

RECEIVED
TOWN CLERK
HARWICH, MA

2022 DEC 20 A 9:45

**MINUTES
SELECTMEN'S MEETING
TOWN HALL
MONDAY, NOVEMBER 21, 2022
6:00 P.M. - REGULAR MEETING
REMOTE PARTICIPATION OPTIONAL**

RELEASED

APPROVED

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

ALSO PARTICIPATING: Town Administrator Joseph Powers

CALL TO ORDER

Mr. MacAskill called the meeting to order at 6:00 p.m.

PUBLIC COMMENTS/ANNOUNCEMENTS

Patrick Otton was present and requested for the process, procedure and steps to have an item placed on an upcoming Selectmen's agenda. He requested that the Board review and vote to write a letter opposing Eversource's plan to use herbicides and pesticides on right of way areas. Comments for their proposal are due by December 23, 2022. Mr. Otton asked the Selectmen to take this up as other towns have done. Mr. MacAskill responded that his request would be placed on an upcoming agenda. Mr. Otton went on to say that he knows that being on the Board of Selectmen is job and task that he is not able to do. He feels that it is unfortunate that the dialogue of the Chairman leads to the loss of participation from individuals in the community.

Harwich Chamber of Commerce Executive Director Cyndi Williams was present and announced that this Saturday is Small Business Saturday. The Chamber has partnered with Public Safety to hold a touch a truck event on Saturday from 11:00 a.m. – 2:00 p.m. at the Harwich Plaine Plaza. Next week begins Christmas in Harwich and will run from December 2 through December 4. The Harwich stroll will be on Saturday and will start with the tree lighting, Santa arriving on the fire truck and the Town Band. Ms. Williams reviewed upcoming events at 204 Sisson Road and the Community Center. 7 trees for 7 villages will continue this year and will be the 5th annual fundraiser for The Family Pantry.

Town Clerk Emily Mitchell was present and announced that the November 8, 2022 State Election saw approximately 7,477 voters between mail in, in person early voting and in person voting at the polls. Election Day would not have been possible without the work of 42 different election workers and registrar workers. Ms. Mitchell also extended her thanks to Assistant Town Clerk Jennifer Clarke, who started full time during the first week of in-person voting. Additional thanks was given to the DPW, Fire and Police Departments.

Community Center Director Carolyn Carey was present and stated that they are still doing the "Try It You Might Like It" series. In December on Mondays from 4:00-5:00 p.m., people and stop in and see the Town Nurse for blood pressure checks. On December 13, 2022, the

Community Center will have “Grab a Bow, Ho Ho Ho”. Stop by the Community Center and every bow wins a prize. On December 20 there will be a winter solstice drum circle with the Drummer Queens. December 9 the Community Center will be holding a listening session on room fees to get a better idea of the public’s thoughts before the public meetings begin. The big red mailbox for letters to Santa is available at the Community Center. The mitten tree is also back at the Community Center which will help children on Cape Cod. Ms. Carey reminded everyone that in January there is a walking challenge.

A. Committee Vacancies

Ms. Anderson read the list of committee vacancies and encouraged residents to apply.

Mr. Powers stated that he was made aware that Harwich’s own Terry Russell received the lifetime achievement award for his service on the Monomoy Regional School Committee. On behalf of the Town, the Board and Mr. Powers congratulated Mr. Russell on receiving this award.

ANNUAL COMMITTEE PRESENTATIONS

A. Harwich Housing Committee

Joe McParland was present and stated that there is a change in the report was submitted. The report stated that Elizabeth Harder is on the committee. Ms. Harder is not yet on the committee, pending the appointment process that will happen over the next month.

Mr. Ballantine thinks that there has been the perception that the committee helps interact with the public and helps to get information on housing. Mr. Ballantine stated that he is not sure what the next action plan would be to ensure that the committee keeps moving forward. Mr. McParland responded that the newly appointed Housing Advocate will be instrumental in making sure that this process keeps moving forward.

Mr. Howell stated that housing discussions have to move forward with the Housing Trust, Housing Committee and the Housing Advocate.

Ms. Anderson agreed that having the Housing Advocate will help bring pieces together.

Ms. Kavanagh recognized that the committee has been in a weird place, but thanked them for hanging in.

B. Bylaw Charter Review Committee

Sandra Hall was present and stated that the full Bylaw Charter Review Committee was present and called their meeting to order. A written report of the committee was submitted to the Board. The committee continues to meet and review various aspects of the charter as well as community with the Town Administrator on what their concerns are. The committee has spoken with the Capital Outlay Committee and the Finance Committee about their interpretations and concerns regarding their charters. Ms. Hall adjourned the meeting of the Bylaw Charter Review Committee.

CONSENT AGENDA

- A. Vote to accept the resignation of Ernest Crabtree from the Conservation Commission effective December 1, 2022
- B. Vote to accept the resignation of Clem Smith from the Golf Committee effective immediately
- C. Vote to approve the draft Board of Selectmen meeting minutes:
 - 1. November 7, 2022

Mr. Howell moved to approve the consent agenda as presented, 2nd by Ms. Anderson and approved 5-0-0.

