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TOWN CLERK  
HARWICH, MA

2022 NOV 22 A 11: 23

**MINUTES  
SELECTMEN'S MEETING  
TOWN HALL  
MONDAY, NOVEMBER 7, 2022  
5:00 P.M. EXECUTIVE SESSION  
6:00 P.M. - REGULAR MEETING  
REMOTE PARTICIPATION OPTIONAL**

RELEASED

APPROVED

**SELECTMEN PARTICIPATING:** Mary Anderson, Larry Ballantine & Julie Kavanagh

**ALSO PARTICIPATING:** Town Administrator Joseph Powers

**Ms. Kavanagh moved that the Board of Selectmen enter into executive session to discuss items as listed below, 2<sup>nd</sup> by Mr. Ballantine. The vote was 3-0-0 with Ms. Anderson, Mr. Ballantine and Ms. Kavanagh all voting aye by roll call.**

**EXECUTIVE SESSION**

- A. Pursuant to M.G.L., c.30A section 21 (a)(3) to discuss with respect to collective bargaining for all town unions and the Chair has determined that open session would have a detrimental effect on the town's bargaining position
- B. Pursuant to MGL c. 30A, §21(a)(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 Town

**CALL TO ORDER**

Ms. Anderson called the meeting back to order following executive session. Item A was not discussed and there is nothing to report and no votes were taken on item B.

**PUBLIC COMMENTS/ANNOUNCEMENTS**

Harwich Chamber of Commerce Executive Director Cyndi Williams was present and stated that the Family Pantry of Cape Cod is in need of frozen turkeys of any size. Drop off is on Tuesdays and Thursdays from 8:00 a.m. through 3:30 p.m. and Wednesday and Saturdays from 8:00 through 12:00 noon. There are over 600 families signed up for dinner and all of the fixings.

Community Center Director Carolyn Carey was present and announced that they will be hosting a free family event craft night on November 17<sup>th</sup>. They had over 90 people in attendance at their last "try it you might like it" event. November 16 is fitness room appreciation day. The Community Center will also be partnering with the Cape Cod Theater Company Harwich Junior Theater. Costumes from the theater will be on display at the Community Center. There will also be raffle tickets available for their upcoming Christmas show.

Terry Canavan was present and thanked the Board of Selectmen for their service to the town. She respectfully asked that the Selectmen honor a very valuable employee, Susan Fraser. Ms. Fraser is a program specialist in the Recreation Department and has single handedly been offering 5 days a week of exercise programs to seniors. Ms. Canavan stated that these programs are at zero additional cost to the town and at no cost to seniors. These are drop in programs and no registration is required.

A. Committee Vacancies

Ms. Anderson read the list of existing committee vacancies. She urged residents to apply for a committee if they are interested, even if there isn't an existing vacancy.

B. Election Day – November 8, 2022 at Community Center from 7:00 a.m. – 8:00 p.m.

Mr. Powers reminded everyone that Election Day is tomorrow, November 8, 2022. Polls will be open from 7:00 a.m. through 8:00 p.m. at the Community Center. He asked that residents please thank a Town Clerk and election workers for all of the work that goes into this day.

On behalf of Habitat for Humanity, Mr. Powers invited everyone to welcome new families to the Murray Lane homes in Harwich. The dedication ceremony will be held on March 17, 2023 at 2:00 p.m.

Mr. Ballantine reminded everyone of the upcoming Veterans Day events on November 11.

**OLD BUSINESS I**

A. Update from the Treasurer/Collector on the Land of Low Value Auction

Treasurer/Collector Amy Bullock was present. The auction was held on October 26, 2022. There were 28 registered bidders and the Griffin Room was packed. Overall, \$391,400 was raised. There are 8 remaining parcels that will be re-auctioned on November 16, 2022.

