

APPROVED

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HARWICH, MA

2023 SEP -1 P 3:25

**MINUTES  
SELECT BOARD MEETING  
DONN B. GRIFFIN ROOM, TOWN HALL  
732 MAIN STREET, HARWICH, MA  
EXECUTIVE SESSION 5:15PM  
REGULAR MEETING 6:00PM  
MONDAY, AUGUST 21, 2023**

RELEASED

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

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

**CALL TO ORDER:** Ms. Anderson called the meeting of the Harwich Select Board to order on August 21, 2023, at 5:15PM to go into Executive Session and to return no later than 6:00PM.

Mr. Handler moved to move the meeting into Executive Session as presented, seconded by Mr. MacAskill.

Vote: 4:0 in favor. Motion carried. (Mr. Howell was not yet present)

**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
- 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 an open meeting would have a detrimental effect on the town's bargaining position; Harwich Employees Association (HEA)

Ms. Anderson reopened the Select Board meeting, Mr. Howell is now present. Ms. Anderson reported that in Executive Session the Board discussed the two items in the agenda. One vote was taken but it will not yet be discussed due to legal reasons.

**PLEDGE OF ALLEGIANCE:**

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

**PUBLIC COMMENTS/ANNOUNCEMENTS:**

- A. Next Select Board Office Hours

Ms. Anderson noted that she and Mr. Handler are doing open office hours September 21st from 2:00PM to 4:00PM. Location to be announced.

- B. Cemetery Department Announcement Level II Accredited Arboretum

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Robbin Kelley, Cemetery Commissioner was present and gave a brief history of the work at the Arboretum. She announced that they were granted a Level II status in July of 2023. She also noted the mission of the Commission and how some groups will be utilizing the Arboretum and other services that they offer.

C. Town of Harwich Community Chanel is now Channel 8

Jamie Goodwin is now the Channel 8 Director. The station changed from 18 to 8 on August 17th. She noted a survey on the website asking for suggestions for a new name.

D. Next Select Board Working Group Session will be September 11, 2023

Ms. Anderson noted that the next Working Group meeting will be held on September 11th at 6:00PM in the Griffin Room. She addressed a previous comment suggesting that the Board was holding illegal meetings. She confirmed that she had discussed the meetings with counsel prior to the first Working Group meeting. The meetings are not illegal. She explained the reasons in detail.

Carol Fuller of Harwich and newly elected Vice Chair of the Golf Committee was present and commented on the cancellation of the Golf Committee's meeting.

Ms. Anderson asked that the conversation be continued to later in the agenda.

Harwich Police Chief David Guillemette was present with Carolyn Carey of the Community Center. He announced Popsicles with the Police which will be held on Friday, August 25th, 1:00PM at the Community Center and all are invited.

Ms. Carey also noted more events taking place at the Community Center.

Ashley Symington, Director of Youth and Family Services was present and announced the formation of a new group called While You Are Waiting which is geared towards Middle School and High School age students. She shared details about the group and what will be provided for them.

Ms. Anderson noted that the Board of Trustees of the Affordable Housing Trust has a speaker, Bob Wilbur, scheduled to speak about the intersection of Conservation and Affordable Housing. She gave details about that topic and gave contact information.

**CONSENT AGENDA:**

A. Approve Select Board Meeting Minutes:

1. July 31, 2023
2. August 7, 2023

B. Approve the committee appointment of Linda Roderick to Council on Aging, as recommended by the Select Board Interview Committee, term to expire 06/30/2025

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

Vote 5:0 in favor. Motion carried.

**OLD BUSINESS: - A**

A. Update on proposed Pine Oak Village Home Phase IV project; Votes may be taken.

Bob Doane, Vice President of Pine Oak Villager Homes and Jim Perine of Commonwealth Community Developers were present. Also present virtually were Peter Freeman and Rich Claytor from Horsley Witten Engineering. A slideshow presentation was given explaining the application process, what they have accomplished to date and what they will be requesting from the Select Board. Mr. Freeman explained, in detail, the 40B application process and the difference between LIP and LIHTC.

Mr. Doane resumed the presentation explaining in detail, the phases and what they include. There was a screen showing the proposed project and Mr. Perine explained which sections would be developed in different phases.

Board members asked questions on a variety of subjects such as public transportation, how this effects the schools, design, wastewater etc. Mr. Doane and Mr. Perine answered in detail when possible. Not all facts are available at this point.

