

APPROVED

RELEASED

**MINUTES
SELECT BOARD MEETING
DONN B. GRIFFIN ROOM, TOWN HALL
732 MAIN STREET, HARWICH, MA
REGULAR MEETING 6:00 PM
EXECUTIVE SESSION TO FOLLOW
MONDAY, NOVEMBER 27, 2023**

RECEIVED
TOWN CLERK
HARWICH, MA
2023 DEC 12 A 11:01

MEMBERS PARTICIPATING: Julie Kavanagh, Chair, Michael MacAskill, Vice Chair and Jeff Handler, Clerk

ALSO PARTICIPATING: Meggan Eldredge, Assistant Town Administrator

I. CALL TO ORDER:

Ms. Kavanagh called the meeting of the Harwich Select Board to order on Monday, November 27, 2023, at 6:00PM and read the Open Meeting Law Notice.

II. PLEDGE OF ALLEGIANCE:

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

Ms. Kavanagh noted that the Select Board will be going into Executive Session following the Regular Meeting. They will not be returning and will adjourn in Executive Session.

III. PUBLIC COMMENTS/ANNOUNCEMENTS

Cindy Williams, Executive Director of the Harwich Chamber of Commerce was present. She gave information on the Christmas in Harwich weekend, noting events and details. All information is available on the town's web site.

Amy Usowski, Conservation Administrator was present and gave information regarding AmeriCorps and their monthly educational walks for the public. All information is on the town's website under events.

Carolyn Carey, Community Center Director was present and gave information regarding the December events. All information is on the town's web site.

Robert Thomason of Harwich was present to ask a question regarding the Change Order for the Wixon Landing Improvement Project.

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Mr. Handler noted that this Wednesday from 5:00PM to 7:00 PM at 204 building, he and Selectman MacAskill will be holding office hours for anyone who would like to speak with them.

CONTRACTS were brought forward and taken out of order to address the Change Order.

IV. CONSENT AGENDA:

- A. Accept the resignation of Michelle Ryan from the Golf Committee, effective immediately
- B. Accept a gift from Ora Gaylord Arooth Trust for the Community Center in the amount of \$13,060
- C. Approve the Select Board Meeting Minutes for November 20, 2023

Mr. Handler moved to accept a gift from Ora Gaylord as presented and to approve the Select Board Meeting Minutes for November 20, 2023, seconded by Ms. Kavanagh.

Vote 3:0 in favor. Motion carried.

Mr. Handler noted, for the record, that he met with Martha Duffy, Golf Committee Chair, at which time he was made aware that Michelle Ryan was considering resigning from the Golf Committee. He asked Ms. Duffy to speak with Ms. Ryan on his behalf and request that she hold her resignation until after this meeting. He feels that Ms. Ryan is an incredible asset to the town, and he is sorry to see her go. He thanked Ms. Ryan for being a member of the Golf Committee and asked that she consider reapplying to the Golf Committee when things settle.

Mr. Handler moved to accept the resignation of Michelle Ryan from the Golf Committee, effective immediately, seconded by Mr. MacAskill.

Mr. MacAskill commented that he understands Ms. Ryan's reasons for resigning and understands her frustration. The Select Board has been dealing with the Golf Committee situation for some time and noted posts on social media that have had a negative effect on the Board and the Committee. He noted that the information on social media is inaccurate and asked that people be aware and not take it as fact. Mr. MacAskill also noted a comment made by Sandra Hall that he has taken offense to giving specifics and his reasons.

Vote 3:0 in favor. Motion carried.

V. NEW BUSINESS

- A. Vote to reduce the number of members of the Harwich Accessibility Rights Committee from seven to five

Mr. Handler moved to reduce the number of members of the Harwich Accessibility Rights Committee from seven to five and to remove the alternates, seconded by Mr. MacAskill.

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Mr. MacAskill would like to ask Selectman Howell, for further discussion, to meet with the Harwich Accessibility Rights Committee as the Liaison to discuss the current Charge.

Vote 3:0 in favor. Motion carried.

- B. Discuss request from Conservation Administrator for a one time increase of the expenditure limit from the Wetland Revolving Fund; Votes may be taken.

Amy Usowski, Conservation Administrator was present with Conservation Commission Member Brad Chase as well as Chairman John Ketchum who was present online. Ms. Usowski gave a brief history noting what has happened, what they are requesting and why they are making the request. Ms. Usowski also explained the results of the RFP, the field studies that will be done and the benefit of having that information.

Board members asked questions about the RFP, the field studies, and other issues which Ms. Usowski and Mr. Chase answered in detail.

Mr. MacAskill moved to approve the request from the Conservation Administrator for a one time increase of the expenditure limit from the Wetland Revolving Fund from \$6,000 to \$72,640, seconded by Mr. Handler.

Vote 3:0 in favor. Motion carried.

- C. Approve the following M.G.L. Chapter 138, Section 15, off-premises annual liquor license renewals:

1. Bourne Petroleum Ltd. d/b/a Harwich Exxon, 173 Pleasant Lake Ave.
2. Pizza Shark Partners d/b/a Pizza Shark, 403 Pleasant Lake Ave.