PUBLIC HEARING (No earlier than 6:00 p.m.)

- A. Public Hearing continued from October 11, 2022 – Chase Escape Cape Cod, LLC d/b/a Summer House Café to present an update on the non-use of their Section 12, On-Premise, Seasonal All Alcohol Liquor License

Mr. Howell read the notification of continuance from the October 11, 2022 meeting.

Mr. Powers announced that he received an email at 5:20 p.m. this evening that the applicant has new counsel, replacing the former. The applicants counsel stated that they would be unable to participate in tonight's meeting due to illness in their family and requested a continuance based on that reason. Mr. Powers urged the Board to continue to hearing to a time and date to be determined later. Mr. MacAskill stated that the time and date of the hearing would be announced at the next Selectmen's meeting.

Mr. Howell moved to continue the for Public Hearing continued from October 11, 2022 – Chase Escape Cape Cod, LLC d/b/a Summer House Café to present an update on the non-use of their Section 12, On-Premise, Seasonal All Alcohol Liquor License to a time and date to be determined, 2nd by Ms. Anderson and approved 5-0-0.

NEW BUSINESS

Mr. Powers announced the fulfillment of 2 very important positions. He has appointed Briana Nickerson as the Housing Advocate for Harwich. Ms. Nickerson comes to Harwich with a strong background in housing advocacy and her narrative really resonated with Mr. Powers. Also appointed was Paul Halkiotis as the Director of Planning and Community Development. Mr. Powers stated that Mr. Halkiotis comes to Harwich with all of the things that we need a planner to do and went on to review his professional background.

Mr. Howell asked to confirm that the Housing Advocate position is not a department head. Mr. Powers responded that they are a single person department, similar to the Director of Cultural Affairs.

- A. Vote to affirm the following appointments:
 - 1. Brianna Nickerson as Housing Advocate

Mr. Howell moved to affirm the appointment of Brianna Nickerson as Housing Advocate, 2nd by Ms. Anderson and approved 5-0-0.

2. Paul Halkiotis as Director of Planning and Community Development-added 11/18/2022

Mr. Howell moved to affirm the appointment of Paul Halkiotis as Director of Planning and Community Development, 2nd by Ms. Anderson and approved 5-0-0.

- B. Discussion on letter opposing Holtec International proposal for Pilgrim Nuclear Power Station regarding Cape Cod Bay

Mr. MacAskill stated that this discussion generated from a resident request.

Diane Turco was present and reviewed her request, adding that she is trying to get more support from towns to halt Holtec's proposal. Ms. Turco stated that currently, it is illegal for Holtec to dump any waste into the bay. While Harwich and other towns have already voted to send a letter, Holtec has not halted their plans. Ms. Turco would like to see continued pressure be applied to the company and are looking for Attorney General Maura Healy to move on this.

Mr. MacAskill confirmed that the Board had already voted to send a letter and that his understanding is that Holtec is on hold for a year. Ms. Turco responded that Holtec is not on hold and that at their last panel meeting, Holtec stated that they are looking at mid-February to dump. This new letter would be sent director to AG Healy's office.

Mr. Howell moved that the Selectmen send a letter to the Governor's Office, using the same text as the previous letter, opposing Holtec International's proposal for Pilgrim Nuclear Power Station regarding Cape Cod Bay, 2nd by Ms. Anderson and approved 4-1-0 (Ballantine opposed).

While he respects Ms. Turco's position, Mr. Ballantine explained that it is not clear to him who has authority over all of this and he looks back on the concerns we have regarding climate change. Mr. Ballantine stated that he went back and looking at Holtec's initial permit and noted that they are talking about the release of 20,000 gallon per day, after the water has been filtered and screened of any contaminants. Mr. Ballantine does not see safety as an issue and he would hate to take the position that we are using this as a wedge against nuclear power in general going forward. Ms. Turco responded that the State of Massachusetts does have the authority over this. When Holtec purchased Pilgrim, they signed an agreement and in that agreement, they confirmed that they would abide by all state regulations, including dumping restrictions. The proposed pumping would be the spent fuel pool water that held the leaking and damaged rods. Ms. Turco added that this is highly dangerous water and cannot be filtered out. The reason that Holtec wants to dump the water into the bay is because it is the cheapest option. Ms. Turco concluded by saying that we need to protect our bay from this corporation that is trying to make a big profit off of decommissioning the plant.

Ms. Kavanagh asked who the letter should be sent to. Ms. Turco responded that it should be sent to the Governor's Office, Attorney General's Office and Holtec.

Mr. Howell stated that he disagreed with Mr. Ballantine's comments and that this is not about starting a nuclear plant or where it would go. Mr. Howell commented that there is not any level of what is being discussed that he would be comfortable with. The plant should be decommissioned in the most sensitive way possible.

- C. Vote to approve and sign the Fiscal Year 2023 Sewer Rate Relief Fund application

Mr. Powers stated that this came to the Administration Department by way of the Water and Wastewater Superintendent. We were made aware of this through the Division of Local Services under the Department of Revenue. The Board was provided with information in the packet, which if approved, requires their signature. The information talks about sewer rate relief relative to any projects that are not otherwise funded through state programs. Staff recommends that the Board approve the application.

