

APPROVED

RELEASED

**MINUTES  
SELECT BOARD MEETING  
DONN B. GRIFFIN ROOM, TOWN HALL  
732 MAIN STREET, HARWICH, MA  
EXECUTIVE SESSION - 5:00 PM  
REGULAR MEETING - 6:00 PM  
MONDAY, MARCH 11, 2024**

RECEIVED  
TOWN CLERK  
HARWICH, MA

2024 MAR 22 A 9:31

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

**ALSO PARTICIPATING:** Joseph Powers, Town Administrator

**I. CALL TO ORDER:**

Ms. Kavanagh called the meeting of the Harwich Select Board to order on Monday, March 11, 2024 at 5:00PM noting that they would be entering into Executive Session and returning no earlier than 6:00PM.

**II. EXECUTIVE SESSION**

A. Pursuant to MGL c.30A section 21 (a)(3) to discuss with respect to collective bargaining for all town unions and the Chair has determined that open session would have a detrimental effect on the town's bargaining position; Harwich Employees Association (HEA); Joint meeting with Board of Library Trustees

Ms. Kavanagh reported that, in Executive Session, the Select Board instructed the Town Administrator to take action on that item. She then read the Open Meeting Law Notice.

**III. PLEDGE OF ALLEGIANCE**

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

**IV. PUBLIC COMMENTS/ANNOUNCEMENTS**

A. The next Select Board Meeting will be held on Tuesday, March 19, 2024

Ms. Kavanagh announced that the next Select Board meeting will be held on Tuesday, March 19, 2024.

Cindy Williams, Executive Director of the Harwich Chamber of Commerce was present. She reminded everyone about the upcoming 60th Anniversary Party, and she shared details.

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to date. He explained the proposed project in detail noting that it meets all the rules and regulations.

Kelly Siri commented that VHB was in agreement and had no issues with the plans.

Mr. MacAskill referred to a comment suggesting that a bio retention basin becomes a mosquito breeding ground and asked who would be maintaining this after the fact, to ensure that it doesn't turn into a breeding ground for mosquitos.

Mr. Ogella responded that Mr. Our would be the personal signatory and that is transferable by contracting. He explained that process and that there was very little concern for mosquitos in the area in question.

Ms. Kavanagh noted that once the properties are sold, the association has the responsibility of maintaining the basins. She noted that the basins are being monitored.

Mr. MacAskill moved to close the Public Hearing, seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

Mr. MacAskill moved to approve a Storm Water Permit Application for a seven (7) lot subdivision plan "Wildlife Circle" located off of Littlefield Pond Road, Assessors Map 65, Parcel R2-2, seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

### **VIII. 2024 ANNUAL TOWN MEETING**

A. Vote to accept, recommend and place the following Articles in the 2024 Annual Town Meeting Warrant:

- \* Annual Departmental Revolving Funds Authorization
- \* Annual Allocation for Local Cultural Council Grants
- \* Fund Cape Cod Community Media Center
- \* Transfer 172 Queen Anne Road for disposition
- \* Transfer 178 Queen Anne Road for disposition
- \* Transfer 246 Queen Anne Road for disposition

Mr. MacAskill moved to accept, recommend and place the following Articles in the 2024 Annual Town Meeting Warrant:

- \* Annual Departmental Revolving Funds Authorization

Seconded by Mr. Handler.

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Mr. Howell noted, for the record, that he thinks that overall the usage of the Revolving Funds has been increased to the point where it's worth an examination about what could be put back in the Budget. He explained that this is why he will not be voting for it.

Vote 3:1 in favor with Mr. Howell voting nay.

Motion carried.

Mr. MacAskill moved to accept, recommend and place the following Articles in the 2024 Annual Town Meeting Warrant:

- \* Annual Allocation for Local Cultural Council Grants
- \* Fund Cape Cod Community Media Center
- \* Transfer 172 Queen Anne Road for disposition
- \* Transfer 178 Queen Anne Road for disposition
- \* Transfer 246 Queen Anne Road for disposition

Seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

Mr. Powers referred to a memo that was included in the packet regarding a potential for 46 Articles. He reviewed the categories and how they are laid out. He noted for the record that when the two Special Purpose Stabilization Funds were established at Special Town Meeting in October of 2021, he had made statements to the audience that these required a 2/3s majority vote for the funds to be voted out of Special Fund. Governor Healey had filed legislation which became law in the fall of 2023 reducing the quantum of vote from 2/3s to a straight majority. Mr. Powers commented on previous conversations about a Sewer Assistance Program, asking for direction from the Select Board.

