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**MINUTES
SELECT BOARD MEETING
DONN B. GRIFFIN ROOM, TOWN HALL
732 MAIN STREET, HARWICH, MA 02645
EXECUTIVE SESSION 5:00PM
REGULAR MEETING 6:00PM
TUESDAY, JANUARY 16, 2024**

MEMBERS PARTICIPATING: Julie Kavanagh, Chair, Michael MacAskill, Vice Chair, Jeff Handler, Clerk and Don Howell

ALSO PARTICIPATING: Joseph Powers, Town Administrator

I. CALL TO ORDER

Ms. Kavanagh called the meeting of the Harwich Select Board to order on Tuesday, January 16, 2024 at 5:00PM, noting that the Board would be moving into Executive Session.

II. EXECUTIVE SESSION

A. Pursuant to MGL c. 30A §21(a)(7) to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements, the Open Meeting Law, MGL c. 30A §§ 22(f), (g) to review, approve and or discuss the possible release of executive session meeting minutes dated January 4, 2021; January 12, 2021; January 26, 2021; February 1, 2021; February 8, 2021; February 16, 2021; February 22, 2021; March 8, 2021; March 15, 2021; March 22, 2021; March 24, 2021; March 26, 2021; April 5, 2021; April 12, 2021; April 26, 2021; April 27, 2021; May 3, 2021; May 10, 2021; May 12, 2021; May 17, 2021; June 1, 2021; June 7, 2021; June 14, 2021; June 21, 2021; June 28, 2021; July 12, 2021; July 16, 2021; July 26, 2021; August 23, 2021; September 7, 2021; September 13, 2021; September 20, 2021; September 27, 2021; October 4, 2021; October 12, 2021; October 25, 2021; November 1, 2021; November 15, 2021; November 22, 2021; December 6, 2021; December 9, 2021; December 13, 2021; December 20, 2021; January 10, 2022; January 18, 2022; February 7, 2022; February 22, 2022; February 28, 2022; March 7, 2022; March 14, 2022; March 21, 2022; March 28, 2022; April 4, 2022; April 11, 2022; April 25, 2022; May 9, 2022; May 16, 2022; June 6, 2022; June 13, 2022; June 27, 2022; July 11, 2022; July 25, 2022; August 8, 2022; August 16, 2022; August 22, 2022; September 6, 2022; September 19, 2022; October 3, 2022; October 11, 2022 November 7, 2022

B. Pursuant to MGL c. 30A, §21(a)(6) to consider the purchase, exchange, lease or value of real property if the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the Town; 62 Route 28, West Harwich

C. Pursuant to G.L. c. 30A, sec. 21(a)(2) to conduct strategy sessions in preparation for negotiations with non-union personnel and to conduct contract negotiations with non-union personnel: Town Administrator

January 16, 2024

Mr. Handler moved to enter into Executive Session as published, seconded by Mr. Howell.

Ms. Kavanagh noted that the Select Board will return to Open Session no earlier than 6:00PM.

Vote: 4:0 in favor by roll call vote. Motion carried.

Ms. Kavanagh called the Select Board meeting back to order at 6:00PM. She reported that, in Executive Session, the Board took action on approving the Minutes as cited, with further clarification by Town Counsel. No action was taken on Item B. No action was taken on Item C.

Ms. Kavanagh read the Open Meeting Law Notice. She also noted that the Board will be returning to Executive Session at the end of the Regular Meeting. They will not be returning to the Regular Meeting at the conclusion of that Executive Session.

III. PLEDGE OF ALLEGIANCE

Ms. Kavanagh invited attendees to join in the Pledge of Allegiance. She also noted, in reference to the Housing Committee Charge that was in the packet, that it is an incorrect draft. Ms. Kavanagh will be circulating a draft that she is working on, to the Board at the meeting on Monday, January 22, 2024.

IV. PUBLIC COMMENTS/ANNOUNCEMENTS

A. Next Select Board Meeting will be Monday, January 22, 2024

Ms. Kavanagh noted the date of the next Select Board meeting, Monday, January 22, 2024.

