



APPROVED

**MINUTES  
SELECTMEN'S MEETING  
REMOTE PARTICIPATION ONLY  
MONDAY, JANUARY 4, 2021  
5:00PM (Executive Session)  
6:00PM (Regular Meeting)**

RELEASED

**SELECTMEN PARTICIPATING:** Larry Ballantine, Donald F. Howell, Michael MacAskill, Stephen Ford, Edward McManus

**ALSO PARTICIPATING:** Town Administrator Joseph F. Powers

**CALL TO ORDER:** Chairman Ballantine reopened the meeting following the Executive Session which started at 6:00 P.M.

**EXECUTIVE SESSION:**

A. Pursuant to MGL c. 30A, s21(6) to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the general public body.

Chairman Ballantine stated that the board had a discussion on the possible purchase of land and has questions that need clarification. The matter will be brought back to Executive Session in a couple of weeks.

**WEEKLY BRIEFING**

Town Administrator Joseph Powers spoke as to Governor Baker's update as of this date. The Governor intends to notify each town as to what phase that town will be assigned and also that no field hospital is scheduled for Cape Cod.

Ms. O'Neill from the Health Department was present and shared a report as it pertains to COVID-19, including statistics, sites for testing and vaccine availability.

Ms. Williams, Chamber of Commerce, spoke as to what local restaurants and local retailers are doing to protect against COVID-19. They are working with small businesses regarding a sector specific grant program which closes January 15th.

**PUBLIC COMMENTS/ANNOUNCEMENTS**

No public comments were heard.

**ANNUAL COMMITTEE PRESENTATIONS**

Mr. Carreiro, Board of Water/Wastewater Commissioners, submitted the annual report for 2020 and noted present members. Also, included were the accomplishments of the board through 2020 and projects projected for 2021.

Mr. Howell commented on the census, full-time and part time residents. He questions how the increase is affecting the water usage year round.

Mr. Pelletier noted a slightly higher usage in the summer, usage remains average this winter.

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Mr. Larios, Capital Outlay Committee, explained the role of the committee and noted it's members. He reported the reviews and recommendations of the committee along with the annual report.

Cemetery Committee, after confirming a quorum, Mr. Conner called the meeting of the committee to order at 7:05 p.m. Members were noted, statistics reported. Updates were given for ongoing projects and projected projects. Ms. Kelley reported on an increase of lot sales.

Ms. Casey, Community Center Facilities Committee, paid tribute to Lee Culver and offered updates on events at the center under the COVID-19 guidelines as well as looking forward with creative ideas for events.

### **PUBLIC HEARING/PRESENTATIONS**

- A. Discussion and possible vote on proposed change to Harbor Management Plan; Addition of a Class C (Charter) Unattached permit designed for sail charters
- B. Discussion regarding Monomoy Regional School District Elementary Schools Enrollment and Funding Inequities

Public Hearing opened by Mr. MacAskill, all members voted in favor to go forward.

Harbormaster John Rendon spoke to the proposal with an explanation of what it entails. Questions were asked and answered. Chairman Ballantine moved to close the public hearing with a unanimous vote, public hearing was closed.

Motion to move the proposed change to the Harbor Management Plan by the addition of the Unattached Class C Charters, Approved 4-0-0.

Discussion regarding Monomoy Regional School District Elementary Schools Enrollment and Funding Inequities.

Town Administrator Powers introduced Dr. Scott Carpenter, Superintendent of the Monomoy Regional School District. Dr. Carpenter presented a Power Point presentation regarding two decades of demographic shifting on Cape. Comments and questions followed. Dr. Carpenter expressed concerns, as numbers of students decreased and not having enough students to fill a classroom. Chairman Ballantine suggested that in order to move forward, each town will have to have a fiscal article at town meeting and both towns will have to work together. Dr. Carpenter agreed and noted that there is a \$572,000 gulf that needs to be addressed and reiterated that both towns need to work together. Ms. Games of the School Committee, commented, reinforcing that the same. She is facilitating a work group with that goal in mind. All agreed that the conversation will continue as both towns move forward towards a solution.

