

APPROVED

RELEASED

RECEIVED  
TOWN CLERK  
HARWICH, MA

2024 JAN -4 A 11:03

**MINUTES  
SELECT BOARD  
HARWICH TOWN HALL  
MONDAY, DECEMBER 4, 2023  
5:00 P.M. EXECUTIVE SESSION  
6:00 P.M. - REGULAR MEETING  
REMOTE PARTICIPATION OPTIONAL FOR REGULAR MEETING ONLY**

**SELECTMEN PARTICIPATING:** Julie Kavanagh, Michael MacAskill, Jeffrey Handler & Donald Howell

**ALSO PARTICIPATING:** Town Administrator Joseph F. Powers

**CALL TO ORDER**

Ms. Kavanagh called the meeting to order at 5:00 p.m.

**Mr. Handler moved that the Select Board enter into Executive Session regarding the items as listed below, 2<sup>nd</sup> by Mr. MacAskill. The vote was 4-0-0 with Mr. MacAskill, Mr. Handler, Ms. Kavanagh and Mr. Howell all voting aye by roll call.**

**EXECUTIVE SESSION**

- A. Pursuant to G.L. c. 30A, sec. 21(a)(2) to conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel; Harwich Employees Association (HEA)
- B. Pursuant to MGL c.30A section 21 (a)(3) to discuss with respect to collective bargaining for all town unions and the Chair has determined that open session would have a detrimental effect on the town's bargaining position; Harwich Employees Association (HEA)
- C. 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

Ms. Kavanagh stated that action was taken on item a to approve, they will be moving forward with further discussions on item b and no action was taken on item c.

**PUBLIC COMMENTS/ANNOUNCEMENTS**

Harwich Chamber of Commerce Executive Director Cyndi Williams was present and thanked everyone that came out for the events over the weekend. Mr. MacAskill asked for a round of applause for Ms. Williams for all that she does.

Lt. Brad Willis from the Fire Department was present and reminded everyone about the 9<sup>th</sup> annual Homeless for the Holidays that will start on December 6<sup>th</sup> and will run through December 10<sup>th</sup> in Brooks Park. They will be collecting new unwrapped toys, monetary donations, and non-perishable food donations for The Family Pantry of Cape Cod. Over the last 8 years, they have



collected 8,267 toys, almost 14,000 pounds of food and just shy of \$65,000 in cash and gift card donations. They are looking forward to another successful year and thanked everyone for their support.

Lorraine Murphy from 43 Red Pine Drive was present and commented that she fell when entering the building tonight. Ms. Murphy feels that there is not enough information out there and that there must be something better to brighten the area during the construction. Ms. Kavanagh agreed that the lighting needs to be approved. A member of the Finance Committee noted that a second person fell when they were entering the building.

Community Center Director Carolyn Carey was present and noted that the correct date of the Winter Solstice event is December 21, 2023, and added that all of the publicity has been updated.

Patrick Otton was present and asked to make comments on the special election as well as electronic voting. He stated that the Select Board had a resignation on October 25, 2023, which left a vacancy. He felt it important to have 5 members on the Select Board that would represent the town. Mr. Otton pursued the special election petition hoping that it would be held in January, adding that he would prefer the now proposed date of April 9, 2024, simply be delayed until the normal local election on May 21, 2024. Ms. Kavanagh stated that based on all the information from the Town Clerk, we have to move forward with the special election prior to the next local election. Mr. Otton asked if the petition could be withdrawn. Ms. Kavanagh explained that the special election was discussed at public meetings and that our Town Clerk went to great lengths to explain all the information relating to the special election. Mr. Otton wishes that this information was put out before November 14<sup>th</sup> and that it is all new to him. Mr. Otton went on to comment on electronic voting and asked the Select Board how many registered voters they have discussed electronic voting with. Mr. Otton held up signatures of registered voters in Harwich who would like to see electronic voting because it is efficient, fast, accurate and private, adding that very few had no opinion on the issue. A couple of people said that they wanted to see how their neighbor's vote. Mr. Otton reviewed other towns that use electronic voting and highlighted comments from some towns, adding that the cost is .03% of the annual operating budget. Ms. Kavanagh responded that this item is on the Select Board agenda for discussion. Mr. Otton added that the electronic voting systems are closed systems and asked that electronic voting be used here in Harwich.