Ms. Anderson said that she likes the idea of rate relief and asked if we are applying for money to pay off some of the sewer debt. Mr. Powers responded that the Department of Revenue has a program available where the town can request relief and based on the application will determine if relief is granted. Going forward, Mr. Powers ensured the Board that information of this nature goes before the Board first.

Mr. Ballantine stated that we could put in the application with no idea of what we will get out of it.

Mr. Howell feels that there is a labyrinth of ways that money is being distributed and that it is not made easy. He would like to see a simpler process to understand where financial aid is going to come from.

Mr. Howell moved to approve and sign the Fiscal Year 2023 Sewer Rate Relief Fund application as presented, 2nd by Ms. Anderson and approved 5-0-0.

D. Discussion – Town Clerk position appointed verse elected

Mr. MacAskill stated that this topic was debated fairly heavily in April and May of last year. The Board was provided with a brief memo that outlines the Town Clerk position in other towns.

Ms. Anderson commented that Harwich was blessed to have a person who know the position inside and out. The current Town Clerk, Emily Mitchell, has done an admirable job, but it came with a steep learning curve. Ms. Anderson is not convinced that we want to go through that process every 3 years and added that the position needs some stability. Ms. Anderson worked with Jennifer Pickett at the library to see what information could be found relating to Town Clerk positions. There are currently 189 clerks that were elected, 127 appointed and 27 were non-specific. Recently, 10 towns switched from elected to appointed. Ms. Anderson feels that the position requires a depth of knowledge and that you do not want a popular vote to decide who could do the job.

Ms. Kavanagh agreed with Ms. Anderson and added that the Town Clerk position is pivotal and important. You need consistency and a person who understands the requirements. Ms. Kavanagh would like to see the position be appointed.

Mr. Howell stated that he admired both the former Town Clerk's work as well as the current Town Clerk. He is more concerned that the position is tethered to a populous thought. There are things that a Town Clerk needs to do that they should be able to do without asking for permission. The Town Clerk represents the public, not the Board. If the public doesn't like how the Town Clerk handles something, when the position is elected, the public can get another Town Clerk through the election process.

Mr. Ballantine stated that he does like the stability aspect. He asked if there is any background information on why some towns changed from elected to appointed.

Ms. Kavanagh said that she agrees with Mr. Howell in the sense that the public can elect someone else if they don't like how things are going. She added that the average person might not know half of what the Town Clerk is responsible for. If the Town Clerk has to run for re-election every

3 years, that is a difficult position to put them in. Ms. Kavanagh feels that this is a wider conversation that needs to be had of what could be lost down the road.

Mr. MacAskill asked if the former Town Clerk was ever challenged. Someone from the audience responded that Ms. Doucette was challenged once.

Mr. Howell commented that he would feel more comfortable that every three years the person in the position could be changed if the residents are not happy with performance.

Mr. MacAskill stated that this was debated fairly heavily during the election process. To Mr. Howell's concerns, Mr. MacAskill said that this position could be a direct hire of the Selectmen with a 4/5 requirement to remove if required. Stability is very important to him. In the most recent election, we were very fortunate to get the Town Clerk that we have, because she was dedicated. He would hate to see 3 years from now, a popularity contest vote a person into the position. If the Board wants to bring this back, the Town Clerk will be given ample notice to speak. With the amount of employees that are leaving Harwich for better jobs, this is something that really needs to be considered.

Mr. Howell said that he would be all in on re-examining the compensation for purposes of stability, regardless of the direction that this goes.

Mr. Powers stated that in his 30 plus years in government, he spend 13 as a Town Clerk, equally between elected and appointed. From direct experience, when the position goes from elected to appointed, it can be viewed as a more professional position. Once you get outside of New England, the vast majority of Town Clerks are appointed. Mr. Powers added that the mechanism, if changed, would require a charter change. The incumbent must be the one that is appointed for a specific period of time, unless they chose not to be. When you go from elected to appointed, the salary goes up. Mr. Powers stated that we have a fantastic Town Clerk and had a fantastic former Town Clerk and that whichever way the Board goes, he will assist in the effort.

Elizabeth Harder was present and feels that the position should stay elected. She feels that the people that do vote are the ones that pay attention. Ms. Harder went on to say that she feels it to be insulting to the voters to say that they might not understand what the job is, so they shouldn't get to hire the professional.

The consensus of the Board was to bring this topic back for further discussion.

Dana DeCosta was present and reviewed all of the elected positions that he knows of since he came to Harwich. He added that charter changes can be made to keep Mr. Howell's concerns at bay. Mr. DeCosta added that anything that can be done to keep the current Town Clerk in this position would be great. He asked for further information on why other towns have changed from elected to appointed and encouraged the Board to look at this further.

Sandy Hall was present and stated that in going through past town reports, one of the things that she has noticed is that the more elected positions you have, the higher voter turnout you have. Over the years, the previous Town Clerk had decided that the position was better off being elected.

