

SELECT BOARD MEETING AGENDA*

*Donn B. Griffin Room, Town Hall
732 Main Street, Harwich, MA
Swearing-in Ceremony 5:00 P.M.
Executive Session 5:30 P.M.
Regular Meeting 6:00 P.M.
Monday, May 22, 2023*

Remote Participation Optional:

Please join my meeting from your computer, tablet or smartphone.

<https://meet.goto.com/814527973>

You can also dial in using your phone.

Access Code: 814-527-973

United States: [+1 \(224\) 501-3412](tel:+12245013412)

**As required by Open Meeting Law, you are hereby informed that the Town will be video and audio taping as well as live broadcasting this public meeting. In addition, anyone in the audience who plans to video or audio tape this meeting must notify the Chairman prior to the start of the meeting.*

I. CALL TO ORDER

II. SWEARING-IN CEREMONY FOR ALL NEWLY ELECTED OFFICIALS

III. EXECUTIVE SESSION

- A. Pursuant to M.G.L., c. 30A, § 21(a)(7) to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements (“Purpose 7”)- the Open Meeting Law, G.L. c. 30A, § 22(f), (g)-- To review, approve and/or discuss the possible release of executive session meeting minutes dated January 23, 2023 and February 27, 2023
- B. Pursuant to M.G.L., c. 30A, § 21(a)(3) to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the Town- 5 Sea Street Extension
- C. Pursuant to MGL c. 30A, §21(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

IV. PLEDGE OF ALLEGIANCE

V. WELCOME

- A. Newly elected member Jeffrey Handler

VI. PUBLIC COMMENTS/ANNOUNCEMENTS

- A. The Board is now known as the Select Board
- B. Committee Vacancies
- C. Harwich Affordable Housing Trust Forum, June 7, 2023 – 6:30-8:30 p.m.

VII. CONSENT AGENDA

- A. Approve Select Board Meeting Minutes for May 8, 2023
- B. Accept the resignation of Jeffrey Hander, Local Planning Committee, effective immediately

VIII. NEW BUSINESS

- A. Presentation by Susy Holmes, Executive Director of Barnstable County Retirement on a potential Cost of Living Adjustment (COLA) increase from 3% to 5%; Votes may be taken
- B. Discussion of broadband in Harwich
- C. Discussion - Chatham Road and Route 39 intersection
- D. Discussion on roles of Committee members giving the Select Board direction
- E. Discussion on potential charter revisions
- F. Discussion and possible vote to send a letter of support for the project at 5 Bells Neck Road

IX. CONTRACTS

- A. Vote to approve an Intermunicipal Agreement with the Town of Orleans regarding the Supportive Daycare Program for residents with dementia and cognitive impairment

X. TOWN ADMINISTRATOR’S REPORT

XI. SELECTMEN’S REPORT

XII. CORRESPONDENCE

XIII. ADJOURNMENT

**Per the Attorney General’s Office: The Board of Selectmen may hold an open session for topics not reasonably anticipated by the Chair 48 hours in advance of the meeting following “New Business.” If you are deaf or hard of hearing or a person with a disability who requires an accommodation contact the Selectmen’s Office at 508-430-7513.*

Authorized Posting Officer:

Posted by: _____
Town Clerk

PUBLIC
COMMENTS /
ANNOUNCEMENTS

Town of Harwich
Board of Selectmen Committee Vacancies
May 18, 2023

Agricultural Commission (3 Full / 1 Alternate)	4
Affordable Housing Trust	1
Capital Outlay Committee (Board of Selectmen/Town Administrator Appointee)	2
Community Center Facilities Committee	1
Conservation Commission (1 Alternate/1 Full as of 6/30/23)	1
Council on Aging	2
Community Preservation Committee	2
Harwich Accessibility Rights Committee (2 Alternate)	2
Harwich Cultural Council	1
Harwich Energy and Climate Action Committee (2 Alternate)	2
Harwich Housing Committee	1
Historic District/Historical Commission (2 Full Member - 1 Associate Members)	3
Local Planning Committee	1
Planning Committee - (1 Alternate)	1
Real Estate and Open Space Committee	1
Voter Information Committee	3
Youth Services (1 Full/1 Alternate)	2
Zoning Board of Appeals (2 Alternate)	2

Citizen's Committee Vacancy Forms are available on our website

HARWICH AFFORDABLE HOUSING TRUST FORUM



**JOIN US TO LEARN MORE AND
SHARE YOUR IDEAS FOR HOUSING
INITIATIVES IN TOWN!**

Tuesday, June 27, 2023, 6:30-8:30 pm

Harwich Community Center

100 Oak Street

Help Harwich's Affordable Housing Trust develop goals and priority initiatives by attending our upcoming public forum.

For more information on the Trust, scan the QR code below or visit www.harwich-ma.gov/harwich-affordable-housing-trust



The Town of Harwich invites you to a

Public Workshop

Low Lying Roads Project



Learn about the goals and objectives of the low lying roads project and the hazards associated with coastal flooding



Evaluate low lying town roads most vulnerable to coastal flooding and decide which roads are most critically at risk



Identify priority road segments that should be considered for adaptation solutions

Wednesday, May 24, 2023; 4pm

LINK: <https://capecodcommission.org/llr/join>

Passcode: join

Phone: (929) 205-6099

Meeting ID: 935 5189 6265



CAPE COD
COMMISSION

Have questions? Contact Lincoln Hooper at lhooper@harwichdpw.com

For Cape Cod Commission questions, contact Heather McElroy at hmcclroy@capecodcommission.org

For more information visit: <https://www.capecodcommission.org/our-work/low-lying-roads-project/>

CONSENT AGENDA

**MINUTES
BOARD OF SELECTMEN
DANA B. GRIFFIN ROOM, TOWN HALL
732 MAIN STREET, HARWICH, MA
EXECUTIVE SESSION 5:15PM
REGULAR MEETING 6:00PM**

MEMBERS PARTICIPATING: Michael MacAskill, Chairman, Mary Anderson, Vice Chair, Julie Kavanagh and Don Howell Larry Ballantine was present virtually.

ALSO PARTICIPATING: Joseph Powers, Town Administrator

CALL TO ORDER

Chairman MacAskill called the meeting of the Board of Selectmen to order on 05/08/23 at 5:15PM and announced that they will be entering into Executive Session and returning to the Regular Meeting no later than 6:00PM.

EXECUTIVE SESSION

Mr. Howell moved to enter into Executive Session for 3 purposes as presented, seconded by Ms. Anderson. The vote 4:0 in favor by roll call vote.

- A. Pursuant to M.G.L. , c 30A, s 21(a)(7) to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements (“Purpose 7”)- the Open Meeting Law, G.L. c. 30A, s 22(f), (g)- To review, approve and/or discuss the possible release of executive session meeting minutes dated October 3, 2022 and November 7, 2022
- B. Pursuant to MGL c. 30A, s21(a) paragraph 3 to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigation position of the Town and the Chair so declares: Christopher D. Wise v. Town of Harwich Planning Board et al. (and Halls Path), Superior Court C.A. no. C.A. NO 2172CV 00239
- C. 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: Fire Chief, Finance Director/Town Accountant, Town Administrator

Chairman MacAskill called the meeting of the BOS back to order and stated that they approved the Executive Session Minutes of October 3, 2022 and November 7, 2022. They also discussed litigation regarding Christopher D. Wise v Town of Harwich Planning Board et al. (and Halls Path), some decisions were made but no announcements were made as litigation is ongoing.

May 8, 2023

Also discussed were negotiations with the Fire Chief and Finance Director/Town Accountant. negotiations with the Fire Chief are ongoing and the Finance Director/Town Accountant now have a ratified employment agreement which will be announced next week.

PLEDGE OF ALLEGIANCE

Chairman MacAskill invited all attendees to join in the Pledge of Allegiance.

PUBLIC COMMENTS/ANNOUNCEMENTS

Emily Mitchell, Town Clerk announced that the Town Elections will take place on Tuesday, May 16th and noted voting hours and options for voting. Sample ballots are available on the Town's web page.

Tom Birch, Harwich resident thanked the BOS members and others for putting together Town Meeting. He had written suggestions of how to deal with Petitions which he gave to Chairman MacAskill for discussion at another time.

