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

RELEASED

APPROVED

**SELECTMEN PARTICIPATING:** Michael MacAskill, Larry Ballantine, Julie Kavanagh and Donald Howell.

**ALSO PARTICIPATING:** Town Administrator Joseph Powers

**CALL TO ORDER**

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

**PUBLIC COMMENTS/ANNOUNCEMENTS**

Lt. Brad Willis from Harwich Fire was present and announced the annual Homeless for the Holidays event that will be held in Brooks Park. The event will run this coming Wednesday through Sunday at noon. Lt. Willis encouraged people to stop by and donate cash, gift cards, non-perishable food items and unwrapped toys, all of which will be donated to the Family Pantry of Cape Cod, who are eagerly awaiting the drop off. The 7 year total from this event includes 7,167 toys, 12,220 pounds of food, 51,492 in cash, checks and gift cards. Lt. Willis thanked everyone on behalf of the Harwich Police and Fire Departments.

- A. Announcement – Public Hearing for Chase Escape Cape Cod, LLC d/b/a Summer House Cafe was continued on 11/21/22 will take place on 01/17/2023 at 6:00 p.m.

Mr. Powers announced the upcoming public hearing for Chase Escape Cape Cod, LLC d/b/a Summer House Café that will be held on January 17, 2023 at 6:00 p.m.

- B. Announcement - Budget Meeting to be held Saturday, March 4, 2023 at Community Center

Mr. Powers announced the upcoming budget meeting that will be held on March 4, 2023 at 9:00 a.m. in the multi-purpose room at the Harwich Community Center.

**JOINT MEETING AND PUBLIC HEARING WITH BOARD OF ASSESSORS**

- A. Classification Hearing – Vote to approve classification recommendations from the Board of Assessors

Present were Richard Waystack, Bruce Nightingale, Jay Kavanagh and Interim Assessor Gail McAleer. Mr. Waystack called the Board of Assessors meeting to order.

Mr. Waystack introduced the newest member of the Assessing Department Madison LeBlanc. Also present in the audience was Assistant Assessor Carly Jones. Mr. Waystack thanked the department for all of their hard work to get them where they are today. At the Board of Assessors meeting early this evening, the Board voted to vote a residential factor of 1 which means that each class will maintain a full value tax share and the tax burden would not shift to the commercial, industrial and personal property taxes. The Board also voted to recommend to not grant an open



space discount, to not grant a residential exemption and not to grant a small business exemptions. Mr. Waystack brought to the Board's attention that the average single family home value in Harwich has risen by almost 24%. When there is an increase in real property value, there is a corresponding reduction in the tax rate. The FY22 tax rate was \$8.11 and the proposed FY23 tax rate is \$6.68. At this time, 55% of Harwich are non-residents. There are approximately 5,300 residential properties in this community that would qualify for residential exemptions. If residential exemptions were to be considered, the Assessing Department would need a dramatic increase in staffing to handle the number of potential applications. The Board of Assessors have filed legislations with the Commonwealth to try and get a residential hardship exemption.

Mr. Ballantine commented that residential values have increased while commercial and industrial have dropped a bit. He noted that he is surprised that those numbers don't track together. Mr. Waystack responded that the values are a victim of the market, which is why a shifting tax rate would have a major impact. He asked everyone to remember that about 97% of the Harwich community is residential.

Mr. Howell stated that he would be voting for the factor of 1 but challenged that even if approved, the residential hardship exemption would not help people who cannot afford to buy the house. We can and will make strides in affordable housing, but Mr. Howell noted that there is no legal definition of work force housing. Mr. Howell noted that he is seeing an increase in the number of air B & B's in town. He does not want to see Harwich put money into below market rate, but not quite affordable housing, if we don't have a plan to stop people from gobbling them up as even low end air b & b's. Mr. Waystack responded that it is about the impact of the residential factor of 1. If the landlord's costs are going up, they are being passed along to the tenant who rents the property. Mr. Waystack feels that air B & B's are a conversation for another day. Mr. Howell added that if the answer is not in the property taxes, then there has to be another answer to help funnel some of the housing back to people who live here. We need work force housing and we need people who are just starting out here to be able to stay here. Mr. Waystack argued that doing a residential exemption is not the answer to that problem. There are other solutions that can be talked about in another forum. Mr. Howell said that he would like to set those discussions up for another meeting.

Ms. Kavanagh stated that she has no problem with the information presented and the factor of 1. The discussion of housing and problems with housing within the community is really a housing trust and housing association discussion.

