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**MINUTES
SELECT BOARD MEETING
DONN B. GRIFFIN ROOM, TOWN HALL
732 MAIN STREET, HARWICH, MA 02645
REGULAR MEETING - 6:00 PM
MONDAY, APRIL 22, 2024**

MEMBERS PARTICIPATING: Julie Kavanagh, Chair, Michael MacAskill, Vice Chair, Jeff Handler, Clerk, Don Howell and Peter Piekarski

ALSO PARTICIPATING: Joseph Powers, Town Administrator

I. CALL TO ORDER:

Ms. Kavanagh called the meeting of the Harwich Select Board to order on Monday, April 22, 2024, at 6:00PM and read the Open Meeting Law Notice.

II. PLEDGE OF ALLEGIANCE:

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

III. PUBLIC COMMENTS/ANNOUNCEMENTS:

A. Welcome newly elected Select Board Member Peter Piekarski

Ms. Kavanagh welcomed newly elected Select Board Member Peter Piekarski.

Mr. Piekarski expressed his thanks to everyone who supported him through this election, including family, friends and all the voters. He recognized Mary Anderson for her time on the Board and commented that he looks forward to working with the Select Board members and the Town Administrator, Joseph Powers.

B. Office Hours with Michael MacAskill & Jeff Handler – Tuesday, April 23, 2024, 5:30 p.m. – 7:00 p.m. in Room 3 at the Community Center

Mr. Handler announced the Select Board Office Hours as presented.

Emily Mitchell, Town Clerk was present and noted the Annual Town Election, giving details of the date, time and place it will be held. She also noted that the deadline to register to vote. All information is on the Town Website.

Cindy Williams, Executive Director of the Harwich Chamber of Commerce was present and noted that the new Harwich Magazine is available and noted where it can be found.

Anita Doucette, President of the Harwich Historical Society was present and announced that their annual meeting will be held on May 11th at 1:00PM and will be held in the big meeting

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room in the basement of the Brooks Library. She noted that the talk will be on the Chase Family.

Carolyn Carey, Community Center Director was present and gave information about events scheduled for the remainder of April and also upcoming events in May at the Community Center. All information is on the Town's Website.

Kara Mewhinney, Cultural Affairs Director participated remotely and noted that Art Week begins Saturday, April 27th and she listed all the events during the week. Ms. Mewhinney also noted events that are scheduled during the month of May. All information is on the Community Center's Website.

Mr. Powers noted that the Town Meeting open Forum will be held on Wednesday, April 24th at 6:00PM in the Griffin Room.

Mr. Howell noted for point of information before the Consent Agenda, he informed the office verbally about the March 19th minutes. He emphasized that he wants to make the point that for the last seven years, he has been trying to secure a promise from Bob Sanburn to name something after Jimmy Marceline. The Tech School would not have been possible without him. To make sure they keep people honest about promises, he wants it in the minutes that both, he asked the question and he (Mr. Sanborn) acquiesced that he anticipated naming a portion of the new Agricultural Facility after him (Jimmy Marceline). He stated that it needs to be in the Minutes so they know that it was said. He requested that the Minutes of March 19th be held back for one more meeting and the statement he made should be in this Meeting's Minutes. He noted that he wants to see the sentences because it is important to him.

IV. CONSENT AGENDA:

- A. Approve the Select Board Meeting Minutes for:
1. March 19, 2024

The Minutes of March 19th are held until next week for edits.

2. March 25, 2024
3. April 1, 2024
4. April 8, 2024
5. April 10, 2024

Mr. Handler moved to approve the Minutes of March 25, 2024, April 1, 2024, April 8, 2024 and April 10, 2024. Seconded by Mr. MacAskill.

Mr. MacAskill withdrew his second to April 10th. Mr. Handler withdrew his second to April 10th.

Vote: 4:0:1 in favor with Mr. Piekarski abstaining. Motion carried.

Mr. Handler moved to approve the Minutes of April 10, 2024. Seconded by Mr. MacAskill.

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Vote: 5:0 in favor. Motion carried.

V. PUBLIC HEARING & PRESENTATIONS:

A. Public Hearing on the proposed amendments to Harbor Management Plan, Appendix A, Special Purpose Mooring Assignment; Votes may be taken

Mr. Handler read the Public Hearing Notice on the proposed amendments to Harbor Management Plan, Appendix A, Special Purpose Mooring Assignment.

John Rendon, Harbormaster was present. He explained that he is requesting that the Board allow him to issue a Special Purpose Mooring for Cape Cod Community Rowing. He gave a detailed description of what a Special Purpose Mooring is, a brief history of Cape Cod Community Rowing and why they requested the mooring.

Mr. Howell moved to open the Public Hearing. Seconded by Mr. Handler.

Vote 5:0 in favor. Motion carried.

Ms. Kavanagh asked if there were comments from the public.

No response.

Mr. MacAskill moved to close the Public Hearing. Seconded by Mr. Handler.

Vote: 5:0 in favor. Motion carried.

Mr. MacAskill moved to approve the proposed amendments to Harbor Management Plan, Appendix A, Special Purpose Mooring Assignment; as presented. Seconded by Mr. Howell.

Vote: 5:0 in favor. Motion carried.

