

APPROVED

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2024 APR 23 A 10:44

**MINUTES
SELECT BOARD MEETING
DONN B. GRIFFIN ROOM, TOWN HALL
732 MAIN STREET HARWICH, MA 02645
EXECUTIVE SESSION - 5:30 PM
REGULAR MEETING - 6:00 PM
MONDAY, APRIL 1, 2024**

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 at 5:30 PM. She announced that the Board will be entering into Executive Session and returning no sooner than 6:00PM.

II. 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

B. Pursuant to MGL c. 30A §21(a)(7) to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements, the Open Meeting Law, MGL c. 30A §§ 22(f), (g) to review, approve and or discuss the possible release of executive session meeting minutes dated March 4, 2024 March 11, 2024 & March 25, 2024

Mr. Handler moved to moved into Executive Session as presented. Seconded by Mr. MacAskill.

Vote: 4:0 in favor by roll call vote. Motion carried.

Ms. Kavanagh called the Select Board back to order at 6:00 PM, reporting that in Executive Session action was taken on two elements of item B.

Ms. Kavanagh read the Open Meeting Law Notice.

III. PLEDGE OF ALLEGIANCE

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

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IV. PUBLIC COMMENTS/ANNOUNCEMENTS

Paul Ready of Great Western Road and member of the Harwich Climate Action Network was present. He described the purpose of the group and invited all Board members, employees and residents to the Earth Day Celebration. He gave details of the event.

David LeBlanc, Fire Chief and Deputy Chief Kevin Considine were present. Chief LeBlanc described the training that the Department recently had - ASHER - Active Shooter Hostile Event Response. He gave a description of the training and what and who it involved. He commented on the outstanding training and thanked everyone involved in its success.

Ginny Hewitt, Library Director was present and announced a musical program and eclipse viewing event. Ms. Hewitt also noted other programs and events being offered and gave details of each. She noted that the information can be found on the website. Ms. Hewitt noted that the Library Roof project is poised to start and will take one to two weeks.

Mr. Howell cautioned everyone to not look at the solar eclipse.

Reagan Wilda, Program Specialist at the Community Center was present. She listed all the April scheduled programs. All information is available on the website.

Patrick Otton of East Harwich announced the dates and times of Public Forums to discuss Citizens Petitions. He questioned if a petition that he submitted would be on the ballot.

Ms. Kavanagh responded that it would not be on the ballot because there is a Petition on the Warrant regarding the pool.

Mr. Otton gave the reasons that he feels it should be included on both the ballot and the warrant. He also requested information on the Cape and Islands Protection Fund that was being presented to all towns, commenting that it needs to be voted on. Mr. Otton commented that the reference to voting was in the Association for Preservation of Cape Cod's notes (APCC) website.

Mr. Howell described the approved Intended Use Projects and noted that there is no public ballot for that particular thing. He also noted that Harwich did receive its fair share.

V. CONSENT AGENDA

A. Accept a gift of a memorial bench to be placed at Long Pond Beach

Mr. Handler moved to accept a gift of a memorial bench to be placed at Long Pond Beach. Seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

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B. Approve the Select Board Meeting Minutes for March 19, 2024 and March 25, 2024

Mr. Handler moved to approve the Select Board Meeting Minutes for March 19, 2024 and March 25, 2024. Seconded by Mr. MacAskill.

Mr. Howell stated that he would not be voting to accept the minutes. He commented that he feels there should be more information, more than the entry that there was a discussion and a comment. He added that it does not have to be a transcript but needs to have more detail.

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

Ms. Kavanagh stated that those Minutes will be brought back.

Mr. Howell noted that he will try to fix them.

VI. 2024 ANNUAL TOWN ELECTION

A. Vote to approve and execute the 2024 Annual Town Election Warrant

Mr. Handler moved to approve and execute the 2024 Annual Town Election Warrant. Seconded by Mr. MacAskill.

Mr. Howell added that, to be clear, that they are putting forward what they had previously voted on.

Vote: 4:0 in favor. Motion carried.

Mr. Powers stated that there are 3 originals for each Board member to sign.