Elaine Shovlin was present remotely to speak as a resident. She thanked Mr. MacAskill and Mr. Powers. When these properties were first brought to their attention, Mr. MacAskill and Mr. Powers took action and started the process. She also thanked Ms. Bullock for setting up the auction. The town managed to make money on these properties and the properties will also be returned to the tax rolls.

**CONSENT AGENDA**

A. Vote to approve Board of Selectmen Meeting Minutes:

1. October 24, 2022

**Ms. Kavanagh moved to approve the Board of Selectmen meeting minutes dated October 24, 2022, 2<sup>nd</sup> by Mr. Ballantine and approved 3-0-0.**

**ANNUAL COMMITTEE PRESENTATIONS**

A. Harwich Energy and Climate Action Committee

No one was present on behalf of the committee. The copy of the committee's report was provided in the packet.

Ms. Kavanagh stated that she is the liaison for the committee and that they are doing a great job. New members have been interviewed and appointed and will be an asset to the committee. The committee has been doing great work in trying to figure out information that they don't know as well as gathering additional information. They are working hard at trying to get a foundation.

Mr. Ballantine feels that it can be easy to talk about climate mitigation, but would like to see the committee spend time about what can be done to protect our buffer zones and the property that we have, including information that covers economic impacts.

Ms. Kavanagh stated that the committee has a planned meeting with the Harwich Chamber of Commerce Director to talk about car charging stations. She sees that the committee is working on a lot of realistic things.

Ms. Anderson commented that their report is positive and in depth. She was happy to see that their new member has volunteered to be on the CVEC Board as well.

### **NEW BUSINESS**

#### **A. Discussion with Michael Lach, Harwich Conservation Trust, Open Space and Recreation Plan**

Harwich Conservation Trust Executive Director Michael Lach was present and thanked the Board for the invitation to share more about the Open Space and Recreation plan. This topic came up at the Board's meeting 2 weeks ago when he mentioned during public comment the approved land state grant of \$400,000 as reimbursement towards the \$950,000 in Community Preservation open space funds that are being contributed towards the Six Ponds Great Woods Land Preservation Project. Mr. Lach also stated that the town's Open Space and Recreation Plan expires this month. In order to be eligible to apply for future state land grants, the town needs to have an Open Space and Recreation plan in place. Mr. Lach provided the Board with a memo dated November 3, 2022 that provides more information about the process and importance of the plan. The understanding is that the last plan that was completed was drafted by the town's Planning Department. What Mr. Lach is seeing is that other communities on Cape are outsourcing for this plan because it is a time consuming project. Mr. Lach provided 3 firms that complete these plans on behalf of municipalities.

Mr. Powers thanked Mr. Lach for bringing this to the Board's attention. The not so good news is that staff was not aware of this plan when the Planning Department budget was built and the town will need to now find a funding source.

Ms. Anderson asked if the plan needs to be approved by July. Mr. Lach responded that the plan doesn't necessarily need to be approved by July. Mid-July of each state fiscal year cycle is when the land grant applications are due. The Conservation Partnership Grant Program, which provides funding directly to land trusts also has an application deadline in mid-July of each year. If the town is considering applying for a land grant this July, then an open space plan would need to be in place. Mr. Lach suggested that the town clarify with the States Division of Conservation Services Land Grant Administrator to see if the plan needs to be completed or just in the process of drafting towards completion in order to qualify to apply for a state land grant. Mr. Lach stated that if the town doesn't have a plan in process or in place at that time, it wouldn't prohibit Harwich Conservation Trust from applying for a state land partnership grant, but it would reduce the number of points that the application would receive. Mr. Lach went on to say that in effect, what the grant does is reduce the tax payer cost per preserved acre of the project.

Mr. Ballantine wondered if some funding from the Local Comprehensive Plan could be used to at least get this started. In his mind, they go together. Mr. Powers responded that he would need to work with the Finance Director and Town Counsel to verify what funding sources could be used.

Ms. Anderson asked if this would need to come back after a funding source is identified. Mr. Powers responded that he would work with staff to see what funding sources are available. It would not need to come back before the Board unless it is a contract that exceeds \$75,000 but that he could bring information back to the Board as a status update.

