



APPROVED

RELEASED

MINUTES  
SELECTMEN'S MEETING  
REMOTE PARTICIPATION ONLY  
MONDAY, JUNE 7, 2021  
6:00 PM (Executive Session)  
6:30 PM (Regular Session)

**SELECTMEN PARTICIPATING:** Mr. MacAskill, Larry Ballantine, Donald Howell and Mary Anderson

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

**CALL TO ORDER**

Open session was call to Order at 6:00 pm. Ms. Anderson moved to enter into executive session. Second by Mr. Howell.

Vote: 4:0 in favor. Motion carried unanimously.

**EXECUTIVE SESSION**

A. Executive Session pursuant to M.G.L. c 30A s 21, purpose (1) and (7)(Open Meeting Law) - Open Meeting Law Complaints from Attorney Raymond H. Tomlinson, Jr. on behalf of the Port Restaurant and Bar, Inc. and Ember Pizza, Inc. dated May 24, 2021, acknowledgement of the Open Meeting Law complaints against the Board of Selectmen, discussion and responses to same, votes may be taken

B. Pursuant to M.G.L. c 30A section 21 (a) paragraph 3 to discuss with respect to collective bargaining for all town unions if an open session would have a detrimental effect on the town's bargaining position and the chair so declares.

Chairman MacAskill reopened for the Regular Session at 6:30 PM and discussed the two items.

Regarding Open Meetings Law complaints filed by Raymond Tomlinson on behalf of Jarod and Justin Brackett of the Port and Ember related to several dates which they alleged the Open Meeting Law complaints. They have hired the town's attorney from KP Law to answer that complaint. With an attorney filing the Open Meeting Law complaint, it's appropriate for the town to protect themselves and hire an attorney to respond to it. It was a lengthy Open Meeting Law complaint, over six pages. They have a draft response to it with some discussion by the Board tonight and the attorneys will send that.

In respect to collective bargaining for all town unions, no decisions were made and they are working in negotiation with more than one union. This will be a common theme for the Board for the next few months.

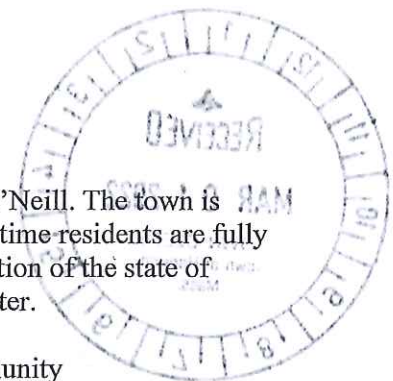
Mr. MacAskill led the meeting in the Pledge of Allegiance

**WEEKLY BRIEFING**

A. COVID-19 Updates

June 7, 2021

Town Administrator Powers is filling in for our Public Health Director Dr. Katie O'Neill. The town is tracking 3 positive cases out of 374 tests. To date, 8100 of our 11,000 eligible full time residents are fully vaccinated, just under 9400 have received one dose. Per Governor Baker, the cessation of the state of emergency will be on June 15th. Hopefully these briefing will get shorter and shorter.



B. Update on ongoing efforts by the town in support of the business community

Cindy Williams Executive Director of the Chamber of Commerce reported, summer has started early, there are a lot of people around. There have been a number of accidents, people need to be aware of their surroundings and slow down. She has noticed this in Harwich Port and Harwich Center. All the business sectors are struggling due to the staffing issues and she asked everyone for patience. They have a dedicated page on their web site for people who are hiring. This was the first week of selling the beach and dump stickers, mainly to residents and property owners. There have been almost \$20,000.00 in sales. She clarifies why there is a \$3.00 convenience fee for the Chamber. The Chamber does this as a convenience because they are centrally located but also because when the town offices and community centers are closed for the holidays, the Chamber is open 7 days a week. The money for the fee goes right back to promoting our community. It's been a great week of seeing everyone without masks and excited to get their stickers. We're ready and happy to be there.