Mr. Powers also answered questions regarding the difference between LIP and LIHTC. He also offered an overview of the process from the time application forward.

Mr. Doane and Mr. Perine continued with the slide presentation and noted the request for the letter of support.

Mr. Powers suggested that the letter of support from the Select Board wait until after the comprehensive meeting with staff.

Board members voiced concerns and/or support of the project.

Ms. Anderson thanked all speakers and presenters for all they have done for this project and for the town.

**NEW BUSINESS:**

A. Affirm the appointment of Don Yannuzzi as Natural Resource Director

Mr. Handler moved to affirm the appointment of Don Yannuzzi as Natural Resource Director, seconded by Mr. MacAskill.

Mr. Howell stated that he will be abstaining until there is a discussion about why so many people are leaving even after recently being appointed.

Mr. MacAskill asked Mr. Powers to give them an overview of Mr. Yannuzzi's employment.

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Mr. Powers gave an overview of Mr. Yannuzzi's employment with the town and his continuing education.

Vote 4:0:1 in favor with Mr. Howell abstaining. Motion carried.

- B. Vote to reduce the membership of the Harwich Accessibility Rights Committee from seven to five members

Item B, will be taken at the end of the agenda when committees are discussed.

- C. Discuss the fall Select Board meeting schedule.

Ms. Anderson noted that the fall schedule is included in the packet. The summer schedule continues through November.

Board members expressed opinions about the schedule. It was agreed that the summer schedule will continue through the end of September, and they will have further conversation about the next months.

- D. Vote to send a letter of support to MassDEP denying Holtec's application

Mr. MacAskill moved to send a letter of support to MassDEP for their tentative decision on denying Holtec's application for discharge in Cape Cod Bay, seconded by Mr. Howell.

Elaine Dickenson of Harwich was present and noted what the Holtec application involved and why it is illegal. She asked the Harwich Select Board to join other towns across the Cape, the South Shore and the Barnstable County Commission to express support for the Massachusetts Department of Environmental Protection's tentative determination to deny the permit to Holtec and to urge the DEP final decision to fully deny the permit.

Vote 5:0 in favor. Motion carried.

- E. Discuss possible parking expansion at the Harwich Port Municipal Parking Lot.

Board members expressed their opinion and offered suggestions about the expansion of the Parking Lot.

Kristen Ferriolo of Pleasant Street in Harwich was present. Her home abuts the property of this discussion. She invited Board members to come to her property to see what it would be like if the trees are removed. She expressed her opinion and offered suggestions.

John Hanson of Pleasant Street in Harwich was present. His home is directly across from the parking lot. He noted the buffer of trees and the deed which he believes has restrictions that prevent taking those trees down. He suggested some alternatives to expanding the Municipal Parking Lot and asked the Select Board to consider alternatives.

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Ms. Kavanagh clarified the situation with the bank parking and noted that they, as a Board have spent quite a bit of time exploring alternative parking areas and options and that they take this very seriously.

Doug Carlson of Pleasant Street in Harwich was present. He expressed his opinion and why he is against more parking at the Municipal Lot and offered suggestions of alternatives.

Bob Cohn of Harwich was present and also resides on Pleasant Street. He distributed handouts and expressed his opinion. He spoke about his parking survey, made suggestions of alternatives including shared parking.

It was noted that the Select Board is not making a decision at this meeting.

Donna Hanson of Pleasant Street was present. She commented on the bank parking lot and suggested a change in the signage.

Mr. Handler thanked everyone who spoke for their input and suggestions options.

Richard Waystack was present. He spoke about the parking situation from a business owners point of view.

Bob Nickerson of Harwich Port was present. He expressed his opinion and why he is against the expansion of the Parking Lot.

Bob Bench of Miles Street was present. He suggested that the Board revisit a previous legal briefing which said that the expansion could not be done. He also expressed his opinion and why he is against the expansion of the Parking Lot.

Ms. Anderson thanked everyone for coming out and expressing their opinion. There is a lot to consider and the Board takes it all very seriously. There was discussion by the Board regarding the time frame and what needs to be done by Mr. Powers including researching the legal briefing and the deed. It was suggested that another conversation should take place.

Mr. Powers noted that he put a place holder for this item for Town Meeting.

Marcia Casey of Pleasant Street was present and spoke about shared parking and requested updating the signage.