B. Presentation by Karen Sunnarborg of the Housing Production Plan's needs assessment;
Vote to support

Karen Sunnarborg, Housing and Planning Consultant participated remotely. She noted that her brief presentation has a lot of material, and the document is on the Town's Website. She explained the updated information on the new Production Plan. She noted that Harwich is half way to their 10% State Affordability Goal. Also noted were major demographic and economical trends. Ms. Sunnarborg commented that the statistics showing that people who work full time in Harwich cannot afford to live in Harwich. Housing Growth and Occupancy Trends were noted as was Housing Cost Trends. In summary, she identified Priority Housing Needs which she described in detail. Ms. Sunnarborg noted next steps. The first sections are drafted, and they have begun drafting the next sections. There will be another Public Forum to present the Plan. They

will need approvals from the Planning Board and Select Board before submitting the Plan to the State.

Mr. Howell suggested that, before the Public Forum, he would like to have a Stakeholder Forum including the Housing Committee, Housing Authority, Housing Trust and providers to be sure they are all on the same page about where they're heading before going to the public.

Ms. Sunnaborg agreed and said they will do what Mr. Howell suggested. She projected the end of the spring and early summer to have the forums.

Mr. Handler supports having more stakeholder forums and explained his reasons.

Mr. Howell asked Ms. Sunnaborg how she is dealing with the fact that with Affordable Housing, there is a limit to how much equity can be taken out when the home is vacated.

Ms. Sunnaborg replied that the major issue is the cost of land and she explained the effect of that cost.

Ms. Kavanagh will contact Ms. Sunnaborg by the end of the month regarding the Stakeholder and Public Forums.

VI. NEW BUSINESS:

A. Approve the Community Rating System (CRS) National Flood Insurance filing

Mr. Handler moved to approve the Community Rating System (CRS) National Flood Insurance filing and to authorize the Chair to sign. Seconded by Mr. MacAskill.

Mr. Piekarski asked if the low-lying roads are the only high risk areas or if other areas in town are high risk or most at risk.

Ms. Kavanagh replied that the flood maps would dictate that.

Christine Flynn, Town Planner was present and noted that there are other areas that have been defined as "at risk for flooding". Mitigation studies are ongoing, this report identifies the most recent.

Mr. Piekarski asked about #14 which talks about the advanced weather equipment and asked if it had been requested or was not needed.

Ms. Flynn replied that all of the funds that had been requested were funded for communications.

Mr. Rendon noted what equipment has been updated and that they have access to the information needed.

Mr. Piekarski asked about the expansion of Wychmere Outer Harbor.

Mr. Rendon replied that they had talked about dredging and expanding the mooring field a bit but it is a huge dollar value and other projects were priorities.

Vote: 5:0 in favor. Motion carried.

B. Discussion on open projects related to Brooks Academy Museum; Votes may be taken

Mr. Handler noted that at the last meeting, the question of Brooks Academy was raised and Select Board Member MacAskill made a point that there is still approximately 1 million plus dollars in the Brooks Academy "account". Approximately \$600,000 is CPC money and the remainder is potentially usable. He would like to understand what is usable now, what is specifically allocated for exterior work, if there is a plan for beginning the exterior work and the plan for the million dollars.

Mr. Powers responded that in reference to the million plus, he would like to ask Sean Libby, Facilities Manager, if he has available numbers on Article balances. The majority of that is related to Article 27 of the 2023 Annual Town Meeting and he noted details. Regarding next action, the concerns are knowing that the Capital request, that was provided through Capital Outlay, talks about compiling projects that were previously stretched out across Fiscal Years 24-27. He specified the expected savings vs the expected cost of projects if done separately. They are still in the window to use the CPC funds and those funds can only be used for what was identified. He, as the Procurement Officer, is not convinced that the \$690,000 will be sufficient for those projects as they were envisioned in 2023. There is an expectation that they will need additional funds.

Sean Libby, Facilities Maintenance Manager was present and explained that following Town Meeting last year, he told Mr. Powers that he didn't think the \$690,000 would cover the siding and he explained why. He explained why certain parts of the project have to be done before others. There has to be a plan in place before they start the work. The \$690,000 is the total balance for the Article for siding and windows. There is \$322,000 left from the original \$475,000 approved at Town Meeting.

Mr. Handler confirmed that the plan is to pool the money together, for a better plan of attack, to start working through the building.

Mr. Howell commented that the government is chasing its tail. There is a Brooks Academy Commission, Administration, the Select Board and the Capital Outlay Committee. To his knowledge, the Capital Outlay Committee never voted to zero out this project. He asked why, in terms of process, they don't all get together to travel in the same direction at the same moment instead of revisiting issues. He noted that there has to be a process that makes sense. He is concerned that the Capital Outlay Plan was not amended by the Capital Outlay Committee. It came to the Select Board through the Town Administrator with a zero on it.

Mr. Handler agreed that there needs to be a better plan of attack for the building. He read the plan for FY25-28 and the asks which total \$875,000.

Mr. Libby explained that those asks were from the Commission. He did not request those amounts.

Mr. Handler agreed that they are not doing this right. There has been no true plan to get the building healthy and up and running again. He would like to see a plan developed soon.

