

SELECT BOARD MEETING AGENDA*

Donn B. Griffin Room, Town Hall

732 Main Street, Harwich, MA

Meeting 6:00 P.M.

Monday, October 23, 2023

Revised 10/20/2023 – 12:15 p.m.

Originally posted 10/19/2023 – 1:33 p.m.

Remote Participation Optional for Regular Meeting Only

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

<https://meet.goto.com/456122229>

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**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. PLEDGE OF ALLEGIANCE

III. CONSENT AGENDA

A. Approve Select Board Meeting Minutes for October 2, 2023 and October 16, 2023

IV. NEW BUSINESS

A. Vote to affirm the appointment of Christine Flynn as the Director of Planning and Community Development

B. Approve event and one day entertainment permits for Harwich Chamber of Commerce, 1 Schoolhouse Road, events and entertainment to be held December 1, 2023 through December 3, 2023 in Harwich Port, Harwich Center and East Harwich

C. Approve the updated committee charge for the Board of Health – Added 10/20/2023

V. EXECUTIVE SESSION

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: Police Chief and Town Administrator

VI. ADJOURNMENT

**Per the Attorney General’s Office: The Select Board 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 Select Board’s Office at 508-430-7513.*

Authorized Posting Officer:

Danielle Freiner, Executive Assistant

Posted by: _____

Town Clerk

Date: _____

October 20, 2023

CONSENT AGENDA

**MINUTES
SELECT BOARD MEETING
DONN B. GRIFFIN ROOM, TOWN HALL
732 MAIN STREET, HARWICH, MA
REGULAR MEETING - 6:00PM
MONDAY, OCTOBER 2, 2023**

MEMBERS PARTICIPATING: Mary Anderson, Chair, Jeff Handler, Clerk, Michael MacAskill and Don Howell

ALSO PARTICIPATING: Joseph Powers, Town Administrator

CALL TO ORDER: Ms. Anderson called the meeting of the Harwich Select Board to order on Monday, October 2, 2023 at 6:00PM.

PLEDGE OF ALLEGIANCE:

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

CONSENT AGENDA:

(TAKEN OUT OF ORDER)

- F. Appoint John Sullivan as a Special Police Officer to the Harwich Police Department effective October 18, 2023, as recommended by the Chief of Police
- G. Appoint Sergeant Aaron Goshgarian to Lieutenant of the Harwich Police Department, effective October 18, 2023 as recommended by the Chief of Police
- H. Appoint Patrol Officer Tyler Vermette to Sergeant of the Harwich Police Department effective October 18, 2023 as recommended by the Chief of Police

Chief Guillemette requested the appointment of John Sullivan as Special Police Officer. He is presently a Lieutenant and is retiring in Mid October. He gave a summary of Lt. Sullivan's career. He also expressed gratitude for his years of service and congratulations on his retirement.

Chief Guillemette announced the recommendation of the promotion of Aaron Goshgarian to Lieutenant and gave a summary of Sergeant Goshgarian's career up to this point.

Chief Guillemette announced the recommendation of the promotion of Officer Tyler Vermette to the rank of Sergeant and gave a summary of Officer Vermette's career up to this point.

Chief Guillemette announced that Wednesday, October 4th is National Coffee with a Cop Day and Officers will be at Cumberland Farms from 9:00 to 10:00 and invited anyone who is interested to stop by.

Mr. Handler moved to approve F. , G. , and H. , of the Consent Agenda as presented, seconded by Don Howell.

Vote: 4:0 in favor. Motion carried.

Board members and the audience expressed their congratulation to all the officers.

PUBLIC COMMENTS/ANNOUNCEMENTS:

October 2, 2023

A. Next Select Board Office Hours - October 25th, 5:00 p.m. to 7:00 p.m., at 204 Sisson Road

Carolyn Carey, Community Center Director, announced the October events at the Community Center. All events, dates and details are on the website.

Lou Urbano of West Harwich commented on the Budget, specifically Free Cash. He asked that the Board look at Free Cash in terms of usage, and also to explain where Free Cash originates from and how it comes about. He asked the Board to consider where Free Cash could be spent on a predetermined basis so as not to cause a Budget issue. He feels the community would benefit from that information. He also offered his thanks to the members of the Select Board for their service to the Town.

Jamie Goodwin, Station Manager, gave an update. The new name for the station is The Harwich Channel. The name was picked by people who responded to the pole. She also noted the plan to make changes in the Griffin Room including new furniture and having more space for citizens. The Station is still available on You Tube through the same links and instructions on other ways to access the station are on the website.

Lauren Vivanti, Harwich resident, expressed a concern about what she feels is the Recreation Department's lack of children's programming. She noted programs that other elementary schools offer and she described them in detail. She also noted things she has done and suggestions she has made including collaborating with other towns that have programs. She offered her time to help.

Mr. Handler noted that there is a formal request from Ms. Vivanti, to the Town to look into this situation.

Bianca Caswell, Harwich resident, expressed her concerns about the shortage of staff at the Community Center and noted a specific situation.

Brian Wentworth, Harwich resident, offered suggestions on how to get more volunteers and people involved and also offered to help.

Jay Schronic, Harwich resident, spoke about electronic voting systems for Town Meeting. He suggested an Audience Response System for the next meeting and explained how it would help at Town Meeting. He offered information to Board members about a system that other Towns are using.

Mr. MacAskill asked for a show of hands of people who were present regarding the Recreation Department issue.

Abigail MacGillan also expressed concerns about the lack of programming for children and safe activities.