**Mr. Ballantine moved to adopt the residential factor of 1 based on the recommendation of the Board of Assessors, 2<sup>nd</sup> by Mr. Howell and approved 4-0-0.**

**Mr. Ballantine moved to not grant an open space exemption based on the recommendation of the Board of Assessors, 2<sup>nd</sup> by Mr. Howell and approved 4-0-0.**

**Mr. Ballantine moved to not grant a residential exemption based on the recommendation of the Board of Assessors, 2<sup>nd</sup> by Mr. Howell and approved 4-0-0.**

**Mr. Ballantine moved to not grant a small commercial exemption based on the recommendation of the Board of Assessors, 2<sup>nd</sup> by Mr. Howell and approved 4-0-0.**

Mr. Waystack stated that the LA-5 form needs to be signed by all members of the Board of Selectmen.

**Mr. Nightingale moved to adjourn the meeting of the Board of Assessors, 2<sup>nd</sup> by Mr. Kavanagh and approved 3-0-0.**

**JOINT MEETING ON THE FISCAL YEAR 2024 – 2028 CAPITAL OUTLAY PLAN AND FISCAL YEAR 2024 CAPITAL BUDGET WITH BOARD OF SELECTMEN, CAPITAL OUTLAY COMMITTEE AND FINANCE COMMITTEE**

The meeting of the Finance Committee was called to order. Present were Peter Hughes, Dana DeCosta, Mark Kelleher, Karen Doucette, Michelle Gallucci, Robert MacCready, Dan Tworek and Mark Ameres.

The meeting of the Capital Outlay Committee was called to order. Present were Richard Larios, Karen Doucette, Mark Kelleher, Martha Donovan and Ann Clark Tucker.

Mr. Powers stated that this meeting meets the town requirements in the charter for the Capital Outlay Committee to present to the Board of Selectmen and Finance Committee the 5-year capital outlay plan. He went on to report that the total in the FY24 capital outlay budget plan is an eye popping \$75,469,424. Within that number is nearly 70 million dollars' worth of projects relating to water and wastewater. Approximately 3 million is dedicated to facilities and 1.9 million towards 204 Sisson Road. Mr. Powers briefly walked everyone through the plan.

Mr. Larios noted that the Capital Outlay Committee has gone through this plan extensively, with the process starting back in September. The plan presented is subject to change until the night of Town Meeting as it is a living document. All of the information provided has been addressed as far as it can be and Mr. Larios stated that the committee appreciates the efforts of everyone involved in the process. He added that everyone needs to be ready to present the plan in non-financial terms to taxpayers, noting that there has been a good job done in trying to identify all of the variables.

Ms. Donovan commented that all of the people involved were very knowledgeable and helpful in the process and she did not get the impression that anyone was trying to game the system. Ms. Donovan also noted that having Mr. Powers assist the committee through the process and getting the committee to meet early and often allowed for enough time to look at all of the details.

Mr. Hughes stated that the Finance Committee has been waiting for this day, particularly as it relates to the Middle School. The Finance Committee will be reviewing in detail the capital plan and cost analysis about the 204 Sisson Road building on Thursday and will provide formal feedback. Mr. Hughes asked if the cost analysis regarding 204 Sisson Road is meant to be the definitive document that takes us to Town Meeting or is it just one element of what we would hope to be a comprehensive business model for the building. Mr. Powers responded that the document was meant to be a response to a Board of Selectmen directive of creating a cost analysis report.

Mr. MacAskill asked Mr. Hughes to define what more the committee is looking for. Mr. Hughes feels that the plan has no vision and that when it comes to the possibilities of a cultural center, he had more expectations. When we get to Town Meeting, he expects to see a floor plan and planned programming for the building. Mr. Hughes added that he would also expect to see a build out on the municipal use of the building. Mr. MacAskill asked the Finance Committee to put their comments and vision for the building together and send them to him.

Mr. MacAskill feels that the plan as presented has more meat on it than anything previously provided. Whatever we end up with, this building is an asset. The plan as presented is the basis of a vision and Mr. MacAskill added that there is a lot of growth potential. Also up for discussion is the shared septic system with the elementary school.



Mr. Hughes said that the question now is how to use the building to the maximum. He would like to see the town get to the vision of the building and suggested the addition of solar panels, vehicle charging stations, tiny homes and community garden elements around the property.

Mr. Ballantine stated that he is interested in the fact that we are repairing the building without an idea of what we need to do in the end. In a normal strategy, we would do a survey of the needs of Harwich and on the Cape and see what we can fulfill and ensure that the work we are doing goes in that direction. Mr. Ballantine feels that the next step would be to get community input.

