

APPROVED

RELEASED

RECEIVED  
TOWN CLERK  
HARWICH, MA

2023 JUL 26 A 8:20

**MINUTES  
SELECT BOARD  
HARWICH TOWN HALL  
MONDAY, JULY 10, 2023  
5:00 P.M. – EXECUTIVE SESSION  
6:00 P.M. - REGULAR MEETING  
REMOTE PARTICIPATION OPTIONAL**

**SELECTMEN PARTICIPATING:** Mary Anderson, Julie Kavanagh, Jeffrey Handler, Donald Howell and Michael MacAskill

**ALSO PARTICIPATING:** Town Administrator Joseph F. Powers

**CALL TO ORDER**

Ms. Anderson called the meeting to order at 5:00 p.m.

**Mr. Handler moved that the Select Board enter into executive session to discuss the items as listed below, 2<sup>nd</sup> by Mr. Howell. The vote was 5-0-0 with Ms. Anderson, Ms. Kavanagh, Mr. Handler, Mr. Howell and Mr. MacAskill all voting aye by roll call.**

**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 section 21 (a)(3) to discuss with respect to collective bargaining for all town unions and the Chair has determined that open session would have a detrimental effect on the town's bargaining position; Harwich Employees Association (HEA)

Ms. Anderson stated that the Select Board would be going back into Executive Session at the conclusion of the open meeting and will not be returning after that.

**PUBLIC COMMENTS/ANNOUNCEMENTS**

Harwich Fire Association member Norm Clarke was present and reported that the project at 203 Bank Street is well underway. Harwich Fire Association has partnered with Channel 18 and will be doing a series every 2 weeks that will show the progress of the project and will work to inform people on what is going on with Michael Lach and the Harwich Conservation Trust property, as they are partners in this project. Episode 1 of the series is up and running and episode 2 should be ready in another week or so.

Elizabeth Harder, Harwich Delegate to the Barnstable County Assembly of Delegates was present. The Assembly will be asking to do a charter change which will hopefully appear before everyone on next year's ballot. The change includes cleaning up language where there were discrepancies. As it gets closer, Ms. Harder will let everyone know exactly what the proposed changes are and copies will be released. The other update was to provide residents about the AQUA Fund program through Barnstable County. This fund is for those who need to have a new septic system installed or those that will be hooking into the sewer system. This program is a way for folks to get a loan for any sewer or septic projects with either a

0%, 2% or 4% interest rate based on their income. If anyone requires assistance, they can contact Barnstable County or Ms. Harder.

Community Center Director Carolyn Carey was present. on July 11, 2023 at 5:30 p.m., there will be a talk about how domestic dogs relate with the wolf. Ms. Carey stated that they have 25 of the 35 yard sale spots already signed up for. Ms. Carey invited everyone to come visit Pebbles the Snake at the Community Center. Materials are available at the Community Center for people to contribute to the rock snake. On August 3, 2023, Jungle Jim will be at the Community Center doing balloon magic. On August 12, 2023, there will be a talk at the Community Center about the cause of breast cancer on Cape Cod.

A. Select Board Open Hours July 20th 5:30-7:30 p.m. at Brooks Free Library. Jeff Handler and Mary Anderson will be available to listen to people's thoughts or concerns. No appointments needed

### **CONSENT AGENDA**

A. Approve Select Board Meeting Minutes for June 26, 2023

**Mr. Handler moved to approve the Select Board meeting minutes from June 26, 2023, 2<sup>nd</sup> by Mr. Howell and approved 5-0-0.**

### **NEW BUSINESS**

A. Affirm the appointment of Carrie Schoener as the Health Director

Mr. Powers presented the appointment of Carrie Schoener as the next Health Director for the Town of Harwich. Ms. Schoener has been with the town for several years and came to Harwich with more than a decade of experience in public health. Ms. Schoener holds several certificates relative to the health field and has received both her Registered Sanitarian and Certified Health Officer certifications, pending notification from the State. Ms. Schoener also holds a Bachelor of Science in Environmental Science.

Mr. Howell stated that for him personally, until he can get his head wrapped around the employee turnover that is happening in Harwich, he does not plan on voting for this or any other department confirmation in the future. Mr. Howell did say that he has heard a lot of nice things about Ms. Schoener and that she will be an excellent Health Director.