Patrick Otton, of East Harwich, spoke about the benefits to using clickers at Town Meeting. He will send data to the Select Board for their information.

John Chorey of Harwich, referred to a request that he had made regarding clickers and asked for an update on that request. He also suggested sharing clickers with Chatham.

Ms. Anderson responded that they are looking at the suggestion of clickers.

Seth Demontigne also expressed his concerns about the Recreation Department and the programs.

Nancy Peterson expressed her concerns about the cost and the lack of programs for children.

Kristen Wentworth expressed her concerns, specifically mentioning the lack of fields. She stressed that they are all willing to help in any way.

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Mr. MacAskill commented and explained that they re not responding to the comments because it is a Public Comment/Announcement item on the Agenda. He assured all those who voiced their concerns that there will be follow up.

CONSENT AGENDA:

- A. Approve Select Board Meeting Minutes:
 - 1. September 11, 2023
 - 2. September 18, 2023
 - 3. September 25, 2023
- B. Approve the resignation of Mary Maslowski as a Planning Board Representative to the Community Preservation Committee
- C. Approve the resignation of Mary Maslowski from the Harwich Housing Committee
- D. Approve the resignation of Kohn Connolly from the Golf Committee
- E. Appoint Mary Maslowski as Select Board Representative to the Community Preservation Committee term to expire June 30, 2024
- I. Accept a donation to the Wetlands Revolving Account from EdOdyssey in the amount of \$300.00

Mr. Handler moved to accept the minutes of the September 11, 2023, September 18, 2023, September 25, 2023 with one modification. On the September 18th meeting, under Public Comments/ Announcements, The name is corrected to Ray Gottwald as noted by Mr. Howell. Mr. Handler moved to approve items B., C., D., E., and I. as presented. Seconded by Mr. MacAskill.

Mr. Howell expressed thanks to Mr. Connolly.

Vote 4:0 in favor Motion carried.

OLD BUSINESS:

- A. Review of Golf Committee Charge

Ms. Anderson made opening statements regarding making decisions that are in the best interest of the town and that reviewing all Committees is part of a process, the Golf Committee is not being singled out. It is an advisory committee and that is the category they are reviewing at this time. She credited Mr. Handler for his exceptional work and professionalism. She explained the process going forward at this meeting.

Mr. Handler explained that challenges of writing a new charge and possible template for moving forward. He also summarized the process and changes that have been made to the draft. He commented on Martha Duffy, Chair of the Golf Committee and the result of their meeting which included Mr. Powers. Mr. Handler noted one modification in the wording in the Chair's email.

Mr. Howell noted that he had requested that the Golf's Committee's voted-on draft charge be included in the packet, not to deliberate but as a public document. He expressed concerns of where it varies and is inconsistent with the Charter. He read the wording of his specific concerns and explained his concerns in detail. He stressed that the Charter language itself must be changed, it cannot be changed by codifying it in the Charge.

Ms. Anderson responded to Mr. Howell's concerns, noting the discrepancy in the Charter. Legal Counsel has advised them that they can have that wording in the Charge and that is why it is included.

Mr. MacAskill asked for Mr. Powers' opinion on Mr. Howell's comments.

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Mr. Powers noted that there is not a Charter Compliance Committee to rely on. He agreed that there is a fracture between what committees want to do and what they think they can do. He understands that the Board's focus was to create a template for all the Committees as it is universally understood that there are disconnects in the Charter language.

Mr. MacAskill asked if it is accurate, that the Charge put forth tonight, reflects Town Counsel's opinion that they are legally okay with the wording.

Mr. Power's had not spoken directly to counsel but he understand that it comports.

Ms. Anderson noted that they were advised that this Charge does not conflict with the Charter and it is within the authority of the Select Board.

Mr. MacAskill commended Mr. Handler's outstanding work on the Charter. He also noted that everyone including Mr. Howell had an opportunity have a meeting and/or to send comments and express thoughts to Mr. Handler. He also commented on clips on Harwich Old Timers (a social media site) and on people who have called him to get the true facts. Mr. MacAskill stated that he supports the Charge. He described specific situations and conversations. He noted that the Golf Committee Charge belongs to the Select Board and input from others including social media, should not be what Harwich wants for their town government. He directed everyone to the August 23, 2022 meeting and asked if that is how they want their Town employees to be treated. This is an effort to save the Golf Committee, he would prefer to dissolve the Golf Committee and start from scratch.

Mr. Howell noted all previous Select Board Members who were aware of the Golf Committee problems a year ago.

Mr. Handler noted that he would like to see the Golf Committee salvaged. and see all Committees be of value to the Town of Harwich. He explained what he tried to accomplish with the Charter and went through each section and how/why he decided on the wording so the committee members knew what they were supposed to do and not supposed to do. He feels that the Charge should be giving them direction and allowing them to be efficient. Mr. Handler stated that unless there is a clear, concise sentence of a change, he would move to accept this Charge.

Mr. Howell asked a question about the wording and Mr. Handler responded in detail. Discussion followed regarding wording in the Committee Handbook.

Mr. Howell suggested an amendment.

The Board had a discussion about the language and the Committee's options for agenda items.

Mr. Powers referred to the Handbook which he had in hand, specifically page 4 which has the requirements of Committee Members.

Mr. Handler read language from the Handbook which was the reason that Counsel advised him to incorporate the language into the Draft Charge. Mr. Handler also suggested that this Charge could be adapted for any other Committee.

