

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, DECEMBER 9, 2013
7:00 P.M.**

SELECTMEN PRESENT: Ballantine, Cebula, Hughes, LaMantia, McManus

OTHERS PRESENT: Robert C. Lawton, Jr., Interim Town Administrator, John Rendon, Dennis Hoyer, Brooke Williams, Rich Larios, Bob MacCready, John Stewart, Pete Wall, Clem Smith, Chris Harlow, and others.

MEETING CALLED TO ORDER at 7:00 p.m. by Chairman LaMantia.

PUBLIC COMMENT/ANNOUNCEMENTS

Mr. Williams made comments on the Route 124 presentation and what should be inside and outside the scope of the project.

CONSENT AGENDA

- A. Vote to appoint the Jamie Goodwin (Channel 18 Director) as the Town's representative to the Board of Directors of the Cape Cod Community Media Center to replace Jill Mason
- B. Vote to appoint Heinz Proft (Natural Resources Director) as the Town's representative to the Barnstable County Coastal Resources Committee
- C. Vote to approve 2014 Annual Liquor License Renewals as recommended
- D. Vote to approve 2014 General License Renewals as recommended
- E. Vote to approve application for road race by National MS Society for June 29, 2014
- F. Vote to approve recommendation from Recreation to award the contract for the Long Pond Restroom bid to Shea Concrete Products in the amount of \$61,590
- G. Vote to approve recommendation from Recreation to award the contract for the Restroom at the Community Center Ballfields to Shea Concrete Products in the amount of \$61,590

Mr. Hughes moved approval of the Consent Agenda. Mr. McManus seconded the motion and the motion carried by a unanimous vote. With regard to Item B, Ms. Cebula said we should start the process of not having open ended appointments and suggested a term ending June 30, 2016. She requested that Mr. Hughes amend his motion as such and he agreed. The motion carried by a unanimous vote.

PUBLIC HEARINGS/PRESENTATIONS *(Not earlier than 7:00 P.M.)*

A. Annual Meetings:

1. Capital Outlay

Mr. Larios delivered the annual report of the Capital Outlay Committee.

2. Harwich Housing Authority

Mr. MacCready and Mr. Stewart delivered the annual report of the Housing Authority.

3. Treasure Chest Committee

No one from the Treasure Chest Committee appeared before the Board.

OLD BUSINESS

A. Storage space at the Harbormaster's building on Bank Street – *discussion and possible vote*

Mr. Lawton outlined his memo (see attached) regarding storage space at the Harbormaster's building on Bank Street. He reported that he does not yet have all of the insurance certificates. It was agreed that Mr. Lawton would move forward with developing tenant-at-will contracts and bring back to the Board.

B. Town Administrator Performance Evaluation – *second reading*

There were no comments or changes from the Board on the draft policy for Town Administrator Performance Evaluation. It was agreed to move it to a third reading on the next agenda.

NEW BUSINESS

A. Update on Allen Harbor Bulkhead – *John Rendon, Harbormaster*

Mr. Rendon noted that we have a draft revision of the bulkhead design by the contracted engineer. He stated that they have summarized their recommended changes and the Town Engineer is reviewing the plans. Mr. Rendon reported that the final design will be done by Wednesday in time to have it out for bid. He stated that the revisions have to do with the tieback system which required significant excavation of the parking lot and that will no longer take place. He stated that the existing bulkhead will remain in place and the concrete cap on top of bulkhead will be eliminated and will be a steel cap instead. Mr. Cafarelli discussed the significant revisions to the bid noting that they will bring the cost down.

B. Letter to support Bill H.R. 3370 to put a 4-year pause on the FEMA flood insurance for most properties – *discussion and possible vote*

Mr. Hughes moved to send a letter supporting the position that's been taken by the Massachusetts Coastal Coalition. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

C. Proposed Golf Fee Schedule – *discussion and possible vote*

Mr. Smith reported that they are trying to match revenues with expenses so therefore there are some necessary fee increases. He noted that memberships for local residents are declining and they have taken action to mitigate that. Mr. Smith and Mr. Hoyer took questions from the Board. Mr. McManus said we should modify the recommendation to leave the Chatham fee alone. Mr. Ballantine suggested leaving the Junior membership fee alone. Mr. Hughes and Mr. McManus indicated that they had no problem increasing the fee but not doubling it. Mr. Wall commented that the message at the Golf Committee meeting was that the people from Chatham should pay a little more and Ms. Cebula agreed.