Mr. Piekarski asked if they are at a standstill with the building to which Mr. Libby replied, yes. He also asked if there is a Comprehensive Engineering Report of the building to which Mr. Libby replied that yes. He asked if a strategic plan had been laid out.

Mr. Libby replied that it was not a strategic plan but it was a list of recommendations of what they could do to the building. BIA Studio Architectural Planning provided the list. They are presently on the 4th architect.

Ms. Kavanagh commented that they have the architect that was contracted to submit for the variances to the Architectural Access Board. They have to wait to hear what the Architectural Access Board will or will not allow.

Mr. Howell noted that the State won't grant such requests unless they demonstrate that they have a plan setting aside money for that so, that is not the first step. He stated that the Capital Outlay Committee also approved this in the segments that it was requested so they are not communicating with each other. They need a meeting where they are all together and have some sort of idea where they are heading.

Ms. Kavanagh commented that there may be a gap that was not voted by Capital Outlay.

Mr. MacAskill commented that Mr. Libby had recommended through the Town Administrator that instead of the \$875,000, that 1.160 million would be spent this year to have the project make sense. When the conversation came up about putting things back on the Capital Plan, it made no sense to him until Mr. Libby said they needed more money to do the actual project. The recommendation was made that it be put on Fall Town Meeting after the recertification of Free Cash and hopefully have the money there. He thanked Mr. Libby for putting together something that makes sense. He agreed that they do need to have a meeting with the Commission and although they are working on this, he does not recall them requesting a meeting with the Select Board to go over the plan. He also commented that, regarding restoring the Capital Plan, the Town Administrator had stated that it didn't matter to him if it was put back on the Capital Plan or not. Based on this conversation, it makes no sense to put it back on the Capital Plan at \$175,000 this year and then \$350,000 and \$350,000 without coming up with a number that makes sense. He agreed that they need a meeting with the Professional who is trying to save the Town money.

Ms. Kavanagh thanked Mr. Libby for compiling all that information and bringing it to the Board. The Board appreciates that he has done a lot of work for the benefit of the building, the Town and the Commission.

Mr. Howell stated that the amount of Free Cash that they have was not handed down by the State from on high, it's requested from them. When the Capital Plan was put together, there was an understanding that it was going to be considerably higher than what it got approved for at the DOR. He commented that they should have been alerted before this became a controversy that whatever the pretext was for that Capital Plan to address the Brooks Academy was short on money because they didn't ask for Free Cash to be certified at the level it would have allowed them to have the money to spend at this Town meeting. There's a lot going wrong and they need to pay attention to what they're doing and understand the ramifications that one party dropping one thing changes what other parties are able to do and they haven't done that.

Lynne Zalesak, Brooks Academy Museum Commission was present and thanked Mr. Libby for everything he has done. She also commented that she would like to have a meeting with everybody. David Spitz did all the planning and he has resigned from the Board. She expressed the need to get the building up and running again and explained why she felt it was important.

Linda Cebula of Harwich Port was present and commented on the information regarding digging up the foundation to put in a lift. She asked for clarification because her understanding was that when the foundation was done, it would be ready for the lift to be installed. She expressed her concern that money was wasted.

Mr. Libby replied that there was no plan for a lift when the foundation was done because they had not yet hired an architect.

Duncan Berry was present and commented that, as a member of the Society, it was his recollection that they have an exemption for an elevator from the Americans with Disabilities Act for a certain amount of time. Over the course of COVID, they lost the thread in a couple of these things. He understands that when that thread was lost, they lost the opportunity to be exempt from having to put in tens of thousands of dollars to redo the foundation and put in elevators. He suggested they reconsider submitting an application for an exemption as they go ahead. He expressed that everyone wants to be on the same page.

Diane Digianeiro of the Garden Club of Harwich was present and noted that they too are stakeholders and are waiting patiently for this project to get underway. They feel strongly that they want to be able to help with the landscaping. She noted that the Garden Club was gifted an inheritance and they thought it would be a great use of that money, to set aside some of it to help with the landscaping costs and develop a landscaping proposal. She asked that the Board consider that the Garden Club has a plan for landscaping the outside and they have dedicated money to do that. When they get closer, they would love to come before the Board and show them the landscaping plan.

Anita Doucette thanked the Board for their support and commented that she likes the idea of everyone working together to move forward.

Mr. Handler commented that he is comfortable with where the Board is, where the public is and where the Commission is regarding the Brooks Academy Museum and asked that a date be added to the calendar for everyone to get together, after Town Meeting.

Bobby Parr was present and asked if an ADA representative would be included in the meeting. He also asked if any work will be done to the building prior to the fall meeting

Ms. Kavanagh replied that all Departments would be included. She also replied that they will meet to come up with a comprehensive plan. There would be no point in attempting to do other work prior to the Fall Town Meeting. She noted that they can always go back to next year's Capital Plan. She explained that the money will not be abandoned.

C. Approve a Change of Manager Application for the Belmont Condominium Beach
d/b/a The Beach, 1 Belmont Road

Mr. Handler moved to approve a Change of Manager Application for the Belmont Condominium Beach d/b/a The Beach, 1 Belmont Road. Seconded by Mr. MacAskill.

Vote: 5:0 in favor. Motion carried.