### **CONSENT AGENDA**

- A. Vote to approve the recommendation of Harwich Housing Committee Chairman, Arthur Bodin to remove member Peg Patterson from the Harwich Housing Committee-Effective immediately.

Mr. Howell expressed concern that the Selectmen did not have an opportunity to send a letter asking the committee member if they wanted to resign prior to being fired. Mr. Ballantine agreed and suggested that they delay a decision until they go forward with the normal procedure. Mr. Powers also agreed. Mr. Ford offered to reach out to the party involved and will inform the selectmen as to the outcome. The issue will be put back on the agenda when that is completed.

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## NEW BUSINESS

### A. Discussion and possible vote- Mooring Licensing Agreements

1. Allen Harbor Marine Services-Allen Harbor Mooring Field
2. Harwich Port Boat Yard-Wychmere Inner Harbor and Wychmere Outer Harbor
3. AGL Mooring Service-Round Cove, Pleasant Bay and Herring River

Mr. MacAskill moved to approve the mooring licenses for Allen Harbor Marine Services-Allen Harbor Mooring Field, Harwich Port Boat Yard-Wychmere Inner Harbor and Wychmere Harbor Outer Harbor, all mooring service-Round Cove, Pleasant Bay and Herring River.

Approved 5-0-0

### A. Discussion and possible vote approving Section 1.07 of the Harwich Board of Selectmen Liquor License Regulations requests for closure by licensed establishments:

1. Brax Landing

Mr. MacAskill moved to approve Section 1.07 of the Harwich Board of Selectmen Liquor License Regulation requests for closure of Brax Landing. 2nd by Mr. Howell.

Approved 5-0-0

### C. Discussion and possible vote to approve subject to the response from upcoming disciplinary hearing-M.G.L. Chapter 138, Section 12 Annual on premise wines and malt Liquor License Renewal-Ember Pizza Inc. DBA Ember-600 Route 28

Mr. MacAskill moved to approve subject to the response from an upcoming disciplinary hearing-M.G.L. Chapter 138, Section 12 Annual on premise wines and malt Liquor License Renewal-Ember Pizza Inc. DBA Ember-600 Route 28. 2nd by Mr. McManus

Approved 5-0-0

### D. Discussion and possible vote-2021 Annual Lodging House License Renewal

1. Barnaby Inn-36 Route 28

Mr. MacAskill moved to approve Annual Lodging House License Renewal for Barnaby Inn-Route 28, 2nd by Mr. Howell.

Approved 5-0-0

### E. Discussion and possible vote -2021 Annual Auto License Renewals

1. All Out Performance-266 Queen Anne Road-Class IV Auto Repair
2. Harwich Port Boat Yard, Inc.-4 Harbor Road-Class I Agents or Sellers

Mr. MacAskill moved to approve 2021 Annual Auto License Renewals for All Out Performance-266 Queen Anne Road-Class IV Auto Repair and Harwich Port Boat Yard, Inc.-4 Harbor Road-Class I Agents or Sellers, 2nd by Mr. Howell.

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Approved 5-0-0

F. Discussion and possible vote-2021 Annual Common Victuallers License Renewals

1. Ashwood Food Service DBA Jake Rooney's Restaurant-119 Brooks Road
2. Harwich Inn & Tavern DBA Harwich Inn & Tavern-77 Route 28
3. Harwichport House of Pizza, Inc.-330 Route 28
4. Subfleet Inc. DBA Subway-1 Auston Road
5. Zou Garden Inc. DBA Szechuan Delight-1421 Orleans Road

Mr. MacAskill moved to approve 2021 Annual Common Victuallers License Renewals 1-5 as presented in the packet. 2nd by Mr. Howell.

Approved 4-0-0

G. Discussion and date on Cape Cod Harwich Junior Theatre Company renovations to property

Per Mr. Ballantine, the Cape Cod Harwich Junior Theatre would like to continue the discussion to the 25th meeting.

**OLD BUSINESS**

A. Vote to approve the reappointment of Arthur Bodin to the Barnstable County HOME Consortium Advisory Council- term to expire January 1, 2024

Mr. MacAskill moved to approve the reappointment of Arthur Bodin to the Barnstable County HOME Consortium Advisory Council-term to expire January 1, 2024, 2nd by Mr. Howell.