Mr. McManus moved to approve the fee increases with the following exceptions, that Chatham be left at the adult Harwich rate, that the Junior rate be left bifurcated between 9 to 17 and 18 to 21 and the increase in each of those categories just be the \$25 increase and all other increases remain as proposed. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

TOWN ADMINISTRATOR'S REPORT

A. ATM Warrant Articles update

The Board briefly discussed the articles and no action was taken.

SELECTMEN'S REPORT

Ms. Cebula said there has been conversation about renting some of the rooms at the Albrow House there seem to be some people who are sole practitioners who are interested in office space. She reported that she has talked with Mr. Ryan who said it is fine with the Department of Revenue and she has looked at the floor plan with Sheila House. She said she would like the Board to start having conversations about putting rentals into a revolving fund to provide for maintenance for the building. Mr. Hughes suggested that our Facilities Manager look at the building and come up with a list of costs.

EXECUTIVE SESSION

At 8:37 p.m. Mr. McManus moved to go into Executive Session under Massachusetts General Laws, Chapter 30A, Section 21A, Subsection 3, to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body – Powers property and pursuant to M.G.L. c. 30A, § 21(a)(2), to discuss strategy in preparation for negotiations with nonunion personnel if an open meeting may have a detrimental effect on the bargaining position of the public body – Non Union Contracts and that we take a recess until our Counsel arrives before starting our executive session. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel
Recording Secretary

2014 ANNUAL LIQUOR LICENSE RENEWALS

400 East, Inc.
1421 Route 39
East Harwich, MA 02645
Gail O. Sluis, Manager
Common Victualler - All Alcohol

A.J. Lukes of Harwich, Inc.
224 Route 28
West Harwich, MA 02671
Arthur J. Luke, Manager
Package Goods Store - All Alcohol

Allen Harbor Yacht Club, Inc.
371 Lower County Rd.
Harwich Port, MA 02646
Peter Moynagh, Manager
Club - All Alcohol

Ashwood Food Service Inc.
d/b/a Jake Rooney's
119 Brooks Rd.
Harwich Port, MA 02646
Paula R. Klaus, Manager
Common Victualler - All Alcohol

Bourne Petroleum Ltd.
d/b/a Harwich Exxon
173 Pleasant Lake Ave.
Harwich, MA 02645
Jaime Almeida, Manager
Package Goods Store - Wine & Malt

Brax Restaurant Management, Inc.
d/b/a Brax Landing
705 Route 28
Harwich Port, MA 02646
Jeffrey S. Gomes, Manager
Common Victualler - All Alcohol

Charles J. Weiss
d/b/a 7-Eleven 34434A
5 Route 28
West Harwich, MA 02671
Charles J. Weiss, Manager
Package Goods Store - Wine & Malt

Dindu, Inc.
d/b/a L'Alouette
787 Route 28
Harwich Port, MA 02646
Alan E. Champney, Manager
Common Victualler - All Alcohol

Ember Pizza, Inc.
d/b/a Ember
600 Route 28
Harwich Port, MA 02646
Justin R. Brackett, Manager
Common Victualler - Wine & Malt

John F. Connell
d/b/a Cape Cod Claddagh Inn & Irish Pub
77 Route 28
West Harwich, MA 02671
John F. Connell, Manager
Innholder - All Alcohol

John & Jon United Corp.
d/b/a Harwich East Liquors
1421 Route 39
East Harwich, MA 02645
John F. Kenney, Manager
Package Goods Store - All Alcohol

Harwichport House of Pizza, Inc.
330 Route 28
Harwich Port, MA 02646
Aleks Sotiri, Manager
Common Victualler - All Alcohol

Hot Stove Saloon, Inc.
d/b/a Hot Stove Saloon
551 Route 28
Harwich Port, MA 02646
Gabriel Leidner, Manager
Common Victualler - All Alcohol

Kedja, Inc.
d/b/a Andale! Café
554 Route 28
Harwich Port, MA 02646
Kendra L. Sarabia, Manager
Common Victualler - All Alcohol

