



**MINUTES  
SELECTMEN'S MEETING  
REMOTE PARTICIPATION ONLY  
MONDAY, JULY 12, 2021  
5:00 P.M. (Executive Session)  
6:00 p.m. (Regular Meeting)**

**RELEASED  
APPROVED**

**SELECTMEN PARTICIPATING:** Michael MacAskill, Larry Ballantine, Donald Howell & Mary Anderson

**ALSO PARTICIPATING:** Town Administrator Joseph Powers

**CALL TO ORDER**

Chairman MacAskill called the meeting to order at 5:00 p.m.

**Ms. Anderson moved that the Board of Selectmen enter into executive session to discuss the items listed below under executive session, 2<sup>nd</sup> by Mr. Ballantine. The vote was 4-0-0 with Mr. MacAskill, Mr. Ballantine, Mr. Howell & Ms. Anderson voting aye by roll call.**

**EXECUTIVE SESSION**

- A. Pursuant to MGL, 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;
- B. Executive Session 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 – Water/Wastewater Superintendent.
- C. Executive Session pursuant to G.L. c. 30A, sec. 21(a)(2) and (3) to conduct strategy sessions in preparation for negotiations with union personnel and to conduct contract negotiations with union personnel – SEIU

Chairman MacAskill reopened the regular meeting following executive session. He stated that the Board will be re-opening executive session after the regular meeting as they have not finished discussion on 1 item. 2 other items were discussed, but no votes or decisions were made.

**WEEKLY BRIEFING**

No weekly briefing items were heard.

**PUBLIC COMMENTS/ANNOUNCEMENTS**

- A. Presentation from Mark Kelleher, Kelpheher Farms, regarding sugar kelp production and bay scallops

Mark Kelleher was present to talk to the Board about expanding their existing permit for kelp and requesting to add bay scallops. It would be a year round operation located 0.8 mile off of Pleasant Street, 1.5 miles from the shore. The site size is less than .5 acres and is approximately 300' x 30'. The work involves the development of one long line of 250' with endpoint and floatation buoys as well as anchors at each end. Individual long lines would be moored 8' below the surface with floatation buoys at 50' intervals. Corner buoys would delineate boundaries of the area and navigational radar reflectors would be placed at the long line corners. Mr. Kelleher stated that he has



existing permits with the Division of Marine Fisheries (DMF) and Army Corps of Engineers. The permits would be amended based on the Board of Selectmen's decision. DMF would also need to dive off of the area to see if there are any existing shellfish beds. Mr. Kelleher showed examples of the buoys as well as presented slides of aerial and subsurface views of the equipment. One benefit to the Town would be in the spring when the scallops would spawn and millions of larvae would be released into the water. With the prevailing winds, Mr. Kelleher believes that the scallops will have a chance of rejuvenating the wild scallop fishery. If approved, deployment would be in early September 2021 with spawning in the following June followed by harvest in the late summer to fall of 2022. There is also the potential for nitrogen removal via the scallop install. If successful, Mr. Kelleher feels that they could hire additional people and develop a really good resource.

Mr. MacAskill noted that both the Town of Harwich Harbor Master and Waterways Committee have denied this request. He asked Mr. Kelleher how many other communities are doing what he is asking to do in Nantucket Sound. Mr. Kelleher responded that no one else is doing bay scallops. Chatham is doing kelp in a similar fashion to what he is proposing. There are projects doing in Vineyard Sound and Buzzards Bay. Mr. MacAskill responded that in Chatham, they are able to leave their anchors in year round, but they have to remove horizontal lines and cannot fish year round.

Natural Resources Director Heinz Proft was present and stated that in Harwich and on Cape Cod, it is very hard to compare things between towns. Harwich is unique in the sense that we are pro-aquaculture as a town. There are entities in Harwich that have operation son land. Over the years, the Natural Resources Department has done, in conjunction with others, small short term pilot studies. Mr. Proft stated that he has worked with Mr. Kelleher over the last 5 years and that he has met with the Conservation Agent and Harbormaster. He added that aquaculture can vary from town to town and noted that Harwich does have expansive flats that other towns have. Under Harwich's permit, Mr. Proft stated that he would be willing to shepherd a scallop program and has been supportive of doing a study of scallops. He feels that projects in deeper water would be better than in areas that recreational boaters have more access to. Mr. Proft voiced his concerns that if this project is approved, it will open the door for other proposals.