A. Committee Vacancies

Ms. Anderson highlighted the Voter Information Committee which is still unable to meet because they do not have a quorum. One more member is necessary to make a quorum.

B. Memorial Day Ceremony - Monday, May 29, 2023 at 9:30 a.m. Brooks Park

Mr. Powers noted the Memorial Day Service honoring Veterans and shared details.

C. Annual Town Election May 16, 2023 at Harwich Community Center, 7:00 a.m. to 8:00 p.m.

PUBLIC PRESENTATIONS/PUBLIC HEARINGS

B. Presentation by the Harwich Fire Department and Harwich Fire Association

Taken out of order at the request of the Chair. Bruce Young, President of the Harwich Fire Association began the presentation on behalf of Chief LeBlanc, Deputy Chief Thornton and Harwich Professional Firefighters Local 2124 of the Fire Association and presented the BOS with a framed picture the members of the Harwich Fire Department of some retired Firefighters. The picture was taken in May 2022 and he described the range of years and service of the Firefighters in the picture which will be displayed in Town Hall. A picture was taken with the BOS.

A. Pine Oaks Village Proposed Phase IV Mixed Income Housing at Queen Anne Road, North Harwich

May 8, 2023

Gregory Winston, President and Chairman of the Board of Mid Cape Church Homes gave a brief history of Mid Cape Church Homes. He explained that in recognition of the people in town they have officially changed their name to Pine Oak Village Homes. He explained that their goal is to meet the requirements of mixed income housing, senior housing and handicapped accessible housing. He recognized Dick Gomes as someone who helped him tremendously with the project and he also recognized and introduced the members of his Board that were present. He also introduced Bob Doane who will be presenting the project. James Perrini of Commonwealth Community Developers was in attendance and also part of the presentation.

Mr. Doane gave a brief history of the Pine Oaks Village, the housing needs in Harwich and their goals and their vision to create mixed income housing. He described, in detail the property they intend to use on Queen Anne Road, what buildings and other things such as a playground will be on the property. He listed the names of the sellers of the property. They anticipate working in 3 phases with 80-100 units in each. He continued with a visual presentation and gave a detailed explanation of each phase, the water treatment needs, traffic studies and other concerns that they have addressed.

Mr. Perrini spoke about zoning, going through 40B and hopefully having the Town's support. He spoke of funding streams and income levels of apartments. He also noted the timeline for the application process and what that entails. He expressed that they are having a meeting with abutters and future abutters to listen to their needs and concerns and their desire to work with the Town.

Mr. Ballantine commented on their concept and noted the attention to open space.

Ms. Kavanagh noted her appreciation for all their work and looks forward to working with them.

Ms. Anderson expressed her support for the project and offered her help.

Mr. Howell also expressed appreciation to the sellers and everyone involved. He also commented on the vision and expressed his support.

Mark Kelleher of West Harwich asked about property taxes, if they would pay as a non-profit or if there would be other fees paid.

Mr. Donae responded that, in the past, other Villages have made agreements to pay half the taxes in their town to help with road improvements etc.

Unidentified woman shared details of where and when the abutters meeting will take place.

Tom Birch, owner of properties on Queen Anne Road asked how the "up to 70% range for Affordable Housing" is determined. He also asked about more than one entrance to the Village.

Mr. Perrini replied with a detailed answer and what is involved in how that number is determined.

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Mr. Winston replied that they are still exploring options for access to the Villages. He also commented on the “70%” and the goals for Harwich residents.

Mr. Gomes thanked Mr. Winston and the committee for their hard work and commended them for their efforts for affordable housing.

Mr. Chorey asked questions about numbers of units and people to occupy those units. He expressed concerns on the impact on the schools and his support for the project.

Mr. Doane replied with the answers to Mr. Chorey’s questions.

Elizabeth Harder offered her assistance and expressed her gratitude.

Ed McManus commented on the project and offered his assistance.

Art Boden, Harwich resident, expressed his support for the project. He offered suggestions regarding the 70%.

Allen Hall of North Harwich expressed his support for the project and expressed gratitude to family members who contributed property.

Jackie Edston of South Harwich expressed her support for the design the town houses and noted concerns about the design of apartments. She offered suggestions.

CONSENT AGENDA

- A. Approve Board of Selectmen Meeting Minutes for April 24, 2023

Mr. Howell moved to vote to approve the Consent Agenda as presented and also the minutes from May 1, 2023, seconded by Mr. Kavanagh. Vote 5:0 in favor.

NEW BUSINESS

- A. Update from Harwich Representative of the Cape Cod Commission on a year-to-date update

Jacqueline Etsten gave a brief update on the Cape Cod Commissions accomplishments. She also expressed concerns about the budget not being available and a project they have approved which she does not support.

Mr. MacAskill asked Ms. Etsten if she is still willing to serve as a representative and she replied yes.

Board members asked questions and also expressed concerns.

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- B. Vote to appoint a Harwich Representative to the Cape Cod Commission for three-year effective April 25, 2023 through April 24, 2026

Mr. Howell moved to appoint Jacqueline Etsten as Representative to the Cape Cod Commission for the time specified by the Chair, seconded by Ms. Anderson. Vote 5:0 in favor.

- C. 2023 Annual CC-213 Recertification of the Community Rating System (CRS) under the National Flood Insurance Police

Mr. Howell moved to approve the Recertification as presented and to allow the Chair to sign, seconded by Mr. Anderson. Note 5:0 in favor.

- D. Discuss the Board of Selectmen policy on street lights and resident request

Mr. MacAskill noted a resident's request for a light at the Wixon Dock area and the present policy restricting additional lights.

Mr. Howell commented on a zoning by-law regarding ambient lighting and he noted the reason for the policy. He is not in favor of additional lighting.

Ms. Anderson is in favor of the lighting and expressed reasons.

Ms. Kavanagh is in favor of the lighting and expressed reasons.

Chief Guillemette clarified that it is not the Wixon Dock area but rather the Cahoon Road Beach parking lot. He supports the lighting and expressed reasons and noted police involvement.

Mr. MacAskill noted that the beach would be under the Recreation Department's jurisdiction.

Mr. Powers noted that if the request is for a light on Town property in a parking lot, it is not a street light and the Board can act on it or they can make reference to an exception.

Mr. MacAskill noted that he thinks it should be referred to the Recreation Committee and have the Department head weigh in.

Ms. Kavanagh noted that it is a safety issue and it will come back to the BOS if Rec doesn't approve the light.

Ms. Anderson also agrees that it should go to Rec but notes that there are no references to beach lots but rather roads and intersections.

Mr. Ballantine commented on lighting that minimizes light pollution. He exited the meeting.

- E. Approve proposed fee structure for supporting Cultural Affairs Programming

Mr. Howell expressed concerns about the fees and noted how they affect the Junior Theater.

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Mr. MacAskill noted that fee waivers can be requested. He commented on the need for bringing revenue and moving forward with the fees. There can be amendments made if needed in the future.

Ms. Anderson and Ms. Kavanagh agree and are in favor of the fee structure as proposed.

Mr. Anderson moved to approve the fee structure for supporting Cultural Affairs Programming as presented, seconded by Ms. Kavanagh. Vote 3:1 with Mr. Howell voting nay.

F. Review and take action on G.L. c. 268A, Section 23(b)(3) Disclosure of Appearance of Conflict of Interest Form- Craig Chadwick, Planning Board

Mr. Howell moved to to approve the request for as waiver of conflict of interest implications, seconded by Mr. Anderson. Vote 4:0 in favor.

G. Approve a 2023 Weekday and Sunday Amusement license renewal for Grand Slam Entertainment - 322 Main Street - Amusement Type Video Games & Batters Box

Mr. Howell moved to vote to approve the 2023 Weekday and Sunday Amusement license as presented, seconded by Ms. Anderson. Vote 4:0 in favor.

H. Debrief on 2023 Town Meeting

Mr. Powers referred to the materials in the packet and thanked the voters, the Department heads and Meggan Eldred, Danielle Freiner and Patience Smith-Cabrera for their support. He recognized the Board members for their hard work and support.