Land Ho Harwichport LLC
d/b/a Land Ho
429 Route 28
Harwich Port, MA 02646
Dillon J. Murphy, Sr., Manager
Common Victualler - All Alcohol

Lepinay, Inc.
d/b/a Cranberry Liquors
555 Route 28
Harwich Port, MA 02646
Joseph V. DellaMorte, Manager
Package Goods Store - All Alcohol

Main Street Quik Pik, Inc.
d/b/a Main Street Market
715 Main St.
Harwich, MA 02645
Anil Patel, Manager
Package Goods Store – All Alcohol

Morningstar Restaurant, Inc.
d/b/a Villa Roma
278 Route 28
West Harwich, MA 02671
Douglas R. Morrissey, Manager
Common Victualler - All Alcohol

Prisha Corporation
d/b/a Value Mart
435 Route 28
Harwich Port, MA 02646
Mahendra Patel, Manager
Package Goods Store – Wine & Malt

Shooting Star Realty, LLC
d/b/a Buca's Restaurant
4 Depot Rd.
S. Harwich, MA 02661
Robert J. Chiappetta, Manager
Common Victualler - All Alcohol

Spyridon & Aglaia Christakis
d/b/a George's Pizza House
564 Route 28
Harwich Port, MA 02646
Spyridon & Aglaia Christakis, Managers
Common Victualler - Wine & Malt

William R. Coffin & Sons, Inc.
d/b/a Plum's Package Store
326 Route 28
Harwich Port, MA 02646
John W. Coffin, Manager
Package Goods Store - All Alcohol

Zack, Inc.
d/b/a Castaways
986 Route 28
South Harwich, MA 02661
Deborah B. Merrill, Manager
Common Victualler - All Alcohol

2014 ANNUAL GENERAL LICENSE RENEWALS

400 East, Inc.
d/b/a 400 East, Inc.
1421 Route 39, East Harwich
Common Victualler
Weekday Entertainment –
Recorded or live music,
11:30 a.m. – 1:00 a.m.
Noise level not to exceed licensed premises.

Alekos Enterprises LLC
d/b/a Alecsie's House of Pizza
181 Route 137, Unit 3, Harwich
Common Victualler

Harbor Breeze Inn, LLC
d/b/a Allen Harbor Breeze Inn & Gardens
326 Lower County Road, Harwich Port
Lodging House

Kedja, Inc.
d/b/a Andale! Café
554 Route 28, Harwich Port
Common Victualler

Barnaby Inn, Inc.
d/b/a Barnaby Inn
36 Route 28, W. Harwich, MA
Lodging House

Barry Bessette
d/b/a BB's Automotive
805 Route 28, Harwich Port
Auto Class II – Used Car Dealer

Bluefish Bed & Breakfast
102 Parallel St., Harwich
Lodging House

Brax Restaurant Management Inc.
d/b/a Brax Landing
705 Route 28, Harwich Port
Common Victualler

Shooting Star Realty
d/b/a Buca's Tuscan Roadhouse
4 Depot Rd., Harwich
Common Victualler

Peter S. Stagg
182 Route 137, Harwich
Auto Class II – Used Car Dealer

Zack, Inc.
d/b/a Castaways
986 Route 28, South Harwich
Common Victualler

Nancy L. Clapp
d/b/a Clapp's Guest House
15 South St., Harwich Port
Lodging House

Dave's Garage
910 Route 28, S. Harwich
Auto Class IV – Auto Repairman

Dino's Harwich Port Grille, Inc.
d/b/a Dino's Harwich Port Grille
561 Route 28, Harwich Port
Common Victualler

Harwich Donuts LLC
d/b/a Dunkin' Donuts
175 Route 137, Harwich
Common Victualler

Zografos Donuts, Inc.
d/b/a Dunkin' Donuts
481 Route 28, Harwich Port
Common Victualler

Ember Pizza, Inc.
d/b/a Ember
600 Route 28, Harwich Port
Common Victualler

Epiros Holdings, LLC
d/b/a George's Pizza House
564 Route 28, Harwich Port
Common Victualler

Handlers Auto Parts Inc.
397 Main St.
Harwich Port
Auto Class II – Used Car Dealer
Auto Class III – Junk Car Dealer
Auto Class IV – Vehicle Repairman