Mr. Ballantine asked if Mr. Lach has a template to show the Board what the plan would look like. Mr. Lach responded that the town's 2017 plan would be the foundation to work off of.

Ms. Kavanagh wants to make sure that we don't let this slide too long and make us not eligible for grants. The sooner we can move this along, the better.

**B. Approve three Conservation Restrictions for the following properties:**

1. 27 Sound View Road
2. 595 Queen Anne Road
3. 90 Squantos Path

Mr. Lach thanked the Board for reviewing the Conservation Restrictions and hopes that the Board will vote to approve as listed. Also present is Tom Evans, President of the Harwich Conservation Trust Board of Trustees and Mark Robinson, Executive Director of the Compact of Cape Cod Conservation Trusts. Mr. Lach provided a background on what a Conservation Restriction is. In this case, the Conservation Restrictions at 27 Sound View Road and 595 Queen Anne Road are affiliated with helping the land owners qualify for the states conservation land tax credit program. The property at 90 Squantos Path Conservation Restriction is because the property owners are seeking to protect land within the Hickleys Pond Herring River Six Ponds Water District.

Mr. Powers stated that this came before the Board a few weeks ago, but had not been vetted by counsel. Counsel has since reviewed the restrictions and has no objection to the form.

**Mr. Ballantine moved to approve the Conservation Restrictions for 27 Sound View Road, 595 Queen Anne Road & 90 Squantos Path as presented, 2<sup>nd</sup> by Ms. Kavanagh and approved 3-0-0.**

**C. Update from Town Administrator on open procurement**

Mr. Powers thanked Assistant Town Administrator Meggan Eldredge for picking up where the previous Town Engineer left off. Ms. Eldredge built off of the massive spreadsheet that was presented several years ago. The number of open projects has been greatly reduced and for the most part, active procurements are from the 2022 Annual Town Meeting. This exercise also provides an opportunity to reach out to departments to find out why procurement has not been finished. Mr. Powers briefly reviewed the procurement process.

Mr. Ballantine noted that the Library Board has 2 items on their list, one being the roof. He does understand that the cost presented is because of inflation and that it has to go back to Town Meeting for additional funding. Mr. Ballantine asked to add the sidewalk in front of the library to the list. Mr. Powers responded that the sidewalk would be added and that he has asked the DPW Director to work with additional staff as needed. His understanding is that there is a preliminary RFP that has since lapsed.

Ms. Anderson commented that it is nice to see a shorter list. She did note that there are 5 lines without a status and asked Mr. Powers to bring a status back for the next meeting.

**D. Board Discussion on Local Planning Committee charge and vote to appoint a liaison**

Mr. Powers stated that this is a conversation that staff had with the committee. Mr. Powers urged the Board to hold on the charge of the committee because their charge derives from their purpose which is to develop the Local Comprehensive Plan. The plan would come before the Selectmen and then to Town Meeting for approval. As far as the discussion regarding appointment of a liaison, Mr. Powers would like to leave it up to the Board if there is one or not.

Mr. Ballantine asked Mr. Powers what his thoughts are on having a liaison. Mr. Powers responded that he has been working on behalf of the Board in the short term. When the position

of Director of Planning and Community Development is filled, that person will be the staff liaison and key resource.

Ms. Kavanagh noted that we are in desperate need of a planner and that this is just another reason why. Ms. Kavanagh stated that she would be happy to work with the committee on whatever they feel their needs are.

Mr. Ballantine asked that the Board be notified when the committee meets and added that he would like to attend some of their meeting. Mr. Powers responded that he would get the Board the committee's meeting calendar.