**Mr. Handler moved to affirm the appointment of Carrie Schoener as the Health Director, 2<sup>nd</sup> by Mr. MacAskill and approved 4-0-1 (Howell abstained).**

B. Discussion on Select Board priorities

Ms. Anderson provided the Select Board with a one-page document regarding Select Board priorities. She asked that board members review the information to make sure that nothing was missed. The items with the \* are those that members had suggested would make good working session topics.

Ms. Kavanagh would like to see forward movement on zoning topics as they will take some time for the Select Board to focus on what they are trying to drive and then to get discussions to the Planning Board to hold public hearings to set them on their way. Ms. Kavanagh feels that timing on zoning is important. Mr. Howell agreed with Ms. Kavanagh. He feels that there may have been a misunderstanding from previous discussions where topics were brought up without getting into any depth. The Select Board was talking about having the ability to modify larger existing houses where more bedrooms would not be created and wouldn't stress the septic systems. Discussions were mostly about some of the old captains

houses where one person might not be financially able to refurbish the home, but if a group of people got together and the house would have the same footprint, same lot coverage and same number of bedrooms. These would not necessarily be for affordable housing, but more for middle class housing. He wanted to be clear that we are not trying to cram all kinds of boarding houses into the public.

Mr. MacAskill feels that Ms. Anderson did a great job capturing what the Select Board had discussed. He added that he would send Ms. Anderson his thoughts on some items for more depth.

Ms. Anderson asked if the Select Board wanted to take on zoning discussions for their next working session and if expertise should be brought in for the session. Mr. Howell responded that Duncan Berry would be a good resource. Ms. Kavanagh suggested also bringing in the Zoning Board of Appeals. Ms. Anderson said that she would reach out to both the Planning Board and Zoning Board of Appeals Chairs.

Ed McManus was present and feels that it would be nice if the Local Planning Committee would be notified so they can be updated on discussion. Mr. MacAskill noted that if they would plan on attending with a quorum, that they would need to post a meeting agenda. Mr. Handler suggested that the LPC could send a member or 2 to keep the discussion simple.

Elizabeth Harder suggested including Jon Carey who has been developing property in West Harwich. Ms. Harder has learned a lot from Mr. Carey about the zoning challenges that he has been facing.

Mr. Howell stated that meeting attendees can sit and listen to the discussion, but that no votes would be taken. Any information would have to come back to a public meeting.

C. Discussion and confirm next Select Board Working Group Session will be Monday, July 17, 2023, 6:00 p.m.

Ms. Anderson reminded the public that the next Select Board Working Group Session will be held on July 17, 2023, at 6:00 p.m.

D. Approve a new 2023 Annual Common Victuallers license – Capeside Kitchen Family d/b/a Capeside Kitchen – 537 Route 28

**Mr. Handler moved approve a new 2023 Annual Common Victuallers license – Capeside Kitchen Family d/b/a Capeside Kitchen – 537 Route 28, 2<sup>nd</sup> by Mr. Howell and approved 5-0-0.**

E. Approve a new 2023 Junk Dealer license for Aruaam, LLC d/b/a Harwich Antique Center, 10 Route 28

**Mr. Handler moved approve a new 2023 Junk Dealer license for Aruaam, LLC d/b/a Harwich Antique Center, 10 Route 28, 2<sup>nd</sup> by Mr. Howell and approved 5-0-0.**

F. Approve a Special Permit application for one day entertainment and one day wines and malt license for Reciprocity Artisans Market, 4 Cross Street, Monday, September 4, 2023, 4:00 p.m. to 7:30 p.m., live/recorded music outside

**Mr. Handler moved to approve a Special Permit application for one day entertainment and one day wines and malt license for Reciprocity Artisans Market, 4 Cross Street, Monday, September 4, 2023, 4:00 p.m. to 7:30 p.m., live/recorded music outside, 2<sup>nd</sup> by Mr. Howell and approved 4-0-1 (MacAskill abstained).**



G. Approve the following Special Permit applications for Harwich Cranberry Festival, event to be held at 204 Sisson Road;

1. One day wines and malt permit – July 13, 20, 27, 2023 and August 3, 10, 17, 24, 31, 2023 – 6:00 p.m. to 9:00 p.m.
2. One day wines and malt permit – September 16, 2023, 12:00 p.m. to 7:00 p.m. and September 17, 2023, 12:00 p.m. to 3:00 p.m.