E. Follow-up on outstanding procurement

Since the last meeting, the matrix has been updated to include status statements for the various items that did not have them.

During the last discussion, Mr. Ballantine asked that 2 items regarding the library be added to the list. Mr. Powers responded that the roof requires more appropriation and that it is not on the FY24

capital plan because we do not have the funding source to move forward. The sidewalk has been assigned to the DPW Director for further assessment.

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

Mr. Howell stated that Mr. Powers was able to get in contact with and have a remote meeting with Jen Goldsen of Goldsen Associates, who was able to provide a timeline to engage the trust members. They have an action plan which will involve Town Meeting, noting that there are some practical items that need to be tracked as well. There will be further discussions on what will take place and will include information on the Marceline property. A questionnaire was sent out to the trust members and Ms. Goldsen will circle back once that has been completed. She will be coming back to Harwich in January to look at various properties.

Ms. Kavanagh asked if Ms. Goldsen would be assisting in developing RFPs. Mr. Howell responded that topic would be part of future discussions, but that we would still need to work through our own procurement process. Ms. Kavanagh asked if there is an estimated time in putting out an RFP. Mr. Howell assured Ms. Kavanagh that the plan is being worked on and that we are trying to get some stability on moving forward. Ms. Kavanagh responded that she sees other towns around Harwich making some kind of progress and that she would like to see this get started, even with something small. Mr. Howell stated that while he cannot be specific, there are at least 2 small scale items that are existing and that the trust is trying to see what can be done with them.

Mr. Ballantine feels that it is important to have public input. He would like to see money spent up front to have a proposal created for the public to react to. Mr. Ballantine would like to start spending money now with the creation of a RFP to allow for a more focused discussion. Mr. Howell agreed with Mr. Ballantine and said open meetings will have a game plan.

Ms. Anderson stated that she thought that we were ready to put out an RFP concurrent with an overall plan. Mr. Howell responded that the trust will be working on what the work statement is and that everything has to go through the procurement process to rank what we find highly favorable.

Ms. Kavanagh asked if we could look at what other towns have done for a RFP and see what rankings they have used.

Mr. Powers stated that he recollects that members of the trust had asked that the Pleasant Lake Avenue properties be added into the action plan. He took from recollection that there is somewhat of a hiatus on the process. Mr. Howell wants to make sure that the topic is on an upcoming agenda so it cannot be left out of the discussion, if someone wants to discuss it.

Mr. MacAskill noted that this topic will be on the Selectmen's agenda once a month for discussion and updates.

G. Vote to approve the request for remote participation for one member of the Harwich Affordable Housing Trust

Mr. MacAskill stated that this request is being made by Larry Brophy to be able to participate remotely for upwards of 4 months.

Ms. Anderson commented that she is not sure why the Board does not get rid of # 6 in the policy. Mr. MacAskill responded that he could agenda her suggestion for future discussion.

Mr. Ballantine moved to approve the request for remote participation for one member of the Harwich Affordable Housing Trust, Larry Brophy, 2nd by Mr. Howell and approved 5-0-0.

H. Discussion on Committees and role of liaison; Votes may be taken

Mr. MacAskill reported that there have been issues with several committees. Staff has been having a hard time trying to decipher what they have to provide to who and when and they are being bombarded by requests from committees. The Chair and the Liaison is where the communication starts. Mr. MacAskill feels that it is incumbent of the Board to have a discussion with the Chair of each committee, and then the Chair can follow up with their committee outlining the rules.

Mr. Howell stated that the only impediment is that the liaison does not speak for the Selectmen and that they are not a member of the board or committee that they are the liaison to. He feels that the committees might need some training on what they can and cannot do and what is the property way to obtain information.

Mr. MacAskill is looking for direction from the Board to create something that outlines the process. He went on to briefly review open meeting law requirements and noted that they happen over and over again. The residents of Harwich have elected the Board of Selectmen to represent them and the Board cannot allow issues to go on. Tonight needs to be the beginning to the end of issues with some of these committees.

Ms. Anderson thought that the Board had previously discussed having some kind of policy for committees. She asked if a policy letter should be created. Mr. MacAskill agreed with the policy letter and added that he would look to each Selectman to speak to the boards and committees that they are the liaison to. He added that the open meeting law session was taped for anyone who wants to watch it.

Mr. Powers noted that staff work can grind to a halt when a committee member makes a request. It causes staff to stop what they are doing to respond so they do not come across as non-responsive. Mr. Powers feels that the Board might need a further policy or a change to the existing policy. The town does have a great committee handbook for anyone who needs a copy.

Mr. Howell would like to be able to forward the charter language to everyone. Part of the problem is that there seems to be a misunderstanding of what the role of the chair of the board or committee is.

Mr. MacAskill said that he would work through comments as they are submitted to him and asked the Selectmen to start working with their respective board and committee chairs on this process.

For the public, Ms. Anderson would like it to be clear that the employees do not report to the committees. The employees report to the Town Administrator and the committee's role is advisory. Some think that it is the other way around.