VII. 2024 ANNUAL TOWN MEETING

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

- * Article 52 Supplemental Appropriation for Phase 3 Wastewater Management Plan Construction Costs
- * Article 53 Fund a Sewer Assistance Program

Mr. MacAskill asked Mr. Powers if it is possible to renumber the Articles and put the Herring Fisheries Article last, as it normally is.

Mr. Powers replied that it would be helpful to have a vote to that effect.

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Mr. Handler moved to accept, recommend and place the following Articles in the 2024 Annual Town Meeting Warrant: Article 52 Supplemental Appropriation for Phase 3 Wastewater Management Plan Construction Costs and Article 53 Fund a Sewer Assistance Program and to renumber the Articles to have the Herring Fisheries last. Seconded by Mr. MacAskill.

Vote: 4:0 in favor. Motion carried.

Mr. MacAskill confirmed that it will be Articles 50, 51, 53 and 54 that will be changed.

B. Vote to close and execute the 2024 Annual Town Meeting Warrant

Mr. Handler moved to close and execute the 2024 Annual Town Meeting Warrant. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

Mr. MacAskill noted his objection, there is no dollar amount in Article 51. It says to Raise and Appropriate but there is no estimate of cost. He does not think it is something they should get in the habit of bringing to Town Meeting.

Mr. Howell commented that Mr. MacAskill's objection should be spelled out in the Minutes.

Ms. Kavanagh commented that they had discussed purchasing or leasing the voting clickers and they expected to get more information.

Mr. Handler pointed out that, in respect to the Capital Plan, he thinks there has been discussion that he has had with residents and the public, regarding there "removal" of some items on the Capital Plan. His interest is to make sure it's understood that he would feel more comfortable seeing some kind of narrative to let the people who are very concerned with certain items of the Capital Plan being removed, that this Select Board, as far as he knows, is not removing these items from the Capital Plan entirely. He views it more as a strategic effort to fund these items in the fall at the Town Meeting. It was suggested to him to put a side column with an asterisk specifying that those items are going to look to be funded in the fall Town Meeting so the voters don't feel like the Articles have been arbitrarily removed and forgotten.

Mr. Powers referred to Article 16 Adopting the Plan itself, language can be added to the explanation if that's also a preference.

Mr. Handler replied that he would feel better as to clarifying what the intention of the Select Board is as there is some misinformation out there and it's important that they clarify.

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Mr. Howell clarified that they have gone down this road a few times, something that is in the explanation is not part of the Warrant. If the table had an asterisk, that would be in the Warrant. They are not the same.

Mr. MacAskill commented to Mr. Handler's point and Mr. Powers' suggestion, he is willing to support that. They have talked about this, nobody on this Board has said that they do not want to do the Project, the Town Administrator has done a great job explaining it, they have committed to and supported bringing it back in the fall. There are some that don't trust that explanation but he is comfortable with it. He does not see the need to change and add back.

Ms. Kavanagh noted that the packet has the information on all the different votes to support Brooks. She feels that they are at 3 million and that would be another 1.1 million. She does not think there is one member of this Board that does not support Brooks Academy. They are currently trying to put together a Capital Plan that achieves what they can achieve with the monies that they have and they know. They are hoping that in the fall, they can fully support.

Mr. Howell noted that he is looking at the August 7th meeting where there was an amendment to the Spencer Group which actually, point blank said that it would be helpful to show progress on a plan to be able to ask for an exemption for opening the building and that absent that, there is considerable doubt whether they would be granted that by the State. Secondly if the Board does this, this way, they will be required to amend a Capital Plan by a two thirds vote to put it back in, if they hold a Fall Town Meeting.

Mr. Handler asked if the Board were to hypothetically move this to 2026, as a fall back position, would that vprohibit this Board from acting on it and trying to fund it in 2025.

Mr. Howell responded no, that if anything was moved around in the Capital Plan, according to Mr. Georgio, it would have to be a vote within the same Fiscal year by a two thirds vote. That is why he advocated initially to have it zeroed out, contained in the Capital Plan but not funded by an Article in this Town meeting. The only thing that would have to happen is not amend the Capital Plan, just fund it this fall. Now the obligation is in FY26 or by taking it out to have a two thirds vote to put it back in the Capital Plan before it can be funded.