Mr. Howell talked about a vast number of cultural grants that might be available, if we can define what areas are being used for what.

Ms. Kavanagh doesn't disagree that we need to assess where we are going with the building as a vision. The town just recently hired someone to assist in developing programs. We have 2 million dollars to put into this asset and in the same token, there is no way that you could build anything for that amount. She sees that everyone has different visions for what the building is and that this is an important discussion.

Mr. DeCosta agreed that there needs to be more answers before we get to Town Meeting.

Mr. Kelleher agreed that there are innovative things to look at out there, including heat pumps and feels that there is a need for imagination. He added that the cost of what we are seeing is understated and that there is more work to be done than what is being talked about. Mr. Kelleher also talked about the lack of air conditioning in the building.

Ms. Doucette feels that there is much to be done and that this capital plan falls short of what we will need to make the vision that has been laid out a reality. If this building is fully built out, we will also need to hire more staff. Ms. Doucette briefly talked about the window replacement in the building and the outside recreation fields. While this report is a great start, Ms. Doucette feels that it will fall short at Town Meeting. While the building does have the potential to be amazing, she wondered if we can swing it with the 70 million dollar water and wastewater bill.

Mr. MacCready agreed with previous comments about the need for a more comprehensive vision.

Ms. Gallucci asked how staff came to the number presented in confidence if they have not solidified the specific concepts of what will be in the building.

Mr. Tworek agreed with Mr. Hughes comments about the missing strategic vision of where this building will go and what are the goals, vision, mission, objectives and performance measures of this building.

Mr. MacAskill feels that there is a vision for the building being presented.

Richard Waystack was present and asked if anyone was present at 204 Sisson on Saturday. The building was rocking with an event. There was a lot of economic development happening and it was a tremendous event. We have a Cultural Director who has been on the job for 5 months and was able to fill the building. The town has just hired a new Town Planner. Mr. Waystack also stated that any previous talk about small houses on the property was overwhelmingly rejected. If there is going to be a true vision for the building, then you need the right people to get that done. He closed by saying that the building does have tremendous potential.

Mr. Larios feels that everyone has great input, but we need to understand that it is a municipal building. We have resources that can add value to any analysis and he would not expect someone

to take full responsibility for making a decision on the building use. Mr. Larios added that he is all for a sub-committee of experts to look at this further and thinks that we may need to move forward with someone outside of this circle to review the building and the plan.

Mr. MacAskill stated that the Board will be bringing this back for discussion at an upcoming meeting.

Jon Chorey was present and stated that he was a member of the Finance Committee last year. Mr. Chorey reviewed the town approved Town Meeting article 57 and while the plan bring presented is a good step, it is not what the town voted on and what the town should get.

Mr. Hughes stated that the Finance Committee will be having further discussions at their meeting on Thursday night. They will send any comments to Mr. MacAskill.

Mr. DeCosta brought up the 68 million water and wastewater number and asked why the number increased from the previous number of 39 million dollars. Mr. Powers responded that based on the testimony of the Water/Wastewater Superintendent, Dan Pelletier, the cost increase is largely due to the supply chain. The projects that are being worked on by Mr. Pelletier will have to go through various state and federal funding. The numbers provided are solid but will continue to be evaluated during the process. With regard to the 204 Sisson Road numbers, those are based on quotes that we have on hand and we do not foresee supply chain issues with these numbers. In some cases, the town has gone for the higher number that the market place has out there, with the expectation that some of the funds will be offset by grants.

Mr. Larios again stated that this is a living document that is subject to change and it will likely change up until the night of Town Meeting.

Dan Pelletier was present remotely and reviewed the process of the SRF program. There are a number of pots of funds that are available to Harwich include the Cape and Islands Water Protection Fund, Disadvantaged Communities Program and the Federal Infrastructure Bill. Town Meeting will be required to appropriate the larger amounts and principal forgiveness would be applied after the loan is closed out.

With respect to the East Harwich sewer system, Mr. Hughes asked over how many years would that money be spent. Mr. Pelletier responded that there is short term authorization that takes place during construction, but that the money doesn't hit the tax rate until construction closes. For phase 2, we are likely to see the debt hit the tax rate this next fiscal year.

Mr. Howell stated that he sits on the Clean Waters Board and that the fund disbursements are not lineal.

Ms. Doucette questioned funding sources and asked for clarification on how much is in free cash. Mr. Powers responded that there is just under 7.5 million dollars in free cash.