D. Approve a Special Permit Application for a one day wines and malt permit for Jessica
Gomes, The Beaded Wire, event to be held on May 11, 2024, 11:00 a.m. to 6:00
p.m., at 554 Route 28, Unit 14

Mr. Handler moved to approve a Special Permit Application for a one day wines and malt permit for Jessica Gomes, The Beaded Wire, event to be held on May 11, 2024, 11:00 a.m. to 6:00 p.m., at 554 Route 28, Unit 14. Seconded by Mr. MacAskill.

Vote: 5:0 in favor. Motion carried.

E. Approve a Special Permit Application for a one day wines and malt permit for David
M. Cravenho, event to be held on June 8, 2024, 6:00 p.m. to 10:00 p.m., at 204
Sisson Road

Mr. Handler moved to approve a Special Permit Application for a one day wines and malt permit for David M. Cravenho, event to be held on June 8, 2024, 6:00 p.m. to 10:00 p.m., at 204 Sisson Road. Seconded by Mr. MacAskill.

Vote: 5:0 in favor. Motion carried.

F. Approve a 2024 Annual Class II Used Auto license renewal for Good Sons Motor Cars
Inc., 210 Queen Anne Road, Unit 12

Mr. Handler moved to approve a 2024 Annual Class II Used Auto license renewal for Good Sons Motor Cars Inc., 210 Queen Anne Road, Unit 12. Seconded by Mr. MacAskill.

Vote: 5:0 in favor. Motion carried.

G. Discussion on Kayak Rack rental fees; Votes may be taken

Eric Beebe, Director of Recreation and Youth was present and explained the request for a new pilot program/service that the Department would like to provide. He explained the pilot program in detail including the proposed rental fees. He also noted that he went to the proposed areas with Amy Usowski of Conservation to choose areas where the kayaks are allowed to be. In response to Mr. Howell's question, Mr. Beebe explained that renters would be signing a liability agreement. He confirmed that the money from the fees will go to Administration and not to any underlying liability.

Mr. MacAskill moved to approve the request from Recreation for Kayak Rack Rental Fees as presented. Seconded by Mr. Handler.

Vote: 5:0 in favor. Motion carried.

H. Discussion on Select Board Goals & Objectives

Ms. Kavanagh noted that she had shared the document that the Select Board has used in the past. She asked Board Members for suggestion, edits, comments, additions and deletions. She noted that the document is to start the conversation. Ms. Kavanagh distributed a document from Mr. Howell.

Mr. Howell commented that he feels very strongly, given where they are in terms of the Town and management thereof. He agrees with Mr. MacAskill about deliverables but when there is a preponderance of these things, you lose the forest through the trees. He noted that they have not aligned position standards with a position description. He commented that it goes from year to year, doesn't matter what the new project is, what the old project was, but things that are necessary in order for them to know that they're getting the kind of management they want and can actually access objectively each year. He referred to the document he handed out noting that it is to show that they are talking apples and he is talking oranges. He did note that when they're at the point where everything is as important as everything, nothing's important anymore. It's impossible to effectively track 12-18 goals with rank priority. He thinks that if they are going to be utilizing this to do a performance appraisal, you need both. They need what is, that without what you do in a given year, not project wise but your conduct and performance, then even if you happen to be successful on a particular objective, you're still not successful in managing. He would like to have the larger discussion about how to blend particular major objectives and goals with a position standard which other levels of government use, noting State and Federal Governments. He is passionately advocating that when they go back into this and have a deeper dive, that they have a discussion as a bigger thought that it's not just that matrix list that Ms. Kavanagh emailed to them. There is something else that they are missing.

Ms. Kavanagh clarified that it is not her list. It is the list that the Select Board has used in the past. She commented that the list is helpful to a degree and she has looked at other towns to see

what they have been doing. She will share the information that she found for the Board to give their opinions. She agreed that more importantly it's the content and how they define it.

Mr. Howell emphasized that he is not talking about one supplanting the other. He commented that you have to be able to objectively assess a deliverable, something that has a beginning, a middle and end so you know that it is done.

Mr. Piekarski commented that these goals, in terms of SMART goals, if they're not measurable, realistic and achievable then they are wasting his time and their own. He noted that the list was extensive and he would not call all of them realistic. He will focus on what is truly measurable, achievable and realistic for the Town Administrator to accomplish.

Mr. MacAskill commented that for him, the action and deliverables has been and will remain to be one of the most important pieces. He doesn't want to create work just to create work and a lot of what is on the list, has other people assigned to it. He noted that one year there were 117 objectives but it was spelled out that it was for the Town Administrator to assign. Given the current system on review of the Town Administrator, they don't get involved in the day-to-day business and they're not supposed to be talking to Department Heads about their thoughts on whether or not the Town Administrator is doing his job. By creating objectives with deliverables, if the job is done by someone else ie: the Police Chief, the TA delivered it and got it done. Mr. MacAskill also commented that outside of their list is a town to run and he recognizes how much work is involved. He asked Ms. Kavanagh for an update on the Procurement List because that is one of the goals. He would like to get an idea of where they stand on that list which at one point had 60+ open projects by no fault of the current Town Administrator. It has been suggested that they have other people doing procurement so they could burn through the list. That would be another action that would be deliverable by the Department Head back to the Town Administrator and back to the Select Board that shows that it gets done. He noted that in the past they have had a summer schedule when they do not meet every week but there is still plenty to do. He suggested that in June when they go to that schedule, they set aside a Monday to have the Select Board's Workshop where they can have paper on the table and they can go through it and try and put it together. He feels that the Workshop with the Town Administrator involved, to show where they are at, makes sense to him.