Mr. MacAskill replied that the Board of Water /Wastewater Commissioners have a line item for the Sewer Assistance Program in their Budget. He asked that Mr. Powers clarify that and get the language. He strongly suggested that the sale of the 1.5 million for the Queen Anne property be put on next week's Agenda and that they vote in time for Town Meeting that the money be put into a fund for land acquisition. He explained his reasons and also made suggestions for possible future land sales and uses.

Mr. Powers responded that there will be an opportunity for discussion under Funding for Budgets as it relates to the Capital Plan. He referred back to the memorandum, noting that there are no Article numbers associated with any Articles. He asked for the Board to offer guidance as to where they would want the Articles to fall in the Warrant.

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Ms. Kavanagh commented that they had discussed having the Petition Articles in the front end of the meeting.

Discussion followed with Board members giving opinions and offering suggestions on the placement of Petitions within the Warrant. They agreed that the Petitions should be addressed in the first night of Town Meeting and asked that Mr. Powers have his proposal next week based on the guidance just offered.

B. Fiscal Year 2025 Budget Items including:

- \* Update and discussion on revenue sources available
- \* Update and discussion on FY 2025 Capital Outlay Articles and funding sources
- \* Update and discussion on potential changes to the draft FY 2025-2029 Capital Outlay Plan
- \* Discussion on proposed Enhancements of Service requests relative to the Departmental Operating Budgets for Fiscal Year 2025

Mr. Powers noted that the Articles are essentially written and can be edited after the discussion on the Enhancement of Services. He referred to a memorandum in the packet, noting what information is included. At the request of the Board, Mr. Powers went through the documents, explaining each in detail. He also emphasized that the numbers are subject to change.

Board members asked questions, had discussions and made suggestions throughout Mr. Powers' detailed description of the documents.

Mr. Howell brought up the issue a policy regarding the distribution of fees, such as Golf fees. He asked what percentage was set aside for Capital Improvements.

Mr. Powers responded that regarding the Irrigation Project, there is a Receipts Reserved Fund. The Golf Improvement Fund is not one of the two Revolving Funds.

Kathleen Barrette, Finance Director was present, responded and explained that the intention of Golf Borrowing was to be funded by Golf Receipts.

Board discussion followed regarding holding back on items that can wait until fall and not rushing to add them to this May's Warrant.

Mr. Powers confirmed that these items are: 2.5 million for the Golf Department, the 1.5 million in the short term for the Department of Public Works and the 1.75 million for the Water Department. He also confirmed that the members of the Board agreed that the sale of land, receipts reserved for the sale of 276 Queen Anne will not be a source available for the Capital Plan for FY25.

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\*Discussion on proposed Enhancements of Service requests relative to the Departmental  
Operating Budgets for Fiscal Year 2025

Mr. Powers referred to the pertinent pages in the memo and he explained the spreadsheet in detail.

Board members asked questions about specific entries. Discussion followed regarding the individual proposed Enhancements of Services and which of them are considered priority. Also discussed were items that could be moved to the Budget.

Mr. Powers stated for the record that the Administration team has been seeking a Human Resources Generalist and the Board has been talking about Generalist or Executive. The dollar amount therein is meant to support a Generalist, not an Executive.

Dave LeBlanc, Fire Chief and Craig Thornton, Deputy Fire Chief were present. They addressed and explained their requested Enhancement of Services.

Board members asked questions which Chief LeBlanc answered.

Chief LeBlanc also offered suggestions regarding overtime options they could use until the Fall Town Meeting. He emphasized that they are trying to staff for the bare minimum of call volume.

Board members expressed that the request will stay on the list of Enhancement of Services.