F. Approve the following Special Permit Applications:

1. One day Entertainment permit for Harwich Center Cultural District - Event to be held at Brooks Park Gazebo, 1 Oak Street, on September 11, 18, 25, October 2 & 9, 5:00 p.m. to 7:30 p.m., (sound check 5:00 to 5:50 p.m. & show 6:00 to 7:30 p.m.) - Recorded or live music, amplification, dancing by patrons

2. One day entertainment and wines and malt permit - Heather MacKenzie - 70th Birthday Party (private event) to be held in the Library at 204 Sisson Road on September 23, 2023, 6:30 p.m. to 9:30 p.m. - Recorded or live music, amplification, dancing by patrons and a light show.
3. One day wines and malt permit - Heather MascKenzie - Art/Photography opening to be held in the Library at 204 Sisson Road on September 22, 2023, 5:00 p.m. to 7:00 p.m.

Mr. Handler moved to approve the Special Permit Applications as presented, seconded by Mr. MacAskill.

Vote 5:0 in favor. Motion carried.

#### **OLD BUSINESS - B:**

- A. Review of Committees, Votes may be taken
  1. General issues

Ms. Anderson spoke in general about the Committee Review. She noted that the first Working Group was on the structure of town government. The Select Board sets the policy, the Town Administrator implements that and manages the day-to-day operation. All of the Department Heads report to the Town Administrator and the Committees are advisory to the Board of Selectmen other than those that are regulatory. To change that structure requires a Charter change.

#### **2. Golf Committee**

Ms. Anderson thanked Roman Greer and Sean Fernandez who, through their hard work and expertise, Harwich has made Cranberry Valley the successful operation that it is. As a Board member, she has nothing but praise for their work. She also thanked members of the Golf Committee for their expertise and what they bring to the table.

Mr. Handler, Liaison to the Golf Committee, spoke about the asset of Cranberry Valley and that the people running it are doing a fantastic job. He also noted that the Golf Committee's Charge is confusing and that the Select Board has to create a Charge and described what that should be.

Mr. Howell spoke about the role of the Golf Committee and agrees that the Charge needs to be clarified for this to work.

Mr. Handler commented on the joint meeting between the Golf Committee and the Charter Committee and noted that it was not recorded and cannot be reviewed. He noted three specific things said that are not the role of the Golf Committee.

Carol Fuller, Vice Chair of the Golf Committee was present but noted that she was not speaking on behalf of the Golf Committee. She did note the many projects and initiatives that the Committee has been involved with. Ms. Fuller suggested that the Committee needs a vehicle to



communicate any departure from the Select Board so they can explain their reasons. She continued to note how the Committee members are appointed and she expressed the value of the Committee to the Select Board and the Town. She asked that if the Select Board is leaning towards dismissing the Committee that the Committee be provided an opportunity to meet with the Select Board.

Michelle Ryan, a Harwich resident was present and noted that she started as a volunteer to help the Golf Committee. She is now a Committee member and expressed the frustration of working with a vague Charge. Ms. Ryan requested that if the Select Board choses to continue with a Golf Committee that the Golf Committee members understand the Select Board's goals for the golf course and that they quickly get an updated Charter.

Linda Cebula of the Charter Review Committee was present. She noted that at the Golf Committee was invited to talk to them as part of their review process and noted what the Golf Committee brought to the meeting. She suggested that the Select Board rewrite the Charter.

Steve Bilotta, Clerk of the Golf Committee was present. He proposed that the Golf Committee have a working session and write operating procedures and gave examples. He also noted ways that the Committee members can help the golf course and the town and he gave examples noting a particular project involving working on the short course with money they were awarded.

Mr. Powers noted that the money became available through a procurement by staff.

Ms. Anderson clarified a few points including that the Town Administrator is the Chief Procurement Officer and that before they can move forward, the Golf Committee needs to have a Charge before discussing an operating procedures.

Carol Fuller responded to a comment by Mr. Handler. She commented that they cannot do anything without information and noted what they have learned about the procedure they have to go through to get information.

Mr. Handler responded that not all information is within the purview the Golf Committee.

Mr. MacAskill commented that for the Golf Committee to voice an opinion, there would have to be more and better communication. He also agreed that the Charter has to be updated and he noted the procedure to request information.