Mr. Ballantine stated that he would like to find a way to work out the navigational concerns for this project to proceed. Ms. Anderson agreed.

Mr. MacAskill stated that the Board of Selectmen doesn't have the right to overturn the Harbormasters decisions on moorings and that the Board does not usually get in the way of department head and committee decisions. He did note that it seems that the Board of Selectmen would like to consider the proposal.

Matt Hart was present and stated his concerns about navigation. While is not worried about this one pilot project, he agrees that the requests will expand and will create more navigational issues. Mr. Hart noted that he is not for or against the request, but asked that the Board be very cautious about the request.

Glen Fernandes was present and stated his support of the project. He would had to see the project not supported by others because of the "what ifs". More fish in the water is something that Mr. Fernandes supports.

Jeff Lang was present and suggested that the town map out a geography of potential future use. He has charts that show where the fish weirs are going to be and pays attention to the chart, even if the weirs are not in the water. He feels that the best part about the scallops is that they reduce nitrogen and we have to harvest them.

Mr. MacAskill suggested that he and Mr. Ballantine have continued discussions with the Harbormaster. He welcomed Ms. Anderson to email over any comments. Mr. MacAskill closed by saying that in the end, the Harbormaster gets to decide if there are going to be moorings there or not.

#### **CONSENT AGENDA**

- A. Discussion and possible vote to approve the National Multiple Sclerosis (MS) Society walk to be held on September 10, 2021 from 9:30 a.m. to 2:30 p.m.
- B. Discussion and possible vote to approve resignation of Karin Larson from the Harwich Accessibility Rights Committee
- C. Discussion and possible vote to approve Board of Selectmen Public Hearing Minutes for April 26, 2021
- D. Discussion and possible vote to authorize the Chair to enter into a Memorandum of Understanding between the Town of Harwich and the Cape Light Compact to assist with preparation and planning efforts for the Regional Energy Planning Assistance Grant for 2022-2023

**Ms. Anderson moved to approve the consent agenda as listed above, 2<sup>nd</sup> by Mr. Howell and approved 4-0-0.**

Mr. Howell requested that in accepting Ms. Larson's resignation, that she be sent a letter of gratitude for her service. Mr. Ballantine added that the Harwich Accessibility Rights Committee is an important one and pleaded with anyone present or watching to submit a citizen interest form.

#### **NEW BUSINESS**

- A. Discussion and possible vote to approve the change of manager application for Portside Liquors III, Inc. – 1421 Orleans Road

**Ms. Anderson moved to approve the change of manager application for Portside Liquors III, Inc., 1421 Orleans Road, 2<sup>nd</sup> by Mr. Howell and approved 4-0-0.**

- B. Discussion – Treasure Chest

Mr. Ballantine had asked for this discussion topic, noting that the Treasure Chest was shut down when the COVID-19 lockdown happened. He has received a lot of emails and feels it is an important topic. The initial reason that the Treasure Chest was started was to give people a chance to donate their used items for other people to re-use. It also had the purpose of keeping things out of the landfill that would then have to be discarded. While he understands that the building has been used for other purposes, he feels that an open discussion needs to take place.

DPW Director Lincoln Hooper was present and highlighted the memo that he provided to the Board. He provided information on the current state of the Treasure Chest and the cost of operations. In this instance, Mr. Hooper stated that he is unable to provide a firm recommendation to the Board. Staff is currently using that building and during the winter, they were able to store 4-5 pieces of equipment that would have normally been left outside. Problems with the Treasure Chest seemed to arise in 2018 when the Towns of Dennis and Brewster shut down their swap shops, which led to the Treasure Chest becoming very popular. At that time, the Treasure Chest volunteers were being overwhelmed with the volume. He had made a proposal to the Board to make the Treasure Chest Harwich resident only with a sticker program. Then came the issue of volunteers trying to enforce the new residency/sticker policy. At times, they were able to have a Police Officer on site, and operations ran smoothly. The Chair of the Treasure Chest Committee had recommended creating a paid position, which Mr. Hooper

agreed with. He feels that if there was a paid coordinator position, operations would be run more smoothly if the Treasure Chest is re-opened. Mr. Hooper noted alternatives including the Harwich Family Pantry and Re-Store in Yarmouth.

Ms. Anderson asked if there is another location for the Treasure Chest that would make the operation easier, noting that she has seen the backup of cars waiting to enter the site. Mr. Hooper responded that the Treasure Chest building is heated and dry and there are no other locations like that.