Mr. Handler stated that there will be no Select Board office hours during the month of December.

### **CONSENT AGENDA**

A. Approve Select Board Meeting Minutes for November 20 and 27, 2023

**Mr. Handler moved to approve the Select Board Meeting Minutes for November 20, 2023, 2<sup>nd</sup> by Mr. Howell and approved 4-0-0.**

No action was taken on the minutes for the November 27, 2023 meeting, pending corrections.

B. Vote to rescind the reappointment of Ron Saulnier as a Shellfish Constable for the Town of Harwich



**Mr. Handler moved to rescind the reappointment of Ron Saulnier as a Shellfish Constable for the Town of Harwich, 2<sup>nd</sup> by Mr. MacAskill and approved 4-0-0.**

**JOINT MEETING ON THE FISCAL YEAR 2025 – 2029 CAPITAL OUTLAY PLAN AND FISCAL YEAR 2025 CAPITAL BUDGET WITH SELECT BOARD, CAPITAL OUTLAY COMMITTEE AND FINANCE COMMITTEE**

Finance Committee members present were Peter Hughes, Robert McCready, Mark Kelleher, Dana DeCosta, Dan Tworek & Michelle Gallucci. Capital Outlay Committee members present were Rich Larios, Paul Doane, Martha Donovan and Ann Clark Tucker. Note that Mark Kelleher and Dan Tworek are members of both committees.

Mr. Powers thanked everyone presented and noted that the Charter requires that there is a joint meeting of this nature that needs to be held in December to go over the capital plan. The Capital Outlay Committee has met several times, starting back in September. Presentations were made by various department heads and a final meeting was held on November 28<sup>th</sup>. What is being presented tonight is the draft capital outlay plan for FY25-FY29, the 5-year plan and we will be discussing the parameters of the FY25 budget which will be how we will fund the first year of the plan at next year's town meeting.

Peter Hughes asked if they could expect to see the potential funding sources for these items. Mr. Powers responded that he would be able to speak to them tonight, just not in complete specificity. Free cash is hoped to be certified in January or February. Mr. Hughes noted that it would be helpful to insert the funding sources into the document. Mr. Powers responded that he is planning to do the same as last year and have the funding sources outlined.

Mr. Hughes had questions about the proposed generator at the harbor, noting that the justification seems to be that there are pipes under the building that could freeze. He assumed that those pipes would have some kind of heat tracing on them, and that the general seems expensive, unless the ask would be expanded to have the generator run the entire complex. Mr. Hughes asked if there has been any consideration to installing solar panels to run the potential heat tracing for a couple of days, instead of a generator.

Rich Larios commented that the Capital Outlay Committee is made up of 6 members, 2 of which also sit on the Finance Committee. He added that the Capital Outlaw Committee visited the harbor to review the generator request and that there has been a lot of discussion about what the generator will do and its cost.

Mr. Hughes stated that he assumes that bid prices will be available for these items before we get to Town Meeting. Mr. Larios responded that it would be up to the facilities manager to obtain bid prices. Mr. Hughes feels that for him, the best information is getting bid prices.

Mr. Powers added that this ask is for a whole building generator for the harbor master building, not the entire complex and is not merely to keep the heat on. It will also power their communication equipment.



Mr. MacAskill said that we are still looking at a procurement list from 2 weeks ago with 24 uninitiated projects and that a large portion of them fall under the Department of Public Works. He feels that it would be great to have a more in depth conversation of when and how we are going to get out of the project back log before we are asked to approve more projects this year. Mr. MacAskill would like to hear back from administration and staff on their asks and if they are possible. He asked Mr. Powers when the Select Board can expect suggestions on reappropriations for a lot more of the procurement that have open ended balances. Mr. Powers responded that reappropriation is something that is done with Administration, Finance and the department heads and that his understanding for tonight was to present where we are with the draft capital plan.