**PUBLIC COMMENTS/ANNOUNCEMENTS**

No public comments or announcements

**CONSENT AGENDA**

A. Discussion and possible vote to approve the 2021 Committee Reappointment list

B. Discussion and possible vote to approve Board of Selectmen Meeting Minutes for April 27, 2021

Ms. Anderson moved to approve the Consent Agenda as presented, 2nd by Mr. Howell. The vote was 4-0-0 with Mr. Howell, Ms. Anderson, Mr. Ballantine and Mr. MacAskill voting aye by roll call.

**NEW BUSINESS**

A. Discussion and possible vote to hold a Public Hearing for the alleged violations at Seal Pub - 703 Main Street

Ms. Anderson moved to approve as presented, 2nd by Mr. Howell, the vote was 4-0-0 with Mr. Ballantine, Mr. Howell, Ms. Anderson and Mr. MacAskill voting aye by roll call

B. Discussion and Possible vote to authorize the Town Administrator to be the hearing officer for the Public Hearing for alleged violations at Seal Pub - 703 Main Street

Ms. Anderson moved to approve as presented, 2nd by Mr. Howell. The vote was 4-0-0 with Mr. Ballantine, Mr. Howell, Ms. Anderson and Mr. MacAskill voted aye by roll call.

Mr. Ballantine asked about the timing of the hearing.

Town Administrator Powers replied that in anticipation of this action tonight, they had already prepared a draft letter that will go out tomorrow. They believe the hearing is scheduled for June 21st but he will get specifics on that. It will be notice to the 10 day requirement and held as soon as possible.

Mr. MacAskill states that the Town Administrator picked that date based on the Board's vote last week. It's important for the public to understand and the Police Chief to understand, the Board is going to take these up quickly this year. He applauds the Town Administrator and the team for getting the hearings set as quickly as they have.

C. Discussion and possible vote to approve vacation carryover request  
from Carol Coppola, Finance Director

Ms. Anderson moved to approve as presented, 2nd by Mr. Howell.

Mr. MacAskill comments that it is contractual but it is important that they take their vacation for all the reasons they have listed in the past. For the town's sake, at the end of the year they are getting inundated with vacation carryover requests and he thinks it's important that the employees take their vacation time.

The vote was 4-0-0 with Mr. Howell, Ms. Anderson, Mr. Ballantine and Mr. MacAskill voting aye by roll call.

D. Discussion and possible vote to approve the Application Permit relative to Noise By  
Law Chapter 189-1, Section F, Sub-section 9 for the Harwich Chamber of Commerce to host  
Music in the Port - July 7 through August 25, 2021 5:00 PM to 8:00 PM

Ms. Anderson moved to approve as presented, 2nd by Mr. Howell

Mr. MacAskill questions that it says July 7th through August 25th and he assumes that it's not every night.

Ms. Williams responded that is every Wednesday and July 7th is the first Wednesday and August 25th is the last.

Mr. Howell noted that this is not the same issue that they have been grappling with in terms of noise. Its family oriented, it helps every business, everybody comes because it's a must see place.

The vote was 4-0-0 with Mr. Ballantine, Mr. Howell, Ms. Anderson and Mr. MacAskill voting aye by roll call.

E. Discussion and possible vote to approve the one day entertainment license for a  
private wedding to be held at 8 Kettle Pond Drive on July 31, 2021 from 5:00PM to  
10:00PM

Ms. Anderson moved to approve as presented, 2nd by Mr. Howell

Town Administrator Powers noted that this item was on the agenda last week but it failed to note the address

Ms. Anderson noted that the end time is 10:00PM and with all the trouble they've had with noise, she wants to be sure the family understands that 10 means 10 and even if the entertainment stops, the crowd noise can't continue.

June 7, 2021



Mr. MacAskill asks that they add into the approval that the noise by law is 150 feet and they still have to abide by the noise by law. The theme this year is being sensitive to your neighbors.

The vote was 4-0-0 with Mr. Howell, Mr. Ballantine, Ms. Anderson and Mr. MacAskill voting aye by roll call.