#### E. Discussion on grants and stipends for Pre-Kindergarten and Nursery Schools

Ms. Kavanagh stated that many of our surrounding communities are making efforts to come up with a stipend for pre-kindergarten and nursery schools. Harwich talks about housing and trying to keep families local, but the cost of pre-k and nursery schools are one of the main reasons why people cannot stay on Cape Cod. Ms. Kavanagh would like to see Harwich figure out a way to help offset these costs for families. She added that there is a huge need for childcare providers in town and that the more our community can help the people within, the better.

Mr. Ballantine agreed with Ms. Kavanagh's comments and thanked her for bringing this forward.

Ms. Anderson asked if this is something that Mr. Powers and the Finance Director can work on for the upcoming budget. Mr. Powers responded that could be done very easily and that there is a great series of documents that we can rely on. He added that this topic is worthy of a draft article for the Board to consider as the warrant is built.

#### F. Update from Selectmen Howell on Harwich Affordable Housing Trust meetings

Mr. Powers suggested carrying over this item until Mr. Howell is present. He did report that the trust has been meeting twice a month and that they will be meeting with their consultant regarding the action plan.

#### G. Approve a one day entertainment permit request for Three Monkeys – 554 Route 28 – Sunday, November 19, 2022 5:00 p.m. to 9:00 p.m. inside – Live/Recorded music w/ amplification and dancing

Mr. Powers stated that the applicant made a scrivener's error on their application and that it should read Sunday, November 20, 2022.

**Ms. Kavanagh moved to approve a one day entertainment permit request for Three Monkeys – 554 Route 28 – Sunday, November 20, 2022 5:00 p.m. to 9:00 p.m. inside – Live/Recorded music w/ amplification and dancing, 2<sup>nd</sup> by Mr. Ballantine and approved 3-0-0.**

#### H. Approve a 2023 Annual Lodging House License renewal for Barnaby Inn – 36 Route 28

**Ms. Kavanagh moved to approve a 2023 Annual Lodging House License renewal for Barnaby Inn – 36 Route 28, 2<sup>nd</sup> by Mr. Ballantine and approved 3-0-0.**

#### I. Approve a 2023 Annual Innholders License renewal for Sands Hospitality, Inc. d/b/a The Platinum Pebble Boutique Inn – 186 Belmont Road

**Ms. Kavanagh moved to approve a 2023 Annual Innholders License renewal for Sands Hospitality, Inc. d/b/a The Platinum Pebble Boutique Inn – 186 Belmont Road, 2<sup>nd</sup> by Mr. Ballantine and approved 3-0-0.**

J. Approve the following 2023 Annual Entertainment License renewals:

1. Blue Stripe LLC d/b/a Cape Sea Grille – 31 Sea Street

**2023 License Request**

Weekday 1:00 p.m. to 12:00 a.m. inside – Jukebox, Radio, Television

Sunday 1:00 p.m. to 12:00 a.m. inside – Jukebox, Radio, Television

**2022 Approved license**

Weekday 4:00 p.m. to 11:00 p.m. inside – live/recorded music, amplification

Sunday 1:00 p.m. to 11:00 p.m. inside – Live/recorded music, amplification

**Ms. Kavanagh moved to approve a 2023 Annual Entertainment License renewal for Blue Stripe LLC d/b/a Cape Sea Grille – 31 Sea Street- 2023 License Request - Weekday 1:00 p.m. to 12:00 a.m. inside – Jukebox, Radio, Television- Sunday 1:00 p.m. to 12:00 a.m. inside – Jukebox, Radio, Television, 2<sup>nd</sup> by Mr. Ballantine and approved 3-0-0.**

2. Morningstar Restaurant Inc. d/b/a Villa Roma – 278 Route 28

**2023 License Request**

Weekday 4:00 p.m. to 11:00 p.m. inside – Jukebox, Radio,

Television, Background music Sunday 4:00 p.m. to 11:00 p.m.