Mr. Hughes had comments about the proposed roof at 204 Sisson Road. What caught his attention was that last year, there was information about a potential slate roof replacement and now it sounds like there will be an asphalt roof. Mr. Powers confirmed that is the expectation. Mr. Hughes feels that there should be a price difference between the 2, with asphalt being less expensive and that the number being presented is the same as last year. Mr. Powers responded that the project advocates did seek pricing, not through a formal bid process, but through appropriate procurement channels in the late summer and early fall. The numbers provided are based on professional estimates and relying upon the marketplace that exists today.

Mr. Hughes asked if the irrigation replacement at Cranberry Valley has expanded from last year or if the cost is based on price escalation. Mr. Powers responded that it is price escalation purely from year over year. It is the same project as last year.

Mr. Hughes said that we will get an opinion from bond counsel of what the cost of money will be over the next couple of years and that it might take sense to delay some items a year or two to see if the capital comes down.

With respect to the irrigation system, Mr. Larios responded that the golf course is an asset for Harwich that their revenue stream funds that capital. The fact of inflation is almost covered by the possibility of increasing fees. The project has been delayed and in terms of what it does, it is not a 100% rip out/put it, it is upgrades. His feeling is that the request number is a good number.

Dana DeCosta asked for a snapshot of what we have already borrowed that is not on the tax roles yet. Finance Director Kathleen Barrett was present and commented that she does not have that specific information for tonight's meeting but can have it prepared for a future time.

Mark Kelleher stated that he had raised the question about the price difference in the roof at 204 Sisson Road, commenting that slate roofs have a life estimate of about 80-150 years. He suggested that before money is spent, that a full evaluation of the roof be done. The existing roof is approximately 85 years old. Martha Donovan added that what she heard the facilities manager say is that this isn't just the roof, that it is also gutters and plywood that need to be replaced. It is also a safety issue.

Robert McCready asked for an explanation on the large change in the Department of Public works complex numbers from last year. DPW Director Lincoln Hooper was present and stated that this is a glorified space building for lack of a better term and had been priced out based on previous



things. They had engaged an engineering company who provided the estimates. There were some ancillary items that had not been considered. Mr. MacCready asked if the details of the project are more extensive than what was considered last year. Mr. Hooper responded that they are and that he would be happy to share details.

Mr. MacCready noted a new line item with values for all electronic records and information technology and asked for comments as to why this is an annual number. Mr. Powers responded that the electronic records and content management is a joint project between information technology and the Town Clerk's Office. Mr. Hughes said that his interpretation of this is that municipal government has always been a little behind and that he sees this as an opportunity to leap forward.

Mr. MacCready pointed out that last year there were no Police Department cruiser replacements and now we are back to having an annual replacement. Mr. MacAskill responded that it was previously put in the operating budget and was not a capital item.

Michelle Gallucci asked about the 2029 Harwich Elementary School maintenance item and Mr. Powers confirmed that it is for boilers. He added that when the 2 towns and the district changed their assessment, the Town of Harwich became completely responsible for the capital projects at the elementary school.

Mr. Larios said that he is happy with the way that the plan turned out and thanked the department heads and employees that were involved.

Lorraine Murphy from 43 Red Pine Drive was present and asked about clarification on the expression pseudo and if staff are encouraged to take accounting courses and if there is a program that pays for tuition. Ms. Kavanagh responded that this is a joint meeting of the Select Board with the Finance Committee and Capital Outlay Committee. When we talk about department heads formulating budgets, it means that they are asked to gather a lot of financial information.

Dan Tworek asked if the department heads will explain what the consequences would be to the town if their projects are not approved. Mr. Powers responded that there is a space on the narrative for that information.

