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**MINUTES
SELECT BOARD
HARWICH TOWN HALL
MONDAY, SEPTEMBER 25, 2023
5:00 P.M. - EXECUTIVE SESSION
6:00 P.M. - REGULAR MEETING
REMOTE PARTICIPATION OPTIONAL**

RELEASED

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

ALSO PARTICIPATING: Town Administrator Joseph F. Powers, Water/Wastewater Superintendent Dan Pelletier, Waster/Wastewater Commission members Gary Carriero, Noreen Donahue, John Gough (arrived after executive session roll call) & Allin Thompson

CALL TO ORDER

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

Mr. Handler moved to enter into Executive Session for the items as listed below, 2nd by Mr. MacAskill. The vote was 5-0-0 with Ms. Anderson, Ms. Kavanagh, Mr. MacAskill, Mr. Howell and Mr. Handler all voting aye by roll call.

Mr. Carriero moved to enter into Executive Session for the items as listed below, 2nd by Ms. Donahue. The vote was 3-0-0 with Mr. Carriero, Ms. Donahue and Mr. Thompson all voting aye by roll call.

JOINT MEETING IN EXECUTIVE SESSION WITH SELECT BOARD AND BOARD OF WATER/WASTEWATER COMMISSIONERS

- 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; Water/Wastewater Superintendent and Assistant Wastewater Superintendent
- 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; Assistant Wastewater Superintendent

EXECUTIVE SESSION - SELECT BOARD ONLY - 5:30 P.M.

- 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: Water/Wastewater Superintendent and Assistant Wastewater Superintendent
- 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; Assistant Wastewater Superintendent

Ms. Anderson called the meeting back to order. She noted that one decision was made but it is not being made public at this time.

PUBLIC COMMENTS/ANNOUNCEMENTS

No public comment was heard.

JOINT MEETING WITH SELECT BOARD AND BOARD OF WATER & WASTEWATER COMMISSIONERS

Water/Wastewater Superintendent Dan Pelletier was present.

A. Discussion on Department of Environmental Protection (DEP) Notice of Intent

Mr. Pelletier stated that this item is being discussed because it is the first milestone step that we need to take to pursue the watershed permit. The Title 5 regulations that were recently updated include a section (15.215b) that would require all new construction, effective 6 months after the regulation adoption, to install new innovative/alternative septic systems. The regulations were adopted in July 2023, meaning that January 2024 is when they would take effect. By Harwich pursuing a watershed permit puts the DEP on notice that we are intending on having a conventional wastewater treatment collection system for the removal of nitrogen. By doing that, it would alleviate us of the requirement to start implementing the innovative/alternative systems for new construction within that 6-month period. The notice of intent would also establish a timeline and lay out to DEP as to when Harwich will have the appropriate document information ready to submit for the watershed permit itself.

Mr. Howell asked for clarification on what would happen with the properties that have failing septic systems that do not fall into any of the sewer phases. Mr. Pelletier responded that those properties would default to Title 5. If you have a failed septic system today, then you would be required to make the upgrades to come into compliance. The same would be true if you are in or out of one of the phased areas.

Mr. MacAskill moved to approve the scope and fee proposal request of the Wastewater Superintendent for the Notice of Intent submittal to DEP as presented, 2nd by Mr. Howell. (no vote was taken)

Mr. MacAskill moved that the Select Board approve the special services agreement, Harwich watershed permitting Notice of Intent for GHD in the amount of \$4500.00, 2nd by Mr. Howell and approved 5-0-0.

Mr. Powers stated that we would not then partner with GHD for the process of the Notice of Intent's. This generally would have been a contract that he would have signed, but given the

importance of the situation, the motion as made and endorsed by the Select Board would be a mark in time.

Mr. Pelletier noted that this is the cost proposal to submit the Notice of Intent. There will be a cost in the future to compile and complete the watershed permit application. Mr. Powers responded that this is the scope of services that were approved and funded. He asked if the application would need to come back to the Select Board for a vote or would tonight's vote take care of it. Mr. Pelletier responded that this vote would be enough but offered to bring the application back for the Select Board's review and approval.