Mr. Handler moved to approve the off-premises annual liquor license renewals as presented, seconded by Mr. MacAskill.

Vote 3:0 in favor. Motion carried.

- D. Approve the following M.G.L. Chapter 138, Section 12, on-premises annual liquor license renewals:

1. Ember Pizza, Inc. d/b/a Ember, 600 Route 28
2. Harwichport House of Pizza, Inc. 330 Route 28
3. Round Cove Resort Beverage LLC d/b/a Wequassett Inn, 2173 Route 28
4. Shogun, Inc. d/b/a Noble House, 21 Route 28
5. Zack, Inc. d/b/a Castaways, 986 Main Street

Mr. Handler moved to approve the on-premises annual liquor license renewals as presented, seconded by Mr. MacAskill.

Vote 3:0 in favor. Motion carried.

VI. OLD BUSINESS:

A. Board discussion on items related to the Golf Committee; Votes may be taken.

Ms. Kavanagh gave a brief history of the situation noting that the SB is trying to support the town employees. They understand the concerns of the employees involved and noted two individuals from the Golf Committee who are involved in the situation. The SB may suspend the Golf Committee meetings until those two members' terms have expired if they cannot come to a solution that allows them to move forward with those two members on the Committee.

Mr. Handler read his narrative noting the difficulty of the situation, how long it has been going on and what he feels is the bigger picture, which is how the town governs itself. He emphasized that this is not about the whole Committee but that it has been going on for three years. Mr. Handler noted specifically what the two town employees have had to endure daily for an extended period of time. He commented that the SB has allowed the situation to continue for three years for which he personally apologized. Mr. Handler also noted at what point the union became involved and the result of that involvement. He commented that if the Committee Members involved were to resign effective immediately, the Golf Committee would be back in business. He stressed that the town employees should not have to deal with this situation now or ever and stated 3 options as a solution.

Mr. MacAskill commented that he would support two of the three suggestions but hopes that the two Committee Members involved would resign. He feels that as part of a review, the Charter should include a process for the removal of menaces from a committee. Mr. MacAskill commented that anyone in the public that listened to Mr. Handler now has the facts and knows that the SB is protecting employees.

Ms. Kavanagh is in favor of referring the two Committee Members to the Interview Committee and confirmed that a vote was not necessary at this time.

Mr. MacAskill suggested suspending the Golf Committee meetings until the end of June 2024.

Mr. Handler moved to postpone all Golf Committee public meetings until June 30, 2024, seconded by Mr. MacAskill.

Vote 3:0 in favor. Motion carried.

Mr. MacAskill noted the different platforms or meetings at which the public will have the opportunity to ask questions regarding golf course issues.

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VII. CONTRACTS: (TAKEN OUT OF ORDER)

- A. Approve and authorize the Chair to sign Change Order #1 for Wixon Landing Improvement Project in the amount of \$3,400
- B. Approve the following three-year Mooring Servicing Agent License Agreements:
 - 1. Allen Harbor Marine Services, Inc. servicing Allen Harbor mooring field
 - 2. Harwich Port Boat Yard, Inc. servicing Wychmere Inner and Outer mooring fields
 - 3. Lower Cape Marine Services, servicing Round Cove, Pleasant Bay and Herring River mooring fields

Mr. Handler moved to approve and authorize the Chair to sign Change Order #1 as presented, seconded by Mr. MacAskill.

Ms. Eldredge had the plans for the Wixon Landing Improvement Project which she explained in detail. She addressed questions that Mr. Thomason had previously emailed her.

Mr. Thomason questioned why a Change Order was issued early in the project. He expressed his concerns about the project in general.

John Rendon, Harbormaster was present virtually and answered the question in detail.

Mr. MacAskill expressed his thanks to Mr. Thomason. He also expressed his support to Mr. Rendon for the Change Order and the improvements.

Vote 3:0 in favor. Motion carried.

Mr. Handler moved to approve the three-year Mooring Servicing Agent License Agreements as presented, seconded by Mr. MacAskill.

Vote 3:0 in favor. Motion carried.

VIII. TOWN ADMINISTRATOR'S REPORT:

Ms. Eldredge announced the hiring of a local building inspector, which completed the Community Development staff.

IX. SELECT BOARD MEMBER REPORT:

Mr. Handler thanked Ms. Eldredge, Ms. Williams, Ms. Carey and Ms. Hewitt, Library Director, for all that they do for the town of Harwich year-round.

Mr. MacAskill thanked Ms. Mitchell, Town Clerk and her staff noting his support and the support of many members of the public.

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Ms. Kavanagh also offered her thanks and support to everyone mentioned.

X. CORRESPONDENCE:

None

XI. EXECUTIVE SESSION:

- A. Pursuant to G.L. c. 30A, sec. 21(a)(2) to conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel; Harwich Employees Association (HEA)
- 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 towns bargaining position; Harwich Employees Association (HEA)

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

MacAskill. Vote 3:0 in favor by roll call vote. Motion carried.

Mr. Handler moved to adjourn to Executive Session, noting that the Board will not be returning.

Respectfully submitted,

Judi Moldstad
Board Secretary