Mr. MacAskill asked if this position had been vetted. Mr. Howell replied that there had been no other people interested, no application filed and Mr. Bodin had expressed a desire to be reappointed.

Approved 5-0-0

B. Discussion and possible vote to approve a hardship reduction for liquor license fee for Zack, Inc. DBA Castaways-986 Main Street

Mr. MacAskill moved to deny a hardship reduction for liquor license fee for Zack, Inc DBA Castaways-986 Main Street, 2nd by Mr. Howell.

Discussion followed as to the reasons for the denial. Bob Young commented that it would be helpful for the licensing fees to be due in June when restaurants have full receipts.

Approved 4-0-1

Mr. Howell abstained

C. Discussion and possible vote to extend Robert C. Lawton, Jr.'s contract to January 31, 2021

Mr. MacAskill moved to extend Robert C. Lawton, Jr.'s contract to January 31, 2021

Mr. Powers explained the reasons to continue Mr. Lawton's contract to the end of January.

**Approved 5-0-0**

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D. Discussion and possible vote-Shared Streets grant concept plan review-Harwich Center/Main Street

Mr. Griffin Ryder presented information regarding improvements, extending sidewalks, pedestrian, parking and dining areas in response to the need for more room due to COVID-19. Mr. McManus expressed that more discussion is needed including public approval. Mr. Ryder noted deadline dates at the end of January on the 29<sup>th</sup> and February 26<sup>th</sup>. A public presentation and walking tour was suggested as to inform the public, get approval and meet the deadlines to acquire the funds. A meeting will be necessary the week before the 29th. A January 19th date was agreed upon.

E. Discussion and possible vote-Sewer Use Regulations Review-Dan Pelletier.

Mr. Pelletier presented information. Discussion followed regarding revisions to the original including extending the hook up date by one year.

Mr. Ballantine suggested the connection date be revised from one year to two years to allow some flexibility and also to remove the word "Civil" as stated for Sanitary Engineer. Mr. Ryder noted that the correction is to insert the word "CIVIL" and Sanitary Engineer.

Mr. Howell moved to approve the agreement with the changes noted. 2nd by Mr. Ford

Approved 5-0-0

F. SewerCAD Model Funding-Dan Pelletier

Dan Pelletier reported as to the Model Agreement and requesting consensus as to the use of the 2007 funds. Ms. Coppola, Finance Director, spoke to the verification of those funds as surplus funds. No vote needed, just a consensus. There was discussion suggesting that more information be shared with the residents of Harwich before moving forward to instill confidence in the board. Ms. McLardy expressed concerns and requested clarification of documents. The board agreed to continue the discussion at a future meeting.

**CONTRACTS**

No contracts were addressed.

**TOWN ADMINISTRATOR'S REPORT**

Mr. Powers reported that the board had scheduled a meeting on January 12th for wastewater, however due to a conflict with the Planning Board, the meeting will be broadcast instead. Mr. Powers will email members of the Select Board optional dates.  
Report concluded.

**SELECTMEN'S REPORT**

Mr. Ford had nothing to report.

Mr. MacAskill asked for a legal opinion on whether or not the board could form a regulation on large housing projects in East Harwich that weren't part of the prep for the CWMP. He stated that he had requested this at a previous meeting. He would like an answer before they vote on final sewer regulations.

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Mr. MacAskill requested that Mr. Ballantine identify to the public, possibly in a memo, who was on the subcommittee with the school talking about what was presented at this meeting, when the meetings are and what the topics have been discussed, so the public can have a better understanding of what's going on.

Mr. Ballantine confirmed with Mr. Ford that there are minutes to those meetings. Mr. Ford will make them available to the board.

Mr. McManus questioned the golf course contract to finish the landscaping and when it will be brought before the board. Mr. Powers will get that information.

Mr. Howell wished everyone a happy and better new year.

Mr. Ballantine proposed the possibility of having more than one meeting a week to avoid lengthy meetings, keeping regular issues on the Monday night.

Mr. MacAskill moved that they adjourn the meeting at 8:51 p.m., 2nd by Mr. Howell and approved 5-0-0

Respectfully submitted,

Judith R. Moldstad  
Recording Secretary

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