Mr. Handler announced the next Office Hours; Wednesday, January 31, 2024 from 5:30PM to 7:00PM at the Community Center.

Emily Mitchell, Town Clerk gave updates on the Special Town Election and the Annual Town Election. She also noted that all information is on the Town Clerk Department page on the Town website. Ms. Mitchell gave information on the Annual Town Census and annual dog licenses.

Elizabeth Harder, Harwich Delegate, Barnstable County Assembly of Delegates was present. She noted that Harwich Police Chief David Guillemette and the Department was recognized with an award for their work on the Barnstable County Human Rights Advisory Committee and gave a description of their participation.

Mr. Powers noted, on behalf of the Monomoy Regional School District that the Monomoy Regional High School Choir has been slated to perform at Governor Healey's State of the Commonwealth Address. He read the announcement into the record:

January 16, 2024

The School District is excited to share that the Monomoy Regional High School Select Choir, under the direction of Rosemarie Richard, has been selected to perform the National Anthem at the opening of Massachusetts Governor Maura Healey's State of the Commonwealth Address tomorrow, Wednesday, January 17th. The students will perform in the House Chamber of the Massachusetts State House at the start of the event, the program begins at 6:30PM with the National Anthem expected at around 6:45 PM and they will be live streaming the event.

V. CONSENT AGENDA

- A. Approve Select Board Meeting Minutes for January 2, 2024
- B. Accept the resignation of Craig Chadwick, Planning Board, effective January 5, 2024
- C. Accept the resignation of Alan Hall, Conservation Commission, effective January 19, 2024

Mr. Handler moved to vote to approve and accept the Consent Agenda as presented and also thanked Craig Chadwick and Alan Hall, seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

VI. NEW BUSINESS

- A. Discussion on authorizing the applicant to move forward with the Monomoy Regional School District Press Box project

Mr. Powers gave an explanation of the request on behalf of the Applicant. He recommended that the Board allow the project to go forward noting that the Town is aware that the project will occur on Town land.

Karen Guillemette, Athletic Director of Monomoy Regional School District was present, expressed the need for a press box and noted what has been done to date for funding. She also described what the requested funds will allow them to accomplish. She introduced two student athletes to describe the impact that a press box would have on school athletes. Ms. Guillemette noted that they also have the support of the Harwich Rec and Youth Department.

Suzanna Brown and Karen Duveau, Monomoy School athletes were present to advocate for the press box.

Shana Grogan, Special Needs teacher at Monomoy was present with a former graduate, Rory Ferris. She noted the Special Olympic events that Monomoy has hosted in the past and how the Press Box would benefit the students at those events.

Board members expressed their support for the project and thanked those who were present as advocates for the project.

January 16, 2024

Mr. MacAskill moved that the Board authorize the Application to continue to go forward through the process, seconded by Mr. Handler.

Vote: 4:0 in favor. Motion carried.

B. Vote to appoint a member of the Select Board to sit on the Harwich Affordable Housing Trust

Mr. Handler moved to appoint a member of the Select Board, Julie Kavanagh, to sit on the Harwich Affordable Housing Trust, seconded by Mr. MacAskill.

Vote: 4:0 in favor. Motion carried.

C. Discussion on Harwich Housing Committee charge; Votes may be taken

Ms. Kavanagh noted that she will circulate the draft previously noted and circulate it at the next meeting.

D. Approve a Special Permit for a road race to be held on September 28, 2024 by Robert Hennemuth, 5K for the Children, starting at 1 Schoolhouse Road

Mr. Handler moved to approve the Special Permit as presented, seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

E. Approve a Special Permit for a one day wines and malt permit for Bernadette Waystack, event to be held at 204 Sisson Road on January 26, 2024, 5:00 p.m. to 7:00 p.m.

Mr. Handler moved to approve a Special Permit as presented, seconded by Mr. MacAskill.

Vote 4:0 in favor. Motion carried.