Karen Doucette was present and noted that she is newer to being on a committee. She noted that there was zero training when she started and that she had not heard of the open meeting law requirements. She feels that having a common high level training for someone new to a committee might be a good starting place. Then there should be training specific for the board or committee that the person is serving on. Ms. Doucette went on to suggest that people should specifically be asked if they attended the open meeting law training and maybe have them sign something that confirms they attended or watched the training.

Martha Donovan was present and suggested that if staff should not be taking emails and calls from committee members, that they politely push back to people and direct them to the right chain of communication. Mr. MacAskill responded that staff is slowly learning that.

I. Discussion and vote to approve recommended 2023 Golf Fees

Director of Golf Roman Greer was present.

Mr. Powers reviewed the memo that was provided in the packet. This request is an every other year occurrence and is pretty straightforward as a process. This year however, the Golf Committee failed to obtain a majority vote. Mr. Powers had directed Mr. Greer to proceed as he saw fit. Setting of the fees and rate structure goes into effect in March.

Mr. Ballantine sees the proposal as being straightforward and was surprised that it was not voted on. He stated that he is in favor of moving forward with the well spelled out recommendations.

Mr. Howell noted that the Golf Committee had discussions 2-3 meetings ago of what their policy was in trying to advance the fee structure. Mr. Howell stated that he would support the request as presented for this year. Future discussions might need to include whether or not our rates induce people from other towns to come in which might exclude some Harwich residents.

Mr. Howell moved to approve the recommended 2023 golf fees as presented, 2nd by Ms. Anderson and approved 5-0-0.

J. Discussion on Revolving Funds

Mr. MacAskill stated that this topic was discussed a few times last year and that this is the first discussion for this year.

Mr. Howell said that Mr. DeCosta of the Finance Committee had contacted him and that there was a pitch made that one person from the Selectmen and one from the Finance Committee research on where revolving funds started and what the level was. We have over 1 million dollars' worth of funds that don't ever get scrutinized in the same manner that Town Meeting would scrutinize something. Mr. Howell went on to say that the revolving fund is a contingency, not a funding source for all things.

Mr. MacAskill said that the ask tonight is to see if the Board is okay with Mr. Howell to start the process of reviewing the revolving funds, for a presentation to be made at a later date.

Ms. Anderson recalled that when the town's audit was done, they confirmed that the town was appropriately using the revolving funds and that they were not on the high side. She does not feel that we have a problem, but also has no issue with Mr. Howell and Mr. DeCosta taking a deep look at the funds.

Mr. Ballantine agreed that he does not have a problem looking at the funds and that to some degree, the revolving funds have specific purposes that should be looked at.

The Board agreed to Mr. Howell doing research.

Dana DeCosta was present and noted that the Finance Committee discussed this at their last meeting. They said that if the Selectmen agreed, that Mr. DeCosta could help with the process.

K. Vote to approve the 2023 Alcoholic Beverages Control Commission Seasonal Population form

Mr. Ballantine moved to approve the 2023 Alcoholic Beverages Control Commission Seasonal Population form, 2nd by Ms. Anderson and approved 5-0-0.

L. Discussion and vote to confirm the provisions of Chapter 7, section 2, subsection 7-2-7, relative to:

1. Cindi Maule – Harwich Housing Committee
2. Paula McGuire – Conservation Commission

Mr. Powers reviewed the provisions of the chapter, section and subsection being discussed.

Mr. Ballantine noted that this has come before the Interview Committee and that they have been appreciative of the information.

Ms. Kavanagh reported that staff has tried to contact these members multiple times.

Mr. Ballantine moved to confirm the provisions of Chapter 7, section 2, subsection 7-2-7, relative to Cindi Maule – Harwich Housing Committee, Paula McGuire – Conservation Commission and that letters be sent reflecting the decision, 2nd by Ms. Anderson and approved 5-0-0.

M. Vote to send a Warning letter to all licensed establishments that did not attend the mandatory licensing meeting per Harwich Liquor License Regulations Section 1.01, Item C

1. Maulik Corporation d/b/a Value Mart – 435 Route 28
2. Harwich Port House of Pizza, Inc. – 330 Route 28
3. Shooting Star Realty, LLC d/b/a Buca's Restaurant - 4 Depot Road

Mr. Powers reported that at the advice of counsel, this letter is the appropriate action at this time.

Mr. Howell noted his frustration and stated that the concept of issuing a new license was to give people a chance to exercise the license with the understanding that the licensing authority can revoke it if needed.

Ms. Kavanagh stated that the Police Chief put a lot of time into the licensing meeting. If legal, she would like something included in the letter that if there is an issue with a license in the next 12 months, lack of attending the training would be mark on their license.

Mr. Powers said that the intent of the letter is to invite the establishment to come into compliance. One of the establishments did make contact with staff this morning and said that they could not attend due to illness. The establishment was not prevented from sending someone in their place. The purpose of the letter this year is to ensure compliance.