Maureen Davis was present and stated that she worked at the Harwich Family Pantry for 5 years and that they did not accept certain items that the Treasure Chest would take. She feels that the Treasure Chest is important and allows for people from a range of incomes to pick up items and that it is a wonderful asset to the community.

Mr. Howell stated that the Treasure Chest was intended to be addition by deletion. He suggested that we utilize the areas that we have. He would like to see the Board presented with what the problems are, what the proposed solutions and have the Treasure Chest Committee come back to the Board with what their plan is. He also noted that he has heard nothing about accessing this location from behind where the DPW is located. Before the Board votes yes or no, he would like further information.

As the Treasure Chest Committee liaison, Mr. Ballantine offered to try and bring back specific suggestions to the Board.

Mr. MacAskill commented that as much as he appreciates all of the emails received requesting to re-open the Treasure Chest, it was a disaster. We have now invested in a maintenance division, who are operating out of the Treasure Chest building. Mr. MacAskill feels that a lot of thought needs to go into the capital costs. He would welcome back further discussion as well as a sign off from the Finance Director on the money.

#### C. Update by Town Administrator on the Chloe's Path project and next steps

Mr. Powell reiterated that Chloe's Path is a proposed rental development on Sisson Road. He met with Attorney Andrew Singer last week to discuss any updates. Attorney Singer and his team made a presentation to Administration staff and Department Head's. They are now progressing to the point of community engagement efforts. A community engagement forum has been scheduled for July 20 at 6:00 p.m. in the Public Safety Building. Attorney Singer informed Mr. Powers that the developers are looking for this to potentially be considered a friendly 40B. To do so, they must go through the Local Initiative Program. They are scheduled for a meeting with the Board of Selectmen on July 26 to discuss next steps.

#### D. Update by Town Administrator - 5 Bells Neck Road Request for Proposal (2021 Annual Town Meeting - Articles 17 & 40)

Mr. Powers announced that he will be releasing a request for proposals for 5 Bells Neck Road. It will be going out in the Central Register next Wednesday and after that, will be publicized in the Cape Cod Chronicle for 2 consecutive weeks. Bid openings will occur on August 24 at 2:00 p.m. If this schedule holds, the award contract and historic preservation restriction agreement can be presented to the Board at their September 7 meeting.

Mr. Howell commented that this in the moment in time where if people want to be heard, they need to stand up and be counted.

Director of the Planning Board Duncan Berry was present and stated that he is thrilled to see this happening.

E. Update from Finance Director - The Cape and Islands Water Protection Fund Management

Finance Director Carol Coppola was present with great news for Harwich. The Cape and Islands Water Protection Fund Management Board has awarded the Town of Harwich with a preliminary subsidy in the amount of \$1,388,404.25. The Massachusetts Clean Water Trust (MCWT) has awarded preliminary principal forgiveness to the Town totaling \$568,522. Both of these amounts will reduce the overall debt for wastewater construction from \$22,214,467 down to \$20,257,540.75 at a 0% interest rate. This is very good news for the Town of Harwich and its tax payers. No action is necessary on behalf of the Board of Selectmen to accept the subsidy and principal forgiveness.

F. Discussion and possible vote to appoint a member from the list of Democratic Town Committee to the Board of Registrars- Ray Gottwald, Susan Weinstein, Mary Eagan

**Ms. Anderson moved to appoint a member from the list of Democratic Town Committee to the Board of Registrars, 2<sup>nd</sup> by Mr. Ballantine.**

Mr. Howell confirmed that this is a recommendation and that the Board needs to pick one person from the list.

**Mr. Howell moved to appoint Ray Gottwald from the list of Democratic Town Committee to the Board of Registrars, 2<sup>nd</sup> by Mr. Ballantine and approved 4-0-0.**

G. Discussion and possible vote to approve the Weekday and Sunday Entertainment License – Lucky Labrador, Inc. DBA Perks – 545 Route 28 – Weekday and Sunday 11: 00 A.M. to 1:00 A.M. Ambient background music and/or television outside and Sunday 6:00 P.M. to 9:00 P.M. Live and/or recorded music with amplification outside *\*Sunday license is a modification to what was previously approved*

Taylor and Sarah Powell were present. Mr. Powell stated that their request goes back to all of the noise problems and confusion permit language and that they are looking for clarification. Their permit currently reads pre-recorded or live music. They would like the language of the permit clarified so that ambient background noise or music that doesn't go passed the property line isn't a violation. Mr. Powell feels permitted establishments shouldn't be treated differently than a resident who has a tv outside. Given their record of not having a liquor license violation, they are hoping to work with the town to operate their business in the short season.