Mr. Howell reiterated that it still talks about "The Committee" They can't have a Committee opinion to approach anyone without first having an Open Meeting. And the only way to have an Open Meeting is to post it publicly.

Mr. Handler asked Mr. Powers for advice on changing the wording if the Charges are the purview of the Select Board He asked if the Select Board has the right to modify a Committee's Handbook language and make a vote.

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Mr. Powers replied that the Committee Handbook was created by past Boards of Selectmen.

There was Board discussion about changes in the wording.

Mr. Handler moved to accept the Golf Committee's Charge as presented with these modifications: Omission of Chair in Chair email and language change from "if a member of the Golf Committee has any concerns" to "if a member of the Golf Committee has any concern regarding", seconded by Mr. MacAskill.

Mr. Howell expressed his concern about advisory committees waiting for instruction from the Select Board. He suggested a mechanism to eliminate that issue and suggested wording.

Mr. Handler responded and noted that Counsel made it clear that the direction should come from the Select Board.

More discussion followed regarding the options for agenda building.

Vote 3:1 with Mr. Howell voting Nay.

Motion carried.

Ms. Anderson asked the members of the Golf Committee in the audience to look at the Charge and consider if they have the ability to operate within that Charge.

B. Discussion on May 6, 2024 Annual Town Meeting

1. Current Five Year Fiscal Assessment
2. Five Year Financial Outlook
3. Select Board Budget Message

Mr. Powers noted required actions to be taken prior to Town Meeting which are noted as 1, 2, and 3 above. He referred to documents in the packet regarding 1, 2, and 3. He explained each document in detail. Also noted was his memo of recommendations to assist the Select Board in their efforts for building a Budget Message. He explained the reasons for his recommendations which include taking a moderate approach of working within the levy limit.

Ms. Anderson briefly summarized major expenses the Town has had over the past couple of years and expressed that she feels it is time to keep spending as low as possible, at or below the 2 and 1/2%.

Mr. Howell commented that he would encourage a conservative approach.

Mr. MacAskill agreed and also noted an issue with projects and suggested the Board take a conservative approach with those also. He would like to include something in the Budget Message about Capital items.

Mr. Powers noted that the Charter requires the Select Board to establish the General Policy Statement on or before the first Tuesday. He asked if they were willing and able to vote on a Policy Statement that he can start distributing.

The Board discussed creating the General Policy Statement at this meeting and agreed that a draft can be presented at the next meeting for modification.

Mr. Howell suggested that there is consensus of the Board to work with Mr. MacAskill as he has done this in the past and in a conservative way. All members agreed.

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John Chorey asked a question about a document that was not in the packet and also agreed with and commented on the 1-2 and 1/2 goal, a conservative look at projects and also asked for an update on uncollected property taxes at a future meeting.

Mr. MacAskill offered an update and also noted what can be expected moving forward.

C. Town Administrator to present project updates

Mr. Powers referred to a document in the packet provided by Meggan Eldredge, Assistant Town Administrator, with the numbers of projects and the plan. He offered details on specific items.

Mr. MacAskill questioned why a specific procurement is on the list regarding dredging, which they do every year and not under the Harbormaster Rendon's name.

Mr. Rendon, Harbormaster responded with a detailed answer of how and why those funds were added to the procurement list. He also noted two projects on the list which have been completed. He noted funds from those projects that had not been used and commented that he hopes to use those funds towards an emergency generator.

Mr. MacAskill expressed an interest in completing projects and knowing what is left and what is needed and what can be reappropriated. He also questioned why some Department Heads are not doing their procurements and asked that Mr. Powers review the list and provide an updated list to the Board.

Mr. Powers responded that they are all able to do procurements although some are formally trained. He also noted the procedure to reappropriate funds.

Mr. Handler asked about older project requests which may now cost more and the procedure to update those numbers.

Mr. Powers responded with a detailed answer and gave an example.

D. Discussion and vote on Select Board meeting schedule

Ms. Anderson referred to the proposed set of dates which is included in the packet. She explained why she requested a schedule with two regular meetings and a working session.

A Board discussion followed regarding the schedule.

Mr. MacAskill expressed concerns about completing the amount of work ahead of them. He does not support the schedule as proposed.

Mr. Handler commented that he would prefer to meet weekly.

Mr. Howell suggested an alternative way to utilize the working session as a single item session.

Ms. Anderson noted that the request for every other week was from staff to enable them to get more work done. She noted that the consensus is to meet weekly with the option to cancel a meeting if the agenda is light. She also agreed that a single topic meeting would be helpful to the Board and would give staff much needed time to accomplish their work.

Discussion continued regarding the next meeting and when the Budget Message will be completed.

The Board agreed to meet on October 16th and then continue with a weekly schedule.

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Taken out of order under CONTRACTS:

- A. Vote to approve a construction contract agreement with T.W. Nickerson, Inc. for Wixon Landing improvements in the amount of \$95,500

Mr. MacAskill moved to approve a construction contract agreement with T.W. Nickerson Inc. as presented, seconded by Mr. Howell.

Mark Kelleher made a request of the Harbormaster to ask the contractor to use the smallest size riprap for safety reasons.

Mr. Rendon agreed to ask the engineer about the smaller riprap.

Vote 3:0:1 with Mr. Handler recused. Motion carried.

NEW BUSINESS:

- A. Approve a fee waiver request from WOMR for six signs for the “Rockin’ Picnic in the Park” event in the amount of \$600.00

Shelia House, Board President and John Braydon, Executive Director of WOMR participated remotely.

Board members discussed the waiver, both for and against.

