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**MINUTES  
SELECT BOARD MEETING  
DONN B. GRIFFIN ROOM, TOWN HALL  
732 MAIN STREET, HARWICH, MA  
EXECUTIVE SESSION 5:30 PM  
REGULAR MEETING 6:00 PM  
MONDAY, NOVEMBER 13, 2023**

**MEMBERS PARTICIPATING:** Julie Kavanagh, Chair, Jeff Handler, Clerk and Don Howell

**I. CALL TO ORDER:**

Ms. Kavanagh called the meeting of the Select Board to order on Monday, November 13, 2023 at 6:00PM noting that they had started in Executive Session at 5:30PM. Ms. Kavanagh read the Open Meeting Notice.

**II. EXECUTIVE SESSION:**

- A. Pursuant to MGL c. 30A section (a)(3)3. To discuss strategy with respect to collective bargaining of litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;  
SEIU

Ms. Kavanagh stated that no action had been taken in Executive Session.

**III. PLEDGE OF ALLEGIANCE:**

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

**IV. PUBLIC COMMENTS/ANNOUNCEMENTS:**

Patrick Otton of East Harwich gave information about Community Rowing, where it is held and who is involved. The Harwich Conservation Trust has allowed them to store 35 boats in their bog shed. He commented on how the two nonprofits, who are serving the public, are working together.

Gerard Elias of West Harwich expressed concern about the closure of the access to Hinkley Pond. He noted that the barrier blocking off the access way was put up by the Conservation Trust for reasons that were explained to him by a Trust member. He suggested that the action may be in violation of laws in Massachusetts which he noted and he requested that the Board take action so that he and others would be able to regain access to Hinkley Pond.

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Ms. Kavanagh noted that the land belongs to the Harwich Conservation Trust and not the Conservation Commission.

Michael Lach, Executive Director of the nonprofit Harwich Conservation Trust, summarized key background points regarding that property. He also noted what the Harwich Conservation Trust has done to protect that and other properties as well as why they have blocked the access noted.

Mr. Howell noted that this portion of the meeting is not designed to adjudicate any issue. He would prefer that this topic be on a future agenda when Mr. Lach is available to have a more in depth discussion.

Ms. Kavanagh noted that no votes are being taken. Mr. Elias brought up his concerns about access across land owned by HCT. This issue will be on a future agenda at Mr. Howell's request.

Glen Suder of Harwich is an abutter to the cart way just discussed. He expressed his appreciation for what the HCT has done and he gave his reasons, especially noting nighttime activity.

Mark Kelleher of West Harwich Commented on the Evergreen Cemetery, the extensive grounds and the Veteran's Day Ceremony which he called an honorable experience. He complimented the town for everything that had been done that day. He also noted that the Town Hall parking lot is dimly lit and he expressed his concerns.

Bob Brackett of Harwich gave an update on the Harwich Police Soccer Club which is a successful youth program in the community. He noted details about the program and the registration information. He noted that they use a portable street soccer pitch and that they would like a permanent location for it. He mentioned a piece of town owned property that the Soccer Club is interested in and asked the SB for guidance on who has control of the land so that they can move forward with some recreational activities.

Mr. Powers responded that the town's property card indicates that it is Town property. The card does not indicate Recreation or the School system.

Elizabeth Harder of Harwich commended Robin Kelley, Cemetery Director, on the work she had done for Veteran's Day. She also noted the lighting situation in the parking lot. Ms. Harder stated that she had submitted a draft for the Housing Committee Charge based on the SB's template.

Patrick Otton noted that he had turned in 255 signatures for a public petition to call for a special election to fill the vacancy on the Select Board.

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Mr. Powers announced that on Friday, November 17th the weight room/cardio room at the Community Center and Activity room C will be closed. They will reopen on Saturday, November 18th.

Ms. Kavanagh ready the next notices, A and B.

- A. Next Select Board Meeting will be held Monday, November 20, 2023
- B. Next Office Hours with Jeff Handler will be Thursday, November 30, 2023, from 5:00 p.m. to 7:00 p.m. at 204 Sisson Road.

**V. CONSENT AGENDA:**

- A. Approve the Select Board Meeting Minutes for November 6, 2023
- B. Approve the appointment of Paul Doane to the Historic District and Historical Commission, term to expire 6/30/25

Mr. Handler moved to accept the Consent Agenda as presented and added that Paul Doane is a full member, seconded by Mr. Howell.

Vote 3:0 in favor. Motion carried.

**VI. NEW BUSINESS:**

- A. Review and approve a Conservation Restriction for Elephant Walk, 90 Squantos Path, Lot G1-1 on Assessor's Map 100

Michael Lach, Executive Director of the Harwich Conservation Trust, noted that the land spans both Harwich and Brewster. He gave an explanation of a Conservation Restriction and a detailed description of the land. Mr. Lach noted the public benefit of a Conservation Restriction and respectfully asked for the Select Board's consideration to approve this Conservation Restriction to enable HCT to move forward with the process.

Mr. Howell added that it appears in the Conservation Commission which is a town agency.

Mr. Handler moved to approve a Conservation Restriction for Elephant Walk, 90 Squantos Path, Lot G1-1 on Assessor's Map 100 as presented by Michael Lach, seconded by Mr. Howell.

Vote 3:0 in favor. Motion carried.