Bob Weiser was present and pointed out that the August 31<sup>st</sup> date on the first request is incorrect and that it should read September 1. He also noted that the location for the second request should be 100 Oak Street at the Community Center. Mr. Powers responded that on the first request, August 31 was listed at the last date of the event series.

Ed McManus was present and stated that this has always been a Thursday series and that the incorrect date was an oversight on his part. It should be September 1, 2023. He did put the correct address of 100 Oak Street on the application for the second request.

**Mr. Handler move to approve the following Special Permit applications for Harwich Cranberry Festival, event to be held at 204 Sisson Road; 1. One day wines and malt permit – July 13, 20, 27, 2023 and August 3, 10, 17, 24, and September 1, 2023 – 6:00 p.m. to 9:00 p.m. 2. One day wines and malt permit – September 16, 2023, 12:00 p.m. to 7:00 p.m. and September 17, 2023, 12:00 p.m. to 3:00 p.m. at 100 Oak Street, Harwich Community Center, 2<sup>nd</sup> by Mr. MacAskill and approved 5-0-0.**

Relating to a previous discussion regarding the upcoming Select Board working group session about zoning, Mr. McManus stated that the Local Planning Committee will be sending delegates to the meeting.

H. Discussion and possible vote to approve the waiving of the Treasure Chest Sticker fee for the Treasure Chest Volunteers

Mr. Handler is the liaison to the Treasure Chest and stated that the Chair of the Treasure Chest has requested that this topic be on the agenda for discussion.

Ellie Gerson, Chair of the Treasure Chest Committee was present. Ms. Gerson stated that before COVID, when she was a volunteer at the Treasure Chest, there was a precedence in place that volunteers got a free sticker. When the Treasure Chest was re-opened after COVID, the precedence was carried forward and volunteers were given a free sticker. When this was brought to the DPW Director's attention this year, Mr. Hooper said that the decision would be up to the Select Board at this point. Ms. Gerson stated that the Treasure Chest does have some volunteers that are not residents of Harwich.

Mr. MacAskill stated that there is a cost to us doing business and a cost to produce the stickers. He does not understand why volunteers would need a sticker if they were working and can go past the gatehouse and come in. This sticker would be for when they are not volunteering. As he is with all other fees, Mr. MacAskill stated that he is against giving away anything and that this would set a precedence for other committees to come forward and make similar requests. Mr. MacAskill asked Mr. Powers to look into how free stickers were given out to volunteers in the past. Mr. Powers responded that he would have to research with staff.

Mr. Howell said that the reason that the sticker program was stated in the first place was to have some kind of control because the Treasure Chest was being swamped by people from other towns. The \$5.00 fee was symbolic and to cover our cost for issuing the sticker itself. Mr. Howell said that he would be in favor of granting the waiver request. He asked how many stickers are being talked about. Ms. Gerson responded approximately 15 stickers.

Ms. Kavanagh agreed that if the people are already volunteering, they can get items anyways while at the Treasure Chest. While she is not opposed to the request, she is not sure that it is necessary.

Mr. Handler would like to know from Mr. Powers if there are any other situations like this currently. Mr. Powers responded that there are none like this to his knowledge. The closest thing would be that the town, through bargaining agreements, offers non-resident employees the ability to purchase stickers at the town rate. Mr. Handler asked if granting this waiver would open us up to anything. Mr. Powers responded that he is always focused on liability. Given the low dollar value of the sticker, he doesn't see concerns about ethical considerations. Mr. Powers did agree with Mr. MacAskill comments about setting a precedence. If you grant a waiver for this group, then others can come forward and it might be a bigger deal.

Ms. Anderson stated that she has managed 650 volunteers and that you need to be careful that you don't do something for one group and not for others. She is concerned about giving a "perk", admittedly a small one, to a small group, especially when they can shop while they are volunteering.

Mr. MacAskill said that it is not about the \$75.00, that it is more about a precedence. We have a lot of volunteers in Harwich that we don't give anything to. The volunteers at the Treasure Chest don't need a sticker when they are working. He warned that the Board would need to be prepared for other groups to come forward if this waiver request gets approved.