Mr. Powers reviewed the request form, noting some significant changes in a more positive direction.

Mr. Howell stated that as he understands it, the inflation reduction act has had exactly the opposite of what the title says and that costs have been driven up. Aside from the magnitude of numbers, is there anything overtly different that was either added or dropped. Mr. Powers gave a brief overview of edits to the plan.

Mr. Howell asked if there is any chance of getting a list of what was taken out or put in for FY25, to have a future meeting. Ms. Donovan provided a brief run-through of changes. Mr. Howell responded that he would still like to see a list.



Jon Chorey was present and made comments regarding the Brooks Academy Museum project and the generator at the harbor. He also asked to see a list of the current debt and approved debt not spent.

Mr. Hooper showed the board and committee members a graph of the cost escalations for the DPW facility.

Mr. Hughes stated that the Finance Committee is down 2 members and that if anyone is interested in participating, they should contact the Select Board office to complete a citizen interest form or contact the Town Moderator, who is responsible for appointing members.

Mr. Larios also stated that the Capital Outlay Committee is down 1 member.

**Mr. Hughes adjourned the meeting of the Finance Committee.**

**Mr. Larios adjourned the meeting of the Capital Outlay Committee.**

### **NEW BUSINESS**

- A. Discussion and Possible Vote to call a Special Town Election to fill the current Select Board vacancy, term to expire May 21, 2024

Ms. Kavanagh commented that Town Clerk Emily Mitchell has provided extensive information, and the discussion tonight is whether or not the Select Board wants to move forward with the April 9<sup>th</sup> date.

Mr. MacAskill said that he sees no point, other than the fact that there is a petition to hold a special town election at the expense of \$30,000 to fill a seat for one month. The Town Clerk did an outstanding job, prior to the certification, of outlining what the dates meant to the board. His recommendation, based on the petitioner, would be to hold the special election on May 20<sup>th</sup>, the day before the annual town election.

Town Clerk Emily Mitchell was present and stated that there was a petition filed properly with the appropriate number of signatures, 242 signatures in total. That does compel the Select Board to call a special election. Ms. Mitchell did speak with Town Counsel and they did confirm that we have to adhere to the 64 day minimum but that there is no outside maximum during which you have to hold the election, as long as it is prior to the annual town election. At this point, the boundaries to hold the special election are February 6<sup>th</sup> and May 20<sup>th</sup>. Ms. Mitchell said that her primary variables in forming her information were the Presidential Primary on March 5<sup>th</sup> and the minimum time frames between elections with respect to logistical factors. Legally, an election could be held on May 20<sup>th</sup>, but it may also cause some logistical issues with respect to the memory cards for the tabulators. There are some options considering the petitioner expressing interest in not pursuing the election with full force. The Select Board could opt to hold shortened hours for the special election, though that option would not minimize the election day set up or ballot printing, it would reduce staff time. Another option would be to opt out of vote by mail for the special election.



Ms. Kavanagh said that she understands where Mr. MacAskill is coming from, but that the impact to the Town Clerk's Office would still be there. She went back to the proposed April 9<sup>th</sup> date for consideration.

Mr. Handler thanked Ms. Mitchell for all the work that he did and said that he would be inclined to agree and support what Ms. Mitchell is presenting tonight. He went on to say that the Select Board is approachable that that they are here to answer questions with an unbiased and truthful explanation, adding that there is a lot of misinformation out there.

Mr. Howell said that he is disappointed and that he was more interested in the democracy part of this rather than the financial aspect. He cannot recall an executive position being vacant for 6 months. Mr. Howell feels that this was an unforced error in the first part when the Select Board did not vote to hold a special election in January. Ms. Kavanagh responded that the Select Board did have discussions and the impact that it would have on staff, even if the election was held in January.

Ms. Mitchell said that if the Select Board is serious about a May 20<sup>th</sup> date and minimizing impact, that she could reach out to our vendor who programs the tabulators and see if they have memory cards available to rent. If 2 sets of memory cards were available, the election could potentially be held on May 20<sup>th</sup>.