Mr. MacAskill stated that for him this is a clarification request. By shutting them off at 10:00 p.m. they shut off any ambient music and/or tv.

Mr. Powell urged the board to reject the request as presented and reviewed what music licenses the establishment currently holds. Mr. Powell stated that he would not have an issue with the 11:00 a.m. request but we would be inviting a host of problems with noise after 10:00 p.m. While he doesn't fault the owners for putting this in their request, if the Board goes down this route, they run the risk of muddying work that has already been done. If asked, Mr. Powers would suggest mornings no earlier than 11:00 a.m. and no later than 10:00 p.m., noting that he would also want to be mindful of church services on Sundays.

Mr. Howell commented that he has spent the better part of last year and a half trying to grapple with the problem with entertainment licenses and that it would be ignorant of them to try to not understand that we have a problem. It is not just a problem with Perks, it is the totality of what is going on. He cannot support this request as he feels we are trying to pull back and not enhance. While he understands the request and that it would be better for their business, at some point, the Board needs to decide if the objective here is entertaining and drinking or restaurants and eating.

Mr. Powell stated that they have adjusted and adapted. They had music booked for every night of the summer and have cancelled because of the way that the bylaw is being interpreted and enforced. He would like to try and avoid shutting down his business at 10:00 p.m. The Powell's are seeking language clarification on their permit so they can avoid any alleged violations. Mr. Howell asked how their plan would work if they are not stopping operations until 1:00 a.m. Mr. Power responded that they meet with their staff pre-shift every night. Last call is at 12:30 a.m. At 12:45 a.m., the fire pit and lights are shut down. Before 1:00 a.m., all drinks are out of hands and people are off of the property.

Ms. Powell feels that their request is not unreasonable and that they are not asking to blare music. They don't want to get into trouble for having a game on tv and doesn't see what the issue is with their request. Ms. Powell added that they have a short season and that this business is their livelihood.

Ms. Anderson stated that out of all of the ugliness of noise that the Powell's are trying to make this work. She asked if their business is totally outside. Mr. Powell responded that they have a small indoor space.

Mr. Powers said that the applicant is asking for the Board to create a license that doesn't exist for violations that have never occurred. If the Board adopts this request for a single applicant, he can guarantee that more requests from others will come forward. The Board of Selectmen does not oppose business and the Board and their agents have done everything they can to support business. Mr. Powers feels that this is not the time for this request to be made.

Mr. Howell added that as the licensure Board, you don't license individuals, you license the location. In the request, you are creating a circumstance for this location, not the licensee.

Mr. Powell stated that they respect all of the Boards comments and added that they are also before the Board for an alleged violation. They feel that there is a disconnect between how liquor licenses and music permits are issued. Mr. Powers commented that it would not have been appropriate for him to bring up the alleged violation, but now that it has been brought up, the request before the Board tonight is completely inappropriate. This is not the time for the Town to change things mid-stream.

Diane LeDuc was present and feels that there is a miscommunication and the way that things are written are not clear. Mr. MacAskill responded that the entertainment license encompasses tv and background music. Because it is all written as one, their entertainment ends at 10:00 p.m. The confusion is that they have never had a violation. In general, a conversation about entertainment licenses, tvs and ambient background music needs to be had.

Angela McNamara was present and commented that she does not like the spin being put on the Powell's. She feels that they are a positive part of this community. Mr. Powell met with Ms. McNamara to show her their new sound system. As a citizen, she doesn't like the tone of the discussion.



Bob Nickerson was present and said that having a tv on outside doesn't bother him. What he does see happening is a group of people who are drinking and watching the game and when something happens on the game, everyone yells. Mr. Nickerson asked the Board to think about all options before they move down this path.

James Horgan was present and asked when actual live music is allowed and if restaurants all along Route 28 in Harwich Port can have live music at this time. Mr. MacAskill responded that they have a matrix for every business and what they are permitted for. Mr. Horgan asked if having a live singer would be a noise violation. Mr. MacAskill responded that it would depend on what the establishment's license reads. It would be for any noise and/or audible lyrics 150' away. Mr. Horgan asked about the separate entertainment license for the Chamber of Commerce and anything goes until 8:00 p.m. Mr. MacAskill responded that those are Chamber events and the Executive Director would need to comment.