Ms. Anderson said that it is her hope that this meeting will improve communication between the Select Board and the Water/Wastewater Commissioners. While she doesn't have much knowledge surrounding wastewater, she does know about people working together and getting along. Ms. Anderson suggested that the 2 groups have a joint meeting quarterly.

Mr. Powers noted that there have been 2 distinct periods of time with the pandemic in the middle. There was a period when he was the Interim Town Administrator and then post pandemic when he became the Town Administrator. In the days before the pandemic, when the Wastewater Superintendent was working on phase 2, contract 1, the town was still engaged in conversations with surrounding towns on potential wastewater treatment. Since that time, there have been starts and changes and major global effects. Mr. Powers feels that this meeting tonight represents the critical conversations with the Select Board and the Water/Wastewater Commission as well as appropriate staff members and representatives from other groups. The town is getting back into phase 3 of the Comprehensive Wastewater Management Plan implementation, which also ties into design and construction projects. Board members are aware that there are projects on the capital outlay plan, which is revisited every year. Mr. Powers feels that quarterly meetings would be appropriate and thanked everyone for helping to get to this point.

B. Discussion on Order to Connect Forbearance

Mr. Powers reported that this came out of the most recent working group session and was something that Mr. Howell had brought up.

Mr. Howell noted his concern that there are two things being asked for: one being a forbearance of time and one being a forbearance of money. If someone is subject to one of the phases that has been built, they will need to request an extension from the Board of Health if they need more time to connect. He argued that the Board of Health should not be involved with the forbearance of money and that it would belong with the Wastewater Commission. It will be a 2-part discussion.

Ms. Anderson feels that there was a good discussion that took place on this topic at the working session and that the idea now was to have a similar discussion at an open meeting.

Mr. Howell said that the Board of Health has made contact with one of the Assessors and again. stated that the Board of Health does not want to get involved in monetary discussions.

Board of Health Chair Sharon Pflieger was present and stated that the Board of Health would be having a working session to address some of the issues relating to extending time for connections. The Board of Health would then be meeting with the Board of Assessors to see what they require for exemptions requests so the Board of Health can feed into that. The Board of Health is not interested in looking at finances and would refer to the Board of Assessors. The Board of Health is also looking at extending the time for connection because to give a short period of time for hook up isn't feasible.

Mr. Howell feels that there are 3 parties involved in this process and there is no clear pathway on who is responsible for what.

Mr. Anderson commented that Board of Assessors Chair Richard Waystack had indicated he will be working with the Board of Assessors to see if they would approve taking on the financial aspect and referrals from the Board of Health.

Ms. Pflieger confirmed that the Board of Health would be meeting with the Board of Assessors and that once something is in place, they would update the Select Board.

Mr. Carreiro asked if there are funds available from the infrastructure bill that could help towns that are hooking into sewer. Mr. Pelletier responded that he does not know of any funds that would be funneled directly to a resident for hook up assistance. Some of the infrastructure bill money is what was funneled to Barnstable County for the AQUIfund program, that is now available to Barnstable County residents.

Ms. Donahue noted that the plan that Mr. Waystack had previously talked about was the existing abatement system. It would not be an additional amount of money for sewer hookups. She has been in communication with the Board of Assessors Chair and they will be following up. The sewer connection piece wouldn't just be for the elderly. The cut off amount for income would be much higher than the existing abatement structure. The Water/Wastewater Commissioners have no purview over the financial aspect of this. They can only handle issues for those who are connected into the system.

Anne Frechette, Great Sand Lakes Board of Directors member was present and noted that her understanding from the previous short term rental tax increase was that some piece of the tax would go toward clean water issues. She is wondering if there is something that can be done with the tax to help people who need to hook into the sewer and cannot afford it. Ms. Frechette feels that the people who have turnover every week at their properties and have 10-15 people staying at a time are putting out the most mineral content into ponds and that the problem is not the people who live here year-round who can barely afford to live here. Ms. Anderson noted that they have talked about ways to fund Ms. Frechette's concerns.