Ms. Gerson stated that she would support whatever the Select Board votes and that the Treasure Chest volunteers would keep doing their job. Ms. Gerson noted that the new stickers are great but wondered if there would be a way for the Select Board to say that the stickers must be affixed to the windshield. People show up to the Treasure Chest holding their sticker. Mr. Howell responded that the whole point of the sticker system is to control who comes in and to make sure that they are from Harwich. It blows up if they are holding the sticker and voids the reason for the sticker. Ms. Gerson responded that the Treasure Chest volunteers will enforce the stickers with their own muscle.

**Mr. Howell moved to approve the waiving of the Treasure Chest Sticker fee for the Treasure Chest volunteers. No 2<sup>nd</sup> was heard. Motion failed and no action taken.**

Mr. Powers stated that he is not sure if sticker placement is part of the policy but noted that it could be accomplished administratively.

### **OLD BUSINESS**

A. Town Administrator to provide an update on the disposition of 276 Queen Anne Road

Provided in the packet is a memo from Assistant Town Administrator Meggan Eldredge that gets to the question of the disposition of 276 Queen Anne Road. Where we are at now is asking for instruction or guidance from the Select Board on whether the town should be issuing an invitation for bid or going with a request for proposals. The Select Board should decide if they wish to structure this as a Request for Proposals or an Invitation for Bids. In other words, should the property be sold to the proposer offering the highest bid or should there be additional evaluation

criteria. If additional criteria are desired, please discuss what that is. Examples of additional criteria include use restrictions such as affordable housing, recreation, or open space.

Mr. Howell said that one of the points of doing this is that Harwich has a small commercial district for industrial zoning as compared to other towns. The other point is to put this parcel back into the inventory so there is tax paying and jobs created. As long as he is assured that it is being offered as a commercial property, he is satisfied that there shouldn't be any conditions other than what the person will pay for the property. Mr. Howell stated that he wants to be sure that this is sold as a commercial property.

Ms. Anderson pointed out that this parcel is zoned as Industrial Limited. Ms. Kavanagh noted that IL is slightly different than commercial. Mr. Powers reviewed the description of the property as outlined in the document provided.

Mr. MacAskill asked why we wouldn't be able to do a bid for commercial or industrial use. In his opinion, he would like to keep this as simple as possible to get top dollar. Mr. Powers responded that it might be helpful to look at the zoning use regulations to see what is allowed in this zone.

Ms. Anderson agreed with Mr. MacAskill about getting top dollar.

Ms. Kavanagh stated that if we moved forward with an RFP, that she would agree that commercial industrial use is important. She added that if an apartment were to be added over the commercial building, it would help someone in town with housing and finished by saying that she is most concerned with price.

Mr. MacAskill said that what we are talking about is real estate sale. This lot is acreage for sale that has already been cleared. Because it is such a unique piece of property, he would not want to see the town tie anyone's hands who would be looking to open at business at the location. He is not sure that the Board should be fighting for any more housing on Queen Anne Road.

Elizabeth Harder was present to speak as a citizen and did not disagree with Mr. MacAskill's comments about housing, adding that not every place is meant for housing. What is most concerning to her is that the property will go to the highest bidder and that there will be no upfront knowledge about what type of business would be operated at the location. Ms. Kavanagh responded that the property use would be protected by the zoning bylaw.

Mr. Powers said that if the Select Board would like to go forward with an invitation for bid, language can be added to the document to say that the town anticipates the use of the property to be consistent with zoning regulations, commercial and industrial purposes. To go any further, we would be running the risk of creating criteria for evaluation with is an RFP and would elongate the process.

Mr. Howell said that all we are looking for is to take the industrial limited definition and incorporate that has an end point in the information for bidders.

Ms. Anderson asked to confirm that there is nothing would stop the town from walking away if unsatisfactory proposals are received. Mr. Powers confirmed that the town can walk away.

Mr. Howell asked that Mr. Powers find a way to incorporate a reference to industrial limited in the documents. Mr. MacAskill added that industrial encompasses commercial.

Mr. Handler said that his vote would be for a formal invitation for bid.



Ms. Anderson asked if the Board would need to create a minimum bid. Mr. Powers responded that the town would need to decide on a minimum value.