The Board went on to discuss other requests. Mr. MacAskill requested that the Town Administrator through the Department of Public Works Director look at the structure of the employees and give his reasons for the request.

Board members discussed the Rec and Youth request and expressed their opinions. Board members agreed to wait on this until fall to allow time to get more data.

Sharon Fleegeer was present and suggested adding more specifics to the job description.

Ms. Kavanagh responded that the request is for a Program Specialist.

## **IX. NEW BUSINESS**

A. Vote to approve and sign the Special Town Election Warrant to be held on April 9, 2024

Mr. MacAskill moved to approve and sign the Special Town Election Warrant to be held on April 9, 2024, seconded by Mr. Handler.

Vote 4:0 in favor. Motion carried.

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B. Approve a new 2024 Annual Common Victuallers license for Cape Chill Partners LLC d/b/a Dairy Queen Grill & Chill, 443 Route 28

Mr. MacAskill moved to approve a new 2024 Annual Common Victuallers license for Cape Chill Partners LLC d/b/a Dairy Queen Grill & Chill, 443 Route 28, seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

C. Vote to send a letter of support for the Fiscal Year 2024 Housing Rehab Program

Mr. Handler moved to vote to send a letter of support for the Fiscal Year 2024 Housing Rehab Program, seconded by Mr. MacAskill.

Vote 4:0 in favor. Motion carried.

D. Harwich Accessibility Rights Committee Charge discussion; votes may be taken

Ms. Kavanagh gave a brief summary of the Harwich Accessibility Rights Committee (HARC) Charge.

Mr. Howell, Committee Liaison commented on the original function of HARC and their jurisdiction. He also noted issues that HARC could be addressing now.

Mr. Handler noted a meeting that he'd had with Donna Richardson and that she had expressed to him the Committee's needs. Mr. Handler also commented on the Committee Handbook and the Liaison's involvement with Committees. He also noted that HARC's job is ongoing and never done. He explained the Committee's concerns and questions.

Mr. MacAskill noted that the Committee would have to have a clear focus, a purpose and an understanding of the process.. He also noted that the Committee doesn't do the work on their list, the DPW does most of that work.

Board discussion followed regarding the Charge and what they want the Committee's responsibilities to be.

Mr. Howell will write the Charge. Board members will email their thoughts to Mr. Howell.

## **X. CONTRACTS**

A. Approve a contract with Robert H. Lord Co. In the amount of \$84,588.00 for the replacement of bleachers at the Community Center

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Mr. Handler moved to approve the contract with Robert H. Lord Co. In the amount of \$84,588.00 for the replacement of bleachers at the Community Center, seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

#### **XI. TOWN ADMINISTRATOR'S REPORT**

Mr. Powers referred to inquiries the Board members had received regarding Mooring Service Agents and the process therein. He gave an overview of the situation which includes a Request for Proposal (RFP). He noted the laws pertaining to the RFPs. He also noted that this is considered under the law, as a non-responsive response.

Mr. Howell commented that it is a license agreement and questioned the fairness and reasonableness of the price.

Mr. MacAskill thanked Chip for what he has done for the Town. He commented on the number of procurements done by the town and the importance of the application deadline. He also noted that rate studies are being done by the Harbormaster. Mr. MacAskill also commented that the Town of Harwich should, in the future, explore a Harbor Management Plan change which would require a public meeting for the purpose of allowing more than one mooring servicing agent.

Mr. Handler also expressed his thanks and noted the application deadline and the precedent that would be set with every procurement if they did not adhere to it.

Ms. Kavanagh affirmed that there is a legal process in place and they cannot change that process.

Chip Niehoff, owner of AGL Mooring was present and gave a history of his work for the town and the fees he has charged. He noted that the application did not have a due date and asked that the Board revisit the issue.

#### **XII. SELECT BOARD'S MEMBER REPORT**

No reports.

#### **XIII. CORRESPONDENCE**

#### **XIV. ADJOURNMENT**

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

Vote 4:0 in favor. Motion carried.

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Meeting adjourned.

Respectfully submitted,

Judi Moldstad  
Board Secretary

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