Mr. Howell said that the Clean Waters Board has talked about this over the last year and that the money in the legislation is tethered to intended use plans and build outs. The funds could not be used for individual hookups. While he understands that the fund that was created would be

helpful, it still needs to be repaid. He asked that whatever is being discussed that we don't look to the Clean Waters Board to fund it.

Mr. Powers recapped the vote at the October 2021 Special Town Meeting regarding the increase of the short-term rental tax. The 2% that was added was separated into a special purpose stabilization fund for the support of wastewater and a special purpose stabilization fund for the purpose of housing. Mr. Powers added that there is nothing to prevent us from creating appropriating articles to fund a lot of what is being talked about.

Mr. Pelletier said that there was an article a few years ago that allocated \$100,000 to be used to support people who could not afford to connect. That money is shown on the wastewater retained earnings certification as a separate line. He understands that we still have that money locked up and available for that purpose. At this point, based on what has been confirmed with DEP, Mr. Pelletier does not see any there being any regulatory implications in having some people straggle behind. He added that ultimately, 20 years from now, when we measure the water quality in the bay, it needs to be within the appropriate levels, or we will need to do more for removal.

Martha Donovan was present and said that in terms of what she has been hearing, many contractors have had minimal appointments open for the rest of the year. The time issue may not just be someone that needs more time. The contractor's schedules are filling up and time may be more of an issue if there is any further delay.

Ms. Donahue stated that she knows we had to get a sanction from Chatham when we extended the connection time from 1 year to 2 years. She asked how that would work with any future possible changes. Mr. Pelletier responded that he feels we would be fine either way. As he understands it, with it being a Board of Health condition, it would keep a line between our requirement to go to Chatham for changes to our rules and regulations versus our 2-year order to connect.

Mr. MacAskill said that he attended the Board of Health meeting with the Board of Assessors Chair and that the abatement process already exists. They need to take their system and merge it with the Board of Health. Mr. MacAskill commented on a property that went to Barnstable County for a loan in the amount of \$11,000. The approval time took 3 weeks and 2 days and for the total amount the payment is 20 years at \$47.00 per month. There does not seem to be an overwhelming request for time delay applications. The town needs to get the Barnstable County loan information out more broadly to the public.

Ms. Donahue feels that it is unfortunate that there is not a central place for homeowners to go for information. She pointed out that there is also an IRS tax credit process, that can be very complicated. We need to work on getting the information out to the property owners. Mr. Powers agreed that we should start pushing out information.

Mr. Pelletier stated that he will circle back to the Health Director. We have approximately 250 properties; 190 of which are connected and 50-60 are in process. He suggested kicking out the

timeline so that it is 2 years from the AQUI fund and provide information to homeowners about the program and the tax credits.

Mr. Carriero asked if there are any requirements or restrictions for the Barnstable County application. Ms. Donahue responded that the home needs to be the owner's primary residence.

Mr. Powers asked if the language in the Board of Health document as provided in the packet should be revisited to put the residents at ease. Ms. Pflieger responded that the documents that were provided will be what the Board of Health will be looking at during their internal meeting. Mr. Powers added that if a community event is planned, this is something that should be brought up to the residence. Ms. Pflieger responded that once the documents are updated, they would see that everyone receives the information.

C. Discussion on Legislation for exemptions

Ms. Anderson commented that this topic was brought up during the working session. She believes that the consensus of the Select Board was to hold and let the Board of Health and Board of Assessors see what can be worked out and if there is the need to go for legislation.

Ms. Donohue feels that we will need to go for legislation. The other thing that she doesn't know is how to get a feel for our community in terms of what their income levels are. In 2018. The Board of Assessors was only giving out 50 senior exemptions. If we are only giving out 50 townwide, it doesn't seem like a lot of people would fit into the criteria.

Richard Waystack was present and feels that there are many more out there that could use assistance. The people who are impacted by that are the greatest generation who do not like looking for help. The Board of Assessors spoke at both the men's and women's breakfast, and they were shocked at how many in the community were coming forward. The town needs to get the word out to residents. With respect to legislation, the Board of Assessors is in discussion with the Department of Revenue to see what is truly necessary. Mr. Waystack feels that it would be preferable to take the process through town meeting, rather than through legislation. He added that there will likely be a lot more people showing up when they are faced with the connection fees. After this, he would defer to the Town Administrator and Assessing Director in conversation with the Department of Revenue before we go forward.