Ms. Kavanagh commented that she agrees with that for the reasons that Mr. MacAskill noted.

Mr. Howell commented that in addition to what they are saying, they had discussion at this meeting about the process. There are 278 pages that they were handed on Friday. What he is saying is that the way that they can successfully approach certain things has a lot to do with the process they're approaching it with. He noted that Ms. Kavanagh brought up that in other towns, the Select Board individual members go in to the Town Administrator to find out what's going on, what do you see in the future, the past, so they're all up to speed and have time to analyze what they are doing. If the process is bankrupt, you're just lucky if the conclusion ends up landing in the right spot. If they're both aligned, they're in a much better position to be able to govern. He does not feel it's necessary for all of the items to get adopted, they just have to have something that recognizes that they are part time and not in a position to always know the

information. They have to address that so the professional that they hire is aligned with their aspirations as an elected official and that the goals are specifically enunciated.

Mr. Handler emphasized that he agrees with everything that has been said, all good points. He noted that back when he became a Select Board Member, he thought it would have been helpful to have an idea or an understanding of the vision and the culture of the Select Board. He made a suggestion a couple of weeks into his seat on the Board that from the top down there needs to be a vision and a culture that is set by the Select Board, that can permeate down through the entire org chart, that gives everybody fair opportunity to succeed. He noted that there is turnover every three years with the Select Board and the vision and culture could be amended. But at the end of the day, he thinks there needs to be a beacon by which the Select Board thinks everything through using that beacon. He sees that the matrix they received has goals, some objectives, some deliverable and some things that he would say, how do they want their town to feel. That is important to him.. He has always given great consideration to how people feel and he emphasized that it goes from the Select Board down, through Administration, through Staff, through the public and visitors. He suggested again that they start in conjunction with their goals and objectives. That they create some kind of mission/vision/culture statement for this Board.

Board Members discussed next steps.

Ms. Kavanagh noted that she will share the other information she has, to give another overview of how they can approach this. Some towns have a mission statement. They can have another discussion but they have Town Meeting so she suggested another conversation in early June. As things quiet down, they can develop one document and then use that to go forward.

I. Select Board Member Howell to provide update on the Harwich Accessibility Rights Committee (HARC)

Mr. Howell noted that he had forwarded a number of things to Board Members. He is not expecting anything to actually happen as an action at this meeting. He is just letting the members know that first and foremost, Staff did send him the MGL. He tied it in to what's going on in the Charge but it is not their duty because the Town does not have or has ever accepted an Accessibility Rights Commission. The rules and objectives can be alluded to, it broadens things up in terms of buildings and governance so people can participate, audible disabilities, challenges for vision noting that low vision is an endemic on Cape Cod. The only fly in the ointment is that it's consistent with the way they approved the Golf Advisory Committee. He has said that he doesn't like that they have to respond to what the Board tells them but that's a bigger discussion for another time. They have the Charge and it's based in what the Board last voted. He is open to what the Board wants to do but feels this nails what everybody was looking to do. He noted that he took out things that were regulatory, that were the Select Board's responsibility. It also gets them back to five instead of seven.

Ms. Kavanagh noted tat Mr. Howell emailed the Charge to everyone. To give everyone time to read out, they can bring it back next week.

Mr. Handler commented that he is glad they are not taking a vote on it at this meeting because he wouldn't vote to support this Charge as presented. He commented that Mr. Howell had stated that it is consistent with the Golf Committee Charge which Mr. Howell voted not to support. He asked Mr. Howell if he would be voting no for the actual Charge that he just presented.

Mr. Howell replied, probably. He feels that the Select Board can't tell everybody what they know, that's the whole point of advising.

Mr. Handler noted that he watched the October 2, 2023 meeting because as he read Mr. Howell's Charge, he thought exactly what Mr. Howell brought up, it's exactly the same as the Golf Committee's Charge. However and respectfully, he made it clear three times that the Golf Committee Charge that he had the opportunity to write and be part of, was specifically intended for the Golf Committee, to put some guardrails up for a Committee that Mr. Howell told him from day one, was having an awful lot of trouble staying in their lanes. When he worked with people to craft that Charge, he made it clear to the Board and the public and the Committee that he didn't see it being the template for all other Committees. All other Committees were not having the troubles that the Golf Committee was having. Since they have put the Golf Committee Charge to rest, other Committee Charges have come before the Board and none of them have had that flavor that Mr. Howell is relating to the Golf Committee about, "when I want your opinion I'll give it to you" as part of Mr. Howell's narrative on the 2nd of October. Mr. Handler continued that at that time, Mr. Howell also cited the general provision of the Charter 7-2-1 as well as other provisions to confirm his case that the language flies in the face of the Charter. Mr. Handler commented that he finds it confusing that he would present a Charge to the Board that is exactly what he voted no on. He respectfully doesn't understand where Mr. Howell is coming from in the big picture. Lastly he added that if he could get through all of what he just said and comes to closure with it, to state that the majority of the members of the Committee should be disabled, in this Board Member's opinion, sounds discriminatory and he would like a legal opinion. He noted that if they have as a person who is non-disabled before an Interview Committee and a criteria that would be used to determine whether or not that person is qualified to serve on HARC, is no because that person is not disabled? He cannot put his vote of support on something that sounds discriminatory.