F. Discussion and possible vote to approve a one day entertainment license for Cape Farm Supply - 1601 Factory Road - Event to be held Saturday, June 26, 2021 3:00 PM to 11:00PM

Ms. Anderson moved to approve as presented, 2nd by Mr. Howell

Ms. Anderson asks if the 11:00PM should be made 10:00 PM

Mr. MacAskill responded that this is a long time event and they do not get complaints on this, it's at the very end of Factory Road abutted by the highway with only one person on the left side of the lake looking out from this home on the lake which is a 2-3 season cabin. He would offer the same as the last applicant to let them know that the noise by law still has to be followed.

The vote was 4-0-0 with Mr. Howell, Mr. Ballantine, Ms. Anderson and Mr. MacAskill voting aye by roll call.

G. Discussion and possible vote to approve a one day entertainment license for Harwich Inn and Tavern - 77 Route 28 - Saturday, June 19, 2021 12:00 PM to 4:00 PM

Ms. Anderson moved to approve as presented, 2nd by Mr. Howell. The vote was 4-0-0 with Mr. Howell, Ms. Anderson, Mr. Ballantine and Mr. MacAskill voting aye by roll call.

H. Discussion and possible vote to approve a new 2021 Lodging House License for Chase Escape Cape Cod LLC DBA Summer House Cafe - 126 Route 28 - *Pending Fire Department Approval*

Ms. Anderson voted to approve as presented, 2nd by Mr. Ballantine

Town Administrator Powers points out that this is pending the Fire Department's approval so if it's adopted tonight it doesn't mean that it happens immediately. Those establishments still need to come into compliance.

Ms. Anderson questioned if it was 12 rooms or 17 rooms. She is concerned about a septic which she has been told is not doing very well and if the owners of the business believe they can have 12 or 17 more rest rooms and keep their septic limping along.

Town Administrator powers Responds that it has been vetted by the Health Department and the town has interpreted that number to be 12.

The vote was 3-0-1 with Mr. Ballantine, Ms. Anderson and Mr. MacAskill voting aye and Mr. Howell abstained by roll call.

I. Discussion and possible vote to approve a new 2021 Common Victualler's License for Chase Escape Cape Cod LLC DBA Summer House Cafe - 126 Route 28 - *Pending Fire Department Approval*

Ms. Anderson moved to approve as presented, 2nd by Mr. Ballantine.

Mr. Howell asked the location of the kitchen.

Mr. Ballantine responded that last week they said they were bringing the food in. He is not sure if they are going to warm it there or what they're doing but it will be brought in with plastic containers.

Mr. Howell feels they're approving everything prior to anything being in existence. We're getting everything in place with the intention of them bringing in lobster rolls. He can't think of anything that's more potential for danger than either lobster or the mayonnaise that goes in it. They don't have a kitchen, he's not sure what they are approving. The only things that are fairly benign is hotdogs. To take anything else in from the outside you'd have to have a certified, inspected conveyance to bring it to their location. He is not interested in approving incrementally stuff that hasn't been approved by any regulatory Board.

Mr. MacAskill commented that it is June 7th and this is a business that has been in place for a very long time and doing things either the same or less than they have. There's been a lot of activity cleaning up the property and the pending approvals do not negate their responsibility to take care of them. On the food prep and kitchen side, the victualler's license doesn't circumvent the Board of Health. The Board of Health still has to approve everything before they get a permit to open.

Mr. Howell stated that he's not looking for them to approve a kitchen so they can start preparing things, he's concerned that they have no assurance that they have the facilities to properly handle something that's being brought in and being served. What they were is almost irrelevant because the person who's operating that has no relationship to the guy who owns the building who's leasing it to this person. He's concerned about public safety. The Board of Health generally does one major inspection at the beginning of the year, he has no assurance that they're going to inspect that they have freezer or refrigeration or anything aside from a kitchen.

Mr. MacAskill agreed with some points but others he believes are a Board of Health issues. Based on the comments they heard from the Board of Health last time, pending the approval, giving them the tools they need to get open and the regulatory Boards will do their jobs let them open. If they don't do their job, they don't open.