Mr. Hughes said that the question is not only how do we get to free cash, but why is the number so high.

Mr. Howell asked that the capital plans be aligned and asked Mr. Larios if there is anything in the plan that went a year sooner or items that were pushed out a year. Mr. Howell added that if something was brought down a year or combined, that it would need a 2/3 Town Meeting vote to get it approved.

**The meeting of the Finance Committee was adjourned.**



**The meeting of the Capital Outlay Committee was adjourned.**

**CONSENT AGENDA**

A. Vote to accept the resignation of John F. Crook from the Golf Committee effective immediately

**Mr. Howell moved to accept the resignation of John F. Crook from the Golf Committee effective immediately, 2<sup>nd</sup> by Mr. Ballantine and approved 4-0-0.**

**NEW BUSINESS**

A. Vote to approve proposed MassDEP Watershed Permit and Title V Regulation Comments

Provided in the packet is a copy of the proposed letter to be sent to Mass DEP Bureau of Water Resources-Division of Watershed Management.

Mr. Ballantine stated that he sent comments for the letter to Mr. Pelletier. Mr. Pelletier responded that his hope was that this letter would be the first iteration and is happy to take and incorporate comments. The town has until December 16, 2022 to submit their letter. Mr. MacAskill stated that the Board does not meeting again until December 19, but that a special meeting could be called if needed. He asked if Mr. Pelletier would be able to have a revised letter ready for a potential meeting on the 12<sup>th</sup>. Mr. Pelletier responded that he would.

Mr. Ballantine noted that what we are spending on this could hurt us in the need to fund our critical housing crisis. When we talk about innovative/alternative or best technology, Mr. Ballantine wants to make sure that the commitment of the required nitrogen removal is achieved.

Mr. Howell stated that we are just one of 351 cities and towns and the request being made is not just pitting it against housing. He wants the state to realize what they are asking. They are asking basically the entire town to sewer but they are not putting out any mechanism to fund this additional burden.

B. Vote to approve remote participation for one member of Planning Board

Mr. Howell stated that David Harris has been a great member of the Planning Board, but that for a regulatory board, it is important for applicants to have a face to face meeting, as remote participation can be difficult at times. He added that this is a larger issue that may warrant more conversation, but that he would vote to support the request tonight.

**Mr. Howell moved to approve the remote participation request for David Harris of the Planning Board from December through mid-May, 2<sup>nd</sup> by Ms. Kavanagh and approved 4-0-0.**

C. Department of Conservation & Recreation (DCR) Certificate of Announcement pursuant to 301 CMR 51.08(2) relative to the Copelas Property Conservation Restriction

**Mr. Howell moved to approve the Department of Conservation and Recreation Certificate of Announcement pursuant to 301 CMR 51.08(2) relative to the Copelas Property Restriction as provided in the packet, 2<sup>nd</sup> by Mr. Ballantine and approved 4-0-0.**

D. Vote to approve the following M.G.L. Chapter 138, Section 15 Annual liquor license renewals:

1. Bourne Petroleum Ltd. d/b/a Harwich Exxon – 173 Pleasant Lake Avenue
2. Main Street Quik Pik Inc. d/b/a Main Street Market – 715 JMain Street

3. Pizza Shark Partners d/b/a Pizza Shark – 403 Pleasant Lake Ave
4. A.J. Luke's of Harwich – 224 Route 28

**Mr. Howell moved to approve the above M.G.L. Chapter 138, Section 15 Annual liquor license renewals as presented and that all terms and conditions of the license are part of the renewal, 2<sup>nd</sup> by Mr. Ballantine and approved 4-0-0.**

E. Vote to approve the following M.G.L. Chapter 138, Section 12 Annual liquor license renewals:

1. Brax Restaurant Inc. d/b/a Brax Landing – 705 Main Street
2. Blue Stripe LLC d/b/a Cape Sea Grille – 31 Sea Street
3. Spyridon and Aglaia Christakis d/b/a George's Pizza House – 564 Route 28
4. Harwich Port House of Pizza Inc. – 330 Route 28
5. Shogun Inc. d/b/a Noble House – 21 Route 28
6. Zack Inc. d/b/a Castaways – 986 Main Street – *Pending receipt of fire inspection report*
7. Allen Harbor Yacht Club Inc. – 371 Lower County Road
8. Round Cove Resort Beverage LLC d/b/a Wequassett Inn – 2173 Route 28 – *Chance of Classification request approved by the Alcoholic Beverages Control Commission on 11/23/2022 – Pending receipt of Certificate of Insurance*
9. Ashwood Food Service Inc. d/b/a Jake Rooneys – 119 Brooks Road – *Pending receipt of Certificate of Insurance*
10. Shooting Star Realty LLC d/b/a Bucas Restaurant – 4 Depot Road

Ms. Kavanagh asked to make sure that everyone attended the annual liquor license training. Mr. Powers responded that 3 did not attend, but have since contacted the Police Department and are now in compliance.