Harwich Chamber of Commerce Executive Director Cyndi Williams was present. She stated that after a long winter and coming out of COVID, they have had discussions on how to move forward. They have 3 bands scattered throughout various businesses that don't hold entertainment licenses. They also have Chamber sponsored Police details. Music will be from 5:00 p.m.-8:00 p.m. and she hopes for everyone to enjoy a family fun event.

**Ms. Anderson moved to approve the Weekday and Sunday Entertainment License-Lucky Labrador, Inc., d/b/a Perks, 545 Route 28-Weekday and Sunday 11:00 a.m. to 1:00 a.m. ambient background music and/or television outside and Sunday 6:00 p.m. to 9:00 p.m. live and/or recorded music with amplification outside (Sunday license is a modification to what was previously approved), 2<sup>nd</sup> by Mr. Ballantine and denied 0-4-0.**

- H. Discussion and possible vote to approve a new 2021 Weekday and Sunday Entertainment License – Chase Escape Cape Cod LLC DBA Summer House Café – 126 Route 28 – Weekday 10:00 A.M. to 12:00 A.M. and Sunday 3:00 P.M. to 12:00 A.M. Recorded or live music with amplification and dancing inside.

**Ms. Anderson moved to approve a new 2021 Weekday and Sunday Entertainment License-Chase Escape Cape Cod LLC d/b/a Summer House Café, 126 Route 28-Weekday 10:00 a.m. to 12:00 a.m. and Sunday 3:00 p.m. to 12:00 a.m.-recorded or live music with amplification and dancing inside, 2<sup>nd</sup> by Mr. MacAskill.**

Mr. MacAskill clarified that they are not requesting entertainment outside.

Nick Fiorillo and Thomas Paulini were present and briefly reviewed their request. Mr. Fiorillo noted that they are well aware of the former Irish Pub and their rowdy history. They plan to have a different path forward with the inn and innkeepers' license and hopes that the Board will approve their request and allow them a chance to show that they can operate within the guidelines that are put forward. Mr. Fiorillo added that they are in their phase 1 of their plan and is hopeful that the Board will allow them go through the process.

Tom Dudec was present and stated that he is an abutter of the property and lives on the river. The Board heard from him last year when outdoor entertainment was approved for the Irish Pub. The noise travels over the water as if it were in your home. He does now want to see what happened last year where he felt like he had a band in his house on Saturday nights.

Lou Urbano was present and that while he hopes they are successful, he has many reasons for concern. He commented that for years, the Irish Pub was a pain for him. There is a whole different entertainment that occurs when a pub closes. It is the people living along the streets that have to fix their fences after they are kicked in. Mr. Urbano sees this as a unique opportunity because this is a business that is coming into the neighborhood.

James Horgan was present and feels that these applicants will cater to an older set and that all of the West Harwich residents will be attending the business. He would like to see them be given a chance.

Virginia Doyle was present and commented that you cannot assume anything. That she has lived here for a number of years and that people would not even imagine the amount of litter and noise that the Irish Pub created. While she does appreciate that they are rehabilitating the historic building, she does not want to see an outdoor entertainment license issued. Mr. MacAskill responded that the Board is not talking about outdoor entertainment tonight.

Sally Urbano was present and feels that multiple entities will be affected which include the business, the residents, the town and the fledging DCPC area.

Ms. Anderson stated that she is reluctant to go any further, noting that this is the 2<sup>nd</sup> or 3<sup>rd</sup> time that the applicant has been before the Board and each time, they don't have a sign off from the Building Department of Fire Inspector.

Mr. Howell commented that the Board has already granted a transfer of license, which he objected to and also issued a common victualler license for a place that doesn't have a kitchen. Now the Board is being asked to give an entertainment license to an establishment that has not been inspected. The applicant has been given all kinds of approvals on the assumption of something that the Board has not seen.

Mr. Ballantine stated that he is on Board with Mr. Howell's comments, but would like to move ahead and allow for music to be held only indoors. Mr. Ballantine would also like to hear from the applicant on how they will control crowds as they leave the building.