Mr. Howell stated, for the record, he is not questioning the Board of Health.

Mr. Ballantine has taken and passed the Serve Safe and even when they bring it in they are required to have proper handling of the food and the spacing. To do that they would have had to have passed that as well and the Board of Health as well. He'd hate to hold them up at this point.

Mr. Howell commented that there is a difference between the Board of Health and the Health Department

Mr. Ballantine agreed with that but it is incorrect to say they are on their own without any safety training.

Mr. Howell stated that he is not referring to that. The permit is not issued by the Board of Health, it's issued by the Health Department. He's questioning if they have a way to store it and disperse it. We have an application but we don't have anything behind it.

Mr. MacAskill commented that the third thing that was on for them tonight that he decided to pull off the agenda was the entertainment license. He decided that it would be more appropriate to get the business open before they take up entertainment, knowing that that's going to be a much larger conversation and that the Board is going to have the noise discussion for one whole meeting.

The vote was 3-1-0 with Mr. Ballantine, Ms. Anderson and Mr. MacAskill voting aye and Mr. Howell voting nay by roll call.

J. Discussion and possible vote on next steps regarding 2021 Annual Town Meeting failed Articles

1. Article 33 Hinckley's Pond Watershed Preservation Project
2. Article 36 Sand Pond Revitalization Project

Mr. MacAskill explained that there were a series of Articles at Town meeting that didn't pass and that there was conversation regarding them. To be fair to the public he thought they should bring them back for discussions on potential next steps or no potential next steps.

The 2 chosen for tonight are listed above. Starting with Article 33, Hinckley's Pond, that Article is in the packet and that was the acreage that is on Rte. 124 and Headwaters known as the Jenkin's Bog. It didn't go to Town Meeting but a fair amount of people showed interest in it to the point where they wanted to make a motion from there floor. In preparation for this, he has spoken to Michael Locke from Harwich Conservation Trust and he received an email from him. The email came through from Attorney Norcross who represents the Harwich Conservation Trust and the Compact of Cape Cod Conservation Trust. Mr. MacAskill read from the email. In response to one of the questions, that would only be if the property in question is being sold or converted for residential, commercial or industrial use. What this says is Harwich Conservation Trust had the Cape Cod Conservation Trust buying hold this piece of land. It is in their hands now and they are giving Harwich Conservation Trust until December to raise the funds to purchase this property. He asked if this was something the Harwich Conservation Trust was still interested in purchasing and if this should be brought back to Town Meeting. Mr. Locke explained that because of the way it has been done now and it's been held, he would suggest not having this at Town Meeting but letting the Harwich Conservation Trust try and raise the \$240,000.00 to purchase this property. If they don't raise it by December it would be a conversation that the Board could explore. At this time, he did not see the reason for the Board of Selectmen and the Town of Harwich to be involved.

Mr. Ballantine commented that the December time frame is problematic. It's past CPC deadlines. We may want go back to Michael. If he wants something between CPC, he should look at their schedule.

Mr. Howell feels they are gambling that they'll do it, there is no plan B. If they don't get the funding in place by December, they're waiting another year for CPC. In part this got messed up because it was unclear who the real applicant was. We're not buying the whole thing, we're actually buying a portion that had to do with recreational access. He asked, if this was done correctly, couldn't they put in an application as themselves without our Real Estate Normal Space Committee because it still fits in the same cubby hole.

Town Administrator Powers responded that if he is referring to the Harwich Conservation Trust as a private entity, they certainly could. For the record, when this first came before the Board, it was a completely different deal, shape wise and everything else, than what ended up contemplating before Town Meeting. There were a lot of moving parts that changed over time that really changed the complexity of the deal itself.

Mr. Howell states that his recommendation to them both privately and publicly would be to put together an application because they could always withdraw, it doesn't have to go all the way to Town Meeting. If they don't put together an application and something falls through they don't have a backup plan.