Mr. Howell moved to send a warning letter to all licensed establishments that did not attend the mandatory licensing meeting per Harwich Liquor License Regulations Section 1.01, Item C: Maulik Corporation d/b/a Value Mart – 435 Route 28, Harwich Port House of Pizza, Inc. – 330 Route 28, Shooting Star Realty, LLC d/b/a Buca's Restaurant - 4 Depot Road, 2nd by Ms. Anderson and approved 5-0-0.

N. Vote to hold a Public Hearing for the non-use of the Class II and Class IV Auto license for Peter S. Stagg – 182 Route 137

Mr. Powers stated that this hearing would be an opportunity for the applicant and the Board to have a discussion regarding the status of the license.

Ms. Kavanagh moved that the Board of Selectmen will hold a Public Hearing for the non-use of the Class II and Class IV Auto license for Peter S. Stagg – 182 Route 137 on December 5, 2022, 2nd by Ms. Anderson and approved 5-0-0.

O. Vote to approve 2023 Lodging House license renewal – Siceamp, Inc. d/b/a The Tern Inn – 91 Chase Street

Ms. Kavanagh moved to approve the 2023 Lodging House license renewal – Siceamp, Inc. d/b/a The Tern Inn – 91 Chase Street, 2nd by Ms. Anderson and approved 5-0-0.

- P. Approve 2023 Common Victuallers license renewals:
1. Harwichport House of Pizza – 330 Route 28
 2. The Stop & Shop Supermarket Co LLC d/b/a Starbucks – 111 Chatham Road
 3. 400 East – 1412 Orleans Road
 4. Hot Stove, Inc. d/b/a Hot Stove Saloon – 551 Route 28
 5. WFS Restaurant Group, Inc. d/b/a Red River BBQ – 787 Route 28
 6. Beachlight LLC d/b/a Seal Pub & Café – 703 Main Street
 7. Ember Pizza Inc. d/b/a Ember Pizza – 600 Route 28

Mr. Howell moved to approve the 2023 Common Victuallers license renewals presented, 2nd by Ms. Anderson and approved 5-0-0.

- Q. Approve 2023 Entertainment license renewals:
1. 400 East Inc. – 1421 Orleans Road
2023 Request
Weekday 5:00 p.m. to 10:00 p.m. inside – Live/Recorded music, amplification, dancing by live performers Sunday 5:00 p.m. to 10:00 p.m. inside – Live/Recorded music, amplification, dancing by live performers

Mr. Ballantine moved to approve the 2023 entertainment license renewal for 400 East, Inc-1421 Orleans Road as presented, 2nd by Ms. Kavanagh and approved 5-0-0.

2. Hot Stove Inc. d/b/a Hot Stove Saloon – 551 Route 28
2023 Request
Weekday 9:00 p.m. to 12:00 a.m. inside – Jukebox, Radio, Television, dancing by live performers, recorded/live music, amplification

Mr. Howell moved to approve the 2023 entertainment license renewal for Hot Stove, Inc., d/b/a Hot Stove Saloon as presented, 2nd by Ms. Anderson and approved 5-0-0.

3. Beachlight LLC d/b/a Seal Pub & Café – 703 Main Street
2023 Request
Weekday 6:00 a.m. to 12:00 a.m. inside – Recorded/live music, karaoke, live acoustic music
Thursday, Friday, Saturday – May 27, 2023(Memorial Day Weekend) to September 2, 2023 (Labor Day Weekend) - 6:00 p.m. to 9:00 p.m. outside – Acoustic live music with unamplified singing only
Sunday 6:00 a.m. to 12:00 a.m. inside – Recorded music, TV, background music, radio
Sunday 6:00 p.m. to 10:00 p.m. inside – Acoustic, unamplified live music or karaoke

Ms. Anderson asked for clarification on the Sunday 6:00 p.m. – 10:00 p.m. inside request, wondering if that should be for outside.

Josh Winston was present and confirmed that there are no changes from last year's request. Mr. Powers confirmed that the application submitted does state inside. Mr. Winston confirmed that they are not requesting anything for outside on Sundays.

Ms. Kavanagh moved to approve the 2023 entertainment license renewal for Beachlight LLC, d/b/a Seal Pub & Café as presented, 2nd by Mr. Ballantine and approved 5-0-0.

4. Ember Pizza Inc. d/b/a Ember Pizza – 600 Route 28

2023 Request

Weekday 11:00 a.m. to 12:00 a.m. inside

Weekday 11:00 a.m. to 10:00 p.m. outside

Jukebox, Radio, TV, dancing by live performers, live/recorded music, amplification, live bands/DJ

Sunday 1:00 p.m. to 12:00 a.m. inside

Sunday 1:00 p.m. to 10:00 p.m. outside

Jukebox, Radio, TV, dancing by live performers, live/recorded music, amplification, live bands/DJ

Mr. MacAskill noted that there is a change to the application from last year. The change is the Sunday 1:00 p.m. to 10:00 p.m. outside request which includes amplification.

Mr. Ballantine sees no reason why the Board should not stick with what was approved for last year.