Mr. MacAskill found himself disagreeing with his fellow Board members. He stated that this has been a business in West Harwich for 100 years. The building is now under a new lease and they are dumping money into the building that desperately needs it. The Board has taken a pro-business stance for years. Regardless of the lack of sign offs, they will not be able to open without them. Why not give them this license so they can get their business started. In the end, we would be allowing them time to plan.

Mr. Fiorillo stated that they will provide the town, the patrons and the neighbors the respect that they deserve. They also plan to work with the Police Department hand in hand. He added that the entertainment license is key to their long-term plan.

Ms. Anderson said that the applicants have received Board support for the innkeepers and liquor licenses. She asked when the applicants would be ready for final inspections. Mr. Fiorillo responded that they would be calling for inspections in a week or so.

Mr. Fiorillo requested that if the Board is going to deny their license, that they be very clear on their basis of denial. If their application is going in the wrong direction, he asked for the Board to let him know so that they could withdraw without prejudice. Mr. Fiorillo added that he feels they are entitled to the entertainment license and that they need it in order for their business to survive. Mr. MacAskill



responded that no one on the Board has said that they do not want to issue the business an entertainment license, and that they are not entitled to one. He added that he could poll the Board to see where the votes are.

When polled, Ms. Anderson and Mr. Howell commented no and Mr. Ballantine said yes to approval.

Mr. Powers asked the applicants if they have received their liquor license from the ABCC. Mr. Fiorillo responded that they anticipate receiving the license any day.

**Ms. Anderson moved to withdraw her motion, Mr. Ballantine withdrew his 2<sup>nd</sup>.**

Mr. MacAskill closed out the discussion by saying that they will work to have this back before the Board in a couple of weeks.

- I. Discussion and possible vote to approve renewal of a 2021 weekday and Sunday entertainment for trampolines – Trampoline Center – 296 Route 28 – Weekday 9:00 a.m. to 9:00 p.m. and Sunday 9:00 a.m. to 9:00 p.m. - *Pending Building Department Approval*

**Ms. Anderson moved to approve renewal of a 2021 weekday and Sunday entertainment for trampolines, Trampoline Center, 296 Route 28-Weekday 9:00 a.m. to 9:00 p.m. and Sunday 9:00 a.m. to 9:00 p.m., pending Building Department approval, 2<sup>nd</sup> by Mr. Howell and approved 4-0-0.**

- J. Discussion and possible vote to approve a new 2021 Common Victuallers license – Seagulls LLC DBA Seagulls Ice Cream and Soda Fountain – 537 Route 28, Unit 1 C – *Pending Building Department Approval*

**Ms. Anderson moved to approve a new 2021 Common Victuallers License, Seagulls LLC d/b/a Seagulls Ice Cream and Soda Fountain, 537 Route 28, Unit 1C, pending Building Department approval, 2<sup>nd</sup> by Mr. Howell and approved 4-0-0.**

Mr. MacAskill asked Mr. Powers to follow up on the pending approval from the Building Department.

- K. Discussion and possible vote to approve a One Day Entertainment license for two private events to be held on August 21, 2021– 5 P.M. to 11 P.M. and August 28, 2021 4:00 P.M. to 11 P.M. – Live music with amplification outside –44 Chatham Road

**Ms. Anderson moved to approve a one day entertainment license for two private events to be held on August 21, 2021, 5:00 p.m. to 11:00 p.m. and August 28, 2021, 4:00 p.m. to 11:00 p.m.- live music with amplification outside, 44 Chatham Road, 2<sup>nd</sup> by Mr. Howell.**

Ms. Anderson commented that music could not be until 11:00 p.m. due to the noise bylaw. Mr. MacAskill responded that the bylaw is not related to private events.

Mr. Powers informed the Board that staff took a number of calls last week from a number of people looking to have entertainment events that go beyond the bounds of the noise bylaw. Residents have been advised that they can apply, but that the Board may look at their request as they do other noise licenses.