Harwich Port Boat Yard, Inc.
d/b/a Harwich Port Boat Yard
4 Harbor Road, Harwich Port
Auto Class I – Agents or Sellers

Bassil Brothers Inc.
d/b/a Harwichport Getty
570 Main St.
Harwich Port, MA 02646
Auto Class II – Used Car Dealer
Auto Class IV – Vehicle Repairman

Harwichport House of Pizza, Inc.
d/b/a Harwichport Pizza
330 Route 28, Harwich Port
Common Victualler

Hot Stove Saloon, Inc.
d/b/a Hot Stove Saloon
551 Route 28, Harwich Port
Common Victualler

Ashwood Food Service, Inc.
d/b/a Jake Rooney's
119 Brooks Road, Harwich Port
Common Victualler
Sunday Entertainment –
Recorded or live music,
1:00 p.m. – 12:00 a.m.
Noise level not to exceed licensed premises.
Weekday Entertainment -
Recorded or live music
8:00 p.m. – 12:00 a.m.
Noise level not to exceed licensed premises.

Carlos Tapia
d/b/a JC Auto Sales
195 Queen Anne Rd., Harwich
Auto Class II – Used Car Dealer

Jim Cox Foreign Car Service
d/b/a Jim Cox Foreign Car Service
210 Queen Anne Rd., #15, Harwich
Auto Class IV – Auto Repairman

Dindu, Inc.
d/b/a L'Alouette
787 Route 28, Harwich Port
Common Victualler

Land Ho Harwichport, LLC
d/b/a Land Ho
429 Route 28, Harwich Port
Common Victualler
Weekday Entertainment –
Recorded or live music with amplification,
Dancing by patrons,
11:30 AM – 12:00 AM
Noise level not to exceed licensed premises
Sunday Entertainment –
Recorded or live music with amplification,
Dancing by patrons,
6:00 PM – 12:00 AM
Noise level not to exceed licensed premises

Morin-Frougton, Inc.
d/b/a Lighthouse Café
216 Route 28, West Harwich
Common Victualler

O'Brien & Stalker, Inc.
d/b/a O'Brien & Stalker, Inc.
413 Route 28, Harwich Port
Auto Class II – Used Car Dealer
Auto Class IV - Vehicle Repairman

Platinum Pebble LLC
d/b/a The Platinum Pebble
186 Belmont Rd., W. Harwich
Innholders

Reflections Auto Restoration
4 Evergreen Way, Harwich
Auto Class IV – Vehicle Repairman

Ruggies, Inc.
d/b/a Ruggies
707 Main St., Harwich
Common Victualler

Scott's Cycle
210 Queen Anne Rd., #1, Harwich
Auto Class IV – Auto Repairman

Shorey Mfg. Co., Inc.
36 Great Western Rd., Harwich
Auto Class I – Agents or Sellers

Super Stop & Shop
d/b/a Starbucks
Routes 39 & 137, Harwich
Common Victualler

Steven's Auto Repair
216 Main St., #7 & 8, Harwich
Auto Class IV – Auto Repairman

Subfleet, Inc.
d/b/a Subway
1 Auston Rd., E. Harwich
Common Victualler

Zou Garden, Inc.
d/b/a Szechuan Delight
1421 Orleans Rd., Unit #24, East Harwich
Common Victualler

T&T Auto Care
162 Queen Anne Rd., #1, Harwich
Auto Class IV – Auto Repairman

David & Joan Bruce
d/b/a Tern Inn
91 Chase St., West Harwich
Lodging House

Murphy/Torres LLC
d/b/a Upper Crust Pizza
1421 Route 39, Unit 25, Harwich
Common Victualler

Morningstar Restaurant, Inc.
d/b/a Villa Roma
278 Route 28, West Harwich
Common Victualler
Weekday Entertainment –
Recorded or live music with use of amplification.
5:00 p.m. – 1:00 a.m.
Noise level not to exceed licenses premises.