Mr. Handler moved to approve a \$500.00 reduction in the sign fees for 6 signs in the amount of \$100.00, seconded by Mr. Howell.

Board discussion followed verifying that it is one application but each sign is \$100.00. Also noted was a previous request for a waiver that had been denied. Board members asked Ms. House questions regarding distance between signs and the length of time they are up which she answered.

Vote 3:1 with Mr. MacAskill voting Nay. Motion carried.

Ms. Anderson suggested that the Board consider, for a future discussion, a reduced rate for non-profits.

- B. Approve a Hawkers & Peddlers license for Pilgrim Lodge AF & AM - 706 Main Street

Mr. MacAskill moved to approve a Hawkers & Peddlers license as presented, seconded by Mr. Howell.

Vote 4:0 in favor Motion carried.

- C. Approve a fee waiver request from Pilgrim Lodge AF & AM for the application fee for a Hawkers & Peddlers license in the amount of \$60

Mr. Handler moved to approve the fee waiver request as presented, seconded by Mr. Howell.

Mr. MacAskill commented that this and other requests that have been denied in the past. and noted that these applications do cost the Town money.

Vote 1:3 against with Mr. Howell voting for and Mr. MacAskill, Mr. Handler and Ms. Anderson voting against. Motion denied.

CONTRACTS:

- B. Vote to approve a contract with Paul S. Kapinos & Associates, Inc. for Tax Title research in the amount of \$93,600

October 2, 2023

Mr. Handler moved to approve a contract with Paul S Kapinos as presented, seconded by Mr. Howell.

Mr. MacAskill questioned where the work material is stored and when they will get it. He also asked if she (Gail) is working on or off site.

Mr. Powers replied that the information is not in the documents from Paul Kapinos.

Mr. MacAskill asked that this be a topic of conversation noting that he believes the Town's property should be on the Town's site. It is important that they have all the information that is created. He also had questions regarding Scope of Services and other professionals services.

Mr. Powers noted that if this is approved, the next step will be a meeting when all those questions will be asked and answered.

Mr. MacAskill asked, regarding Gail, an employee of PK, who is she reporting to, when is she reporting to them and when the Board get updates.

Mr Powers replied that those are internal matters but he can request a scheduling of updates for the Board.

Mr. MacAskill requested an update before the Board on at least a quarterly basis.

Vote 4:0 in favor. Motion carried.

C. Vote to approve the license agreement extension with Bob Miller for golf instruction services in the amount of \$11,865.66

Mr. Handler moved to approve the license agreement as presented, and upon the recommendation of the Golf Director, seconded by Mr. MacAskill.

Vote 4:0 in favor. Motion carried.

TOWN ADMINISTRATOR'S REPORT:

Mr. Powers reported on job hirings. He also noted that the report to the Commonwealth on the MS4 Program is in order.

SELECT BOARD'S MEMBERS REPORT:

Mr. Howell, no report.

Mr. Handler, no report.

Mr. MacAskill requested a legal opinion, by the next meeting, on whether or not it is true that the Rec and Youth Committee do not have to go before the Select Board for fee waivers or to update their fees. He gave his reasons for that request. He also requested an agenda item related to 204 Sisson Road and an agenda item for the land of little value.

CORRESPONDENCE:

No correspondence.

ADJOURNMENT

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

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Vote 4:0 in favor. Motion carried Meeting adjourned.

Respectfully submitted,

Judi Moldstad
Board Secretary

October 2, 2023

**MINUTES
SELECT BOARD
HARWICH TOWN HALL
MONDAY, OCTOBER 16, 2023
6:00 P.M. - REGULAR MEETING
REMOTE PARTICIPATION OPTIONAL**

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

ALSO PARTICIPATING: Town Administrator Joseph F. Powers

CALL TO ORDER

Ms. Kavanagh called the meeting to order at 6:00 p.m.

PUBLIC COMMENTS/ANNOUNCEMENTS

Judith Ford, President & Artistic Director of the South Harwich Meeting House was present and announced their opening season which includes 3 weekends in a row of programming. The first is a jazz concert being held on October 21st at 2:00 p.m. There will be a large Halloween event for adults in children which will include a historic ghost tour at 6:00 p.m. followed by a pumpkin contest and a concert from 7:30-9:00 p.m. The Meetinghouse has also begun their chamber concert series which will begin on November 5, 2023.

Robert Thomason from Oliver Snow Road was present and asked that a hold be placed on the construction project at Wixon Dock as he feels that the public was not informed enough about what is going on. Residents attended the Conservation Commission and Waterways meetings and there were a number of people objected to the project. He feels that the public's thoughts and ideas were negated and would like to see the meetings re-opened. Ms. Kavanagh responded that she would follow up with Administration. Mr. Powers added that the Select Board awarded the contract for this project 2 weeks ago and that the Harbor Master, John Rendon, has wide latitude. Mr. Powers will follow up with Mr. Rendon.

Brian Wentworth was present to follow up on the previous week's public comment regarding the Recreation Department. He stated that both he and his wife have made efforts to contact the Recreation Director and they plan on attending the Recreation and Youth Commission meeting next week. He hopes that everyone can see that there is not a lack of volunteers looking to help. Mr. Wentworth's wife is running the K-2 soccer practices and as business owners, they have sponsored t-shirts for the kids. Mr. Wentworth feels that there is a lot to pick apart regarding the comments made by the Recreation Director. Ms. Kavanagh suggested that this is a better discussion to be had at the Recreation and Youth Commission meeting, adding that she plans on attending that meeting as well. Mr. Wentworth thanked everyone for listening and hopes that we can continue to move forward.