Mr. MacAskill's only argument to that is that if there's another piece of land that comes forward it takes the money out of that bucket. Based on his conversation with Michael and this email and the fact that they didn't come back before the town, they're pretty confident that they are going to raise the money. At this point, based on the fact that their legal has represented them and their legal supports this and the Cape Compact has pledged the money, they own it now. The Harwich Conservation Trust owns it if they raise the money. He wishes them well and he will relay the feedback in a return email to Michael Locke and echo the Town Administrator's comments that this deal changed more than once. CPC didn't receive an appraisal, it was stuck in Executive Session prior to Town Meeting. They ultimately withdrew their vote because it was a different article. His reason for bringing this was because it was important to several people that were at Town Meeting that want this piece of land. The message to the public is, it sounds like they're going to get the piece of land, just in a different way.

## 2. Article 36 Sand Pond Revitalization

Mr. MacAskill noted that at the last meeting they were going to bring in Lincoln Hooper DPW Director and Eric Bibi from the Rec, They were able to get together, staff sent them an email, Mr. MacAskill called and told them what he wanted them to bring tonight. Mr. Bibi was not available nor the Chairman of the Rec Commission so they sent an email instead. The discussion and the failed part of that more related to the playground. Taking the playground out, some of the other repairs to that property seemed necessary so it's back on the agenda for that. Mr. Hooper responded, he was told what the Board would want. It was the same for Mr. Hooper who responded by email today, copying the Town Administrator, the Assistant Town Administrator, Eric Bibi and Mr. MacAskill. The fence will be replaced with the guardrail style fence they place at other beaches and parks with recreation paying the estimated \$1,400.00 in materials and DPW installing the materials. They were ordered today and installation will be placed on the work order cue once we have the materials. The parking lot was scheduled to be graded anyway as normal routine. The demo of the old building will take approximately \$5,000.00 in expenses, block disposal, excavator rental and utility removal would be fall work. We will probably need a demo permit from the Building Department and an RDA or administrative review from the Conservation Department.

Mr. Howell asked about life guard stations which were part of the original article. They need them rebuilt. It was supposed to be one playground, life guard stations and a couple of other things in their presentation.

Mr. Ballantine said they at one time talked about having swimming lessons there and then decided against that.

Mr. MacAskill commented that they can follow through with that and ask.

Mr. Ballantine would like to know, for the record, the man hours the DPW is putting in, not on the parking lot, just on the fence so they have a complete understanding. His main concern was the expense of one more playground that wasn't necessary at that point.

Mr. MacAskill commented that he will bring up the life guard station with staff to see if that was a request and try to add that to the mix and the indirect cost from Mr. Hooper. The fence looks like it's coming out of Rec's budget based on Mr. Bibi's comments. He asked the Town Administrator if we have the money to do the \$5,000.00 demo or would it be coming out of DPW and Rec?

Town Administrator Powers replied that he will follow up on those questions. The Building Department permit usually comes from Building to the Administration Department, seeking the signature of the chair to approve the demolition.

Mr. MacAskill commented that this was an agenda item that he put on and staff did a great job getting it to the department heads. The department heads collaborating to get this done and bring it to the Board. Not having them sit through a meeting for basic information and getting this done before the meeting worked. He hopes to continue to make that work.

K. Discussion and possible vote to transfer the amount collected in the Cell Phone Tower Lease to support the Affordable Housing Trust on the amount of \$218,293.95.

Mr. Howell stated that the Cell Tower Fund was created and voted at Town Meeting in the early 2000's that anything in excess of cost to operate went into that fund and to allow the Board of Selectmen to disperse from that fund for affordable housing. Rather than going back to town meeting they took a policy decision four years ago that they would annually vote to disperse the aggregated funds from the prior year to the Housing Trust fund for their care and use for projects. We didn't do it last year. There is a need for the money and he would appreciate it if the Board would do the annual vote and it would just change where it resides in an account for the time being.

Mr. Howell moved that the Board of Selectmen vote to approve a transfer from the Cell Tower Trust Fund in the amount of \$218,293.95 to the Harwich Affordable Housing Trust Fund, 2nd by Ms. Anderson. The vote was 4-0-0 with Mr. Ballantine, Mr. Howell, Ms. Anderson and Mr. MacAskill voting aye by roll call.