**Ms. Anderson withdrew her motion, 2<sup>nd</sup> withdrew by Mr. Howell.**

**Ms. Anderson moved to approve a one day entertainment license for two private events to be held on August 21, 2021, 5:00 p.m. to 10:00 p.m. and August 28, 2021, 4:00 p.m. to 10:00 p.m.-live music with amplification outside, 44 Chatham Road, 2<sup>nd</sup> by Mr. Howell and approved 4-0-0.**

- L. Discussion and possible vote to approve a One Day Entertainment license for a private fundraising event to be held on July 17, 2021 – 10 A.M. to 6 P.M. – Live music with amplification outside – 16 Route 28, Townline Plaza – *Pending Fire Department Approval*

**Ms. Anderson moved to approve a one day entertainment license for a private fundraising event to be held on August 21, 2021, 5:00 p.m. to 10:00 p.m. and August 28, 2021, 4:00 p.m. to 10:00 p.m.-live music with amplification outside, 16 Route 28, Townline Plaza, pending Fire Department Approval, 2<sup>nd</sup> by Mr. Howell.**

Mr. Powers informed the Board that the application was approved by the Fire Department today.

Ms. Anderson wondered if the board should know what the fundraising event is for. Mr. MacAskill responded that he assumes that staff will make sure it is legal. Mr. Powers offered to follow up for additional information.

Richard Waystack was present and commented that with more and more private entertainment license requests coming along, he hopes that staff will remind them of the noise bylaw.

**Ms. Anderson moved to approve a one day entertainment license for a private fundraising event to be held on August 21, 2021, 5:00 p.m. to 10:00 p.m. and August 28, 2021, 4:00 p.m. to 10:00 p.m.-live music with amplification outside, 16 Route 28, Townline Plaza, pending Administration staff's review of the type of event that the money is being raised for, 2<sup>nd</sup> by Mr. Howell and approved 4-0-0.**

- M. Discussion and possible vote to hold a Public Hearing for the alleged violations on June 26, 2021 at Seal Pub –730 Main Street

**Ms. Anderson moved to hold a Public Hearing for the alleged violations on June 26, 2021 at Seal Pub, 703 Main Street, 2<sup>nd</sup> by Mr. Ballantine and approved 4-0-0.**

Mr. Powers added that the date being contemplated for the hearing is July 27.

- N. Discussion and possible vote to authorize the Town Administrator to be the Hearing Officer for the Public Hearing for alleged violations on June 26, 2021 at Seal Pub – 730 Main Street

**Ms. Anderson moved to authorize the Town Administrator to be the Hearing Officer for the Public Hearing for alleged violations on June 26, 2021, at Seal Pub, 703 Main Street, 2<sup>nd</sup> by Mr. Howell and approved 4-0-0.**

- O. Discussion and possible vote to amend Section 1.17 – Disciplinary Guidelines of the Harwich Board of Selectmen liquor license regulations to include a language change from “third offense” to “third and subsequent offenses”

**Ms. Anderson moved to vote to amend Section 1.17-Disciplinary Guidelines of the Harwich Board of Selectmen liquor license regulations to include a language change from “third offense” to “third and subsequent offenses”, 2<sup>nd</sup> by Mr. Howell.**

Mr. Powers stated that at their last meeting, the Board had a discussion about noise. He does believe that a public hearing needs to be held and that he is looking at holding the hearing at the Board’s first meeting in August.

**Ms. Anderson withdrew her motion, 2<sup>nd</sup> withdrew by Mr. Howell.**

- P. Discussion and possible vote to amend the Personnel By-Law to delete references to Water/Wastewater Superintendent within classification plan

No votes were taken. Mr. MacAskill reported that this would be discussed again during the Board’s executive session.

### **OLD BUSINESS**

- A. Discussion – Comprehensive Wastewater Management Plan (CWMP)

Mr. Powers reported that he has no updates and that this was meant to be a discussion between staff and Board members. Mr. MacAskill added that the Board had talked about the Dennis-Harwich-Yarmouth (DHY) agreement and any future meetings. The idea was to have a general discussion to kill some of the rumors of what Harwich is not doing.

Mr. Ballantine’s concern is that it was somehow reported that Harwich was withdrawing from the agreement, which was not the case. His stance is that we shouldn’t give up on a reasonable approach to wastewater and that one of the misconceptions of lack of control.

Fundamentally, Mr. Howell didn’t disagree with Mr. Ballantine’s comments. He would like to see a dollars and cents of what we are talking about and how much money Harwich would save going into DHY versus the same plant in the same location with Harwich buying at capacity.

Ms. Anderson agreed with Mr. Ballantine and commented that we should still be looking at regional as an option. He would like to see Harwich be proactive and get another DHY meeting in order.

Mr. MacAskill would like to leave it up to Mr. Powers to talk with his counterparts and see where we are at. We have contracted someone to give us actual numbers and actual flow rates. If other towns need to move quicker because of where they are, then that is their problem.