- B. Discussion on use of town owned property, votes may be taken

Mr. Powers noted the application process in place to use town property. He also noted a document called Rules for Use of Ballfields and Parks and read item #2 which includes an exemption. Mr. Powers explained that staff can apply that exemption to the entire rule. Further investigation revealed that Brooks Park and Gazebo is identified as Select Board land and not

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under the jurisdiction of the Rec and Youth Commission. He commented that it therefore renders part of the form and process moot but something the Board could address more readily. Mr. Howell noted that, in the past a 501C3 was necessary before the application could be considered. He questioned how it happened that it changed.

Ms. Kavanagh commented that somehow it morphed into a different process and now the question is, what will the SB do about the situation and how will they move forward. She commented that they could reinforce the process that is already in place and have a future joint meeting with Rec and Youth to clarify policies.

Mr. Howell moved to reaffirm the Town's original policy.

Mr. Handler had questions regarding the Cultural Center and also the license holders who rent space at 204 Sisson Road. He also asked if it was possible for someone to rent town property for profit if this policy is in place.

In response to his questions, Ms. Kavanagh replied that the license holders had gone through the open bid process. Also, similarly to the 30B process, if someone wanted to rent for profit there would be a competitive bid process.

Mr. Powers noted that there are approximately 10 facilities which are town assets. He noted which are under the care, custody and control of the Select Board. He also commented that Rec and Youth is an appointed committee that reports to the SB and questioned if they have sovereign control over the three properties.

Mr. Handler asked questions, noting different scenarios regarding renting of property which Mr. Howell answered in detail.

Ed McManus, former SB member gave a brief history of the application process to use the park area around the gazebo and how the process has changed over the years.

Mr. Howell restated his motion for the record. He moved to continue using the initial voted policy of such permits coming through the Administrative Office to the Select Board.

Mr. Handler seconded the motion.

Vote 3:0 in favor. Motion carried.

### C. Five year overview of Town of Harwich Information Technology (IT)

Sarah Eaton, Director of Information Technology was present and gave a detailed description of the status of the Town's IT and the plans for the future. The information is included in the packet.

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Mr. Howell asked a question regarding information on different fields.

Ms. Eaton responded and described the new platform and how the data will be stored and distributed.

Board members expressed their gratitude for what Ms. Eaton has done, more questions were asked and Ms. Eaton replied in detail.

Mr. Powers also expressed his gratitude to Ms. Eaton.

- D. Approve a fee waiver request from Barnstable County Sheriff's Office Sergeant Luke Carroll to waive Community Center usage fee for a Youth Academy sponsored by the Sheriff's Office, in the amount of \$180.00 (Rental for activity room for 4 days)

Dave Guillemette, Chief of the Harwich Police Department expressed his support of the request.

Casey Myers of the Barnstable Sheriff's Department was present and gave a detailed description of the Youth Academy Program.

Board members asked questions which Ms. Myers answered in detail.

Mr. Howell moved to waive the Community Center usage fee for a Youth Academy in the amount of \$180.00, seconded by Mr. Handler.

Vote 3:0 in favor. Motion carried.

## **VII. OLD BUSINESS:**

- A. Update on ongoing project list

Mr. Powers referred to a memorandum from Meggan Eldredge, Assistant Town Administrator. He described the information contained in the memo. He also noted the number of projects presently on the list and how many have been completed or are in some stage of completion.

Mr. Handler asked that the consultant for the Charter By-law Review be placed back on the list.

Mr. Powers will put that item on an updated list.

John Chorey of Harwich commented on the Charter Review Commission and the \$75,000 for them to hire a consultant. He questioned why they had not yet received that money.

Ms. Kavanagh responded that it will be on an agenda for discussion within the next few weeks.

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Mr. Powers clarified that the Town through the Select Board had allowed him to seek funding to look at the town's by-laws, general zoning and the Charter. It was never intended to support a Charter Commission.

B. Update on the status on the Intermunicipal Agreement with Cape Tech regarding 374 Main Street

Mr. Powers noted that it is the 374 Main Street Bog. He gave an update and commented that if all goes well on November 20th, he expects that Agreement to be executed.

C. Review and take action on G.L. c. 268A, Section 19 Disclosure of Non-Elected Municipal Employee of Financial Interest - Robert Doane, Community Preservation Committee

(Taken out of order) Ms. Kavanagh noted that no action is needed, the submission to CPC has been withdrawn for Phase IV of Pine Oaks.

#### **VIII. CONTRACTS:**

A. Discussion and possible vote to accept Amendment #3 of the Intermunicipal Agreement for Information Technology services between the County of Barnstable and the Town ion Harwich

Mr. Powers gave a description of the Amendment. His recommendation to the County and the Town is for the SB to extend the agreement through June 30, 2025. He also explained Change Order #1 and Change Order #5. He recommended approval of the amendment which refers to the items noted.

Mr. Handler moved to vote to accept the contract as presented, seconded by Mr. Howell.

Vote 3:0 in favor. Motion carried.

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

Mr. Powers will not be attending the SB meeting next week and wished everyone a wonderful Thanksgiving.

#### **X. SELECT BOARD'S MEMBER REPORT:**

Mr. Howell commented on the Veteran's Day Ceremony and noted that it was as wonderful day and well attended.

Mr. Handler also expressed his appreciation to Robin Kelley for all she did and also thanked the Veterans.

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He will have Office Hours on November 30th 5:00 p.m. to 7:00 p.m.

**XI. CORRESPONDENCE:**

**XII. ADJOURNMENT:**

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

Vote 3:0 in favor. Motion carried.

Meeting adjourned.

Respectfully submitted,

Judi Moldstad  
Recording Secretary.