Ms. Kavanagh noted the amount of info that the Town of Orleans makes available. She commented that she finds it disconcerting how many times people are not allowed to speak at Town Meeting. She particularly noted the Superintendent of Monomoy Schools and suggested they look at different methods to deal with that issue. Town Meeting went well but there are improvements that can be made.

Ms. Anderson commented on Eastham's Town Meeting having many more people in attendance and she suggested trying a Saturday. She was surprised that no items on the Budget were pulled out.

Mr. Howell commented on a Saturday Special Meeting that had a large attendance. In terms of doing anything that relates to Petition Articles, Mr. Howell noted a suggestion to delve into the possibility of tying it into a ratifying vote at Town Election afterwards. He also suggested moving the petitions closer to the Budget and not at the end of the meeting. He commented that any Department head should be able to speak at town meeting regardless of where they live.

May 8, 2023

Mr. MacAskill noted that he will be bringing back several things to discuss in the future. He thanked the Town Clerk, Jamie and the Channel 18 crew, Finance Committee, the debates were excellent and he credited Bonnie Bridges and Patrick Otton for their work. He stated that he does not, in any way, think it's ok for 240 people at that meeting and that 130 made law for 13,000 people. He mentioned that it is time to change Town Meeting, day, time, location and/or dates. He commented that it was appealing to him that people from other towns, specifically Brewster, coached people who were speaking on their behalf. He noted how they were speaking behind the microphone and telling people what to say, He agreed that Dr. Carpenter should have been allowed to talk. They did get a lot accomplished they came out of Town meeting with a lot of great things for the residents of the Town of Harwich, He expressed his gratitude to everyone who worked to make that happen and stated that he is proud to live here.

Mr. Powers noted an error in the material he provided which he explained. He commented that looking at the results and how much was adopted, he thinks it was a good result for the Town.

Mark Kelleher commented on a town that bundles uncontroversial items together in the interest of time.

Mr. Chorey suggested looking at Chatham's Warrant and how things are grouped, changing the day to a Saturday and using a clickers for voting and possible sharing clickers with Chatham. He noted the benefits of using clickers.

Mr. Howell gave a shout out to the new IT Director who had a lot to do with the Orleans website.

TOWN ADMINISTRATOR'S REPORT

Mr. Powers announced an appointment of Edwin Jawinski as the new Grounds Keeper 1 for Cranberry Valley.

SELECTMEN'S REPORT

no reports

ADJOURNMENT

Mr. Howell moved to adjourn, seconded. Vote 4:0 in favor.

Meeting adjourned.

Respectfully submitted,

Judith R. Moldstad
Board Secretary

May 8, 2023

17 May 2023

Town of Harwich
Office of the Clerk
732 Main Street
Harwich, MA
02645

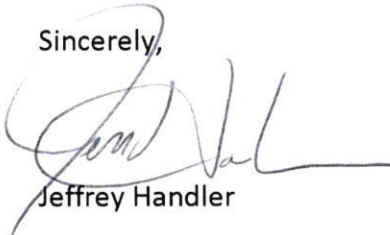
RECEIVED
TOWN CLERK
HARWICH, MA
2023 MAY 17 P 12:06

Attention: Emily Mitchell

Dear Emily,

Please accept this as my formal resignation from the Local Planning Committee effective immediately. It has been an absolute pleasure to serve with the wonderful volunteers for the last nine months.

Sincerely,



Jeffrey Handler

NEW BUSINESS

MEMORANDUM

TO: All Retirement Boards

FROM: John W. Parsons, Esq., Executive Director

RE: 5% Local COLA option

DATE: November 18, 2022

On November 16, 2022, the Governor signed Chapter 269 of the Acts of 2022 into law. This act provides the local retirement systems with a local option to increase the Cost of Living Adjustment (“COLA”) for Fiscal Year 2023 to up to 5 percent on the base amount specified pursuant to G.L. c. 32, § 103. The approval of the increase can occur at any time during the fiscal year and will take effect as of July 1, 2022.

The local approval mechanism is different than traditional COLA increases and COLA base increases. In order for a system to adopt a COLA increase pursuant to this act, **the retirement board must vote for the increased amount and then it must also receive local approval.**

For purposes of this act, local approval means:

- In a city, the mayor must recommend the increase to the city council and the council must vote in favor.
- In a city having a Plan D or Plan E charter, the city manager must recommend the increase to the city council and the council must vote in favor.
- In a town, the chief executive officer¹ - the select board in nearly all cases - must vote in favor to accept the increase rather than the town meeting as is the case for COLA base increases.
- In a district, or other political subdivision, the governing board, commission or committee must vote in favor to accept the COLA increase.

¹ As defined in G.L. c. 4, § 7, "chief executive officer", when used in connection with the operation of municipal governments shall include the mayor in a city and the select board in a town unless some other municipal office is designated to be the chief executive officer under the provisions of a local charter.



Acts (2022)

Chapter 269

AN ACT RELATIVE TO COST-OF-LIVING ADJUSTMENTS FOR RETIREES

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for increased cost-of-living adjustments for retirees, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. (a) (1) Notwithstanding section 103 of chapter 32 of the General Laws or any other general or special law to the contrary, the retirement board of any system that has accepted said section 103 may elect to establish a cost-of-living adjustment increase of not less than 3 per cent and not greater than 5 per cent on the base amount provided for in said section 103 for fiscal year 2023.

(2) The sum of the dollar amount of the cost-of-living increase on the base amount, together with the amount of retirement allowance, pension or annuity to which the cost-of-living increase is applied,

shall become the fixed retirement allowance, pension or annuity for all future purposes, including the application of subsequent cost-of-living adjustments in future years.

(b) A retirement board may grant a cost-of-living increase of not less than 3 per cent and not greater than 5 per cent on the base amount for fiscal year 2023 at any time during the fiscal year.

(c) This section shall take effect for the members of a retirement system by a majority vote of the board of such system and upon local acceptance: (i) of the city council upon recommendation of the mayor in a city, (ii) of the city council upon recommendation of the city manager in a city having a Plan D or Plan E charter, (iii) of the chief executive officer, as defined in section 7 of chapter 4 of the General Laws, in a town, (iv) of the county commissioners in a county and (v) by vote of the governing board, commission or committee in a district or other political subdivision of the commonwealth. For any retirement system comprising more than 1 political subdivision of the commonwealth, this section shall be effective by a majority vote of the board of such system and upon the acceptance of two-thirds of cities and towns within the system by approval of: (i) the city council upon recommendation of the mayor in a city, (ii) the city council upon recommendation of the city manager in a city having a Plan D or Plan E charter, and (iii) the chief executive officer, as defined in section 7 of chapter 4 of the General Laws, in a town.

SECTION 2. This act shall take effect on July 1, 2022.

Approved, November 16, 2022.

BARNSTABLE COUNTY RETIREMENT ASSOCIATION

750 Attucks Lane, Hyannis, MA 02601 ♦ 508-775-1110 ♦ Fax 508-775-1344 ♦ www.barnstablecountyretirement.org

MEMORANDUM

Correction

TO: Select Board
FROM: Barnstable County Retirement Association
DATE: March 7, 2023

We would like to inform you that on November 16, 2022, the Governor approved Chapter 269 of the Acts of 2022 which allows for a **1 time** adjust of the Cost-of-Living (COLA) for retirees from a maximum of 3% to 5% for **only Fiscal Year 2023 (FY2023)**. Please note that the Barnstable County Retirement Association has established a maximum of \$18,000.00 base for calculation of the COLA which would mean that if this is approved, the maximum increase to any retiree would be \$30.00 per month. Attached to this memorandum is a copy of Chapter 269 of the Acts of 2022, PERAC Memo #29/2022, a letter showing the additional total cost to the system annual for FY2025 to FY2037, what the current appropriation cost, and a spreadsheet showing an estimated additional cost per unit for only FY2025 and FY2026. This is **only an estimate**, the percentage of the total appropriate per unit changes annually. Each unit percentage is based on the reported salary on September 30 as a percentage of the total reported by all units each year. ***Barnstable County Retirement Association retirees will only receive this increase if it is approved by of the Retirement Board, Barnstable County Commissioners, and two-thirds of the towns within our system.*** If you have any questions as you are reviewing this information, please feel free to contact Susy Holmes at 508-775-1110 or by email at sholmes@barnstablecountyretirement.org

We respectfully request that the Board of Selectman review the attached information and let us know if we could be of any assistance in this matter. This matter is time sensitive as the legislation requires us to act on this by the end of this fiscal period (6/30/2023). We ask that you place it on your agenda as soon as you feel you can make an educated vote to either approve or deny this additional 2% Cost-of-Living Adjustment.

