the letter before it is signed.

Mr. Howell moved that Mr. Powers redraft the letter and to authorize Mr. MacAskill to sign, seconded by Ms. Anderson. Vote 5:0 in favor.

Mr. Carey asked if he can be involved in Harwich by being on a committee. Mr. Howell replied, explaining that preference is given to residents but that he is not prohibited from applying.

**CONTRACTS:**

A. Vote to approve an Inter-municipal Agreement with the Town of Orleans regarding the Supportive Daycare Program for residents with dementia and cognitive impairment.

Mr. Howell moved to approve the Inter-municipal Agreement as presented and to authorize the Chair to sign, seconded by Ms. Anderson. Vote 5:0 in favor.

**TOWN ADMINISTRATOR’S REPORT:**

No report.

**SELECTMEN’S REPORT:**

Mr. Howell commented and acknowledged the efforts of Pete McCarthy and noted that everyone did a terrific job.

Ms. Anderson recognized a teacher, Nancy Gifford, who was elected as the Massachusetts STEM Teacher of the Year. She read the letter of recognition.

**CORRESPONDENCE:**

None

**ADJOURNMENT:**

Ms. Kavanagh moved to adjourn, seconded by Ms. Anderson. Vote 5:0 in favor.

Meeting adjourned.

Respectfully submitted,

Judith R. Moldstad,

Recording Secretary