The consensus of the Select Board was that the Town Clerk contact the vendor for additional information.

#### B. Discussion regarding the potential use of Electronic Vote Tabulators (clickers) at future Town Meetings

Town Moderator Michael Ford was present and commented that the Town of Orleans, where he serves as Town Counsel, has used electronic voting for 4 years and that it started during COVID. He added that it was a success when Orleans held a town meeting in Nauset Beach parking lot and has continued to be a success. The Town Moderator in Orleans does not use the electronic voting clickers on every motion, but on those items where you know there will be a standing count. Mr. Ford added that there are at least 4 other towns on the cape that use the technology and that his recommendation would be that Harwich consider it, noting that the decision should be made by the voters at town meeting. Since the clickers require money, they can be expensive. Options of leasing, leasing with an option to buy, or buying out right will need to be considered, as well as building up the IT department to handle it. If purchased, Mr. Ford recommended that Harwich not purchase the internet clickers, as they can be prone to hacking. Mr. Ford added that the clickers provide convenience and that some voters enjoy the privacy of it.

Mr. Ford and Ms. Mitchell have spoken about the clickers, and it would be their joint recommendation to have an article inserted on the warrant for voter feedback. He said that he would be happy to work with Ms. Mitchell to draft an article for consideration. Mr. Ford also suggested that a committee or sub-committee be created that could make recommendations to the Select Board.



Mr. MacAskill thanked Mr. Ford for his recommendation and agreed that it is right to put it before the voters. What Mr. MacAskill has noticed in Harwich is that the only time we have a problem, or when town meeting gets extended is when there is termination on debate, which is usually on petition articles. He feels that our votes go fast and that voters should stand and be proud of their vote.

Mr. Ford reviewed a former bylaw that said that anytime money was borrowed, that the vote was done by a secret ballot and that if that bylaw was still in effect, he would have pushed for electronic voting a long time ago.

Mr. Howell said that he likes the idea of debating items and standing up for your vote, but also recognizes why people might like to have confidentiality. He agreed that it might be best to put this before a vote of town meeting.

Ms. Kavanagh agreed that Mr. Ford's recommendation to put together an article is a good one and that a committee or sub-committee could be formed to gather information. Ms. Kavanagh asked how the number of clickers needed would be determined. Mr. Ford responded that the Town Clerk would check the previous year's town meeting attendance numbers.

Ms. Kavanagh wanted Mr. Otton to know that this is a process and that the Select Board is looking into putting together an article for town meeting.

Mr. Otton thanked everyone for their time.

#### C. Discussion and Possible Vote on 2022 Special Town Meeting Article 3: Bylaw/Charter Review use of appropriated funds for governance review

Mr. Powers reviewed the information as provided in the packet.

Ms. Kavanagh commented that she doesn't understand why we would have restricted the review to the towns current code and got rid of zoning bylaws, adding that we always said that the Select Board would be looking at zoning, not Bylaw Charter Review. Mr. MacAskill responded that the Select Board did support it and the Finance Committee did not and that it was removed during the reconciliation meeting.

Ms. Kavanagh said that we have \$75,000 and that we were talking about first having the review of the code to get us to a starting point. Mr. Powers said that was the original intent that Administration had through the Select Board. Mr. Powers reviewed the explanation that appeared in the warrant and what was anticipated to be voted by Administration and the Select Board at that time. The Select Board has funds that were appropriated by town meeting for a purpose and the funds are under the span and control of the Select Board.

Mr. Handler said that it is his intention to find out what we can count on with respect to the expectations of the process to use the \$75,000 to do what many, if not all, have agreed and to have the charter looked at. His understanding is that the recodification will be finalized by January or



February and wondered if we could move forward now, since we already know the outcome of what is being recodified. Ms. Mitchell reviewed what the recodification process is.

Mr. Howell asked if funds are normally appropriated for when recodification happens. Mr. Powers responded that they are and that it is normally done through the Town Clerk's budget.