Please notify this office of your decision by May 31, 2023 by any of the following:

Regular mail to: Susy Holmes, Executive Director
Barnstable County Retirement Association
750 Attucks Lane
Hyannis, MA 02601
Fax: 508-775-1344
Email: sholmes@barnstablecountyretirement.org

Thank you for your time and consideration in this matter.

***Correction was FY2024 to FY2023

Estimated cost increase for FY2025 and FY2026 only based on FY2024 percentage
 Additional annual cost will be added for FY2025 to FY2037 to current appropriation schedule

###	UNIT		estimate for FY2025	sheriff	estimate for FY2026	sheriff
001	BARNSTABLE COUNTY	4.21%	\$ 45,451.24	\$ 27,114.00	\$ 48,087.42	\$ 28,258.00
002	COUNTY HOSPITAL	0.00%	\$ -		\$ -	
003	BARNSTABLE	15.58%	\$ 168,201.99		\$ 177,957.72	
004	BARNSTABLE FIRE	0.71%	\$ 7,665.17		\$ 8,109.75	
005	BARN HSG AUTH	0.33%	\$ 3,562.69		\$ 3,769.32	
006	BOURNE	5.66%	\$ 61,105.47		\$ 64,649.60	
039	BOURNE HSE AUTH	0.07%	\$ 755.72		\$ 799.55	
007	BOURNE REC AUTH	0.21%	\$ 2,267.16		\$ 2,398.66	
008	BOURNE WATER DIST	0.20%	\$ 2,159.20		\$ 2,284.44	
009	BREWSTER	4.03%	\$ 43,507.96		\$ 46,031.43	
041	BREWSTER HSE AUTH	0.02%	\$ 215.92		\$ 228.44	
010	BUZZARDS BAY WATER	0.13%	\$ 1,403.48		\$ 1,484.88	
011	CC MOSQ CONTROL	0.51%	\$ 5,505.97		\$ 5,825.32	
012	CC REG TECH	0.68%	\$ 7,341.29		\$ 7,767.09	
013	COMM FIRE DIST	2.32%	\$ 25,046.77		\$ 26,499.48	
014	CHATHAM	3.28%	\$ 35,410.95		\$ 37,464.78	
040	CHATHAM HSE	0.06%	\$ 647.76		\$ 685.33	
015	COTUIT FIRE	0.56%	\$ 6,045.77		\$ 6,396.43	
016	DENNIS	5.10%	\$ 55,059.70		\$ 58,253.17	
017	DENNIS HSE AUTH	0.12%	\$ 1,295.52		\$ 1,370.66	
018	DENNIS WATER DIST	0.41%	\$ 4,426.37		\$ 4,683.10	
019	D/Y REG SCH DIST	2.08%	\$ 22,455.72		\$ 23,758.16	
020	EASTHAM	2.78%	\$ 30,012.94		\$ 31,753.69	
021	HARWICH	4.39%	\$ 47,394.53		\$ 50,143.41	
022	HYANNIS FIRE DIST	2.03%	\$ 21,915.92		\$ 23,187.05	
023	MASHPEE	5.10%	\$ 55,059.70		\$ 58,253.17	
044	MASHPEE HSE AUTH	0.10%	\$ 1,079.60		\$ 1,142.22	
043	MASHPEE WATER	0.25%	\$ 2,699.01		\$ 2,855.55	
024	T/NANTUCKET	10.52%	\$ 113,574.13		\$ 120,161.44	
046	NANTUCKET HSE	0.02%	\$ 215.92		\$ 228.44	
025	C/NANTUCKET	0.39%	\$ 4,210.45		\$ 4,454.65	
049	NANTUCKET REG TRANS	0.05%	\$ 539.80		\$ 571.11	
026	NAUSET REG SCH DIST	1.20%	\$ 12,955.22		\$ 13,706.63	
027	N SAGAMORE WTR	0.07%	\$ 755.72		\$ 799.55	
028	ORLEANS	3.25%	\$ 35,087.07		\$ 37,122.12	
037	ORLEANS HSG	0.08%	\$ 863.68		\$ 913.78	
042	GROUND WATER	0.00%	\$ -		\$ -	
029	PROVINCETOWN	3.12%	\$ 33,683.58		\$ 35,637.23	
030	SANDWICH	6.39%	\$ 68,986.57		\$ 72,987.79	
047	SANDWICH HSE	0.09%	\$ 971.64		\$ 1,028.00	
031	SANDWICH WATER	0.31%	\$ 3,346.77		\$ 3,540.88	
032	TRURO	1.93%	\$ 20,836.32		\$ 22,044.83	
033	VETERANS DIST	0.12%	\$ 1,295.52		\$ 1,370.66	
034	WELLFLEET	2.19%	\$ 23,643.28		\$ 25,014.60	
035	YARMOUTH	6.76%	\$ 72,981.10		\$ 77,214.00	
036	YARMOUTH HSE AUTH	0.06%	\$ 647.76		\$ 685.33	
038	W BARNSTABLE FIRE	0.22%	\$ 2,375.12		\$ 2,512.88	
050	CAPE COD REG TRANS	0.26%	\$ 2,806.97		\$ 2,969.77	
051	MONOMOY REG SCH DIST	1.57%	\$ 16,949.75		\$ 17,932.84	
052	PROVINCETOWN HSE AUTH	0.00%	\$ -		\$ -	
053	CAPE LIGHT COMPACT	0.48%	\$ 5,182.09		\$ 5,482.65	
	TOTALS:	100.00%	\$ 1,079,602.00	\$ 27,114.00	\$ 1,142,219.00	\$ 28,258.00

MEMORANDUM - Page Two

TO: All Retirement Boards
FROM: John W. Parsons, Esq., Executive Director
RE: 5% Local COLA option
DATE: November 18, 2022

- In a regional system, two-thirds of the cities and towns within the system must approve the increase. This is done in the same fashion as stated above for municipalities: in a city, by the city council upon recommendation by the mayor or, in a city with a Plan D or Plan E charter, the city manager; or, in a town, by approval of the chief executive officer (likely the select board) as defined by G.L. c. 4, § 7.
- In a county, the county commissioners, who normally do not have a role in COLAs nor COLA base increases, must vote to accept **and** two-thirds of the cities and towns within the system must approve the increase in the same manner as stated above for regional systems.

Though many local systems are comprised of multiple units such as housing authorities and districts, the two-thirds language only applies to regional and county systems as the approval specified in the statute only refers to cities and towns as voting political subdivisions.

Section 2 of the act provides that a COLA increase pursuant to this act is retroactive to July 1, 2022. Any COLA increase, in addition to any COLA previously adopted for FY 23, will become part of the fixed amount of a retirees' retirement allowance in the same manner as all COLAs granted pursuant to section 103.

PERAC has already received questions about estimating the cost of the enhanced COLA. PERAC Actuary John Boorack has provided the following formula for a conservative full-cost estimate, not a one-year estimate, to assist boards in their planning:

$$(0.2) \times (\text{COLA base}) \times (\# \text{ of retirees/beneficiaries})$$

If you have any questions about this memo, please contact PERAC's General Counsel, Judith Corrigan, at (617) 591-8904 or at judith.a.corrigan@mass.gov.

maccebula1@verizon.net

From: maccebula1@verizon.net
Sent: Tuesday, August 3, 2021 4:57 PM
To: 'Joe Powers'
Cc: 'Ellen Powell'
Subject: Capital Plan request

Hi Joe

I do not think that you received this request from the Traffic Safety Committee in late June, So I will re send

Linda Cebula

Based on the conversations that Jerry Beltis and I had with you in February, the Traffic Safety Committee , at its regular meeting, voted to request that the following be added to the Capital Plan:

Add the corrections needed to the intersection of Old Chatham Road and Route 39 ("Hope 'n' Go) to the Capital Projects/Plan listing. To include but not be limited to : squaring off Old Chatham Road as it meets Route 39, vegetation removal, relocation of poles as necessary.