inside – Jukebox, Radio, Television, Background music

**2022 Approved License**

Weekday 4:00 p.m. to 11:00 p.m. inside – Live/recorded music, Amplification,

Sunday 4:00 p.m. to 11:00 p.m. inside – Live/recoded music, Amplification

**Ms. Kavanagh moved to approve a 2023 Annual Entertainment License renewal for Morningstar Restaurant Inc. d/b/a Villa Roma – 278 Route 28- 2023 License Request- Weekday 4:00 p.m. to 11:00 p.m. inside – Jukebox, Radio, Television, Background music Sunday 4:00 p.m. to 11:00 p.m. inside – Jukebox, Radio, Television, Background music, 2<sup>nd</sup> by Mr. Ballantine and approved 3-0-0.**

K. Approve the following 2023 Annual Common Victuallers License renewals:

1. Blue Stripe LLC d/d/a Cape Sea Grille – 31 Sea Street
2. Morningstar Restaurant Inc. d/b/a Villa Roma – 278 Route 28
3. Scribano's Inc. d/b/a Scribano's Italian Market & Deli – 302 Route 28
4. Subfleet Inc. d/b/a Subway – 1 Austin Road
5. Zou Garden Inc. d/b/a Szechuan Delight Chinese Restaurant – 1421 Orleans Road

**Ms. Kavanagh moved to approve the following 2023 Annual Common Victuallers License renewals: Blue Stripe LLC d/d/a Cape Sea Grille – 31 Sea Street, Morningstar Restaurant Inc. d/b/a Villa Roma – 278 Route 28, Scribano's Inc. d/b/a Scribano's Italian Market & Deli – 302 Route 28, Subfleet Inc. d/b/a Subway – 1 Austin Road, Zou Garden Inc. d/b/a Szechuan Delight Chinese Restaurant – 1421 Orleans Road, 2<sup>nd</sup> by Mr. Ballantine and approved 3-0-0.**

L. Approve the following 2023 Annual Auto License renewals:

1. A & G Accident Repair d/b/a Cranberry Collision – 161 Queen Anne Road – Class IV Auto Repair
2. Dave's Garage – 910 Route 28 – Class IV Auto Repair
3. Reflections Auto Restorations & Collision – 4 Evergreen Way – Class IV Auto Repair



4. Sam's Auto Repair & Sales, Inc. d/b/a Sam's Auto Center – 413 Route 28 – Class II Used Car Dealer and Class IV Auto Repair
5. Scott's Cycle – 210 Queen Anne Road Unit 1 – Class IV Auto Repair
6. Peter S. Stagg – 182 Route 137 – Class II Used Car Dealer and Class IV Auto Repair

**Ms. Kavanagh moved to approve the following 2023 Annual Auto License Renewals: A & G Accident Repair d/b/a Cranberry Collision – 161 Queen Anne Road – Class IV Auto Repair, Dave's Garage – 910 Route 28 – Class IV Auto Repair, Reflections Auto Restorations & Collision – 4 Evergreen Way – Class IV Auto Repair, Sam's Auto Repair & Sales, Inc. d/b/a Sam's Auto Center – 413 Route 28 – Class II Used Car Dealer and Class IV Auto Repair, Scott's Cycle – 210 Queen Anne Road Unit 1 – Class IV Auto Repair, Peter S. Stagg – 182 Route 137 – Class II Used Car Dealer and Class IV Auto Repair, 2<sup>nd</sup> by Mr. Ballantine.**

Ms. Kavanagh noted that Stagg is not active. Mr. Ballantine added that the Board has had this discussion before and that they have not been active for years and asked if the Board is required to renew their license. Mr. Powers responded that if the Board has questions on the license, that they could table the matter. He added that his understanding is that they are allowed to keep the renewal and that the presence of a vehicle qualifies them to do so. The Board would need to hold a hearing to not renew the license. Mr. Powers followed up by saying that he would need to vet all information with Counsel.

Ms. Kavanagh stated that she is not trying to cause a problem by holding the license, but noted that the others up for renewal are active. She thinks that the Board might want to continue the discussion. Mr. Ballantine added that it would be nice to know what the license renewal requirements are.