Ms. Kavanagh followed up that the Capital Plan will have to be amended if put back in on Town Meeting Floor as it is. She commented that they had discussed that it would either be amended now or amended later.

Mr. Howell disagreed and stated that if it was in this Plan and not funded, it would not have to be amended, it would just be a vote for the funding in the fall.

Ms. Kavanagh clarified with Mr. Howell that he is saying that at the May Town Meeting, when they're voting on something, they would not have to amend the Capital Plan knowing that at the Town Meeting, that money was not in the Budget.

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Mr. Howell stated that the Capitol Plan stands as a Plan. The mechanism to fund what is in the Capital Plan are individual Articles. If this is in the Capital Plan for FY25, as an item recommended for FY25 and there is no funding mechanism, it is still in the Plan as of October and it could be funded at that point without amending the Plan. If it is taken out, then you're obligated to amend it either way, by fall.

Ms. Kavanagh replied that it is understood but the Board has had lengthy discussions in the past about the Capital Plan, what it is in Mr. Howell's mind and what it is in her mind. She is now hearing that the Capital Plan can be a work in progress where in there past, that hasn't been the interpretation. Ms. Kavanagh deferred to Mr. Powers for clarification.

Mr. Howell also requested that she ask at the same time about the August 7th action because it specifically references, without a show of progress towards a lift, that it's unlikely that they will get any relief.

Ms. Kavanagh responded that that is already an Agenda item, C. under New Business.

Mr. Powers suggested that they look at Appendix C. and described in detail what they are looking to add. He commented that they can add anything they need to the appendices and explanations. If the Board wants to go in a different direction, it's the Board's Warrant.

Mr. Handler added that there are two others, Golf and Chapter 90 Roads, that are also following this same path.

Ms. Kavanagh summarized what Mr. Powers was saying, referring to their previous discussion, they can add an asterisk noting that those items would come back to a fall Town Meeting rather than put them back in the Plan. Ultimately it is whether or not they want to put a dollar amount in, going in to May Town Meeting or do they want to stay with an asterisk to explain the they currently don't have the funds for three items and they are planning on bringing them back in the fall ,pending funds. They can take a different action or vote to close and execute the 2024 Annual Warrant. She asked the Board members how they would like to proceed.

Mr. Handler commented that there seems to be a level of comfort that they will be able to achieve the goal that needs to be achieved from the standpoint of all three of the Articles that they need to fund on the Capital Plan. He is willing to continue along with the asterisk and explanation for the public to understand that these three projects have not been dropped from the Capital Plan.

Vote: 3:1 with Mr. Howell opposed. Motion carried.

Mr. Powers distributed 7 originals for the Board's signatures.

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VIII. NEW BUSINESS

A. Vote to appoint Edward Spellman, Jr. as Temporary Treasurer/Collector

Mr. Handler moved to vote to appoint Edward Spellman, Jr. as Temporary Treasurer/Collector. Seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

B. Discussion on holding a Public Forum on Annual Town Meeting Warrant Articles

Mr. Handler expressed interest in having a discussion on holding a Public Forum on Annual Town Meeting Warrant Articles.

Ms. Kavanagh noted that they had had a discussion on different Articles and whether or not it would be helpful to have a Public Session. She expanded to say that they could decide as a Board to have a Public Session and talk about any Articles that the public might have questions on. She asked Board members for feedback.

Mr. Handler commented that he thinks it'd be a fantastic idea to hold a Public Forum for all Warrant Articles. He stated that information to the public is extremely important and he supports having a Public Forum 100%.

Mr. MacAskill also said 100% and suggested it be kept as an open topic for the next amount of meetings until Town Meeting and set aside a block of time. He noted that they have done this in the past. There are a half dozen to a dozen Articles to be talked about. There is a growing number of people who aren't as interested in the Petition Articles going forward and they would like to have their "day in court" on their own science and a differing view of the Petitioners. He sees no reason why having an open Agenda item every Monday night for discussion on Warrant Articles doesn't make sense.