While there was some design work done by Bob Caffarelli, previous Town Engineer, we understand that there will need to be updated information and resolution to a possible issue over requesting a small bit of land from the existing homeowner. In previous conversations, the homeowner appeared to be amenable to this project.

From an overview of this project, it does not seem to be expensive to complete and will correct what has been a terrible line of sight issue at that intersection.

From Linda Cebula, Traffic Safety Committee

To Joe Powers, Town Administrator

Date 06/29/2021

RE Capital plan request

Based on the conversations that Jerry Beltis and I had with you in February, the Traffic Safety Committee, at its regular meeting, voted to request that the following be added to the Capital Plan:

Add the corrections needed to the intersection of Old Chatham Road and Route 39 ("Hope 'n' Go) to the Capital Projects/Plan listing, to include but not be limited to: squaring off Old Chatham Road as it meets Route 39, vegetation removal, relocation of poles as necessary.

While there was some design work done by Bob Caffarelli, previous Town Engineer, we understand that there will need to be updated information and resolution to a possible issue over requesting a small bit of land from the existing homeowner. In previous conversations, the homeowner appeared to be amenable to this project.

From an overview of this project, it does not seem to expensive to complete and will correct what has been a terrible line of sight issue at that intersection.

FLU 7/19

From: Robert Cafarelli **Sent:** Tuesday, October 30, 2018 3:07 PM
To: Lincoln Hooper **Subject:** Rt 39/Chatham Road Intersection

Linc,

You were asking about the Route 39/Chatham Road intersection. Jerry Beltis has also asked about this and existing site plans were sent to him a few months ago

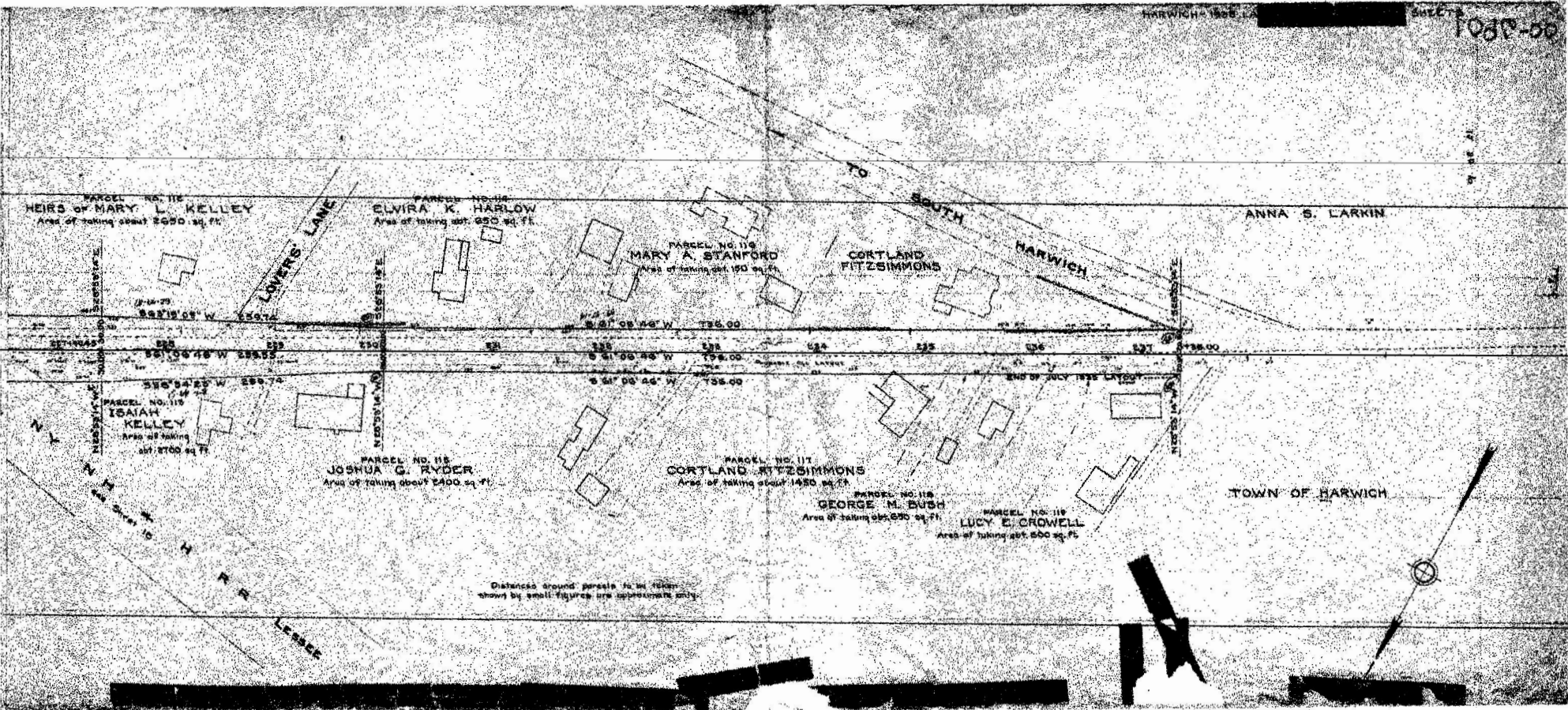
The first attachment is a survey of the intersection which was sent to Jerry Beltis. I think Paul also sent this to you. The roads are a bit wider now, but the street lines would be the same. The hedge row is even shown on the plan.

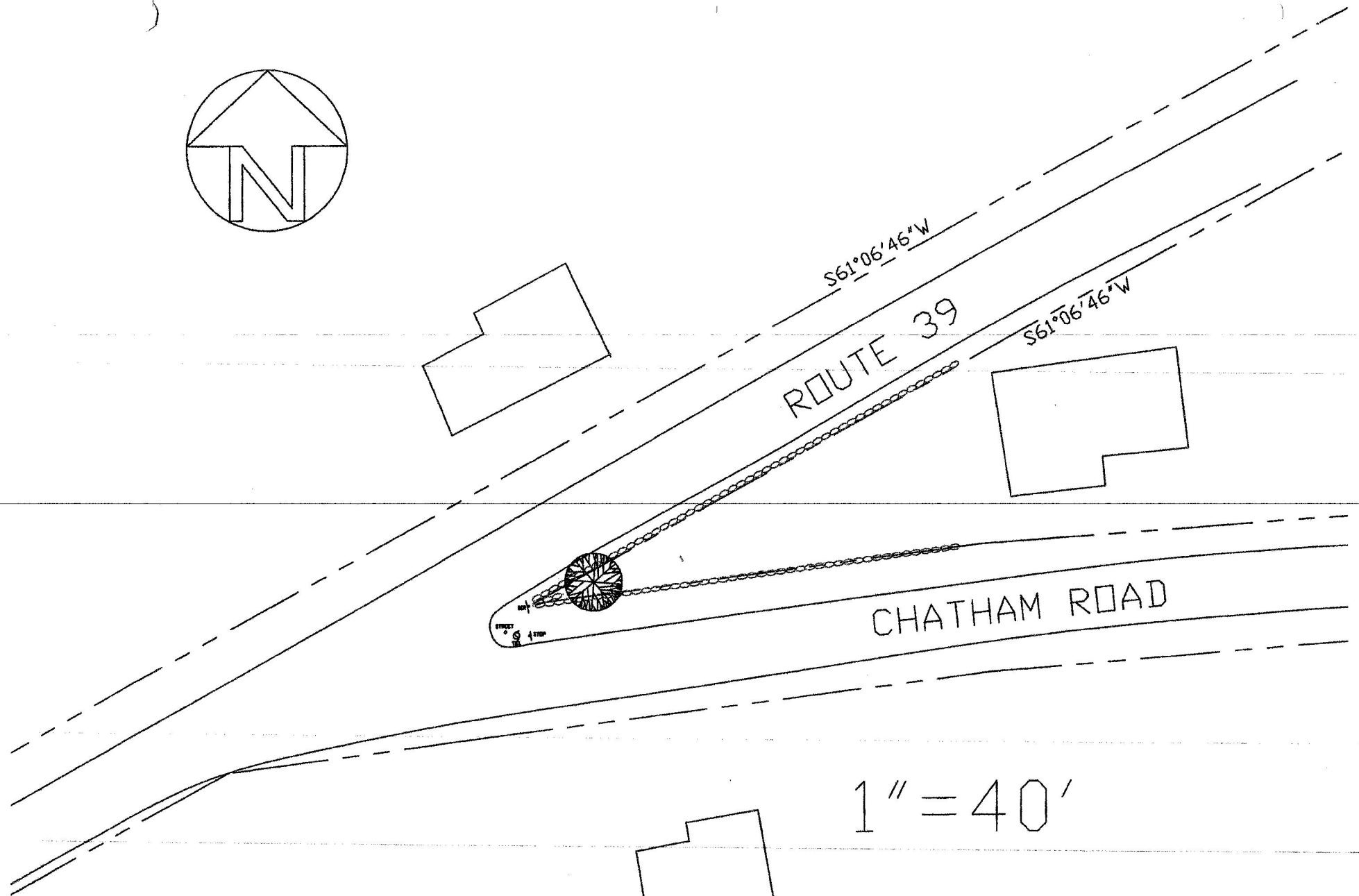
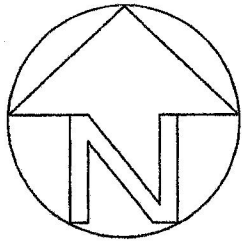
The second attachment shows the existing intersection.