**Mr. Howell moved to approve the above M.G.L. Chapter 138, Section 12 Annual liquor license renewals as presented and that all terms and conditions of the license are part of the renewal, 2<sup>nd</sup> by Mr. Ballantine and approved 4-0-0.**

F. Vote to approve the following new 2023 Entertainment Applications:

1. WFS Restaurant Group, Inc. d/b/a Red River BBQ – 787 Route 28  
Weekday excluding Tuesday – 11:30 a.m. to 8:00 p.m. inside  
 Jukebox, radio, television  
Sunday 1:00 p.m. to 8:00 p.m. inside  
 Jukebox, radio, television
2. Cape Roots Market & Café LLC d/b/a Cape Roots Market & Café – 557 Route 28 Weekday 4:00 p.m. to 8:00 p.m. inside-  
 Jukebox, radio, television, dancing by live performers,  
 live/recorded music, amplification

Mr. Howell asked for information about dancing by live performers. Mr. Powers responded that the application is mean to conform to the state statute and regulations. Mr. Howell wants to make sure that the public clearly understands what is being licensed. Mr. Ballantine wondered if the town should fine tune that part of the application based on local need. Mr. MacAskill responded that he would have a conversation with the local licensing authority on Wednesday and will report back to the Board.

**Mr. Howell moved to approve the above new 2023 Entertainment Applications as presented and that all terms and conditions of the license are part of the approval, 2<sup>nd</sup> by Mr. Ballantine and approved 4-0-0.**



G. Vote to approve the following 2023 Common Victuallers license renewals:

1. Alexander the Great Inc. d/b/a Alecsie's House of Pizza – 181 Route 137
2. Cape Roots Market & Café LLC d/b/a Cape Roots Market & Café – 551 Route 28
3. Morin-Froughton, Inc. d/b/a Lighthouse Café – 216 Route 28
4. Ruggies Inc. d/b/a Ruggies Restaurant – 707 Main Street
5. Dent Donuts LLC d/b/a Dunkin Donuts – 175 Route 137
6. Dent Donuts LLC d/b/a Dunkin Donuts – 481 Route 28
7. Shooting Star Realty LLC d/b/a Buca's Tuscan Roadhouse – 4 Depot Road
8. Brax Landing Restaurant Management d/b/a Brax Landing – 705 Route 28

**Mr. Howell moved to approve the above 2023 Common Victuallers license renewals as presented and that all terms and conditions of the license are part of the renewal, 2<sup>nd</sup> by Mr. Ballantine and approved 4-0-0.**

H. Vote to approve the following 2023 Innholders license renewals:

1. Braddock, Inc. d/b/a Winstead Inn & Beach Resort – 4 Braddock Street
2. Braddock, Inc. d/b/a Winstead Inn & Beach Resort – 114-118 Parallel Street

**Mr. Howell moved to approve the above 2023 Innholders license renewals as presented and that all terms and conditions of the license are part of the renewal, 2<sup>nd</sup> by Mr. Ballantine and approved 4-0-0.**

- I. Discussion on renewing the Class II Used Auto and Class IV Auto repair license for Peter S. Stagg – 182 Route 137

Peter Stagg and Attorney Dan Chamberlain were present. The Board is asking for clarification on how the property is being used, citing lack of use even though the license is continuously renewed.

Attorney Chamberlain handed out an affidavit to the Board from Mr. Stagg which relates to his business activities. It is clear that Mr. Stagg is not operating the business at the level it once was, however he has continuously operated his business at this property since 1980. To date, all certificates and liability for the business have been maintained as well as their dealer plate registration. The property has been maintained and is open for business for appointments every year. Mr. Stagg has solicited and engaged in customer transactions every year. Over the last 5 years, he has bought and sold 12 vehicles and 4 trailers. He currently holds 12 vehicles in his inventory that he maintains for sale. Customers are able to contact Mr. Staff via phone and email. Attorney Chamberlain stated that it is important for Mr. Stagg to maintain these licenses as the property has been marketed for sale, in the event that an auto use comes along. Mr. Stagg is interested and open to any good buyer who has a good project and is also interested in maintaining his business as long as he is physically able to.