Ms. Kavanagh agreed that they can have an open Agenda item. Voter Information Committees used to do a fantastic job at educating the public and holding different things on the Harwich Channel. Unfortunately, they don't have that anymore. It would be good if they keep it as an open Agenda item. They can feel it out as they go, how many people are asking and then figure out a date and a time prior to Town Meeting to have something if they need to.

Mr. Handler noted that he is in the process of selecting his next Office Hours with Mr. MacAskill. He will reschedule and let the public know. He stated that it is an opportunity to sit in a smaller setting with one or two Select Board members to answer questions.

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Cindy Williams, Executive Director of the Harwich Chamber of Commerce was present. She commented that this is something that the Chamber, the Select Board and Town Administrator have done on a regular basis at the 400 East. She added that there is a cost but also a buffet and they go through popular Warrant Articles. It has been done for a number of years other than the COVID years and she offered to do it again this year and will look into it.

Richard Waystack of Harwich was present. He noted that years ago, they held a Public Forum with the Chamber but at no cost. It was televised live and open to everybody. He noted that it was just an articulation of the Articles, not a debate. They brought in every Department Head, Board or Committee the was involved and it lasted about two hours. He commented that for people who don't want to pay for a dinner, this would be a wonderful way to do it with the cooperation of the Harwich Channel.

Ms. Kavanagh stated that they will keep it as an Agenda item moving forward and they will decide if they will have an event as Mr. Waystack described, as well as Ms. Williams' event.

Mr. Handler suggested that they pick a date.

Ms. Kavanagh will look for an available evening date for the Griffin Room to allow more people to attend or watch live. She suggested a Wednesday April 17th, 24th or May 1st.

Mr. MacAskill suggested the 17th or 24th to give people time and allow for follow up questions.

She asked members to let her know which dates work best for them.

Mr. Powers noted that the 17th is during school vacation week and some staff will be on vacation.

Mr. MacAskill moved that they schedule it for April 24th time to be determined, seconded by Mr. Howell.

Ms. Kavanagh stated that if the Griffin Room is available they will do it on the 24th, probably at 6:00PM. She will confirm.

Vote: 4:0 in favor. Motion carried.

C. Town Administrator to provide an update on Brooks Academy Museum occupancy

Mr. Powers referred to a memorandum in the packet that he provided. It is meant to follow on Select Board member Howell's question posed, under the Select Board report last week regarding whether or not it's possible to get a waiver allowing access to the main floor of the building.

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Secondly it responds to the Chair's directive to provide a narrative on funds provided to date. He went through the memorandum for the public.

Regarding the question of whether or not they can get a waiver allowing access to the main floor: He presented that question to the Building Commissioner and he indicated that the waiver would be known as a Temporary Occupancy Permit. The Commissioner then provided a definition of that under the State Building Code. He also expressed concern which Mr. Powers shares, on the question of liability of having anyone in the building before the renovation project has concluded. He also indicated that the standard operating procedure on providing temporary occupancy is predicated on knowing to a high degree of certainty as to when the project would be completed and the building then therefore in compliance with State Building Code.

The second part is regarding funds that have been appropriated. Based on the directive, he took that to understand any actions beginning in 2019 which was Article 41 and that Article sought funds for a Structural Engineering Study pertaining to the foundation of the building. Building off of that date, there were four other Articles of varying purposes and dollar amounts. The total appropriation is \$2,595,000 with just over a million left over. The million left over comes from Article 27 of Annual Town Meeting 2023, and Annual Town Meeting 2024 Article 47. He also noted the present lift vs the limited use lift access or LULA Lift. He met last week on site, with the Building Commissioner and the Facilities Maintenance Manager. During the site visit they discussed the present lift which is a staircase lift and is non-functional. According to the Town's Maintenance Manager and the Town's Project Consultant, Doug Manley, the Spencer Preservation Group was hoping to rely on that lift to gain acceptance from the Architectural Access Board while the Town seeks funding for the Fiscal Year 2025 Capital Outlay request of 1.16 million which included funding for a "Limited Use Access" lift or a LULA Lift among other expenditures. The Facilities Maintenance Manager informed the consultant that the current lift is inoperable that the consultant should still proceed seeking the Town's waiver request from the Architectural Access Board as soon as possible.