Mr. MacAskill remembered that Mr. Powers had made a previous recommendation to start with General Code, who we already contract with. Mr. Powers agreed that was correct and that they would be the path of least resistance. Mr. MacAskill went on to say that the recodification that we are speaking about now has nothing to do with what the Board voted before. Mr. Macaskill said that he has done a little research on General Code and he doesn't see that they are qualified to look at or make changes to our charter. Most towns that do this ultimately use a consultant or attorney. The Select Board sat with the Bylaw Charter Review Committee and said that we would work with them to bring changes before town meeting. Mr. MacAskill said that there appears to be a fair amount of angst as soon on social media about this topic because we are not moving the needle forward. He added that he would be looking for a recommendation and a real consultant and plan to see how we are going to look at the charter. The Bylaw Charter Review Committee is going to submit a draft of what they have been working on and Mr. MacAskill gave his pledge that some of those items he will push to get to town meeting. He added that he does not see the need to spend \$75,000 at this point. Mr. MacAskill said that he thinks that an elected charter commission would be a mistake for the town because an elected 9-member group who think they know what is best for Harwich is not necessarily the way that we should put putting together governing documents.

Ms. Kavanagh said that her understanding was that General Code was doing the recodification and that Bylaw Charter Review is working on assessing the charter. While this is happening, the Select Board should be looking at the zoning bylaws, which is a separate analysis. She added that General Code could help because we do have language in our charter that doesn't talk to our bylaws, and vice versa.

Mr. Powers reviewed the different subgroups of the Massachusetts Municipal Association.

Mr. Howell stated that from his experience, General Code would make sure that all of the structure is in the correct places. They are not in the business of understanding what you are trying to accomplish with language.

Mr. Powers noted that the Select Board received the appropriation of funds, so that they are under their care, custody and control.

Mr. Handler compared this situation to that of the Local Planning Committee that was appropriated funds to find a consultant. He would like to see this become a collaborate effort with the Select Board, Planning Board, Bylaw Charter Review and the Town Administrator. The only way to get this done is to have everyone at the table and pulling in the same direction.

Linda Cebula of the Bylaw Charter Review Committee was present and stated that the committee was a bit surprised to hear that \$75,000 was being spent on recodification. Ms. Kavanagh stated



that is not what the funds are being used for. Mr. MacAskill added that in the beginning, it was agreed to take a portion of the money to start the process.

Ms. Cebula went on to review the work that the Bylaw Charter Review Committee has been doing, adding that they decided to not wait for the Select Board. They expect to have a first draft report in December. She went on to say that it might be a good idea to have a committee or sub-committee as part of the process. Ms. Cebula added that even if there is an elected charter commission, there will still be a need for the Bylaw Charter Review Committee.

Ms. Cebula confirmed that zoning bylaws are not being looked at by the committee and agreed that General Code is not qualified to do the level of assessment that is needed.

Noreen Donahue of the Bylaw Charter Review Committee was present and asked that if anything is done with General Code, that a scope of work be presented to the public.

Mr. MacAskill asked that the Town Administrator put together a scope of work and also bring back information on what resources are available thru MMA or a consultant.

Mr. Powers reviewed the process of requesting information from the MMA through their form of government. He will make arrangements for the Select Board to speak with MMA.

#### D. Discussion on potential municipal tax bill inserts per to MGL c. 60, §3(a)

Ms. Kavanagh said that this was brought forward because the Bikeways Committee asked to have an insert with information on the vulnerable road users law included with the tax bill inserts. The Select Board would need to vote before anything could be included. A copy of the flier was provided in the packet.

Mr. MacAskill noted his concerns about the law and commented that he would be concerned about 10 wheeler trucks passing each other on a road while giving non-vehicle users a 4' buffer. Mr. Howell agreed.

Ms. Kavanagh responded that it is not on the Select Board to do the law. The discussion tonight is if the mailer can go with the tax bills.