As the Board being responsible for issuing these licenses, Ms. Kavanagh wants to make sure that everyone understands the activity under the license on the property. Attorney Chamberlain responded that Mr. Stagg is open for business and continues to be. Ms. Kavanagh stated that in terms of open for business, she looks at it as being able to go to the door of the business and go in. Attorney Chamberlain responded that anyone can call or email Mr. Stagg for an appointment and that while he may not have consistent business hours, he can make himself available at the shop.

Mr. Howell stated that he has been concerned about this for the last 5 years. He asked how many repairs are done per year. Attorney Chamberlain responded that in the affidavit provided, is a list of part slips and that every part ordered goes into a vehicle.

Mr. Stagg stated that he is a mechanic and started this business 60 years ago with a wrench in his hand and has not stopped yet. Mr. Howell responded that he understands this but again asked how many of the repair



parts were done to outside vehicles. Attorney Chamberlain responded that he is not sure of the number, but that there is a group of customers who come back for yearly repairs and maintenance.

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Mr. Howell asked if there is a limit on the number of class 2 and class 4 auto licenses in town. Mr. Powers responded that there is no limit to the best of his knowledge.

Mr. Howell asked about the transfer of the business with the licenses. Mr. Powers responded that this is a legal question suited for Town Counsel. Attorney Chamberlain stated that it is his understanding that the license would have to be re-issued under the new owner, but that the use issuance would be permitted because it is pre-existing.

Mr. Howell stated that he doesn't see a public benefit because there is not much happening on the property. Attorney Chamberlain responded that Chapter 140 does not reference benefit or a detriment analysis to the community. He also added that there is no quota on this type of license.

Mr. Ballantine said that there doesn't seem to be much happening at the business location. He is looking for some assurance that Mr. Stagg is actively promoting the sale of the building, adding that he hates to see that part of town left with a vacant building.

Ms. Kavanagh noted that the Board is doing their due diligence which is why this discussion is happening tonight. She would like Mr. Stagg to understand that no one is trying to interfere with property rights, but that issuing a license for a business that isn't really doing business, can become a problem for the Board. Attorney Chamberlain responded and said that the Board should take time to go through the affidavit and that they cannot fairly say that business is not going on under the license.

**Mr. Howell moved to approve the Class II Used Auto and Class IV Auto repair license for Peter S. Stagg – 182 Route 137, with the request that the applicant keep the Board informed on any progress as it relates to the property, 2<sup>nd</sup> by Mr. Ballantine and approved 4-0-0.**

Mr. Staff requested that when someone comes along to buy the building that the Board doesn't walk slowly with the approval process.

J. Vote to send a letter to Senator Julien Cyr requesting repair on the Cape Cod Rail Trail

Mr. MacAskill suggested that if the Board is going to make a motion, that the letter should include Representative Sarah Peake and that the letter should be sent from the Selectmen.

**Mr. Ballantine moved to send a letter from the Board of Selectmen to Senator Julian Cyr and Representative Sarah Peake requesting repair on the Cape Cod Rail Trail at the recommendation of the Bikeways Committee, 2<sup>nd</sup> by Ms. Kavanagh and approved 4-0-0.**

K. Board discussion on electric vehicles charging stations

Valerie Bell from the Harwich Energy Committee was present. She did note the passing of Barry Worth and that he will be greatly missed. Mr. Worth was instrumental in keeping the committee going.

After listening to meetings of various boards, Ms. Bell hopes that they are including discussion on the energy costs to run and operate all things being discussed. Harwich is a green community and is eligible for grant money for items in municipal buildings. Additionally, with respect to sewer treatment facilities, Ms. Bell would like to see them run off of future technology and not past.

Ms. Bell hopes that Harwich will start moving towards becoming more welcoming of electric vehicles because in 2035, it will be illegal to sell gas powered cars in Massachusetts. She would

like to see the town be ahead of this and not play catch up. There are very few charging stations in Harwich and Ms. Bell and Ms. Williams looked at the front of the Chamber of Commerce as a good spot to add charging stations. The first step in the process would be for the town to sign off on an application for Eversource to come and look at the proposed sites to be sure that they are eligible and able to be used to install level 2 charging stations. By signing the application puts Harwich under no obligation or contract to do anything. Eversource does not charge for this evaluation. After the evaluation, the town can decide if they would like to move forward. Submitting this application would get Harwich into the queue with Eversource.