The third attachment shows a realignment in the existing ROW (in red). However, you would have to move the telephone pole, stop sign, street sign and direction sign. The tree may be a line of sight issue also. Large trucks may have difficulty turning right, but its better than current conditions.

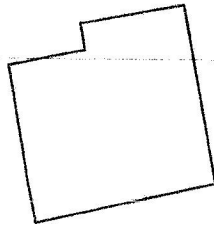
A better realignment would be proposal 2, but this would require a 580 square foot land taking.

Bob

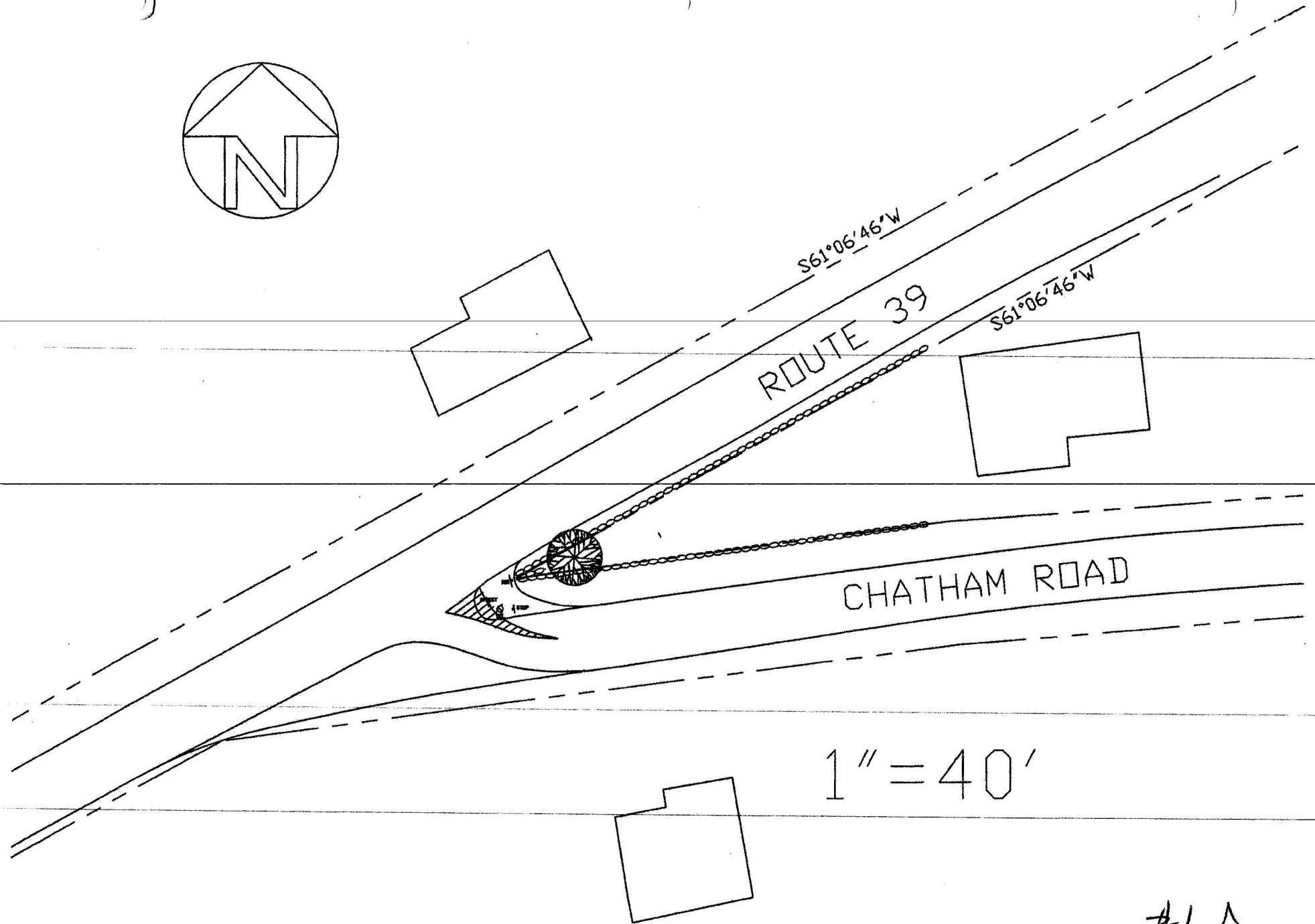
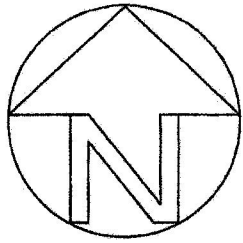




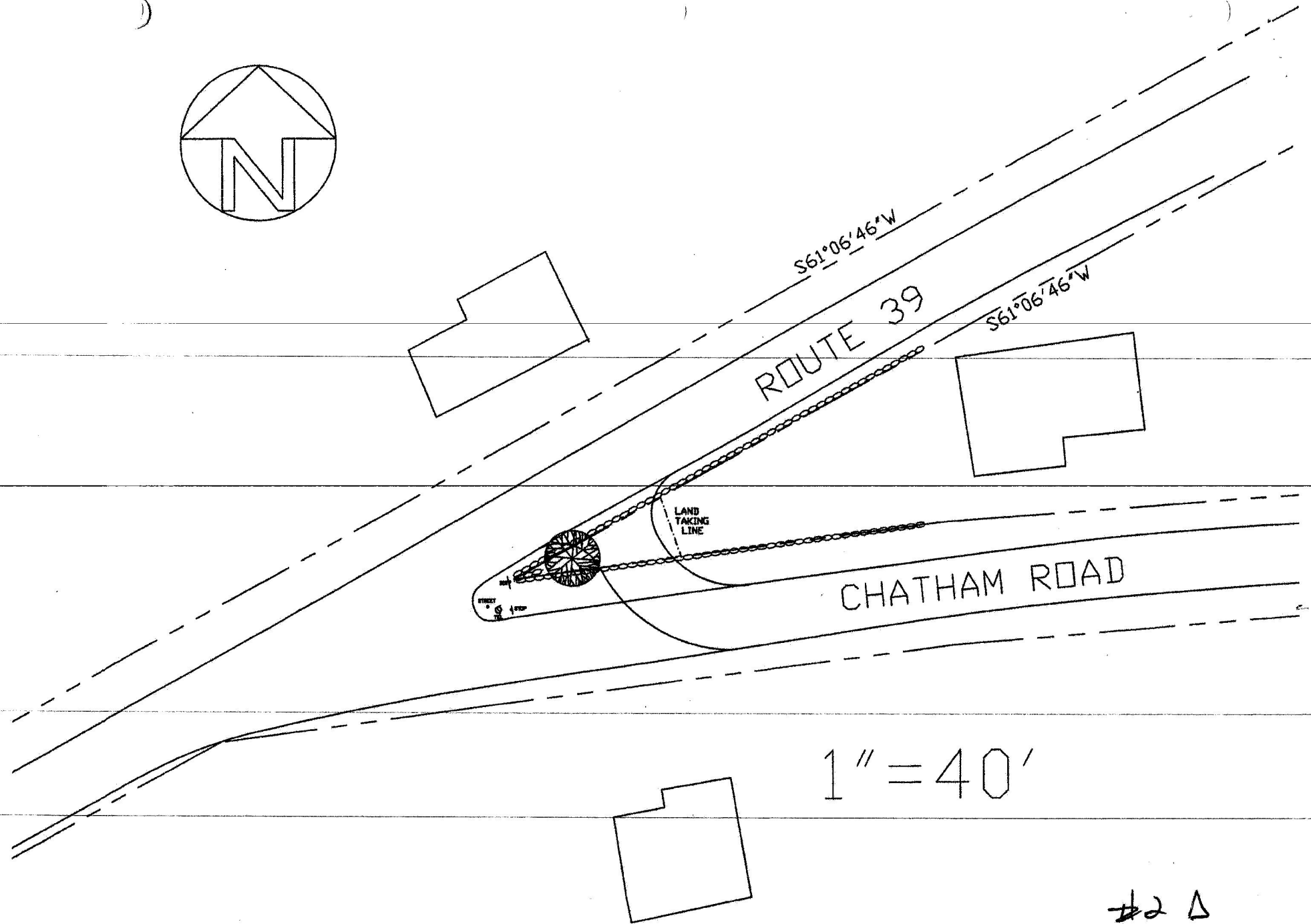
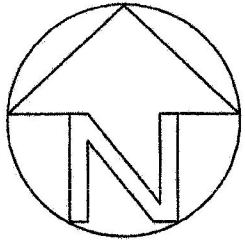
1" = 40'