**Mr. Howell moved to include the proposed insert with the municipal tax bill, 2<sup>nd</sup> by Mr. MacAskill.**

Mr. MacAskill asked what the cost would be. Mr. Powers responded that the insert cannot cause an increase in postage. The Board asked for further clarification on costs and asked that this be brought back next week with additional information from the Finance Director.

**Mr. Howell withdrew his motion and Mr. MacAskill withdrew his 2<sup>nd</sup>.**

- E. Approve a New 2024 Annual Class IV Auto Repair license for C and B Automotive, Inc. d/b/a Reflections Auto Restoration, 4 Evergreen Way, Unit 1



**Mr. MacAskill moved to approve a new 2024 Annual Class IV Auto Repair license for C and B Automotive, Inc. d/b/a Reflections Auto Restoration, 4 Evergreen Way, Unit 1, 2<sup>nd</sup> by Mr. Handler and approved 4-0-0.**

Mr. MacAskill welcomed the new owners and wished them luck.

- F. Approve the Alcoholic Beverages Control Commission's Seasonal Population Form

**Mr. Handler moved to approve the Alcoholic Beverages Control Commission's Seasonal Population Form, 2<sup>nd</sup> by Mr. MacAskill and approved 4-0-0.**

- G. Approve the M.G.L Chapter 138, Section 15 off-premise annual liquor license renewal for A.J. Luke's of Harwich, Inc., 224 Route 28

**Mr. Handler moved to approve the M.G.L Chapter 138, Section 15 off-premise annual liquor license renewal for A.J. Luke's of Harwich, Inc., 224 Route 28, 2<sup>nd</sup> by Mr. MacAskill and approved 4-0-0.**

- H. Approve the following M.G.L Chapter 138, Section 12 on-premise annual liquor licenses:

1. Ashwood Food Service Inc. d/b/a Jake Rooney's, 119 Brooks Road
2. Beachlight, LLC d/b/a Seal Pub, 703 Main Street

**Mr. Handler moved to approve the M.G.L Chapter 138, Section 12 on-premise annual liquor licenses as listed above, 2<sup>nd</sup> by Mr. MacAskill and approved 4-0-0.**

- I. Approve the following 2024 Common Victuallers license renewals:

1. Alexander the Great d/b/a Alecsie's House of Pizza, 181 Route 137
2. Ashwood Food Service, Inc. d/b/a Jake Rooney's, 119 Brook Road
3. Beachlight, LLC d/b/a Seal Pub & Café, 703 Main Street
4. Blue Stripe, LLC d/b/a Cape Sea Grille, 31 Sea Street
5. BLM Restaurant Group d/b/a Lanyard Bar and Grill, 429 Route 28
6. Dent Donuts, LLC d/b/a Dunkin Donuts, 481 Route 28
7. Dent Donuts, LLC d/b/a Dunkins Donuts, 175 Route 137
8. Ember Pizza, Inc. d/b/a Ember Coal Fired Pizza & Wings, 600 Route 28
9. Epiros Holdings, LLC d/b/a George's Pizza House, 564 Route 28
10. Four Hundred East, Inc. d/b/a Four Hundred East, 1421 Orleans Road
11. Morningstar Restaurant, Inc. d/b/a Villa Roma, 278 Route 28
12. Red River BBQ LLC d/b/a Red River BBQ, 787 Route 28
13. Round Cove Resort Owner LLC d/b/a Wequassett Resort and Golf Club, 2173 Route 28
14. Ruggies, Inc. d/b/a Ruggies Restaurant, 707 Main Street
15. Scribano's Inc. d/b/a Scribano's Italian Market, 302 Route 28
16. Zack, Inc. d/b/a Castaways, 986 Route 28



17. Zou Garden, Inc. d/b/a Szechuan Delight, 1421 Orleans Road

Mr. Howell asked if there is a substantive difference between sit down and non-sit down establishments, noting that there are 2 Dunkin Donuts on the list, and referred to a 3<sup>rd</sup> at 109 Route 137. Mr. Powers responded that he would follow up with staff.