C. Discussion on creating a Wastewater Department and staffing

Mr. Powers stated that with this topic and the concept of timing, we have 3 projects or contracts in the books. This question builds off of the action from town meeting in the spring that supported the creation of a new position known as the Assistant Wastewater Superintendent. We know that this individual will go a long way to helping the Wastewater Superintendent and the Select Board on projects. For him, this is the signal on what do we think we will see over the next 5, 10 or 15 years. In his experience in working in a town that has connected to sewer, he has seen what the department can morph into. What we are talking about is what we will need for staffing wastewater operations and the like going forward.

Mr. Pelletier looks at this from a couple of different lenses. One being the operations of the day-to-day wastewater operations system. Right now, that is being achieved by a contract through Weston and Sampson. Because of the limited size of our existing wastewater collection system and the actual flow that we are experiencing. Our inspection frequencies are only a couple of times a week right now. As more pump stations come online and flows increase, the pump stations will need to be inspected 7 days a week/365 days a year. He can't believe that we would not be able to do it cheaper ourselves. He anticipates that we will need at least 2 field staff, vehicles, equipment, benefits, insurance, etc. That cost will need to be less than our contract operations with Weston and Sampson. As we continue to grow, we will need to evaluate how our field operations are staffed. As far as administration staff, he has 3 excellent administrative staff members who have picked up the baton since wastewater was picked up. As long as things continue as they have been, they would be in a good place likely until they begin to issue order letters to connect for the next 650 properties in the phase 3 area. We also need to remember the Great Sand Lakes area and the dry sewer pipe in West Harwich. At that point, it would be beneficial to have an additional administrative staff. How the next phase is staggered would impact the time in which this position would be needed. Likely 2 years from now would be the 24-month mark that we should start considering it.

E. Discussion on Harwich Chatham Intermunicipal Agreement

Mr. Powers noted that this topic is for the benefit of anyone that is newer to either organization. It is part and parcel of what we are talking about generally. Documents are available if anyone has any questions.

Mr. Howell stated that the IMA is supposed to have Harwich and Chatham match their sewer regulations. There was talk in Harwich of allowing a Registered Sanitarian to complete the designs, which is a cheaper and more abundant option. Mr. Pelletier responded that the Registered Sanitarian as been written into the Harwich regulation. Mr. Howell wants to make sure the public knows that there are more options than originally thought.

Mr. Pelletier said that the IMA required Harwich to have sewer regulations no less stringent than Chatham's. When we had adopted our regulations, there was a difference in opinion between the towns on who could design the systems. Chatham was provided with the proposed regulations and 6 months' notice and after a meeting with their staff, there was no pushback. With new staff all around, it might be a good idea to rekindle the discussion and go over how payments will be made between the 2 towns. Chatham is due to renew their operations contract. We should probably also rekindle the discussion to make sure that the bid documents that they are putting out are inclusive of Harwich's collection.

Mr. Powers reviewed the makeup of the Chatham Harwich IMA group which says that Chatham shall have 3 members and Harwich will have 2. For Harwich is has been a member of the Select Board and the Town Administrator, with the Wastewater Superintendent participating as necessary.

Ms. Kavanagh asked if Harwich is receiving monthly or quarterly reports on our flow to Chatham. Mr. Pelletier responded that he monitors everything. To date, he has had to request the total plant flows from Chatham. He takes that information and cross checks it against our pump station flows and meter vault. Ms. Kavanagh went on to ask if Chatham had made any revisions to their regulations that Harwich should be aware of. Mr. Pelletier responded that they have not.

Mr. Carreiro asked if Mr. Pelletier is using the supervisory control and data acquisition system. Mr. Pelletier responded that he is not plugged into Chatham's system, but that he is using the system when he receives all the data. Mr. Pelletier also has the operator who does the inspections submit the paper records so he can cross reference the paper with the digital.