In working with Cyndi Williams from the Harwich Chamber, they were approached by EVKON which is a company with local members. EVKON is a clean energy consultant specializing in EV Installation Services and a national engineering, procurement, & construction company (EPC) and a project manager acting on behalf of the site-owner. After the evaluation, it is the hope that EVKON can come back before the Board with a more strategic plan for town wide charging stations.

Mr. Ballantine asked for information on the installation cost, who pays and what is the return of investment.

Luther Bates of EVKON was present and commented that these charging stations would be a draw for not only tourism, but in the off season as well. Mr. Bates stated that because of the towns funding cycle, EVKON would be offering to do a lot of work that they do later on, after an agreement is reached, as pro bono work. He agreed that the application needs to get into the queue with Eversource in order for them to tell us if there is sufficient power at the site. There is no way that a proposal can be done until the Eversource assessment is complete.

Mr. Ballantine stated that parking is at a premium in Harwich Port and asked if there is also a mechanism to partner with private locations to install charging stations so that we are not taking up municipal parking spaces. Mr. Bates responded that there may already be some private entities in the queue and that no one should be looking at it as taking up a parking space.

Mr. Powers said that he is not sure if the town has a current working relationship with EVKON. Mr. Bates responded that there is not a specific formal relationship currently. Mr. Powers added that the town would need to go through some level of procurement and seek proposals, unless the town wants to be the sole name on the application.

Ms. Bell stated that all they are asking for today is for the application to be submitted to Eversource, which would simply get Harwich into the queue. She added that they understand that they will need to go out to bid and follow the procurement process.

Ms. Kavanagh stated that the town could go through the Energy Committee and submit the application as the town and then follow up from there. This project is a need from the town's perspective.

Because there is no money changing hands, Mr. MacAskill wondered why a resident/local company couldn't submit the application with their name on it. Mr. Powers responded that could be all well and good but that the application before the Board tonight shows that the town's vendor is EVKON, which is not the case. The town could be the applicant and then could acquire a vendor relationship.

Ms. Kavanagh volunteered to follow up on the application after it has been submitted by the town.

**Ms. Kavanagh moved that the Board of Selectmen move forward with the Eversource application with the town as the applicant, signed by the Board of Selectmen Chairman to assess the vehicle charging locations, 2<sup>nd</sup> by Mr. Ballantine and approved 4-0-0.**



L. Vote to sign the deed for 203 Bank Street closing

The document provided in the packet has been vetted by counsel for all 3 parties. It was recommended that the Board sign the deed.

**Ms. Kavanagh moved that the Board of Selectmen sign the deed for 203 Bank Street closing, 2<sup>nd</sup> by Mr. Howell and approved 4-0-0.**

M. Vote to approve the Committee Appointments recommended by the Interview Committee:

1. Elizabeth Harder – Harwich Housing Committee – Full Member – Term to expire June 30, 2025

Mr. Howell commented that Ms. Harder is involved in a lot of committees and that he hopes that she focuses on teamwork rather than accusations over the next years.

**Ms. Kavanagh moved to appoint Elizabeth Harder to the Harwich Housing Committee as a full member with a term to expire on June 30, 2025, 2<sup>nd</sup> by Mr. Ballantine and approved 3-0-1 (Howell abstained).**

N. Vote to appoint the following committee member from alternate member to full member:

1. Stanley Pastuszak – Conservation Commission – Term to expire June 30, 2023

**Mr. Ballantine moved to appoint Stanley Pastuszak to the Conservation Commission as a full member with a term to expire on June 30, 2023, 2<sup>nd</sup> by Mr. Howell and approved 4-0-0.**

### **OLD BUSINESS**

A. Discussion of potential pickleball rate changes for expanded evening hours at 204 Sisson Road

Recreation Director Eric Beebe was present and provided an overview of the request. There have been requests made for a night pickleball program. This would be a new, short program that if approved would run from next week through January 23, 2023. They are looking for Tuesday and Friday nights from 6:00 p.m. through 8:00 p.m. The cost would be \$35.00 per registrant would be limited to 30-40 people due to space limitations. \$20.00 of each registration fee would go towards the building and the other \$15.00 would cover staff that would be there to supervise the program. Mr. Powers asked to confirm that the \$20.00 would go into the revolving fund. Mr. Beebe confirmed that is correct.

Mr. MacAskill stated that the Finance Committee had a lot of questions about the cost of what we are going to spend as we get into this building. He commented that the proposed fees would not come close to making a dent in what the costs are to open and close that section of the building. He will approve the request now because it is short-term but hopes that Mr. Beebe can see that we will need a lot of support from Town Meeting to keep this building and that we need to give more thoughts as to the rate structure.