existing



#1 Δ



1" = 40'

#2 Δ
move tel pole, sign, tree e
end 580 sf land

C. Vote to approve the permit renewal for the Mooring Servicing Agents for the calendar year 2023

Mr. MacAskill stated that even though these are 3 year contracts, they will need to be voted every year.

Mr. Howell reminded the public that a contract is not being awarded to these agents and that the state owns the underlying water. We are licensing agents to deploy moorings on behalf of the town and we are not leasing anything to them.

Ms. Kavanagh moved to approve the permit renewal for the Mooring Servicing Agents for the calendar year 2023, 2nd by Ms. Anderson and approved 5-0-0.

D. Vote to appoint John Rendon to the Barnstable County Dredge Sub-committee with a three year term January 1, 2023 to December 31, 2025

Mr. Howell moved to appoint John Rendon to the Barnstable County Dredge Sub-committee with a three year term January 1, 2023 to December 31, 2025, 2nd by Ms. Anderson and approved 5-0-0.

E. Discussion on Chatham Road and Route 39 Intersection Recommendation of Traffic Safety

Mr. MacAskill stated that this was brought up to him a few weeks ago and that this was a recommendation from 2018. Mr. Powers had said that this was originally sent to him as a capital request to add into the capital plan. Due to it being a public safety concern, it was unsure why it would need to go into the capital plan. Back in 2018, the owner of the property on the corner lot was amenable to giving the town a piece of land to make this happen.

Mr. Powers stated that this was originally contemplated to be a capital item for road improvements. At this point, the conversation would need to continue with Town Counsel and the property owner, and then involve DPW to see what would be needed to do the work.

Mr. MacAskill feels that if we can pay for t-base on Bells Neck Road, that we can make these improvements. The Board agreed with this comment.

Noreen Donahue was present and commented that she did hear conversations over the last couple of years of alternatives to this intersection. Suggestions included signage, blocking off the end of Chatham Road and diverting traffic town Lovers Lane.

Traffic Safety Committee member Jerry Beltis was present and provided history on this request. At the time of the original request, the property owner was okay with giving the town the land, and then they called back and wanted money for it. There are other options to this which include the town doing an eminent domain or a permanent easement. Making that end of Chatham Road

a one way and diverting traffic onto Lovers Lane could be problematic to the owners on Lovers Lane.

Mr. MacAskill asked Mr. Powers to follow up with the Police Chief and staff to verify information discussed tonight.

Art Bodin was present and stated that he has lived at this intersection for the last 20 years. He came to this meeting because he was under the impression that there was a plan in motion. Whatever can be done will be great, but Mr. Bodin asked that whatever is done, that we try and slow down traffic in that area.

Water Wastewater Superintendent Dan Pelletier was present. He stated that depending on where this project happens, he may try and piggy back in some water main work.

Mr. Howell stated that this is a quintessential intersection problem of the Northeast and that most of the ones that he has seen have been addressed and this one continues to fester and is a problem with the 45 degree angle.

F. Vote to approve the temporary closure of Ember Pizza, Inc. d/b/a Ember – 600 Route 28

As a point of order, Mr. MacAskill stated that the establishment sent a letter informing the Board that they were going to close, not asking for permission. The Board has always approved these requests, but the process is for the establishment to ask for the vote, not to state that they will be closing.

Mr. Howell moved to approve the temporary closure of Ember Pizza, Inc. d/b/a Ember – 600 Route 28 from January 4, 2023 through January 24, 2023 for minor renovations, cleaning and upkeep, 2nd by Ms. Anderson and approved 5-0-0.

G. Vote to approve a Special Permit Application for one day entertainment and one day wines and malt – Cross Rip Gallery – January 14, 2023, 3:00 p.m. to 5:00 p.m. at 204 Sisson Road

Ms. Kavanagh moved to approve a Special Permit Application for one day entertainment and one day wines and malt – Cross Rip Gallery – January 14, 2023, 3:00 p.m. to 5:00 p.m. at 204 Sisson Road, 2nd by Ms. Anderson and approved 5-0-0.

H. Vote to approve the Committee Appointments recommended by the Interview Committee:

1. Kenneth Dickson – Board of Appeals – Alternate member – Term to expire June 30, 2024
2. Mark Martello – Golf Committee – Full member – Term to expire June 30, 2023
3. Sophia Pilling – Conservation Commission – Alternate member – Term to expire June 30, 2024

Harwich By-Law/Charter Review Committee
2023 Recommendations to the Board of Selectmen

In keeping with the charge of the Harwich By-Law/Charter Review Committee, we herewith submit our recommendations for Charter revisions for consideration at the May 2023 Annual Town Meeting.

1. Restructure the timelines and deadlines for budgets and/or other financial considerations ahead of Town Meeting as outlined in the 2023 schedule proposed by the Town Administrator or as contained in the original 1987 Charter. (see attached Exhibits 1 & 2 attached).
2. Clarify Section 4-5-2 to specify that new or expanded position are to be voted separately in articles in the first year. (Exhibit 3, Possible amendment language).
3. Clarify Section 4-4-1 and 4-4-2 to specify that the time available to Selectmen for approving or denying Town Administrator's appointments should be identified as "business" days.
4. Clarify Section 9-6-3 to replace the words "during the month of December" to read: "no later than December 15th".
5. Modify Section 2-3-1 to state that town meeting will be held during the first full week of May.

In addition, the Committee is in full support of a proposal from the Water/Wastewater Commission and Superintendent to seek approval of legislation and/or a by-law that would allow for including water fines in customers' regular usage billings.

The Committee looks forward to further discussions on these recommendations as well as any others currently under consideration by the Board of Selectmen or as might be put suggested for inclusion in the May 2023 Annual Town Meeting Warrant by other town agencies, committees, and citizens.

Respectfully submitted,
Sandra Hall, Chair
Carol Thayer, Vice Chair
Deb Sementa, Clerk
Anita Doucette
Linda Cebula

To: Harwich Board of Selectmen, Town Administrator and Finance Committee

From: Sandra Hall, Chair, Harwich By-Law/Charter Review Committee

Date: October 12, 2022

In accordance with the unanimous vote of the Harwich By-Law/Charter Review Committee at our Regular Meeting on October 11, 2022, this letter is written to underscore the Committee's position as expressed in comments included in an email sent by the Chair to both the Selectmen and Finance Committee liaisons Angelo LaMantia and Daniel Tworek prior to the closing of the Special Town Meeting Warrant for October 18, 2022, as follows:

At the joint meeting of the By-Law/Charter Review Committee and the Board of Selectmen on August 22nd, we left the meeting with agreement that we were seeking a professional vendor who would assist the Town with a thorough review of our existing Charter and non-zoning Bylaw language.