Mr. Ballantine moved to approve the 2023 entertainment license renewal for Ember Pizza Inc., d/b/a Ember Pizza, noting that the license will be the same as what was approved for 2022, 2nd by Ms. Anderson and approved 5-0-0.

Bob Nickerson was present and wanted to confirm that there will not be dancing and live performers outside. Mr. Ballantine asked why that would be an issue.

Ms. Kavanagh said that their approval is the same as it was in 2022 and that dancing and live performers would be inside.

R. Vote to approve the following 2023 Annual Auto License renewals:

1. Wayne's Auto Service – 643 Main Street – Class IV Auto Repair
2. Joseph Lang d/b/a All-out Performance - 266 Queen Anne Road – Class IV Auto Repair
3. Steven's Auto Repair – 216 Main Street Unit 7 & 8 – Class IV Auto Repair

Mr. Howell moved to approve the 2023 Annual Auto License renewals as presented, 2nd by Ms. Anderson and approved 5-0-0.

S. Vote to approve the following 2023 M.G.L. Chapter 138, Section 15 Annual Liquor License renewals:

1. ATJX Inc. d/b/a Moonshine Liquors – 4 Great Western Road
2. Maulik Corp. d/b/a Value Mart – 435 Route 28
3. Portside Liquors III Inc. d/b/a Portside Liquors – 1421 Route 39 –
Pending Fire Department Inspection Report
4. Cranberry Liquors at Harwich Port LLC d/b/a Cranberry Liquors – 555 Route 28

Mr. Howell moved to approve the 2023 M.G.L. Chapter 138, Section 15 Annual Liquor License renewals as presented, 2nd by Ms. Anderson and approved 5-0-0.

T. Vote to approve the following 2023 M.G.L Chapter 138, Section 12 Annual Liquor License renewals:

1. 400 East Inc. – 1421 Orleans Road
2. Hot Stove Inc. d/b/a Hot Stove Saloon – 551 Route 28
3. First Crush Winery Cape Cod LLC d/b/a First Crush Winery – 527 Main Street
4. Harwich Port Seafarer Inc. d/b/a Harwich Port Seafarer – 86 Sisson Road
5. Cape Roots Market & Café LLC d/b/a Cape Roots Market & Café – 557 Route 28 Unit 101
6. Beachlight LLC d/b/a Seal Pub & Café – 703 Main Street
7. Ember Pizza Inc. d/b/a Ember – 600 Route 28
8. Morningstar Restaurant Inc. d/b/a Villa Roma – 278 Route 28 – *Pending receipt of formal request to close establishment*
9. WFS Restaurant Group Inc. d/b/a Red River BBQ – 787 Route 28
10. BLM Restaurant Group, Inc. d/b/a Lanyard Bar and Grill – 429 Route 28

Mr. Howell moved to approve the 2023 M.G.L. Chapter 138, Section 12 Annual Liquor License renewals as presented, 2nd by Ms. Anderson and approved 5-0-0.

OLD BUSINESS

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

On section 3 where it says the 3-year revenue report, Mr. Ballantine commented that he would be more comfortable if there was also a statement that showed income plus revenue for that period of time, noting that he would like to see expenses tracked. Ms. Anderson added that section 1 talks about the financial forecast of expenses and revenues for 5 years. Mr. Ballantine added that he wants to make sure that the information is found somewhere.

Mr. Howell said that the Board is given assurances every year on projections and that he would be interested to see if the information is true based on assumptions and what was actually developed.

Mr. Howell moved to approve the Board of Selectmen Budget Message for Fiscal Year 2024, 2nd by Ms. Anderson and approved 5-0-0.

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

Mr. Ballantine thinks that in the housing section, there should be a goal to look at zoning issues regarding open space and housing. Another request of Mr. Ballantine is in the personnel section where he would like to see a position description written and an organizational chart to reflect those positions.

Ms. Kavanagh would like to make sure that accessory dwelling units are included in any zoning discussions.

Ms. Kavanagh moved to approve the Board of Selectmen Goals and Objectives for Fiscal Year 2023 to include Mr. Ballantine's suggestions, 2nd by Ms. Anderson and approved 5-0-0.

C. Discussion on the cost analysis report written by the Town Administrator for the former middle school(204 Sisson Road)

Mr. Powers provided the Board with a cost analysis report for the municipal operations at 204 Sisson Road. Also present was Eric Beebe, Recreation Director and Kara Mewhinney, Director of Cultural Affairs. The purpose of the report is to outline the anticipated annual costs of continuing operating the building at 204 Sisson Road for municipal government operations including cultural affairs programming and recreation programming throughout the building and in certain outdoor or open air areas. Staff was tasked to articulate building costs on the expense side. Information provided includes operational costs for services (repairs, services, maintenance) and utilities. Costs shown in the report do not reflect custodial costs or other personnel-related costs. Mr. Powers talked about the cost analysis in terms of refurbishment. Comparisons in the report were made to the Community Center, located at 100 Oak Street. When referencing 204 Sisson, the original building is known as the classroom wing and the newer wing is referred to as the activity wing. Staff was directed to look at all parts of the activity wing, but refrain from looking at the first floor of the classroom wing because that space would be held for government use. Mr. Powers feels confident that staff has identified substantial programming that could bring in significant revenue.