Brooks Free Library Director Ginny Hewitt was present and announced that they have added a Pokémon program on Thursdays at 3:00 p.m., which is aimed at elementary school students. Students do need to have a parent in the building during the program, but they do not need to stay with the program. Ms. Hewitt looked to correct a statement that was made at a previous Select Board public comment regarding a ballet program. The ballet program was not being held at Brooks Free Library; it was held at the Harwich Port Library. On Monday's the Youth Services Librarian is in the Elementary School doing book talks and reading in the classrooms. The library does focus on outreach directly to students in the Harwich community. Story times are offered on Tuesday and Thursday mornings outside at Brooks Park. Ms. Hewitt reviewed other program offerings at the library. More information can be found at <https://www.brooksfreelibrary.org/>

Ms. Hewitt asked for the Select Board's help in communicating with the school district about a bus drop off or route to the library. Back before the middle school was regionalized, there was a bus drop off at the library which would bring up to 30 children. Last year was a surprise at the start of the school year when the bus could not be provided. This year with the new principal at the middle school, there was communication that a bus drop off would be arranged, unfortunately, that did not happen. While it is unrealistic for us to expect a direct bus again, Ms. Hewitt asked if a suggestion could be made to structure the bus route differently so that a certain number of seats could be assigned for the library route. While they have not brought this information to the school committee yet, the middle school is aware of the request. Ms. Kavanagh suggested that Mr. Howell, as the school committee liaison, bring this to their attention. Mr. Howell noted that as a parent who utilized the program, he would communicate the request.

Ms. Hewitt announced the Halloween parade that will be held on October 31st. The parade will start at the library and then everyone will walk to the Town Hall. Ms. Hewitt announced the 3 book groups that are being offered for adults as well as other program options.

A. Next Select Board Meeting will be Monday, October 23, 2023

The next Select Board meeting will be on Monday, October 2, 2023.

B. Next Office Hours with Mary Anderson & Jeff Handler will be Wednesday, October 25, 2023, 5:00 -7:00 p.m. at 204 Sisson Road

The next office hours with Mary Anderson and Jeff Handler will be on Wednesday, October 25, 2023, 5:00 p.m. – 7:00 p.m. at 204 Sisson Road.

C. Ashley Symington, Director of Youth and Family Services, to discuss upcoming Community Forums

Director of Youth and Family Services, Ashley Symington, was present and started by explaining the pumpkin people that are on the front steps of the Albro House. Ms. Symington stated that the Barnstable County Department of Human Services has obtained funding to hire a 3rd party assessment organization to conduct a children baseline needs assessment. Their goal is to document Cape wide what the behavioral needs are for kids and teens, what the availability of services are and where the gaps might be. The hope is to have all the information in one place to help form programs and start additional services or move services around. Community forums will

be held starting with one on October 25, 2023, from 5:30 p.m. – 7:30 p.m. at the Cape Cod Technical Regional High School. This forum can be attended in person or via zoom. These forums will be the start of what will be a month’s long process of gathering information. The more voices that are heard, the more needs can be identified to target better programming. This information is being distributed in schools as well as at the Albro House and on social media. The Barnstable County contact for this project is Mandi Speakman. Ms. Symington is also happy to answer any questions that she can.

Ms. Kavanagh asked if Ms. Symington would come back with an update after the workshops are held. Ms. Symington agreed and noted that this will be a months-long project.

CONSENT AGENDA

- A. Approve Select Board Meeting Minutes:
 - 1. October 2, 2023

Ms. Kavanagh stated that the minutes would be held for corrections.

- B. Approve the resignation of Maryann Campagna from the Harwich Accessibility Rights Committee
- C. Accept a memorial bench donation from Joel and Christine Berman, Trs., of the Berman Family Trust
- D. Accept a memorial bench donation from Raymond and Jeanne M. Mongillo
- E. Vote to appoint Emily Brutti as the Planning Board’s representative to the Community Preservation Committee, Term to expire June 30, 2024

Mr. Handler moved to approve consent agenda items B through E as listed above, 2nd by Mr. MacAskill and approved 4-0-0.

Mr. Howell asked that going forward the agenda include sending a letter of gratitude for their service to the members who are resigning.

NEW BUSINESS

- A. Vote to use ImageCast Precinct tabulators beginning with the March 5, 2024, Presidential Preference Primary Election and continuing for future elections thereafter pursuant to MGL c. 54, § 34

Mr. Handler moved to use image ImageCast Precinct tabulators beginning with the March 5, 2024, Presidential Preference Primary Election and continuing for future elections thereafter pursuant to MGL c. 54, § 34, 2nd by Mr. Howell.

JH withdrew his motion. DH withdrew his 2nd.

Mr. MacAskill moved that as required pursuant to MGL c. 54, § 34, I move that the Town of Harwich vote to use the ImageCast Precinct tabulators beginning with the March 5, 2024 Presidential Preference Primary, and thereafter in all future local, state, and federal preliminary, primary, and general elections held in the Town of Harwich, and with that, to

discontinue the use of the AccuVote Optical Scan tabulators, 2nd by Mr. Howell and approved 4-0-0.

- B. Vote to appoint the Treasurer/Collector role as Parking Clerk pursuant to MGL c. 90, § 20A ½

Mr. MacAskill moved to appoint the Treasurer/Collector role as Parking Clerk pursuant to MGL c. 90, § 20A ½, 2nd by Mr. Howell and approved 4-0-0.