In that meeting, there was general agreement that a review of the zoning by-laws was outside the expertise of the committee and that such a review should, in fact, be the purview of the Planning Board and Planning Department. Along with that, if town meeting approves the expenditure of \$75,000 for a consultant, the timeline involved in advertising, interviewing, and hiring the consultant would make it highly unlikely that recommendations resulting from the review would be ready in time for the May 2023 Annual Town Meeting.

Also, in its proposed explanation of this article, the Finance Committee's expectation seems to be that the 5-year review would result in a "new charter" when in fact the goal of the review is simply recommended revisions and updates to the current charter and general by-laws. A "new charter", as mentioned in the FinCom's written explanation, would suggest a complete overhaul which could include changes to the form of town government, town meeting construct and/or management structure, an exercise that would require a full-blown elected Charter Commission. This latter is a process that would be several years in the making and would require a petition signed by 15 percent of the town's registered voters before the question of forming a Charter Commission could even be placed on a ballot.

Unfortunately, the email received no response, and these concerns were not addressed prior to the vote of Selectmen to close the warrant.

The By-Law/Charter Committee is very concerned that voters will not be fully informed as to what these funds will cover and clearly understand the timelines and potential outcome. With that in mind, we have asked our FinCom liaisons to request of their committee that any positive motion omit reference to zoning as part of the project. It

would also be important for voters to understand that, given the timelines of advertising, interviewing, and hiring a consultant, we would be unlikely to have that position filled for at least several months, leaving the committee with insufficient time to complete the work in time for a May 2023 Town Meeting Warrant.

The By-Law/Charter Review Committee will be prepared to offer an amendment on town meeting floor if necessary, but would prefer to present a united front when the article comes up for the vote.

Thank you all for your attention.

Sincerely,
Sandra Hall, Chair
Harwich By-Law/Charter Review Committee

To whom it may concern:

I am writing to request a letter of support from the Select Board regarding the renovation of 5 Bells Neck in West Harwich. I have been working hard for the past 12 months to redesign and permit this 10-unit redevelopment of the site. Now I have begun the daunting task of financing this costly renovation. The rising interest rates, high labor and material costs combined with the expensive holding costs during this lengthy permitting process has made the project financially unviable.

Because of this, I will be applying on June 1st for a Mass Development Grant through the Underutilized Properties Program. This grant will help me bridge the financial gap that could stop this project.

Three key components the panel will be looking for in this letter are as followed...

1. A competitive Underutilized Properties Program application will make clear that the ways in which property that will benefit from the funding is underutilized. Underutilized should reflect vacant or low occupancy, inappropriate use for the location, or in immediate danger of becoming vacant or unoccupied.
2. Please be aware that in order to be competitive in the Underutilized Properties Program, the property that will benefit from the funding should be proximate to a downtown or town center and/or be able to speak to the spillover benefits that will occur as a result of the project.
3. Brief History sharing of the towns efforts to save and repurpose the structure over that last 152 years of ownership because of its importance to West Harwich.

Thank you for your consideration,

John Carey

CONTRACTS



Town of Harwich COUNCIL ON AGING

Harwich Community Center • 100 Oak Street • Harwich, MA 02645
Tel: 508-430-7550 • Fax: 508-430-7530

m e m o

TO: Select Board

CC: Joseph Powers, Town Administrator
Meggan Eldredge, Assistant Town Administrator

FROM: Julie Witas, COA Director

DATE: May 15, 2023

RE: **Memorandum of Agreement with Town of Orleans for Council on Aging Supportive Day Program**

The Town of Orleans, through its Council on Aging, operates an Adult Supportive Day Program. The Program provides a safe, person-centered environment for older adults with dementia or other forms of cognitive impairment. This program supports participants remaining independently in their communities for as long as possible and provides invaluable respite for their caregivers.

Where the Town of Harwich does not operate a comparable program, we have partnered with the Town of Orleans to allow Harwich residents to attend their program with the cost partially subsidized by the Town. Of note, there has been a substantial change to the fee structure this year, as the cost of attendance has been increased for the first time in over 8 years. (Total cost of attendance in FY 23: \$75/resident/day; Harwich subsidy covers \$20/resident/day. Total cost of attendance in FY 24: \$95/resident/day; Harwich subsidy covers \$30/resident/day.) This increase has been anticipated, and we have already budgeted for this additional cost in FY 24.

The Supportive Day Program shut down in March 2020 with the onset of COVID-19. The Program reopened in May 2021 under strict protocols designed to ensure the health and safety of both staff and participants.

Funding for this subsidy is included in the annual Council on Aging budget. Funding is available for the remainder of FY 23 and for all of FY 24.

Recommendation: I recommend that the Selectboard authorize the Chair to sign the attached Memorandum of Agreement with the Town of Orleans for the Council on Aging Supportive Day Program, covering the period from July 1, 2023 through June 30, 2024.

Memorandum of Agreement
Between

Town of Orleans through
Select Board
19 School Road
Orleans, MA 02653

and

Town of Harwich through
Board of Selectmen
732 Main St.
Harwich, MA 02645

This Memorandum of Agreement is entered into this 10th day of May, 2023, by and between the Town of Orleans (hereinafter referred to as "Orleans") and the Town of Harwich (hereinafter referred to as "Harwich.")

WHEREAS, Orleans Council on Aging operates an adult supportive daycare program (hereinafter referred to as the "SDP"), which provides a safe, caring, person-centered environment for older adults in need of social engagement while providing respite for caregivers, and

WHEREAS, Orleans SDP has capacity to accept residents of Harwich into the Program, but the daily reimbursement rate of \$65 per non-resident participant that Orleans receives through a contract with Elder Services of Cape Cod or through private pay fees do not cover the full daily cost of \$95 per participant, and

WHEREAS, Harwich desires to provide SDP access for their residents and has offered to make a supplemental payment of \$30 per day for each Harwich participant to Orleans to cover the full cost of the SDP,

NOW THEREFORE, Orleans and Harwich enter into this Agreement.

RESPONSIBILITIES OF ORLEANS

- A) Provide adult supportive daycare program to Harwich participants that includes snacks, beverages, and lunch; fitness classes; discussions of current events; art and music programs; and activities which promote optimal social, emotional, and physical wellness.
- B) Provide potential participants with a free trial day to determine eligibility and ongoing assessments to monitor the well-being of all participants.
- C) Provide the Harwich Council on Aging with notification when a new Harwich participant has been cleared for attendance in the SDP, and when an existing Harwich participant is discharged from the SDP.
- D) Provide the Harwich Council on Aging with a monthly report of Harwich resident SDP participation.

RESPONSIBILITIES OF HARWICH

- A) Coordination of SDP communication from Harwich will be through the Council on Aging.
- B) Process supplemental payments to the Orleans Council on Aging for Harwich participants on a monthly basis following receipt of the monthly report of SDP participation from Orleans.

DURATION

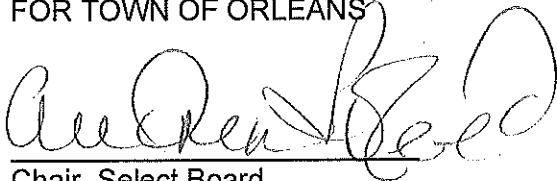
- A) This Memorandum of Agreement shall be effective from July 1, 2023, through June 30, 2024.
- B) Either Orleans or Harwich may terminate this Agreement by thirty (30) days written notice to the other party if the other party substantially fails to fulfill its obligations hereunder through no fault of the terminating party.
- C) Orleans may terminate this Agreement at any time if Orleans' contract with Elder Services of Cape Cod is terminated.

AMENDMENT

This Agreement may be amended as mutually agreed by both parties in writing.

IN WITNESS WHEREOF, Orleans and Harwich execute this Agreement the ____ day of ____ in the year two thousand and twenty-three.

FOR TOWN OF ORLEANS



Chair, Select Board

5.10.23

Date

FOR TOWN OF HARWICH

Chair, Select Board

Date