Mr. Howell expressed his frustration and quoted from August 7th, the recommendations from the contractor. The memo says that you can seek the variance application in some instances where compliance causes a financial hardship. The Board may grant a time extension to allow the owner to bring the project in conformance. It talks about submitting this with a cost estimate and a timeline. He asked if anyone knew when the 250th anniversary is. He emphasized that this was discussed in August, two Chairs told him because he was liaison to the Brooks Academy Commission, that Administration had told them that they were prohibited as a Commission, from being in the building. Eventually that was lifted but not the public. He noted that this is not a new issue, it's coming up on a vote that the Board took to pursue getting that Temporary Occupancy Permit. It's coming up on a year this summer. He's frustrated that they are at this point and everyone is pretending that it just became a problem. It has been a problem.

Ms. Kavanagh noted that the Spencer Preservation Group did not submit that to the Architectural Access Board which needed to be completed.

Mr. Howell noted that it was their contract and they didn't follow up.

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Mr. MacAskill asked Mr. Howell to clarify what “we didn’t follow up” means.

Mr. Howell replied that they have a contracting office that’s not just to procure things, it’s also to administer contracts and to default them if things aren’t going right. He clarified with Mr. Powers that the money had been paid.

Mr. Powers noted that the vendor did not submit to the Architectural Access Board as directed by the contract and by the Primary Project Manager. They had conversation in the fall about that, they talked about the other lift and whether or not he may be able to rely upon that. When he had the conversation last week with staff, the consultant informed staff that they thought it was already taken care of by the consultant. It was not.

Mr. Howell stated that the reason he is concerned about that is that if they start today and ask for the variance, it says from their own, quoting from the information in the packet on August 7th: “for this type of variance, cost estimated for the changes must be included in the application” . He explained that they would have to enclose the cost estimates and exactly when they plan on doing it. There is no exactly when they’re going to be doing it.

Mr. MacAskill asked if the frustration should be directed at the consultant. The Town did what the Town was supposed to do. He commented that it seems that Mr. Howell is frustrated with the Town.

Mr. Howell replied that no, he brought this issue up more than a month ago and asked if it had a certificate of occupancy and if not, have we pursued the variance. He noted that more than a month has transpired since he asked and now they have a report, finally had someone looking at the paperwork in the trail and realize they hadn’t put in for the variance. He noted that it’s on the Board too because he brought it up.

Mr. Handler commented that he respects what Mr. Howell was saying but asked if they had a funding issue and if they need an estimated time to completion, how would they apply for anything when they’re staring at a funding issue to fund the work that needs to be done on this amazing building.

Mr. Howell replied that it’s a self-created emergency, even if this had some certainty for Fall Town Meeting, which is doesn’t, this should have been submitted because the Capital Plan at that time, had that money in it. It was in the Capital Plan and it had a number, it didn’t have zeros. They could have been submitting the request for the variance at that time. Right now, if this is put off to the fall, you’re not talking about opening that building until at least the summer after this one. He stated that his frustration is born out of the fact that this was an evolving problem, that people knew that they had a problem, that they did not have an Occupancy Certificate and that they didn’t take the appropriate steps or followup. If they issue a contract and no work is

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ever done, they should be issued a cure letter. He didn't know if anyone followed up on this until just recently and that's his concern.

Ms. Kavanagh commented that he seems upset at the process but not the vendor. At this point it is what it is and they have to move forward. It hasn't been submitted, they've been instructed to submit it.

Mr. Howell replied that the vendor is their agent and he's upset with everybody.

Ms. Kavanagh commented that at the same time it hasn't been done, it's being submitted. The only way to go forward is, they're moving forward with the submittal to the Architectural Access Board to seek a variance. She noted that it doesn't mean it will be granted. She added that this refers to the FY25 Budget which they're talking about not having funding for. Ms. Kavanagh noted that Mary Anderson, former Chair of the Select Board, signed that and then the vendor was supposed to submit. The Town Administrator just explained that there was miscommunication back and forth and that they did not submit. That's a fact and the Board needs to move forward. It's a request to the Architectural Access Board to grant a variance. A variance is a variance for a reason. It doesn't mean it'll be granted, it's not automatic. Moving forward, it then says that FY25 Capital Plan was the way it was going to be funded. So regardless, we have this issue, it's an update and it's moving forward. She asked Mr. Howell what more they can do.