Mr. Powers noted that this action is intended to correct an error in the process. The parking hearing clerks will then be appointed by the Treasurer/Collector role. The Town Clerk and Assistant Town Clerk have conveyed their willingness to continue in this role in accordance with the law.

CONTRACTS

- A. Vote to approve a contract with Deere & Company for a ballfield mower in the amount of \$87,806.18.

Mr. Powers stated that this is an action related to the 2023 Annual Town Meeting Article 16. The article provides funding of \$75,000. The overage amount will come from the operating budget as an appropriate use. The equipment being purchased is being done through the statewide contract. Mr. Powers recommended approval of the contract.

Mr. MacAskill moved to approve a contract with Deere & Company for a ballfield mower in the amount of \$87,806.18, 2nd by Mr. Handler and approved 4-0-0.

- B. Vote to approve a contract with Lawrence-Lynch Corporation for the Brooks Park Pickle ball court expansion in the amount of \$240,283.77.

Mr. Powers stated that this is an action related to the 2022 Annual Town Meeting Article 36 for the expansion of the basketball court and construction of a new pickleball court. The procurement was done in accordance with Massachusetts General Law Chapter 3039M. The request for proposal process came back with 2 bids: Lawrence-Lynch Corporation being the responsive, responsible, and low bidder. This process was done in late September. Full funding will come from the respective Town Meeting article. Mr. Powers recommended approval of the contract.

Mr. MacAskill moved to approve a contract with Lawrence-Lynch Corporation for the Brooks Park Pickle ball court expansion in the amount of \$240,283.77, 2nd by Mr. Howell and approved 4-0-0.

Mr. MacAskill noted that a resident was before the Select Board last week and mentioned a broken piece of equipment in the playground area at Brooks Park. Mr. MacAskill asked if we could find out what is broken and what it will take to have it fixed. Ms. Kavanagh responded that she attended the Recreation and Youth Commission meeting where this was discussed, and they will be assessing the issue.

TOWN ADMINISTRATOR'S REPORT

Mr. Powers reported that East Coast Sealcoating, Inc. has been awarded the contract regarding the pickleball courts. This funding is from the 2023 Annual Town Meeting Article 32. The article total was \$110,000.00; however, the responsive bidder came in at \$64,680.00.

Mr. Powers stated that a contract has been executed for website upgrades. This comes under the 2023 Annual Town meeting Capital Article. The town is looking to update and redesign our website. We have a sole source procurement for Civic Plus LLC. The contract amount is \$48,712.95, with the appropriated amount from Town Meeting being \$50,000.00. Ms. Kavanagh asked if there is any timeframe for when the updates would be made. Mr. Powers responded that he would follow up with our IT Director. Mr. Howell added that just because a vendor is doing something doesn't mean that you are throwing good money after bad if you are giving them back another contract because there are other modules that were not purchased. We were not given the bells and whistles to make the site work better. Ms. Kavanagh agreed that it does need to be cleaned up.

Mr. Powers announced that the contract for the auditorium seat replacement at 204 Sisson Road has been signed. The funding comes from 2023 Annual Town Meeting Article 16. The article's amount was in excess of \$85,000.00 with an estimated cost of \$75,000.00. The contract was awarded to Robert H. Lord Company in the amount of \$70,981.00. Mr. Powers clarified that the amount of \$71,000.00 shown on the first page of the pre-procurement checklist was the amount that was anticipated.

Mr. Powers announced that Andrew Souza, who was the senior heavy equipment operator for the Harwich DPW had applied for and was granted the dockhand role at the Harwich Harbor Master Department.

Kaylee Trudeau has been hired as the Executive Assistant in the Building and Conservation Departments. This is a joint position that was approved at the last Town Meeting. Ms. Trudeau started last week.

Robert Poppo will be joining the Town of Harwich through the DPW and will be part of the custodial staff. Mr. Popp will be starting next week.

SELECT BOARD'S MEMBER REPORT

Mr. Howell stated that he reviewed the minutes from the last Select Board meeting and noted that Mr. MacAskill had asked for information from Town Counsel concerning who sets the fees relative to our Recreation and Youth Commission. Mr. Howell would also like to see this information. Ms. Kavanagh responded that she would like to wait until the full Select Board is present before having that discussion. Mr. MacAskill would also like to add fee waivers to that discussion.

Before pickleball moves back in to the 204 Sisson Road building for the winter, Mr. MacAskill would like to see those rates be addressed. Ms. Kavanagh responded that this will be reviewed once the full Select Board is present.

Ms. Kavanagh stated that she, along with many others, attended the promotion event at the Harwich Police Department where Aram Goshgarian was promoted to Lieutenant and Tyler Vermette was promoted to Sergeant, and John Sullivan's retirement was celebrated. It was a great event and congratulations to all.

Ms. Kavanagh talked about the most recent Witches on the Water event where about 15-20 people paddled on Saturday and raised roughly \$20,000.00. Ms. Kavanagh thanked Mr. MacAskill for his generous donation of a paddleboard for the event. The beneficiary of the funds raised is Capabilities, which is a wonderful organization in our community.

CORRESPONDENCE

No correspondence was discussed.

ADJOURNMENT

Mr. Howell moved to adjourn the meeting of the Select Board, 2nd by Mr. Handler and approved 4-0-0.