F. Approve a 2024 Annual Class IV Auto Repair license renewal for Joseph Lang d/b/a All out Performance, 266 Queen Anne Road

Mr. Handler moved to approve a 2024 Annual Class IV Auto Repair license as presented, seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

G. Approve the following 2024 Annual Common Victuallers license renewals:
1. Brax Landing Restaurant Management d/b/a Brax Landing, 705 Route 28

January 16, 2024

2. Capeside Kitchen LLC d/b/a Capeside Kitchen, 537 Route 28

Mr. Handler moved to approve the 2024 Annual Common Victuallers license renewals as presented, seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

H. Approve the temporary closure of Blue Stripe, LLC d/b/a Cape Sea Grille, 31 Sea Street, closing the entire month of February

Mr. Handler moved to approve the temporary closure as presented, seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

VII. OLD BUSINESS

A. Discussion on fees related to all recreation programs charged to for-profit vs. non-profit entities

Mr. Powers asked the Director of Rec and Youth to be present, noting that they had been working on fee schedules along with the Director of Cultural Affairs. He noted that this specifically relates to profit vs non-profit. He also noted the Town's current policy.

Eric Beebe, Director of the Rec and Youth Department was present and explained the Department's present policy regarding fee waivers and reductions for Not-For Profit organizations.

Mr. MacAskill asked questions regarding the practice of subletting rented Town property, specifically for a craft fair. He noted that there have been complaints about this being done in the past and commented that the youth and the seniors of the Town should be able to use the Park. He also thanked Mr. Beebe and the Commission for the information that they provided.

Mr. Howell requested more information from Mr. Beebe about that rental agreement. He asked when it was approved and by whom, the Select Board or the Rec and Youth Commission. He noted that the central issue is who has jurisdiction over fee waivers.

Mr. Powers noted that the Assessor's Office has property cards which would reflect proof of ownership. He also noted that a search did not give information regarding Brooks Park, more research is needed.

Mr. MacAskill commented regarding the fees, noting that his understanding is that only the Select Board has can set and waive fees. He asked Mr. Beebe and the Town Administrator for clarification.

January 16, 2024

Mr. Beebe responded that in the documentation that the Commission has had in the past, notes that the Commission has the ability to waive for reduce fees for a rentals. He will research where that documentation originated from.

Ms. Kavanagh commented that, at some point the waivers were bounced back to the Commission by the Select Board. She was unsure when that occurred.

Mr. Handler also commented that he would like clarity on who has the authority to waive fees.

Mr. Beebe noted changes to the application to specifically note that subletting property is not allowed. He noted that the field and facility use rentals will be finalized next week and then go to the Select Board. The fees are Revolving Fund fees other than beach stickers and similar items.

Mr. MacAskill asked questions about specific fees which Mr. Beebe answered in detail.

Mr. Handler asked about the cost of the rental for the gyms. Mr. Beebe gave an update of conversations regarding that issue.

VIII. CONTRACTS

A. Vote to approve a contract with Bulldog Fire Apparatus in the amount of \$349,358.00 for the purchase of a Utility Rescue Pumper

Mr. Handler moved to vote to approve a contract as presented, seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

B. Vote to approve and authorize the Chair to execute an Inter Municipal Agreement with Barnstable County for dredging at Round Cove in the amount of \$12 per cubic yard

Mr. Handler moved to approve and authorize the Chair to execute an Inter Municipal Agreement as presented, seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

IX. TOWN ADMINISTRATOR'S REPORT

No report given.

X. SELECT BOARD'S MEMBER REPORT

No reports given.

Duncan Barry of West Harwich asked to speak as a resident. He commented on retail commerce in West Harwich.

Ms. Kavanagh noted that the issue he is referring to is still before the Board.

XI. CORRESPONDENCE

None.

Ms. Kavanagh noted that the Select Board is recessing back into Executive Session and will not be returning.

XII. ADJOURNMENT

The meeting was adjourned in Executive Session.

Respectfully submitted,

Judi Moldstad
Board secretary

January 16, 2024