F. Discussion on regional approaches

Ms. Anderson said that this topic is to get everyone's thoughts on regionalization. Mr. Powers noted that this is of interest to him because it is an opportunity to do a quick recap and talk about next steps. Harwich was at the table with Dennis and Yarmouth for what we thought would be a DHY system. The discussion eventually dissipated and has not been picked back up. While we don't necessarily need to pick those topics back up, it would be an opportunity to talk about what we have for flow that is being treated by Chatham. As we work through the rephasing and construction projects in the CWMP, Mr. Powers feels that it begs the question that as we have more systems in place, what will we be doing with the additional flow. Harwich does not have any plans or contemplated plans at present for our own wastewater treatment plant, therefore as we talk about design and construction and moving on through the CWMP, it will cause us to have more conversations with other towns. It is helpful to remind people that Harwich was contemplating a certain partnership that is no longer on the table, but that it does not mean that a future partnership couldn't develop.

Mr. Howell stated that he would not characterize it as a partnership except for that it was called that. It was a freestanding commission where we would send members and there would be no way to control it as a town. We had to decide along the way that we did want to partner with other towns, but under a system that someone is in control that is elected and that we would purchase capacity from them.

Mr. Pelletier commented that all these discussions that have been happening as of late are tied together. For Harwich to have a fruitful discussion surrounding regional opportunities, we are on our way there with the rephasing. Once we understand the rephasing, the flows the timing, the effluent recharge potential in Harwich, we will have everything that we need to bring to the table to discuss a regional opportunity.

On the regional approach we were getting better loan rates when we were regionalizing with Chatham. Ms. Kavanagh asked if that will still be the case. Mr. Pelletier responded that we did receive confirmation of 0% interest on 50 million dollars. His understanding is that it is tied to the fact that we have a flow neutral provision and that we have a nutrient removal project. Ms. Kavanagh said that she was in favor of the DHY approach back in the day and was sorry to see that go by the wayside. She is strongly in support of any regional approach.

Mr. Handler stated that he remembers from the work session that there was talk about something that Harwich could offer Dennis in terms of recharge. Mr. Pelletier responded that is the hope. As he understands it, they are looking to fund the construction of their plan this coming spring. He believes that they have sufficient capacity on site to recharge their first phase, but beyond that, they have not identified or secured their recharge sites. His hope is that if Harwich can identify and reserve recharge sites, that would give us something, should we pursue discussions with Dennis to bring to the table.

Mr. Thompson asked about past discussions of building a treatment plant at the transfer station, noting that he is surprised that we are not discussing that option anymore. Mr. Pelletier responded that there was some preliminary investigation done at the transfer station. He believes that there is a decent clay layer underneath that is limiting the recharge and diverting the water south to Flax Pond. One of the struggles in trying to find a recharge site is that any undeveloped land just happens to be next to a stream or river.

G. Discussion on establishing and identifying funding sources for future design and construction projects

Mr. Powers noted that this is a chance to put out there what Harwich has done and what we could do going forward. He knows that the former Wastewater Implementation Committee had done some studies. From his purview, the town has been contemplating a water infrastructure fund. If the town were to move forward with that, in addition to the special purpose stabilization fund, we would have a stream of income that goes in there. If the money were to be taken out, it would require a 2/3 vote at Town Meeting. If there is a desire to go forward, we can build these discussion points in the warrant for Annual Town Meeting in 2024 and Annual Town Election as a ballot question in 2025. Mr. Powers went on to review information that was provided by Town Counsel 3 years ago. Given that there has been discussion about a real estate tax surcharge, that is why Mr. Powers believes that other towns have done things such as changing their Community Preservation allocations (example from 3% to 2% and then identifying the additional 1%). If this is being contemplated, it should be noted that it is a 2-year process. The point tonight is to let folks know that at least at the staff level to start, we are looking at other sources to fund these major projects that we are required to do. We need to be creative and expansive in thinking about how to fund these items.

Ms. Donahue commented that it seems as though the Wastewater Commission and the Select Board also come up against a lot of small expenses during the year. In the process of contemplating this for May, she wonders how many towns will start a project fund for any large projects. It may be something to consider that we cannot always wait until Town Meeting to get at the funds. Mr. Powers asked if she was referring to an appropriation article. Ms. Donahue responded yes. Mr. Howell added that it wouldn't have an expiration date like other appropriations and go into free cash at the end of the year. It would wind up staying as a freestanding fund. Mr. Powers said that is correct.

