

APPROVED

RELEASED

**MINUTES  
SELECT BOARD MEETING  
DONN B. GRIFFIN ROOM, TOWN HALL  
732 MAIN STREET, HARWICH, MA  
REGULAR MEETING 6:00 PM  
MONDAY, NOVEMBER 20, 2023**

RECEIVED  
TOWN CLERK  
HARWICH, MA

2023 DEC -5 A 11:20

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

**ALSO PARTICIPATING:** Meggan Eldredge, Assistant Town Administrator

**I. CALL TO ORDER:** Ms. Kavanagh called the meeting of the Harwich Select Board to order on November 20, 2023 at 6:00PM and read the Open Meeting Notice

**II. PLEDGE OF ALLEGIANCE**

Ms. Kavanagh invited all attendees to join in the Pledge of Allegiance

**III. PUBLIC COMMENTS/ANNOUNCEMENTS**

Meggan Eldredge announced that Saturday is the Small Business Saturday Open House at 204 Sisson Road from 11:00 AM to 2:00 pm. The Holiday Market and Open House is on Saturday, December 2, 2023 from 10am to 4:00pm also at 204 Sisson. All information is on the town's web page. She also noted that Town Hall is closed this Thursday and Friday for the Thanksgiving holiday. Ms. Eldredge also noted the addition of bright lights in the parking lot.

Mr. Handler announced that he has rescheduled the Office Hours next week from Thursday, November 30th to Wednesday, November 29th, 5:00pm to 7:00pm.

**IV. PUBLIC MEETING - JOINT MEETING WITH SELECT BOARD AND BOARD OF ASSESSORS**

- A. Classification Hearing - for the purpose of deciding whether all property should be taxed at the same rate for Fiscal Year 2024 as set forth in Chapter 40, Section 56 of the Massachusetts General Law.

Mr. Handler read the Public Hearing Notice.

Richard Waystack, Chair of the Board of Assessors called the meeting of the Board of Assessors to order. He introduced the members of the Board that were present: Bruce Nightingale, Jay Kavanaugh, Carlene Jones, Director of Assessing, Madison LeBlanc, Assistant Assessor, Gail McAleer, Consultant for Article 39.

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Mr. Waystack distributed packets to the Select Board members from the Board of Assessors. He described the information in the packet in detail. He noted that their recommendation to the Select Board has not changed. He gave a detailed explanation as to why the recommendation remains the same. He also spoke of programs to reduce or defer taxes as well as applications from seniors and others for tax credits. In summary, the Board of Assessors voted for a residential factor of 1, that all properties in the community are taxed the same and that there is not a residential, open space or a small business exemption. In response to a question from Ms. Kavanagh, Mr. Waystack suggested ways to better educate the public on the available tax programs.

Board members asked questions that Mr. Waystack and Ms. Jones answered in detail.

Mr. MacAskill moved to vote to approve a residential factor of one, seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

Mr. MacAskill moved to vote to not grant an open space exemption, seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

Mr. MacAskill moved to vote to not grant a residential exemption, seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

Mr. MacAskill moved to not grant a small commercial exemption, seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

Mr. MacAskill moved to authorize the Chair to sign the LA5 on behalf of the Select Board, seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

Ms. Kavanagh and members of the Select Board signed the LA5.

A motion to adjourn the meeting of the Board of Assessors was made and seconded.

Mr. Waystack adjourned the meeting of the Board of Assessors.

## **V. CONSENT AGENDA**

### **A. Approve Select Board Meeting Minutes - 11/13/23**

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Mr. Handler moved to vote to approve the Select Board Meeting Minutes with one correction, Michael Lach's name was spelled incorrectly and he requested that it be corrected for the record. Seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

B. Accept the resignation of Sheila Eldredge as a member of the Treasure Chest Committee

Mr. Handler moved to accept the resignation of Sheila Eldredge as a member of the Treasure Chest Committee, seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

C. Accept the resignation of Eileen Garrity as a member to the Harwich Accessibility Rights Committee

Mr. Handler moved to accept the resignation of Eileen Garrity as a member to the Harwich Accessibility Rights Committee, seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

Mr. MacAskill requested adding an agenda item for next week to discuss the membership of the Harwich Accessibility Rights Committee.

**VI. NEW BUSINESS:**

A. Update on 2023 Annual Town Meeting Article 12 Preschool Family Support Program

Julie Witas, Director of the Council on Aging was presented gave an update on the Preschool Family Support Program. She also noted the positive response to grant applications, enrollment numbers and the criteria for enrollment.

Board members expressed their thanks and commented on the positive emails they have received regarding the program. Questions were asked by Board Members and Ms. Witas answered in detail.

Ms. Witas also noted options for distributing funds and the Administration work load for the program.

Board members expressed the need to discuss funding other than Free Cash.

Mr. MacAskill requested bringing item C. in Old Business forward.

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### C. Update on public access to Hinkley's Pond

Michael Lach, Executive Director of the Non-profit Harwich Conservation Trust, gave a history and description of the property, the issues that had arisen and the HCT's response to those issues. He also noted a suggestion that was made by Mr. Elias, to accommodate the interest of the fishermen and others from sunrise to sunset. The HCT is taking that into consideration as well as working on finding an appropriate access solution.

Mr. MacAskill commented on how he has accessed and enjoyed Hinkley's Pond. He noted access to other ponds that have been closed. He is hopeful that an increased police presence and the HCT working on the issue will result in a solution that does not include closing the access to Hinkley's Pond.

Tom Evans, President of the Harwich Conservation Trust was present and noted that part of their mission is providing appropriate access to the properties that they seek to preserve and protect for the common good of the town and its residents. He mentioned some of the many factors that they consider and that they want to find a solution for the good of everyone involved.