Mr. Howell replied that ironically, he absolutely agrees with Mr. Handler on the last part because it doesn't seem like Mr. Handler read the prior Charge. He noted that, that was lifted from the existing Charge. He does not think it's a good idea.

Mr. Handler asked Mr. Howell why he put it in the Charge.

Mr. Howell replied, because it was a rough draft to bring it before the Board to see what everybody wanted to do. Mr. Howell noted that he is the Chair of Sight Loss Services and has been for seven years. He cares about disabilities, he used to read to the blind at the library. He totally gets what Mr. Handler is saying. There has to be a blend of people who are interested in this along with people who are affected by it. He is not interested in specifying that. Going back to Mr. Handler's first point, he is disturbed about conflating membership with position. If there is a problem with the way people are conducting themselves, that's not an organizational positional problem, it's a person problem and they appoint different people to do things. Mr.

Howell commented that he wanted to bring up the discussion about what an Advisory Committee is. He feels that you can't single out a particular Committee because they're not functioning properly because of the people who are on it right now. He would like that bigger discussion to occur at some point. He doesn't care if the Board takes "this" out in the draft. He just wanted to point out that, that's the problem is that it's not about who's sitting there, it's about how it gets conducted structurally. He has no problem with taking out the instructional part and he has no problem taking out the part that you have to be a member of this group or you can't be appointed. He thinks that's absurd. The only organization that pertains to this is the Board of Health. For everybody else, all he cares about is good intents.

Mr. Handler commented that he appreciates what Mr. Howell is saying, there's a lot going on to unpack. He thinks that to present a Board with a Charge that you don't believe in is a waste of the Board's time. He suggested that if Mr. Howell doesn't like the fact that it states that the members should be disabled, then it was his responsibility just like it was his, to write a Charge that he thought would be accepted. He understands that Mr. Howell has a genuine interest in helping people who are disadvantaged. He commented that there seems to be a theme. They have three male members looking to join the Golf Committee and Mr. Howell had mentioned to him that he wouldn't support one of them even though he was a great candidate because he's male and he wanted to populate the Committee with more women.

Mr. Kavanagh noted that this was not an Agenda item and should be tabled. To follow up to Mr. Handler's comments, they should go back to everybody taking a look at this but understanding that Don's not comfortable with the Charge. She suggested that Mr. Howell go back and do it to a point where he feels comfortable with it and bring it back.

Mr. Howell suggested that everybody give him input to be able to do that.

Ms. Kavanagh replied that, in terms of giving the Board a Charge, they have all had Committees where they had to deal with the Charge. She suggested that he should go back and look at the Charge. He should go to a point where he feels it's better using somewhat of the template and then give the Board another one. She will bring it back after Town Meeting and they can have that discussion on the 13th of May. That will give Mr. Howell time to revise it to something more amenable to what he would like to see. She commented that it makes more sense to her on the way that they all approached the various Charges.

VII. OLD BUSINESS:

A. Discussion on Annual Town Meeting Warrant and all articles therein

Ms. Kavanagh noted that Staff gave the Board a list of Articles because they need to divide them.

She suggested they be divided by categories. She explained that, at Town Meeting they are all assigned Articles and rather than divide them by numbers, they could be divided by subject matter. She asked Board Members for feedback on which Articles they would like to address.

Mr. MacAskill stated that he wants Herring Fisheries and all the CPC Articles.

Ms. Kavanagh suggested that, rather than run of through them now, they all look through the list, tell her which ones they would like to address and she will have a list to everyone by the end of the week.

Mr. MacAskill stated for the record that he wants Herring Fisheries. He also noted that they can all send what they want to Ms. Kavanagh, in the end she will make an executive decision and bring it back. They will get what they get but he noted that they have, in the past, horse traded. He commented that Mr. Howell will disagree with something he says, he'll stand up and at some point they all stand up anyway.

Mr. Howell replied that he and Mr. MacAskill usually fill in for other people when something starts going south.

Mr. MacAskill noted that just because someone's name is put beside something doesn't mean you can't get up and speak about it. He also stated that he will take whatever Ms. Kavanagh assigns to him.

Mr. Powers noted that they had a Motions Meeting with the Moderator, Council, Members of the Finance Committee and other relevant Staff on April 12th. He suggested that Ms. Kavanagh could give a better update than he could regarding Article 50 which is related to the electronic voting.

Ms. Kavanagh stated that the Moderator provided the Electronic Voting Article and they did not have a specific dollar amount attributed to that. In the conversation they had, without assigning a specific dollar amount, what the Moderator will do is gauge the public on whether or not people are interested in moving forward on it. Based on that, it will then be referred back to the Select Board. The Moderator will have Bill Crowell cover his point on that because as the Moderator, he would not be introducing an Article. She commented that the Motions Meeting went well. She did ask specifically about FinCom's motion to take \$75,000 from Fire's Budget to increase the Reserve. She wanted to understand historically if that had ever been done. The Moderator explained that it has not ever been done in his term of approximately 30 years.