**OLD BUSINESS**

A. Discussion - Snack Shack at Saquatucket Harbor license agreement.

Town Administrator Powers stated that they received an email late this afternoon from Attorney Matt Feher from KP Law who has been engaging with Attorney Matt Kelley on behalf of the Griffith family. Meggan Eldredge Assistant Town Administrator was going to reach out to see if Attorney Feher was able to join tonight's meeting. He is not present but his email was read to the Board. The attorney's suggestion is that the best course of action for the town is to try to assign the lease for one year, this year, and this season and allow the new vendor to use the equipment that is presently endowed to the Griffith family so the season is covered. Then the town could take up the disposition question of the equipment. Anything other than that would require RFP and Atty. Feher does not think the town has significant leverage based on the original lease document.

Mr. MacAskill asked how the assignment of lease would work.

Town Administrator Powers replied that the town and the vendor would agree to have the vendor pick the sub vendor. The town would not have any control over that.

Mr. Howell comments that the problem with an assignment is that you agree to the original scope of the contract and you have to execute all terms and conditions of the contract. It's the same contract with a different face behind it.

Ms. Anderson asked how the Board selects someone if it is assigned.



Town Administrator Powers responded that we don't, the original vendor does. He does not like this for the town because there is no control. We will be able to extricate ourselves from the lease after this season which goes to the end of October.

Mr. Howell adds that there's a chain of events that goes on. He asked if it was an LLC and who was involved.

Town Administrator Powers responded that when he did the research several months ago, it was the original individual, Mr. Griffith who was the sole officer of the LLC and he is the man who passed away.

Mr. Howell commented that he brought that up because an assignment can only happen with the assent of the original holder of the contract who is no longer with us. The LLC doesn't have an executive officer. Also we have equipment there and if this happens, it assigns the facility as it is to the successor. We're not resolving anything other than putting warm bodies in there and hoping for the season to go well.

Mr. MacAskill commented that to be fair, this is a band aid offer based on feedback from the Board. This is the only way out of this quickly.

Mr. Ballantine commented that they don't like taking a risk but we also take a risk if we don't do this because we won't be able to open it this summer. He thinks an empty building and empty equipment means we lose a lot. He also believes that the Board would have some control because whoever subleases this still has to comply with the original lease that they owner did. He feels not opening is a greater risk.

Mr. Howell asked how much they had been paid in the last couple of years as a result of the lease.

Town Administrator Powers replied that he thinks the total was around \$24,000.00 for the season. In addition it was 7% of proceeds above and beyond, netting out certain costs. That brought in an additional \$7,000.00 last year.

Mr. Ballantine asked if we proceed with the sublease with whoever takes it over and the Board thinks it's awful, does the Board have any ability to stop it or cancel the lease?

Town Administrator Powers answered, presumably no because of the condition of the lease itself. There were no protections. He has read enough of the existing leases to know the difference and the town is not well served with the language. We have a mechanism to bring in revenue and to continue to provide a service, not just for the boating public but for the general public. He has a pathway to do it better in the future.

Ms. Anderson feels it is a positive that the attorney is local, Attorney Matt Kelley who has the town's best interest.

Mr. MacAskill asked if we are being paid rent on the building.

Town Administrator Powers answered no, there is no licensed establishment there because there was no renewal.

Mr. MacAskill states that if the Board decided to put an RFP together as quickly as possible, we ultimately have the ability to tell them to remove their equipment.

Town Administrator Powers agrees and feels counsel would advise that if the town is not interested in going with the sublease, the Board would have to give them notice to remove all of their personal effects

from the establishment. Staff would be there to make sure that is what happens. Once they empty out the building, it's completely the Board's responsibility.

Mr. MacAskill feels this Board should consider that and an RFP that is favorable from year one knowing that they're not going to get an RFP in short order with the understanding the it's going to take 60-90 days to get a liquor license but by the way we want to have some snacks and a menu that we chose, not you chose. He thinks that would be a much better way to go and he thinks there are people who would bid to it this year. Worst case scenario, we don't. But assigning a lease and letting somebody else go in there and build some sort of history is an unfair advantage to a future RFP. The Board should consider putting together an RFP that makes sense.