Gerard Elias was present and noted an issue of interest, the Legal Doctrine of Adverse Possession. He gave a brief description and asked that it be considered by the town. Mr. Elias also suggested that using the parking lot across the street is unsafe and gave his reasons.

### B. Approve the following M.G.L. Chapter 138, Section 12, on-premise annual liquor license renewals:

1. Allen Harbor Yacht Club, Inc., 371 Lower County Road
2. Blue Stripe LLC d/b/a Cape Sea Grille, 31 Sea Street
3. BLM Restaurant Group, Inc. d/b/a Lanyard Bar and Grill, 429 Route 28
4. Brax Landing Management, Inc. d/b/a Brax Landing, 705 Main Street
5. Cape Roots Market & Cafe LLC d/b/a Cape Roots Market & Cafe, 557 Route 28
6. Four Hundred East, Inc. 1421 Orleans Road
7. Harwich Port Seafare, Inc. d/b/a Harwich port Seafarer, 86 Sisson Road
8. Hot Stove Inc. d/b/a Hot Stove Saloon, 551 Route 28
9. Morningstar Restaurant, Inc. d/b/a Villa Roma, 278 Route 28
10. Red River Barbecue LLC, 787 Route 28
11. Shooting Star Realty LLC d/b/a Bucas Restaurant, 4 Depot Road
12. Spyridon and Aglaia Christakis d/b/a George's Pizza House, 564 Route 28

Mr. Handler moved to vote to approve the M.G.L. Chapter 138, Section 12, on-premise annual liquor license renewals as presented, seconded by Mr. MacAskill.

Vote 4:0 in favor. Motion carried.

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C. Approve the following M.G.L. Chapter 138, Section 15, off-premise annual liquor license renewals:

1. ATJX, Inc. d/b/a Moonshine Liquors, 4 Great Western Road
2. Cranberry Liquors at Harwich Port, 555 Route 28
3. Main Street Quick Pik, Inc. d/b/a Main Street Market, 715 Main Street
4. Malik Corp. d/b/a Value Mart, 435 Route 28
5. Portside Liquors III Inc. d/b/a Portside Liquors, 1421 Route 39

Mr. Handler moved to approve the M.G.L. Chapter 138, Section 15, off-premise annual liquor license renewals, #1, #2, #3 and #5 as presented, seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

Mr. Handler moved to approve with a condition to fix a noncompliant sticker, Malik Corp. d/b/a Value Mart, 435 Route 28, seconded by Mr. MacAskill.

Ms. Eldredge explained that the license will be held and not issued until the noncompliant sticker has been fixed.

Vote 4:0 in favor. Motion carried.

## **VII. OLD BUSINESS:**

A. Update on Information Technology costs overview of last five years

Ms. Kavanagh noted that all the information is included in the packet.

Sarah Eaton, Information Technology Director was present.

Board members asked questions which Ms. Eaton answered in detail.

B. Discussion and possible vote to add alternates and approve voting rights for certain committees including the Board of Health

Ms. Eldredge noted that Sharon Pfleger, Chair of the Board of Health, brought up the concept of adding more members to the Board of Health which is presently a five member Board. Ms. Eldredge noted that the changes that Ms. Pfleger suggested would mean both a By-law change and a Charter change.

Sharon Pfleger was present and clarified that she was only requesting an increase in the number of alternates. She also asked questions about the alternates which Ms. Eldredge answered in detail.

Ms. Kavanagh suggested other Boards that have alternates as a good reference for the Board of Health while the Select Board is creating an Article for Town Meeting to change the By-law and the Charter.

Mr. MacAskill moved to instruct the Town Administrator to create an article to add two alternates to the Board of Health and establish voting rights for the next Annual Town Meeting, seconded by Mr. Howell.

Discussion followed regarding the motion.

Vote 4:0 in favor. Motion carried.

- C. Update on public access to Hinkley's Pond  
Brought forward.

#### **VIII. CONTRACTS:**

- A. Approve a contract with AVI-SPL, LLC for a sound system at 204 Sisson Road Auditorium in the amount of \$124,190.09

Mr. Handler moved to approve the contract with AVI-SPL, LLC as presented, seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

- B. Approve a contract with Colonial Ford Inc. for the purchase of three police cruisers in the amount of \$175,194.36

Mr. Handler moved to approve the contract with Colonial Ford, Inc. as presented, seconded by Mr. Howell.

Kevin Considine, Deputy Chief was present and replied to a question, the cruisers are not hybrids.

Ms. Eldredge noted that the cruisers do not have to be hybrid but they do have to be more fuel efficient.

Vote 4:0 in favor. Motion carried.

#### **IX. TOWN ADMINISTRATOR'S REPORT**

Ms. Eldredge announced and described in detail the contracts that have been approved by Joseph Powers, Town Administrator. She also noted two procurements for the Fire Department.

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#### **X. SELECT BOARD MEMBER REPORT:**

Mr. Howell wished everyone a happy and safe thanksgiving.

Mr. Handler congratulated Monomoy High's field hockey and soccer programs for their accomplishments. He also mentioned the Finance Director Kathleen Barrette, commenting that her dedication and hard work does not go unnoticed. Happy Thanksgiving to everybody.

Mr. MacAskill wished everyone a happy Thanksgiving.

#### **XI. CORRESPONDENCE:**

None

#### **XII. ADJOURNMENT:**

Mr. Howell moved to adjourn, seconded by Mr. MacAskill.

Vote 4:0 in favor. Motion carried, meeting adjourned.

Respectfully submitted,

Judi Moldstad  
Board Secretary

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