Mr. Powers wondered if this needed to come back as a future agenda item to confirm the fee structure. Mr. MacAskill responded that the topic is listed on the agenda so it would be reasonably anticipated and that the Board is ok to move forward.

**Mr. Ballantine moved to approve the request for pickleball rate changes for expanded evening hours at 204 Sisson Road, fee to be set at \$35.00 per registrant and that the program**

will run until January 23, 2023 for 2 nights a week, 2<sup>nd</sup> by Ms. Kavanagh and approved 4-0-0.

### **CONTRACTS**

- A. Vote to approve a three year contract for Municipal Solid Waste Disposal with SEMASS Partnership. The acceptance fee for the first year of the agreement shall be \$106.00/ton and the following two year's shall be subject to increase according to the Consumer Price Index as outlined in Appendix A of the contract.

**Mr. Howell moved to approve a three year contract for Municipal Solid Waste Disposal with SEMASS Partnership. The acceptance fee for the first year of the agreement shall be \$106.00/ton and the following two year's shall be subject to increase according to the Consumer Price Index as outlined in Appendix A of the contract, 2<sup>nd</sup> by Mr. Ballantine.**

Mr. MacAskill commented that the transfer station staff does an outstanding job and that it is amazing to see how much is taken in at the landfill and how much goes out. We are being billed \$106/ton and only charging commercial haulers \$140/ton. Mr. MacAskill wants to track if we are covering our costs. Harwich accepts trash from Provincetown to Plymouth and we deal with almost every commercial hauler on the Cape. He would like to have additional information from the DPW Director on if we would be out of bounds in signing this contract tonight. Also, before this contract is signed, it says that the trash is to be from Harwich and we know that not to be true. Mr. Powers responded that this contract has been reviewed by counsel and that he can work it back through counsel with the questions being proposed. The Board has one more meeting where they could accept the terms and sign the contract. Mr. MacAskill would like the Finance Director to take at the actual costs of operating and would like additional information.

Mr. Ballantine stated that in previous discussions it was brought up that Harwich was taking refuse from other towns because it was beneficial for us to do so. He wondered if that is still true.

Ms. Kavanagh stated that she has been a proponent of charging more. People are coming to Harwich because they know that we are here.

Mr. Ballantine feels that this needs to be a more profitable endeavor for us. Mr. Howell responded that it cannot be profitable.

**Mr. Howell moved to withdraw his motion pending additional information, 2<sup>nd</sup> by Mr. Ballantine.**

- B. Vote to approve a contract with McGovern Auto Group Corp Services, Inc. for the purchase of a Ford Super Duty F-350 truck with plow for the Golf Department in the amount of \$105,357.81.

**Mr. Howell moved to approve a contract with McGovern Auto Group Corp Services, Inc. for the purchase of a Ford Super Duty F-350 truck with plow for the Golf Department in the amount of \$105,357.81, 2<sup>nd</sup> by Ms. Kavanagh and approved 4-0-0.**

- C. Vote to approve a contract with Colonial Ford Inc. DBA Colonial Municipal Group to purchase three vehicles for the Police Department for a total contract price of \$144,927.36.



**Mr. Howell moved to approve a contract with Colonial Ford Inc. DBA Colonial Municipal Group to purchase three vehicles for the Police Department for a total contract price of \$144,927.36, 2<sup>nd</sup> by Ms. Kavanagh and approved 4-0-0.**

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

Mr. Powers made the Board aware of contracts that he has signed.

Mr. Powers noted that this past weekend is when we began to celebrate the holidays in Harwich.

Mr. Powers stated that he had a chance to see the Harwich Firefighters Association get ready to take over the 203 Bank Street property and that it was great to see the comradery between everyone involved.

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

Ms. Kavanagh stated that she attended the Harwich Stroll and that it was a wonderful event.

Mr. Howell commented that Ms. Williams did a terrific job of organizing the Harwich Stroll. He also stated that he attended the ceremony at the Fire Department where a new firefighter was sworn in and the new quint truck was introduced to the public. At 1:00 p.m. on Monday, Mr. Howell will be sitting in on a Clean Waters Board zoom meeting. He has no doubt that some of the issues that were raised tonight will come up in discussion.

#### **CORRESPONDENCE**

No correspondence was discussed.

#### **ADJOURNMENT**

**Mr. Howell moved to adjourn the meeting of the Board of Selectmen, 2<sup>nd</sup> by Mr. Ballantine and approved 4-0-0.**

Respectfully submitted,  
Jennifer Clarke  
Recording Secretary