Ms. Anderson also commented on the process to get information, the problem of unclear Charges for other committees also and she hopes they can clean or rewrite the Charge. She also noted the issues of the swearing in, the ethics, and other issues that they are working on.

Mr. Howell commented on the past activity of the Golf Committee and the quality, experience and talent of the current Committee members. He encouraged them to be serious about the things that need to be fixed and commented that he appreciates everything that they have done.

Mr. Powers commented on the Charter and that half of the Committee's under Chapter 7 have some connection to an employee. He feels that as they go forward, they should seek the input of the employees.

Discussion followed with Board members discussing the process including Committees, employees and the Board.

Mr. Handler commented that the question of what they should do between now and when the Charge is created still remains. His recommendation to the Board was for the Golf Committee to work on some language and ideas that could be presented to him, he will work with the employees and the Town Administrator to begin crafting what they think the Charge should look like. He suggested to the Committee members that they focus on what they think their Charge should be and not worry about any golf course related issues. Mr. Handler noted that he will not continue to cancel meetings as long as the meetings revolve around crafting language on how they see their Charge being formulated.

Michelle Ryan commented that they have already done what he is asking,

Linda Cebula asked, as a resident, if the Select Board is saying that they will be cancelling meetings of committees.

Ms. Anderson replied that it is not a general statement.

Mr. MacAskill noted that this is a pause until there are changes to the Charge.

Steve Kearses asked Mr. Handler to explain a previous statement. He and Mr. Handler agreed to discuss it in private as it is not an agenda item.

Ms. Anderson began the conversation on the comprehensive review on the process of Charters. She commented on the team including Emily Mitchell, Jen Clarke and Ellen Powell and noted their suggestions, including pausing the interviews for new committee members.

Mr. MacAskill commented that he would like to continue the interview process to be sure they have people to draw from when they have finished reviewing the Charter.

Discussion followed regarding the pros and cons of continuing to interview.

Mr. Howell explained why some committees can move forward with new members and also suggested that they continue to interview.

Elizabeth Harder commented on the change in the Charge of the Housing Committee and that they are waiting for Ms. Nickerson's opinion so they can move forward.

Mr. MacAskill noted that they have discussed that the process will begin with the Select Board Liaison working with the Department Head and then working with the Committee.

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Ms. Anderson noted that the next item is to get a process for handling current Committee members if the Board ultimately decides that they want to reduce seat numbers or combine committees. She suggested that, because of the late hour, they continue this discussion to the next meeting. Also continued will be a Board discussion on the need for alternate members on the non-regulatory committees. The next item was a suggestion from the "team" on what Committees to look at first.

Mr. Howell noted that, he is the Liaison to the Monomoy School District and he is not recommending that it be disbanded.

Emily Mitchell, Town Clerk mentioned that as the Board decides what order of the Committees they would work on next, her team can provide information which she described in detail.

#### B. Update from the Town Administrator on ongoing projects

Mr. Powers referred to a memorandum in the packet with an updated spread sheet. He identified specific items which he explained in detail. They continue to take projects off month to month and are still actively engaged in the process.

Mr. MacAskill noted that they had asked Board members to send in their priorities. His priority is Owners Unknown and he asked Mr. Powers when he will start working on that.

Mr. Powers replied that the bid notification on that document went out on this date.

#### **CONTRACTS:**

A. Approve a contract with Tighe & Bond for engineering services for Route 124 Culvert Assessment in the amount of \$119,884.

Mr. Powers gave a description of this contract. He recommended that the Board vote to execute the contract as recommended by staff.

Mr. Handler moved to approve a contract with Tighe & Bond as presented, seconded by Mr. Howell.

Vote 5:0 in favor. Motion carried.

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

Mr. Powers reported updates on personnel including several appointments and he gave details. He also gave updates on contracts which he described in detail.

#### **SELECT BOARD MEMBER REPORT:**

Mr. Handler reported that he and Mr. Howell attended a citizens' meeting at the Community Center regarding housing. He is looking forward to the next step by this group.

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Ms. Anderson gave an update on the Harwich Board of Trustees of the Affordable Housing Trust, what they have done recently and what they plan in doing in the near future.

**CORRESPONDENCE:** None

**ADJOURNMENT:**

Mr. MacAskill moved to adjourn, seconded by Mr. Howell. Vote 5:0 in favor. Meeting adjourned.

Respectfully submitted,  
Judi Moldstad, Board Secretary

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