Wayne's Auto Service
643 Main St., Harwich
Auto Class IV - Vehicle Repairman

Nick & Claudine Enterprises LLC
d/b/a West Harwich Save-On-Gas
4 Route 28, West Harwich
Auto Class IV – Auto Repairman

Braddock, Inc.
d/b/a Winstead Inn & Beach Resort
4 Braddock Lane, Harwich Port
Innholders

Braddock, Inc.
d/b/a Winstead Inn & Beach Resort
Parallel St., Harwich
Innholders

CAPE COD CLADDAGH INN & IRISH PUB

Cape Cod Claddagh Inn & Irish Pub

77 Route 28, West Harwich

Automatic Amusement – Juke Box

Innholders License

Sunday Entertainment & Weekday Entertainment

with the following conditions (includes dancing by patrons):

OUTSIDE ENTERTAINMENT – FRIDAY, SATURDAY, SUNDAY

Acoustic entertainment only

Limit of 2 performers at a time

Hours of entertainment: 4:00 p.m. to 8:00 p.m.

Days of entertainment: Fridays, Saturdays, Sundays

No brass, horns or drums allowed

INDOOR ENTERTAINMENT LICENSE CONDITIONS - SUNDAY & WEEKDAYS

1. Noise not to exceed premise.
2. Entertainment inside the building will cease at 12:00 a.m.
3. The manager of the Claddagh will maintain control of the volume levels.
4. Contracts with performers will contain language that recognizes that the Claddagh manager controls sound levels and that any objection to the manager's decision will result in their dismissal without pay.
5. The street side door (located at the northeast corner of the bar level) and windows of the inside bar area will remain closed when entertainers are performing. The street side door will be used as an emergency exit and alarmed so the manager can respond when it is opened. Air conditioning to operate when appropriate and blinds and curtains will remain closed. Patrons, except handicapped/disabled patrons, will use the newly constructed access door.
6. Although noise from patrons milling about the parking lot or patio during late hours is not likely to exceed DEP limits, noise from speech is readily detectable by the human ear and may cause annoyance. Place signs outdoors to remind guests to be respectful of neighbors and have staff periodically patrol outdoor areas to quiet customers as needed.
7. Violations of the entertainment license conditions shall be referred to the Board of Selectmen and show cause hearing on the license will immediately be scheduled.
8. Schematic floor plan attached to define entertainment area.

OFFICE OF THE TOWN ADMINISTRATOR

Robert C. Lawton, Jr. *Interim Town Administrator*

Phone (508) 430-7511


Fax (508) 432-5039

732 MAIN STREET, HARWICH, MA 02645



MEMO

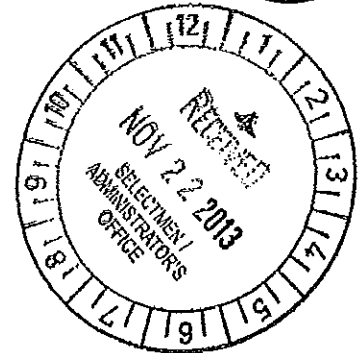
TO: Board of Selectmen

FROM: Robert C. Lawton, Jr.
Interim Town Administrator 

CC: Capital Outlay Committee
Finance Committee
John Rendon, Harbormaster

DATE: November 20, 2013

SUBJECT: Harbormaster Building -- Bank Street



On September 16, 2013, the Capital Outlay Committee, several members of the Board of Selectmen, several members of the Finance Committee and I toured various facilities in preparation for the Capital Outlay budget reviews. One stop was at the Harbormaster's Building on Bank Street, the former Fire Station. After the tour of the building I sent a letter, on September 19, 2013, to various organizations who used the building for storage and other purposes. In that letter I asked that the area they used be cleaned up and hazardous materials be removed. In addition I asked if I could receive a copy of an approval for use of the structure and an insurance certificate or release of liability for the Town.

I did receive a response from each of the six organizations which use the structure. In each case they asked, either through a letter or an email, if they could continue to use a portion of the property. I did not, however, receive insurance policies or hold harmless statements at that time. On October 29, 2013, I again wrote to the users of the structure asking for insurance certificates or releases. As of November 18, 2013, I have been contacted by all of the groups indicating that either an insurance certificate regarding liability and property insurance would be forthcoming and in some cases letters from umbrella organizations certifying that the Town is held harmless for either liability or property damage.

Based upon this information the question to the Board of Selectmen would be do you wish to continue to provide storage space to these various organizations for a specific amount of time or until the building is either sold or becomes unusable?