Mr. Howell stated that if you do the assignment, what's included in that is the expiration date of the contract. He feels the Board will not be able to come up with a contract RFP subsequent to that in 6 weeks, kick them out and put somebody else in. That is not legal. Once we do the assignment they play it out to the expiration date of the contract. He can think of 3 local places that were interested in operating that, who are in proximity, who could easily bring labor and equipment into it at least get it going in a couple of weeks after an RFP. It isn't as dire as it seems. Not much revenue has been lost. Not much business happens in June he would go the accelerated RFP route.

Town Administrator Powers stated that beyond the notice which can be as short as 2 weeks, the Board will want to be very clear in the RFP documents, what it is looking for and what the lease will cover in the future. This is an operation that went from cold snacks, cold beverages to a multiple seat restaurant operation. If we intend to continue with the latter, we have to shore up the result to accomplish that. That'll take a couple of weeks, plus a couple of weeks to get the responses and evaluate them, It could be a 6-8 week process.

Mr. Howell commented that it's a robust market for used restaurant equipment. He is still stuck on how to actually effectuate this. It's an LLC that exists beyond everybody else. Who we're signing with is still the question. The LLC doesn't have a signature to enter into a contract. Even if the family was willing it doesn't really matter unless they somehow have derived signature authority to a separate entity. It's the corporate that exists without anybody populating it.

Mr. MacAskill asked if there is an action that the Town Administrator would like to see from the Board tonight or next week. If he was to make a motion now it would be to ask them to remove their equipment from our building. This was never a money making venture, it was a service to the public. However, they don't get to dictate the terms regardless of what the lease says about putting somebody that they may like in this town building that is way under market rate and competing with other close restaurants in a market that there really aren't any employees to hire. We can buy equipment and we should be able to explore that route. They can't fulfill their obligation.

Town Administrator Powers replied that if the Board took the action that you just mentioned this evening, he would be comfortable with that and thinks it's the appropriate action for the town. First we are recognizing that there is a bad arrangement and we have an opportunity to walk away from it. He thinks we should walk away from it. The town doesn't ever want surrender control. We have a wonderful vista at our harbor and we could entice people easily to enjoy food and beverage just as easily as we are enticing golfers and non-golfers to overlook another beautiful vista at the Tenth Tee. The town should always want to exercise control and remain in control. It's our venue, license, establishment and harbor.

Mr. Ballantine agrees that it was never viewed as revenue but they did see it as another very positive action to Harwich and Harwich Port in terms of the overall cultural environment, another scenic use for

the village, another incentive to enjoy Harwich. His concern is that he doesn't want to lose that, people have come to expect that to be a good place to go and enjoy the harbor.

Ms. Anderson feels that it would be nice if the assignment would work but she feels the risk is too great.

Mr. MacAskill stated that we could put out an RFP. That is our deck, our picnic table, our space. We could do an RFP for a food truck and people can get their food and enjoy it on the deck and get us through the summer. A one year RFP for someone to park a food truck doesn't go against the lease or anything else but it would allow for something at the harbor. He asked for a motion.

Town Administrator Powers suggested the wording that given the circumstances the town has been made aware of by the prior operator of their inability to operate as was envisioned by the town. The town respectfully will give them adequate time to work with the town to remove any personal effects and equipment that belong to the LLC and not the town.

Mr. Howell moved to terminate the lease for inability to perform and the Board will not pursue the assignment option and give them 21 days to remove any equipment not owned by the town, 2nd by Ms. Anderson.

Mr. Howell mentioned that when this was awarded previously, no local people were notified. If an RFP is done, local people will know about it.

The vote was 4-0-0 with Mr. Howell, Ms. Anderson, Mr. Ballantine and Mr. MacAskill voting aye by roll call.