Mr. Howell said it's moving forward as of this week and he added, shame on us, shame on all of us.

Mr. MacAskill commented that there is 1.1 million dollars that hasn't been spent yet. What is the 1 million dollars left over from Annual 23 Town Meeting Warrants. It could have been reappropriated if anyone brought this before this Board to fix the elevator. He commented that this isn't on Mr. Powers, as a matter of fact, Sean Libby and Mr. Powers should be thanked because they took two years of projects in out years and moved them forward with a funding source at 1.160 million and nowhere in this conversation or any of the emails, anyone has even acknowledged the fact that the Maintenance Facilities Director and the Town Administrator tried to get this done. Mr. MacAskill added that members of the Commission have said to him that they're OK with the fact that they don't have the money this year. He commented that if they're going to start talking about things not getting done, then look back 8 years and how many years of procurements that aren't done. This building is very important but is it the absolute most important project to this Town right now and it should be being skipped over? This is the frustration that he has in many, many other projects that haven't been started. He compliments the Town, the Administrator and the Facilities Director for their work on this building. And shame on those who say one thing and then act another and then the Board ends up in this place tonight. It's turning into a headline for the Chronicle that doesn't need to be a headline. Which, based on Sunday's More to Come, it'll be a headline anyway. There should be some credit given, not just shots fired, a past recently resigned person from that Commission was sidestepping the

project and talking to the Project Manager outside of where he should have been. This isn't all on the Town nor should it be painted that way by the public or the press.

Mr. Powers stated that the total balance presently for the Articles that are referenced is \$1,022,628, \$690,000 of which cannot be repurposed because it's Community Preservation. The Facilities Manager has reached out and had conversations with the CPC Committee but those funds were identified specifically for exterior work. The remainder \$332, 628 comes from the Supplemental Funds Article under Article 47. A portion of that may be used but they were looking to use that for the owners Project Manager and Architect planned for the 1.16. Of the million, there is less than a third available.

Mr. MacAskill confirmed that that was another Article brought forward for re-appropriation by an attempt from the Facilities Manager to get this project done.

D. Vote to approve the revised Personnel Bylaw classification and Compensation table to account for;

- * Deputy Library Director
- * Human Resources Generalist
- * Seasonal Activities Coordinator

Mr. Handler moved to vote to approve the revised Personnel Bylaw classification and Compensation table to account for; Deputy Library Director, Human Resources Generalist, . Seasonal Activities Coordinator. Seconded by Mr. MacAskill.

Vote 4:0 in favor. Motion carried.

Mr. Powers noted that on items E., F. and G. they all relate to the same establishment which is Pelham on Earle. He asked that they do those three items and hold H.

E. Approve a 2024 Seasonal Common Victuallers license renewal for Pelham on Earle Operating LLC d/b/a Pelham on Earle, 30 Earle Road

F. Approve a 2024 Seasonal M.G.L. Chapter 138 Section 12 liquor license renewal for Pelham on Earle Operating LLC d/b/a Pelham on Earle, 30 Earle Road

G. Approve a new 2024 Annual Innholders license for Pelham on Earle Operating LLC d/b/a Pelham on Earle, 30 Earle Road

Mr. Handler moved to approve a 2024 Seasonal Common Victuallers license renewal for Pelham on Earle Operating LLC d/b/a Pelham on Earle, 30 Earle Road as well as a 2024 Seasonal M.G.L. Chapter 138 Section 12 liquor license renewal for Pelham on Earle Operating LLC d/b/a Pelham on Earle, 30 Earle Road both under such terms and conditions as contained in the prior license. And a new 2024 Annual Innholders license for Pelham on Earle Operating LLC d/b/a Pelham on Earle, 30 Earle Road. Seconded by Mr. MacAskill.