Respectfully submitted,
Jennifer Clarke
Recording Secretary

NEW BUSINESS

OFFICE OF THE TOWN ADMINISTRATOR

Phone (508) 430-7513

Fax (508) 432-5039

Joseph F. Powers, *Town Administrator*

Meggan M. Eldredge, *Assistant Town Administrator*

732 MAIN STREET, HARWICH, MA 02645



Memo

To: Select Board

From: Joseph F. Powers, Town Administrator

Date: October 18, 2023

RE: Affirm the appointment of the Director of Planning and Community Development

This memorandum is submitted in support of New Business Item A wherein I seek your affirmation of my appointment of **Christine Flynn as Director of Planning and Community Development.**

The search process for this position included advertisements in local newspapers, our website, the Mass Municipal Association job board, the American Planning Association, Massachusetts Chapter list serve, as well as Indeed. Four complete applications and resumes were received as a result of this recruitment. All applications were reviewed by Assistant Town Administrator Meggan Eldredge and one application stood out from the rest. Ms. Flynn was interviewed first by Ms. Eldredge and shortly after presented to me for a second interview.

I present to you my choice for a finalist, Christine Flynn. Christine has over 23 years of experience in Planning, Economic Development and Affordable Housing. As a former Planner for the Martha's Vineyard Commission Regional Planning Agency, she brings vast knowledge of the varying needs of small towns.

I am confident that she will make an immediate, positive impact in this role and will be an integral part of our team going forward. I respectfully ask for your vote to affirm this appointment.

Thank you for your consideration.

Phone (508) 430-7513

Fax (508) 432-5039



OFFICE OF THE TOWN ADMINISTRATOR

Joseph F. Powers, *Town Administrator*
Meggan M. Eldredge, *Assistant Town Administrator*

732 MAIN STREET, HARWICH, MA 02645

October 16, 2023

Ms. Christine E. Flynn



Dear Ms. Flynn,

It is my pleasure to offer you the position of Director of Planning and Community Development for the Town of Harwich. I look forward to your positive contributions to the Town.

This conditional offer letter confirms our understanding of your pre-employment terms with the Town.

- Pursuant to the Town Charter, the Town Administrator makes the appointment for this position subject to confirmation by the Board of Selectmen. Your name will be put forth for confirmation on Monday, October 23, 2023. Successful confirmation will be needed to finalize appointment;
- The Town will arrange for a Pre-Employment Physical and Drug Test that must be successfully completed;
- Your employment is contingent upon a successful background and C.O.R.I. check;
- Your probation period is six months from your start date, tentatively set for Monday, November 13, 2023. The town reserves the right, if necessary, to extend the probationary period by an additional three (3) months.
- You have the option to work remotely until December 4, 2023. After this time, work shall be conducted in-person.

Please read this letter and confirm your understanding of the terms of your employment by signing the bottom of the letter and returning a copy to us for your personnel file.

Your position title will be Director of Planning and Community Development and is included in the Management Employees Association/SEIU 888 contract and your employment is subject to the rights and obligations included in it. Your starting annual salary is \$107,223.40 (Grade M4, Step 9).

I am pleased that you are continuing your professional career with us. Please feel free to contact me if you have any questions.

Sincerely,

DocuSigned by:
Joseph F. Powers
Joseph F. Powers
Town Administrator

DocuSigned by:
Christine Flynn
Ms. Christine E. Flynn

10/16/2023 | 2:00:33 PM ET

Date

cc: Town Treasurer
Town Accountant
Personnel File



OFFICE OF THE SELECTMEN
732 MAIN STREET
HARWICH, MA 02645
508-430-7513

APPLICATION FOR A SPECIAL PERMIT

- One day Entertainment (\$25)
- One day Liquor License – All Alcohol (\$50)
- One day Liquor License – Wines & Malt (\$50)
- Craft Fair (\$50)
- Event (\$25)
- Road Race (\$50)
- Other (please specify) _____

Applicants Name Harwich Chamber of Commerce Phone 508-430-1105
 Mailing Address 1 Schoolhouse Road Harwich Port, MA 02646
 Owners Name & Address Cyndi Williams - 1 Schoolhouse Rd. Harwich Port
 Email Address Cyndi@harwichcc.com

REQUIRED FOR ONE DAY ENTERTAINMENT – PLEASE PRINT

- The date & time (I.E. 4 P.M. to 10 P.M.) you are requesting to have entertainment
Friday Dec 1st - Sunday Dec 3rd
- Location of entertainment (Inside and/or outside)
Starting within 3 of our Villages - see attached
- Address where entertainment will be playing
Harwich Port - Friday / Harwich Center Saturday + Sunday
- Event Information
See attached East Harwich - Saturday
- Indicate if there will be food service
Yes - licensed + permitted Food trucks
No

REQUIRED FOR ONE DAY ENTERTAINMENT - ENTERTAINMENT TYPE: (Check all appropriate boxes)

- Concert Dance Exhibition Cabaret Public Show Other
- Dancing by Patrons
- Dancing by Entertainers or Performers
- Recorded or Live Music live actors & musician
in Harwich Center + East Harwich
- Use of Amplification System
- Theatrical Exhibit, Play or Moving Picture Show
- A Floor Show of Any Description
- A Light Show of Any Description

REQUIRED FOR ONE DAY LIQUOR/ROAD RACE/CRAFT FAIR/ANY OTHER EVENT

Address of Event _____
 Date & Time _____
 Route/Location for Road Race _____

Indicate if there be food service

Yes _____

No _____

Provide any additional information necessary for the Board of Selectmen _____

Pursuant to MGL, Chapter 62C, Section 49A, I certify under the penalties of perjury that I, to the best of my knowledge and belief, have filed all State tax returns, and have paid all State taxes under the law.