Mark Kelleher was present and commented that he had a conversation with Mark Forest and it appears that Yarmouth is moving on. When 3 towns share the cost of a plant, it is a lot less expensive than just having 2 towns. He feels that with the stimulus money, now is the time to speak up. Mr. Ballantine commented that at this moment, Mr. Forest may be trying to pressure Harwich to move faster than we are.

### **CONTRACTS**

- A. Discussion and possible vote to approve a contract with Mettler-Toledo, LLC for the replacement of the scale deck at the transfer station in the amount of \$69,188.24

**Ms. Anderson moved to approve a contract with Mettler-Toldeo, LLC for the replacement of the scale deck at the transfer station in the amount of \$69,188.24, 2<sup>nd</sup> by Mr. Howell and approved 4-0-0.**

- B. Discussion and possible vote to approve a three year contract with Pk Valuations for the Fiscal Years 2022, 2023 & 2024 Revaluation and Inspection services in the amount of \$132,000.00

**Mr. Anderson moved to approve a three year contract with Pk Valuations for the Fiscal Years 2022, 2023 & 2024 Revaluation and Inspection services in the amount of \$132,000.00, and authorize the Chair to sign the contract, 2<sup>nd</sup> by Mr. Howell and approved 4-0-0.**

Board of Assessor's Chair Richard Waystack was present and commented that this is for the Town's outsourced valuations program.

- C. Discussion and possible vote to approve a Consent to Collateral Assignment for the Rooftop Photovoltaic Energy Facility Lease at the Cranberry Valley Golf Course Cart Barn

**Ms. Anderson moved to approve a Consent to Collateral Assignment for the Rooftop Photovoltaic Energy Facility Lease at the Cranberry Valley Golf Course Cart Barn as presented, 2<sup>nd</sup> by Mr. Ballantine and approved 4-0-0.**

- D. Discussion and possible vote to approve a Consent to Collateral Assignment for the Ground Mount Photovoltaic Energy Facility Lease at Cranberry Valley Golf Course

**Ms. Anderson moved to approve a Consent to Collateral Assignment for the Ground Mount Photovoltaic Energy Facility Lease at Cranberry Valley Golf Course as presented, 2<sup>nd</sup> by Mr. Howell and approved 4-0-0.**

#### **TOWN ADMINISTRATOR'S REPORT**

Mr. Powers reported that he has signed several 30B contracts as presented in the packet.

The Community Preservation Committee is meeting on July 15 at 6:00 p.m. in the Griffin Room. This is their annual effort to hear from the community about projects that are being contemplated for funding approval.

Notice has been received from the USDA that beginning today and lasting for approximately one week, they will be conducting an aerial rabies baiting program.

Mr. Powers announced that the Health Department is now complete with the addition of Carrie Schoener as the Senior Health Agent.

#### **CORRESPONDENCE**

- A. Bob Cohn Letter for June 28 BOS Noise Meeting
- B. Mary Albis Letter for June 28 BOS Noise Meeting
- C. Frances Rich Letter for June 28 BOS Noise Meeting
- D. Memo - December 21, 2011 – Town Firing Range Report and Recommendations (Revised)
- E. Memo - Sands Pond indirect costs
- F. Memo - Harwich Fire Department – Massachusetts Governmental Ambulance Certified Public Expenditure
- G. Harwich Housing Committee Letter

#### **SELECTMEN'S REPORT**

Board of Selectmen  
July 12, 2021



Mr. Howell reported that the Town is now the proud owner of the former Marceline property of approximately 13 acres on Route 124.

Ms. Anderson stated that this afternoon, both she and Mr. Powers were on a meeting of the working committee of the Monomoy School Committee. She believes that they will be going forward on the 15<sup>th</sup> with a proposal about shifting funds.

Richard Waystack was present and commended both the Fire and Police Departments as well as the US Marine Corps and Coast Guard who did the wall raising for 6 new homes in the community.

Mr. MacAskill pointed out that the correspondence as listed above would be added to future agendas.

#### **ADJOURNMENT**

Mr. Howell moved that they adjourn the regular meeting at 8:37 p.m. to re-enter into executive session and not to return to regular session, 2<sup>nd</sup> by Mr. Ballantine and approved 4-0-0.

Respectfully submitted,

Jennifer Clarke  
Recording Secretary