Mr. MacAskill suggested a value of \$950,000. Ms. Kavanagh agreed and added that having the ability to build bays in this location is worth a lot of money.

Mr. Howell said that while he agrees that price would be what the property is worth, he is not sure that it would be worth putting the number in. He noted that the town can reject anything and that he is most interested in the speed of getting the information out to the public.

**Mr. MacAskill move that the Select Board approve an invitation to bid for 276 Queen Anne Road, to include the added language of Industrial Limited, with a minimum value of \$950,000 to be considered, 2<sup>nd</sup> by Mr. Howell and approved 5-0-0.**

Mr. Powers briefly reviewed the edits that will be made to the invitation document.

Mr. MacAskill asked for timing on next steps and how this would be advertised. Mr. Powers responded that the proposal opening date would be August 29, 2023 at 2:00 p.m. and questions would be due by August 21, 2023. He will be running the revised document by Counsel. The earliest that the invitation would be advertised would be next Thursday. Mr. Powers anticipates being able to report back to the Board at their first meeting in September.

Mr. MacAskill asked how this could be locally advertised to reach a broader group. Mr. Powers responded that there is an obligation to meet the procurement standards and adhere to the Commonwealth's responsibilities. Beyond advertising in the Cape Cod Chronicle, there are several ways that this could be advertised, including the Town of Harwich website and Town of Harwich social media. All information distributed would lead back to the Town of Harwich website for information. Mr. MacAskill wondered if this could be distributed to realtors. Mr. Powers responded that in theory, yes it could be distributed to them, but he would need to refer to Town Counsel. He also thinks that there would be value in a media campaign. Mr. MacAskill said that he would support a proposal on a media campaign and asked what it would cost and what it would look like. He also wondered about having it on MLS as well to gain more exposure.

Harwich Chamber of Commerce Executive Director Cyndi Williams was present and said that their new website is launching on Saturday. There is a special page on the website that deals with town departments and things that are happening. She said that she would be happy to help if needed.

Mr. Howell said that no one reads commbuys or the legal ads all day. If you are going to be talking about a commercial developer, it is more likely that they would be looking at a media campaign or the chamber.

When referencing a media campaign, Mr. Powers meant it to be free media as a campaign. Through it all, if there are any 3<sup>rd</sup> parties or others that are interested, the town would continue to provide the URL linking to the Town of Harwich website. Ms. Anderson asked the URL could be available at the Board's next meeting.

Mr. Kavanagh isn't sure that the property can be listed on MLS.

### **CONTRACTS**

A. Discussion and possible vote to authorize the Chair to execute a contract for dog impoundment services with the Animal Rescue League - \$7,000

**Mr. Handler moved to authorize the Chair to execute a contract for dog impoundment services with the Animal Rescue League - \$7,000, 2<sup>nd</sup> by Mr. MacAskill and approved 5-0-0.**

### **TOWN ADMINISTRATOR'S REPORT**

Mr. Powers thanked the Select Board for their support in taking most recent time off. Both he and his family had a wonderful vacation. Mr. Powers also thanked his immediate staff Danielle Freiner and Patience Smith-Caberera and especially Assistant Town Administrator Meggan Eldredge who did a great job of standing in for him.

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

Mr. Handler thanked the Harwich Fire and Harwich Police Departments for the job that they did over the July 4<sup>th</sup> holiday. He noted that it was comforting to see them out doing what they do so well. Mr. Handler recognized Chamber Executive Director Cyndi Williams for the work she did on Music in the Port on Wednesday night. Mr. Handler also thanked the Administration staff for their hard work while Mr. Powers was out of the office.

Ms. Anderson also complimented the Administration staff for their hard work.

### **CORRESPONDENCE**

No correspondence was discussed.

### **ADJOURNMENT**

**Mr. Howell moved that the Select Board recess their open meeting in order to re-establish Executive Session and that the Board would not be returning after their adjournment, 2<sup>nd</sup> by Mr. Handler. The vote was 5-0-0 with Ms. Anderson, Ms. Kavanagh, Mr. MacAskill, Mr. Howell and Mr. Handler all voting aye by roll call.**

Respectfully submitted,  
Jennifer Clarke  
Recording Secretary