Mr. Piekarski asked for clarification, that the \$75,000 being put under their control hasn't been done or a motion on the floor to adjust it hasn't been done.

Ms. Kavanagh replied that FinCom's motion is to take the \$75,000 from the Budget and put it in to FinCom's Reserve. FinCom offered to set that aside specifically for Fire which she said they are not supposed to do. It's a Reserve so anybody can come to look for monies. She noted that there is \$50,000 in that Reserve because no one has had to use it. If FinCom wants to increase the Reserve, they would ask to increase the Reserve, it shouldn't come from somebody's Budget.

Mr. MacAskill noted that they had received an email from Kathleen Barrette, Finance Director that had Sources and Uses with updated amounts. It was dated 04/16 and he asked for a brief explanation. The public has no idea what they went up or down on. He noted that the estimated receipts decreased and the assessments increased slightly. He asked Ms. Barrette to explain specifically for the public, why the Estimated Receipts decreased.

Mr. Howell commented that he understands where Mr. MacAskill is going with this but the public doesn't have anything in their hands. He asked that in addition, it be included as part of the packet next week, even if it's not an action so they can actually see something.

Ms. Kavanagh replied that the Board had an email and they will have the conversation.

Kathleen Barrette, Finance Director was present and commented that it was a recent update through the normal Legislative process through the State House. As they work through the Budgets they make small adjustments and DLS releases updates with numbers. To be completely transparent and accurate, she sent the slight update. She noted that they are nominal in changes. She offered to put the details of the changes in writing.

Mr. MacAskill replied that he would like to have that and also have it in the packet for the public next week. He asked if there were any thoughts on why the Estimated Receipts went down.

Ms. Barrette replied that it is a component of the Cherry Sheet, there are estimated receipts and the assessments.

Mr. MacAskill referred to Article 16 - Adopt the Capital Plan. He commented that harmony is a great thing, especially at Town Meeting and it seems that there is angst because they zeroed out the lines for Brooks Academy. When they did that, it was a Board decision not the Town Administrator's decision. Mr. Powers had said it didn't matter to him one way or another what the Board did, they are going to have to go back and change the Capital Plan to do whatever they were going to do anyway. If it still doesn't matter and to cure some of the angst, when they make a positive motion because the Finance Committee is not going to make it, they should make it with an amendment to put the \$175,000, \$350,000 and \$350,000 back on it, knowing the they will have a much broader conversation and that they don't have the money for the \$175,000 this year. If it is so important to the Finance Committee and some others, should they take away 15-45 minutes worth of debate on Town Meeting Floor and make the motion out of the gate to put it back on. He asked for other Board Member's thoughts.

Mr. Howell commented that he would switch his support for that because the bottom line is the Plan is aspirational, it stands on its own, that is what their intent is. If they don't have the money, that's the second part of it and if it's not getting funded, it's not getting funded. To not have it at all, to zero it out implies that it is not important enough to be in any of the five years. He feels the Finance Committee would agree with that and he would also.

Mr. Powers noted the motion that was prepared, that the Finance Committee will be making at Town Meeting. He read the motion aloud which included changes to the FY25 column. He stated that, as the Moderator reminded, Finance Committee makes the motions to start so it would be an amendment to their main motion.

Mr. MacAskill asked if, given that they are not making a positive motion on what the Select Board put forward, isn't the normal course for them not to make the motion and for the Board to make a positive motion?

Mr. Powers noted that the Moderator has accepted that motion to be the primary motion. It is a positive motion in that it has a positive action. That is his understanding of the answer from a parliamentary standpoint. He personally added that the Article title is called Adopt the Capital Plan. The Finance Committee supports the adoption of the Capital Plan. The Finance Committee has a positive motion on the Operating Budget under Article 4, there are other elements to it but they also have a recommendation for the Capital Outlay Plan. Regarding the question of the dollar amounts, he does not agree with some of the statements that have been made but those are his personal beliefs. He believes the Moderator would rule, the main motion is the positive motion, any action that reduces that would be a motion to amend the main motion.

Mr. MacAskill followed up that the 1.16 million has never been talked about except in this room. Capital Outlay has never taken a shot at what Sean Libby came up with and gave. It has not been vetted. If the Finance Committee is going to put the Capital Plan back together because the Board took out those lines, he asked if it should be more appropriate for it to be \$175,000 in FY25 and \$350,000 and \$350,000. The 1.160 million didn't exist. He commented that they are changing the amount and it has not been vetted at all.

Ms. Kavanagh emphasized that that amount has not been vetted by Capital Outlay so why would they move that amount.

Mr. Howell commented that they can close in on some agreement. If they were to revert back on their motion to the original amounts, and they make a positive motion, then what is being discussed, all goes away. He added that it is premature, it hasn't been vetted so restore it to what it was, if they agree to make that positive motion they move on and all agree.