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Vote 4:0 in favor. Motion carried.

Item H. is held, no action taken at the request of the Applicant.

H. Approve a 2024 Seasonal Weekday and Sunday Entertainment license renewal for Pelham on Earle Operating LLC d/b/a Pelham on Earle, 30 Earle Road:

- * Weekday 12:00 p.m. to 10:00 p.m. inside & outside Live/recorded music, amplification, dancing by live performers

- * Sunday 12:00 p.m. to 10:00 p.m. inside & outside Live/recorded music, amplification, dancing by live performers

I. Approve a 2024 Weekday and Sunday Entertainment license renewal for Wychmere Harbor Functions, LP d/b/a Wychmere Beach Club, 23 Snow Inn Road:

- * Weekday 11:00 a.m. to 10:00 p.m. outside & 11:00 a.m. to 1:00 a.m. inside Live/recorded music, amplification, dancing by live performers and patrons

- * Sunday 11:00 a.m. to 10:00 p.m. outside & 11:00 a.m. to 1:00 a.m. inside Live/recorded music, amplification, dancing by live performers and patrons

Mr. handler moved to approve a 2024 Weekday and Sunday Entertainment license renewal for Wychmere Harbor Functions, LP d/b/a Wychmere Beach Club, 23 Snow Inn Road:

- * Weekday 11:00 a.m. to 10:00 p.m. outside & 11:00 a.m. to 1:00 a.m. inside Live/recorded music, amplification, dancing by live performers and patrons

- * Sunday 11:00 a.m. to 10:00 p.m. outside & 11:00 a.m. to 1:00 a.m. inside Live/recorded music, amplification, dancing by live performers and patrons

with any language that was associated with prior licenses. Seconded by Mr. MacAskill.

Mr. Howell asked for the public, if this is any change from last year.

It was confirmed that there are no changes.

Vote: 4:0 in favor. Motion carried.

J. Approve a 2024 Seasonal Lodging House License renewal for Gingerbread House, 141 Division Street

Mr. Handler moved to approve a 2024 Seasonal Lodging House License renewal for Gingerbread House, 141 Division Street with any language that was associated with prior licenses. Seconded by Mr. MacAskill.

Vote 4:0 in favor. Motion carried.

K. Vote to name the Town Administrator as Agent for the Board to negotiate with the food service license holder at Cranberry Valley Golf Course

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Mr. Handler moved to name the Town Administrator as Agent for the Board to negotiate with the food service license holder at Cranberry Valley Golf Course. Seconded by Mr. MacAskill.

Mr. Howell asked if they know exactly who owns what equipment, noting that there is a value to whether or not somebody has to backfill equipment.

Mr. Powers replied that that is the essence and purpose for this action so that the Town can have the Board's Agent in the room, working with other staff, going over inventory lists and trying to determine who owns what. He added that we, the Town, are certain in their inventory, the current provider is less certain and there were questions as to the prior provider. He is asking for that designation, to move that issue forward.

Mr. Howell does not feel it is a burden that should be born by anybody if they assume that they're going to have certain things in a building. He commented that they need to button this up so when they do this sort of a contract, we own this and you 've got to bring that. Then when you leave you take that and the Town owns everything else. It's really important to hammer down right away.

Vote 4:0 in favor. Motion carried.

IX. TOWN ADMINISTRATOR'S REPORT

Mr. Powers reported that he has signed on behalf of the Town, a contract with Sigma Health for \$68,769, which has been procured to provide comprehensive cardiac screening evaluation. He noted the funding source as an EOS last year. Another contract through the Harwich Channel, a contract with WB Mason for the Griffin Room Furniture Replacement Project, \$33,140. He also noted a personnel appointment, John Rossi, a Harwich resident will be a Program Specialist 3 in the Recreation Department.

X. SELECT BOARD'S MEMBER REPORT

Mr. Handler thanked Matt and Caleb who do one heck of a job for the Select Board every week.

XI. CORRESPONDENCE

XII. ADJOURNMENT

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

Vote 4:0 in favor. Motion carried.

Meeting adjourned.

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Respectfully submitted,

Judi Moldstad
Recording Secretary

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