Cynthia Williams - Executive Director

Signature of applicant & title

Federal I.D. #

Signature of individual or corporate name

Federal I.D. #

Signature of Manager

Federal I.D. #

Signature of Partner

Federal I.D. #

REGULATORY COMPLIANCE FORM

The premises to be licensed as described herein have been inspected and found to be in compliance with applicable local codes & regulations, including zoning ordinances, health regulations & building & fire codes.

DocuSigned by:
Jack Mee
Building Commissioner

DocuSigned by:
Carrie Schauer
Board of Health

DocuSigned by:
Bruce Young
Fire Department

DocuSigned by:
Kevin Conidine
Police Department

DocuSigned by:
Eric Breh
Recreation Department

Required signatures to be obtained by the applicant prior to submission of new applications.

Please note: This permit does not exempt the applicant from the Town of Harwich Chapter 189 Noise by-law

Christmas in Harwich Weekend Festival- December 1-3, 2023

The following is the Plan for the Harwich Chamber of Commerce's Produced and Partnership Event Weekend Festival

How it all came to be...after a conversation and nudge from a Harwich Family while they were attending an event in Tennessee and commenting "we need to do this in Harwich" away we go and below is our Harwich version and our way of continuing to support our businesses and sharing our Harwich community with one another.

Friday, December 1, 2023- Harwich Port Stroll 5:30pm-8:30pm Includes the Annual Tree Lighting and Caroling with the Harwich Elementary School Chorus, Pilgrim Masonic Lodge and Pilgrim Congregational Church. Santa's Arrival to the Harwich Chamber of Commerce Porch via Harwich Fire Truck. Families, Children and all will Stroll through the shops, church and art galleries for specials and holiday fun.

Saturday, December 2, 2023- EXCITING & NEW THIS YEAR – The Harwich Chamber of Commerce will be producing along with New Latitudes Event Solutions two interactive and LIVE Events to take place within Harwich Center on Saturday & Sunday and East Harwich on Saturday.

Harwich Center – Dickens of a Christmas A Christmas Carol in Harwich Saturday Dec 2nd 12-6 and Sunday 2pm-6pm Following the Holiday Parade at 12noon.

A Live interactive strolling experience of the classic story by Charles Dickens. Scenes come alive along Main St. starting at the Pilgrim Masonic Lodge and ending at Brooks Park. We will also have vendors and food trucks located at Brooks Park.

East Harwich- Santa, Mrs. Claus and Friends- 11-5 A Variety of scenes and activities strategically located a variety of businesses in East Harwich. Meservey's Route 137 Shell-Harwich Paint & Decorating, Terry's TV & Appliances, Hinckley Home Center, Cape Cod Five & The Cooperative Banks, Wequasset Resort. Ending the night at 6pm with Our Annual Fireworks overlooking Pleasant Bay at Wequasset Resort & Golf Club.

“NEW HOLIDAY PARADE ROUTE” December 3, 2023 12noon

Staging will be in the Harwich Elementary School Parking Lot we will take a right out of the parking lot onto Parallel and straight across pass by the Brooks Academy and follow to Main Street take a Right then continue to Oak Street and take a left. The ending point will be either the Community Center or the High School.

Board of Health

PURPOSE:

The Board of Health is a regulatory board. The Board adheres to the Charter Chapter 7, Section 4, 7-4-1 and 7-4-2 and the Bylaws 7-10.

The Harwich Department of Health and the Harwich Board of Health take their authority from the Massachusetts General Laws (MGL), M.G.L. c.111, sec. 26-32, and the code of Massachusetts Regulations (C.M.R.), C.M.R.105. M.G.L. c.111, sec 31 grants authority to the boards of health to adopt “reasonable health regulations.”

Massachusetts local boards of health are charged with a complex set of responsibilities including enforcement of the states sanitary, environmental, housing and health codes. Our primary goal is the protection and improvement of the public health for the people of Harwich.

COMMITTEE MEMBERS / COMPOSITION / OPERATION:

The Board of Health is a statutory board comprised of five members appointed by the Select Board for a three-year term, which will run from July 1 to June 30. One member of the Board of Health should be a physician or a person with a background in healthcare. Annually the Board of Health shall reorganize and elect a Chair, Vice-Chair and a Clerk during the first meeting in July.

The Health Department and the Board of Health are two distinct but interconnected entities. The Health Department is a professionally staffed department with a Director, Administrative Assistant and health inspectors. The Board sets the town-wide policies, and the Health Department handles the day-to-day operations and executes the various health laws and regulations.

SCOPE AND RESPONSIBILITIES:

The Board of Health is responsible for assuring access to a comprehensive set of public health services defined by state law and regulations. The Responsibilities include, but are not limited to the following:

- Policies and Procedures-research, planning, evaluation and developing programs, policies and procedures
- Permitting of septic systems for compliance with Title 5
- Licensing of restaurants, inns, motels, pools, beaches, recreational camps, tanning and body art facilities
- Environmental compliance and enforcement
- Food safety enforcement
- Housing code enforcement
- Building, zoning and Planning Board application review and comment
- Tobacco Control regulations
- Horse stable licensing

- Nuisance investigation and enforcement
- Animal control regulations

CONDUCT:

The Board of Health shall post meeting notices, maintain and post meeting minutes as required under Open Meeting Law. The Board will work through the Select Board Liaison to address any concerns or issues that need to be brought to the attention of the Select Board.

Adopted by the Board of Health **Date**_____

Adopted by Select Board **Date**_____