Mr. Powers noted that in reference to the 1.16 million not being vetted, he does not believe that is accurate. Earlier when they had the Facilities Manager at the meeting, Mr. Powers was reading from Mr. Libby's application for FY25-FY29 and it was for the \$1,160,000. That was the number that Capital Outlay was working on throughout the fall, that was the number that was in the Plan when the Board met jointly with the Finance Committee on in December 4th. The reduction of it was Mr. Power's act for discussion purposes for the Board. He believes the 1.16 million was vetted and was discussed.

Mr. MacAskill asked for clarification on that as quickly as possible. His recollection of the Capital Plan, that what they met with Finance Committee on was \$175,000, \$350,000 and \$350,000. If that's been vetted, then great. Capital Outlay, never voted to change the Capital Plan to take out the outyears and make it 1.160, that he can remember.

Mr. Powers commented that the Capital Outlay Committee was not involved in the presentation that he made in February with his Draft Budget and documents, where based on the dollar amounts, he indicated that there was not sufficient funding. But they did vette, and he has it in the application, the 1.16 million. He and Mr. Libby discussed it as early as August and that framed his presentation to the Capital Outlay Committee in the fall. The application that the Facilities Maintenance Manager presented to Capital Outlay was on October 26, 2023 and it was

the 1.16 million amount. In summary, the Finance Committee is in agreement with the overall Operating Budget of the Select Board. His concern during the Motions Meeting was if there going to be a motion under the subsequent Articles that fund. They indicated through their Vice Chair that the Finance Committee does not intend to change any other funding. His concern is that they are adding dollar amounts and those dollars don't balance. In Municipal Finance, you want things to balance. The Moderator is aware of this Motion and has indicated that he believes it is within the scope so it can be done. To achieve what they are looking for, the Board would make an amendment to change their numbers to the lower amount.

Mr. Handler commented that he has clearly reconsidered because of new information. He would support this and he agrees with Mr. Howell and likes where they are going in the big plan of harmony.

Mr. Powers asked the Select Board what Article they would support under Article 16.

Ms. Kavanagh noted that the Finance Committee wants to put back in the 2.5 million for Golf and they want to put back in the 1.5 million for Public Works Road Maintenance.

Mr. Powers noted that further, they are not contemplating, as of April 12th, any other motions that appear with any other Articles to then seek to fund those projects.

Mr. Howell commented that that was what he was saying originally, there needs to be no 2/3s vote if this Plan is adopted and within the same Fiscal Year, they come up with funding at another future point. They already agreed to the Capital Plan and all it takes is a straight up majority. To fund it later on, there's no amendment to the Capital Plan if it's done this way.

Mr. Handler noted that procedurally there is no potential risk of losing the funding at a fall Town Meeting if the funding from Free Cash is there.

Ms. Kavanagh commented that they will be going to Town Meeting with a number that they know they can't fund. She does not feel that it makes a lot of sense. The Board is trying to be super transparent and they're being accused of the opposite.

VIII. CONTRACTS:

- A. Approve a one-year lease agreement with Seacoast Harley-Davidson in the amount of \$5,000 for a motorcycle for the Police Department.

Mr. Powers noted that what he is asking specifically is for the Board to accept the lease agreement and authorize the Chair to sign.

Mr. Handler moved to approve a one-year lease agreement with Seacoast Harley-Davidson in the amount of \$5,000 for a motorcycle for the Police Department and to authorize the Chair to sign. Seconded by Mr. MacAskill.

Mr. Piekarski asked questions about the lease which Mr. Powers answered.

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Mr. Piekarski would like more information on the future use of the motorcycle.

Mr. Powers noted that they have time for Mr. Piekarski's questions and concerns to be addressed.

Mr. MacAskill removed his second. Mr. Handler removed his motion.

IX. TOWN ADMINISTRATOR'S REPORT:

Mr. Powers has no report.

X. SELECT BOARD'S MEMBER REPORT:

Mr. Howell commented that he was under a misconception. When Roman Greer came in and started talking about the Revolving Fund and it was only dedicated to inventory in the Pro Shop, it made him rethink. They have General Receipt money in different buckets that they contemplate using for a number of things and he has been asking for Administration to give him five years of what has gone in it, where it's coming from and what has come out of it. He commented that it is incumbent on the Board because they oversee the Budget. He does not think it is an unreasonable request and he reiterated that he would like to see that number after Town Meeting.

Mr. Handler thanked Cindy Williams for her unbelievable effort and said that she did a fantastic job with the 21st Annual Toast of Harwich.

Ms. Williams thanked the auctioneer, Mr. Handler, who made it extremely lively.

Mr. Howell commented, on behalf of the Board, Dan Pelletier had his party from the Water/Wastewater Superintendent's position on Friday. He would like to observe that this is one of the highest quality human beings they have had working in this town. He is a terrific individual, a terrific manager and they all wish him well.

Ms. Kavanagh commented that she called Mr. Pelletier to congratulate him and say how much they will miss him.

XI. CORRESPONDENCE:

XII. ADJOURNMENT:

Mr. MacAskill moved to adjourn. Seconded by Mr. Handler.

Vote: 5:0 in favor. Motion carried. Meeting adjourned.

Respectfully submitted,

Judi Moldstad

April 22, 2024

Board Secretary

April 22, 2024