Mr. Ballantine asked what percent of the building would be taken up for municipal use. Mr. Powers talked about the potential of upwards of 14 classroom units. The current anticipated positions using the space would be the Director of Cultural Affairs, Housing Advocate, Engineer and Surveyor. Mr. Powers stated that he is aware of other groups that may be looking to partner with the Selectmen to use the space for government and non-profit use. He would want to keep the space open for that purpose and if it is decided to not go that route, the space could be released for cultural affairs.

Mr. Ballantine stated that he appreciates the information that was put together. He looks at this report to be phase 1 of the process and that phase 2 would be a broader look. Mr. Ballantine would like to see overall discussions include a look at if there are any regional things that the space could be used for, a test kitchen as an example. Mr. Powers responded that the provided report contemplates the kitchen area to be used similar to the kitchen at the Community Center. If there are any proposed changes of use, Mr. Powers would have to bring them back to the team to re-review the cost analysis.

Mr. Howell commented that some of the push back heard had to do with the capital costs for the fixed portions of the building. It is important to note that this building is an integral anchor to the fact that Harwich has 2 cultural districts. Mr. Howell also pointed out that this is precisely why the Community Preservation Act was passed. There is a gym in the building that is a recreation facility. There are activities that are cultural that fit into the realm of use of this building.

Ms. Anderson thinks that this plan provides plenty of detail and good summaries. She wonders if there is any revenue that can be realized before refurbishment is done. Mr. Powers responded that he has been informed that the revenue projects provided by staff are predicted by the capital plan being executed in the first year. The idea is that if the building is refurbished, they will come. Ms. Anderson can't see any reason why some things cannot be done now. Mr. Powers responded that administrative and policy decisions can be done by the Board now.

Ms. Kavanagh asked if some of the mechanical work costs could be defrayed by the green communities act. Mr. Powers responded that the DPW Director did not think so. The town will be pursuing a couple of cultural grants. The numbers shown are the worst case scenario without any grants.

Mr. Ballantine asked if Mr. Powers has any additional information on CPA funds, referring to an email that was received earlier in the day. Mr. Powers responded that he hadn't read the email yet and would need to educate himself before responding.

Mr. MacAskill asked if the wastewater treatment plant of what Harwich pay is included in the numbers provided. Mr. Powers responded that Harwich is responsible for 100% of the capital costs for the elementary and middle school. Mr. MacAskill noted that it shouldn't be a capital cost yet as it is currently just maintenance and usage.

Mr. MacAskill asked how much is in the revolving fund. Mr. Powers responded that there is a spending limit of \$225,000. There is a balance of \$316,000 carried over from the fiscal year and we are currently hovering around \$180,000.

Mr. MacAskill asked about the pickle ball numbers and if they are increased numbers or what we signed on for. Mr. Beebe responded that the numbers are what we signed on for and \$20.00 is where we are at now. Mr. MacAskill wants to know what the space is worth and what can be done to go to market to see what someone will pay to use the space. Based on the report provided, there seems to be a lot of opportunity.

Ms. Mewhinney talked about the fee structure for the auditorium, noting that we cannot charge primo fees until upgrades are done. Having the moving wall fixed in the auditorium will add 100 seats. She has been speaking with promoters and has been told that they will pay the primo rates once the upgrades are completed.

Ms. Mewhinney noted that the cultural designation is hopefully set for January 2023 and that she would inform the Board as updates are available.

Mr. MacAskill asked if there are any other grant opportunities beyond the 2 already discussed. Ms. Mewhinney responded that there will be another round of grants in the spring and then again in May/June. She concluded by saying that she is continuously looking for grant opportunities and that she is constantly reaching out to her resources.

TOWN ADMINISTRATOR'S REPORT

Mr. Powers announced the hiring of Kristi Eldredge as the Executive Assistant in the Health Department as well as Domenic Yanuzi as a dock hand for the Harbor Master.

Mr. Powers reviewed the contracts as outlined in the packet.

SELECTMEN'S REPORT

Ms. Anderson stated that both she and Mr. Powers attended the Philanthropy Day on Cape Cod event where Sheila House was given the volunteer of the year award. Ms. Anderson was not aware of the multitude of things that Ms. House does beyond her youth services work.

Ms. Kavanagh agreed that Ms. House does great work for the town and so much more.

Mr. Howell commented that the Veteran's Day Celebration was very well attended.

Mr. MacAskill attended the Murray Lane dedication ceremony, which was very moving. It was empowering to watch people move into their new homes. Mr. Howell added that the sky is the limit if you are able to get involved with programs that can help create a pathway into the housing market.

The Board and Mr. Powers wished everyone a Happy Thanksgiving.

CORRESPONDENCE

No correspondence was discussed.

ADJOURNMENT

Mr. Howell moved to adjourn the meeting of the Board of Selectmen, 2nd by Ms. Anderson and approved 5-0-0.

Respectfully submitted,
Jennifer Clarke
Recording Secretary