## **CONTRACTS**

A. Discussion and possible vote to approve the Memorandum of Agreement with the town of Orleans for Council on Aging Supportive Day Program

Town Administrator Powers adds that it would be to authorize the chair to sign. Both towns typically authorize their chairs to sign. This is an annual service, the Town of Orleans does wonderful work specifically in support of the Day Program.

Mr. Ballantine moved to approve the Memorandum of Agreement with the Town of Orleans for Council on Aging Supportive Day Program and authorize the chair to sign, 2nd by Mr. Howell.

Mr. MacAskill stated that this is a renewal Memorandum of Agreement, the memorandum is in the packet and he read from the packet. This is not a big expense, this is a great service that is offered to the Harwich residents.

The vote was 4-0-0 with Ms. Anderson, Mr. Howell, Mr. Ballantine and Mr. MacAskill voting aye by roll call.

## **TOWN ADMINISTRATOR'S REPORT**

Town Administrator Powers deferred to the Community Center Director Carolyn Carey, she has updates.

Carolyn Carey Community Center Director updated that she met with the Assistant Town Administrator Megan Eldredge, the DPW Director and the Facilities Manager to go over a reoccurring concern. Although the town buildings will be going back to their regular schedule, the Community Center will be operating at our new normal regarding cleaning etc. The Community Center does not, through the DPW,

have enough staff. The DPW has been advertising and hoping to hire seasonal staff so the Community Center can go back to extended hours. This is a top priority, the Community Center is important to everyone and they are doing their best to get it reopened but for now it will only be open to 4:00PM. She wants the public to know how hard they are trying.

Town Administrator Powers reported one update on a contract that he recently signed because it falls under the threshold of Chapter 30B and is \$50,000.00 or less. The town had to seek bids for waste disposal services at several buildings and locations, not beaches. The Finance Director, Town Engineer and Assistant Town Administrator all worked on this. The bids yielded waste disposal services at Town Hall, several different times and locations at Saquatucket Harbor, Wychmere Town Pier, Allen Harbor, Community Center and Cultural Center all came in at under \$10,000.00. The winning bidder is Carvosa Disposal Corporation out of East Falmouth. The contract assigned May 31, 2021 for \$9,860.64 for waste disposal services going from July of this year through June of next year. Report concluded

### **SELECTMEN'S REPORT**

Mr. Howell-no report

Ms. Anderson commented that they got an email regarding the former Stone Horse Motel. She understood that the building was for the people who came here on summer visa. She asked who lives there.

Mr. MacAskill responded that they did get that email and if she has concerns, she can always email them to him. Rather than all replying, the chairman will reply. He replied to the email and sent it to the appropriate place. The Board is not involved at this time. It would start with the Building Commissioner, go to the Assistant Town Administrator and then to the Board of Selectmen through the Town Administrator. Mr. MacAskill is keeping an active chart of follow-up items and he trusts that staff will get back to them in a reasonable amount of time.

Ms. Anderson referred to talk about a meeting with the restaurants and asked if it was scheduled.

Town Administrator Powers responded that he talked to Chief Guillemette last week and they're targeting next week to have the annual licensee meeting which is not just Administration and Public Safety but also the regulatory agencies. The licensees will also be reminded what is expected of them and what they should be expecting from us as far as vigilance and surveillance. It will be very timely to get it done next week.

Chief Guillemette commented that they had discussed scheduling that meeting as soon as possible after the 15th.

Mr. Ballantine reported that tomorrow at 3:45PM they have a chance to visit the Cape Cod Tech and be toured through. He is excited to have a chance to walk through and see what is there.

Mr. MacAskill states that it has not been posted and he has a legal opinion that it doesn't not have to be posted. It is not a gathering of the Board of Selectmen, it is a tour they previously voted on. The written legal opinion will be put into the file.

Mr. MacAskill- no report

Ms. Anderson moved to adjourn, 2nd by Mr. Ballantine. The vote was 4-0-0 with Ms. Anderson, Mr. Ballantine, Mr. Howell and Mr. MacAskill voting aye by roll call.

June 7, 2021

Respectfully submitted,

Judith R. Moldstad  
Recording Secretary

June 7, 2021