Mr. MacAskill asked that this get going sooner rather than later.

Mr. Thompson asked to be sure that the information is shared with the Water/Wastewater Commission as well.

H. Discussion on planning a Community Forum

Ms. Anderson feels that there is value in having an event at the Community Center, High School or somewhere else where the public can come out and learn all things wastewater. The question at this point is what the best time for that in terms is of what is going on.

Ms. Donahue said that back in the day, when there used to be a lot of community forums, one thing that was observed is that there are 2 different audiences and when you tried to mingle them, they didn't mingle well and didn't accomplish what needed to be done. Groups that are on the connect list need a specific kind of meeting. The general public is not really interested in the ABC's of these issues. Mr. Howell agreed but feels that the general discussion has morphed. We have changed the sequencing of the plan and are exploring other things. It might be a good time to get everyone together to hear what new questions or concerns might be.

Mr. Thompson said that Harwich is taking major steps forward and that we need to be prepared to make a presentation on what we are getting in to.

Ms. Kavanagh agreed with Ms. Donahue. She added that it might be good to have a general conversation about the overall cost, but then be prepared to almost separate the groups and have teams ready to answer questions specific to the groups.

Mr. Handler feels that it is our responsibility to make sure that the public is well informed of the changes that will be coming in the next 10-15 years. Maybe these meetings are something that we can look at doing twice a year so the public will have an ongoing understanding. Not only do we need to do a better job of communicating among the boards, but also need to do a better job communicating to the public.

The big thing for Mr. Pelletier is timing and he said that he will do whatever is the boards pleasure. He would like to have 2 separate meetings. One targeted towards the 650 phase 3 properties because they will be asking specific technical questions. As far as the community meeting is concerned, it was Mr. Pelletier's hope that the next big community forum would have a presentation of the CWMP revision process. We are much closer material wise to do the 650 homes in East Harwich because we are almost at 90% design with the collection system and we are pushing towards putting the project out to bid. Once we have new graphics, cost estimates etc., then we can do an all-hands-on deck community forum. Mr. Pelletier said that he would reach out to GHD to see what their status is.

Mr. Handler agreed with Mr. Pelletier's comments and agreed that he is the person to determine when and what. The more community forums we can put on the calendar is something that he would fully support.

Martha Donovan was present and asked that when the general meeting is held, that you list all of the options for financing and what the pros and cons are. Mr. Pelletier asked Ms. Donovan if she would be talking about townwide or individual financing. Ms. Donovan responded that she was referring to townwide so that people can understand the impact on their taxes. Mr. Powers clarified that the town is not considering a 3% tax increase and would only be looking to modify the towns existing tax programs.

Mr. Pelletier commented that one of the items that is within the GHD scope is when we do establish a new phasing plan to take other town projects and debt into consideration to try and balance the funding over time. Mr. Powers added that both he and the Finance Director are working with the Department of Revenue on a 5-year financial outlook which includes existing debt, future debt in that time frame and debt capacity. We will make sure that we have all of that information available in a format that everyone will understand.

Mr. Howell felt compelled to say that we have an innate feeling that things are new forever once they are built. He understands that there is a 40-year timeline for the project, but there is also a useful life for capital projects where you have to go back and do things. Mr. Pelletier said that Mr. Powers would be receiving the PDF asset management plan for the wastewater infrastructure in the coming days.

Mr. Carreiro thanked the Select Board for having this meeting and said that it is imperative for communication to stay open. The more you communicate, the more trust you build. The more information that we can give people, the better. It is all about what we can do for the town.

ADJOURNMENT

Mr. MacAskill moved to adjourn the meeting of the Select Board, 2nd by Mr. Howell and approved 5-0-0.

Mr. Thompson moved to adjourn the meeting of the Water/Wastewater Commissioners, 2nd by Ms. Donohue and approved 4-0-0.

Respectfully submitted,
Jennifer Clarke
Recording Secretary