Mr. Powers commented that continuing the renewal for Stagg would allow staff time to follow up with Counsel on how to best move forward. The Board could bring it back on November 21<sup>st</sup> for further discussion or a hearing.

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

**Ms. Kavanagh moved to approve the following 2023 Annual Auto License Renewals: A & G Accident Repair d/b/a Cranberry Collision – 161 Queen Anne Road – Class IV Auto Repair, Dave's Garage – 910 Route 28 – Class IV Auto Repair, Reflections Auto Restorations & Collision – 4 Evergreen Way – Class IV Auto Repair, Sam's Auto Repair & Sales, Inc. d/b/a Sam's Auto Center – 413 Route 28 – Class II Used Car Dealer and Class IV Auto Repair, Scott's Cycle – 210 Queen Anne Road Unit 1 – Class IV Auto Repair, 2<sup>nd</sup> by Mr. Ballantine and approved 3-0-0.**

## **OLD BUSINESS II**

### **A. Approve the Board of Selectmen Budget Message for Fiscal Year 2024**

The sitting Board agreed that they are okay with what was presented. Mr. Powers suggested carrying over the vote until the November 21<sup>st</sup> meeting, so a majority of the Board would be present to vote. Each item presented is practical and achievable. Mr. MacAskill and Mr. Powers have had conversations about the 5-year forecast of the Town. Mr. Powers added that both himself and the Finance Director are very well equipped to provide financial forecasts, but what the know what elements the Board will be looking for.

Ms. Kavanagh added that it is important for each department to look at their mission.

### **B. Approve the Board of Selectmen Goals and Objectives for Fiscal Year 2023**

Approval of the Goals and Objectives for Fiscal Year 2023 will be continued until the November 21<sup>st</sup> meeting.

### **CONTRACTS**

- A. Approve the Robert B. Our Change Order #9 for Sewerage Works Improvements Contract 1 – Contract extension and credit in the amount of \$20,195.93

**Ms. Kavanagh moved to approve the Robert B. Our Change Order #9 for Sewerage Works Improvements Contract 1 – Contract extension and credit in the amount of \$20,195.93, 2<sup>nd</sup> by Mr. Ballantine and approved 3-0-0.**

- B. Approve the contract time extension with GHD for Effluent Recharge Investigation
- C. Approve the contract time extension with GHD for Revisions to Comprehensive Wastewater Management Plan(CWMP)

**Ms. Kavanagh moved to approve the contract time extension with GHD for Effluent Recharge Investigation and approve the contract time extension with GHD for Revisions to Comprehensive Wastewater Management Plan (CWMP), 2<sup>nd</sup> by Mr. Ballantine and approved 3-0-0.**

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

Mr. Powers reported that he recently signed a contract on behalf of the Fire Department. This contract relates to a radio upgrade in which funding was secured at the 2021 Annual Town meeting. This was an effort undertaken by the Fire Chief on behalf of the Fire and Police Departments. . The Town received an amended grant that covered up to 95% of the cost. The final cost to the town was \$47,301.23. The original appropriation was in excess of \$300,000. The contract was granted to Motorola Solutions.

### **SELECTMEN'S REPORT**

Ms. Kavanagh reminded everyone to vote tomorrow.

Ms. Anderson stated that both herself and Mr. Powers attending a housing seminar a few days ago. She feels that the fact that there were at least 500 people in the room with a common interest of housing was impressive. More information to come from the meeting.

Mr. Ballantine commented on the high price of a starter home that was listed for sale in Falmouth.

### **CORRESPONDENCE**

No correspondence was discussed.

### **ADJOURNMENT**

Mr. Ballantine moved to adjourn the Board of Selectmen's meeting, 2<sup>nd</sup> by Ms. Kavanagh and approved 3-0-0.

Respectfully submitted,  
Jennifer Clarke  
Recording Secretary  
Board of Selectmen  
November 7, 2022