DH-is there a substantive difference between sit down and non-sit down. There are 2 dunks on the list. There is a 3<sup>rd</sup> at the gas station on 109 Route 137. Are they subject to this? JP-will follow up with staff.

**Mr. Handler moved to approve the 2024 Common Victuallers license renewals as listed above, 2<sup>nd</sup> by Mr. MacAskill and approved 4-0-0.**

- J. Approve the following 2024 Lodging or Innholders license renewals:
1. Barnaby Inn, 36 Route 28
  2. Braddock, Inc. d/b/a Winstead Inn & Beach Resort, 114-118 Parallel Street
  3. Braddock, Inc. d/b/a Winstead Inn & Beach Resort, 4 Braddock Street
  4. Sands Hospitality, Inc. d/b/a The Platinum Pebble Boutique Inn, 186 Belmont Road
  5. Siceamp, Inc. d/b/a The Tern Inn, 91 Chase Street
  6. Round Cove Resort Owner LLC d/b/a Wequassett Resort and Golf Club, 2173 Route 28

**Mr. Handler moved to approve the 2024 lodging or innholders license renewals as listed above, 2<sup>nd</sup> by Mr. MacAskill and approved 4-0-0.**

- K. Approve the following Class IV Auto Repair license renewals:
1. Dave's Garage, 910 Route 28
  2. Nick & Claudine Enterprises, LLC d/b/a West Harwich Sav-on-gas, 4 Route 28
  3. Steven's Auto Repair d/b/a Steven's Auto, 216 Main Street

**Mr. Handler moved to approve the Class IV auto repair license renewals as listed above, 2<sup>nd</sup> by Mr. Howell and approved 4-0-0.**

- L. Approve a Class I Agents and Sellers Auto license renewal for Harwich Port Boat Yard, 4 Harbor Road

**Mr. Handler moved to approve the Class I agents and sellers auto license renewal for Harwich Port Board Yard, 4 Harbor Road, 2<sup>nd</sup> by Mr. Howell and approved 4-0-0.**

- M. Approve the following 2024 Weekday & Sunday Entertainment license renewals:
1. Ashwood Food Service, Inc. d/b/a Jake Rooney's, 119 Brooks Road  
Weekday – 11:00 a.m. to 11:00 p.m. inside



Jukebox, Radio, Television, Live/Recorded Music, Amplification, Dancing  
by Live Performers, Trivia

Sunday – 6:00 p.m. to 8:30 p.m.

Jukebox, Radio, Television, Live/Recorded Music, Amplification, Dancing  
by Live Performers

Ms. Kavanagh noted that last year's license approval was from 6:00 p.m. to 12:00 a.m.

**Mr. Handler moved to approve the 2024 Weekday & Sunday entertainment license renewal as listed above, 2<sup>nd</sup> by Mr. Howell and approved 4-0-0.**

2. Beachlight, LLC d/b/a Seal Pub & Café, 703 Main Street  
Weekday – 6:00 a.m. to 12:00 a.m. inside  
6:00 p.m. to 9:00 p.m. outside (Thursday/Friday/Saturday)  
Inside – Jukebox, Radio, Television/Outside – Acoustic guitar and  
unamplified singing  
Sunday – 6:00 a.m. to 12:00 a.m. inside  
Recorded music, Television, Radio & Background Music  
6:00 p.m. to 10:00 p.m. only Acoustic, unamplified live music & Karaoke

Mr. Howell commented that the Sunday request is disturbing because there is a church right next door. Ms. Kavanagh responded that the application request is to make sure that they are not breaking any rules.

**Mr. Handler moved to approve the 2024 Weekday & Sunday entertainment license renewal as listed above, 2<sup>nd</sup> by Mr. MacAskill and approved 4-0-0.**

3. Blue Stripe, LLC d/b/a Cape Sea Grille, 31 Sea Street  
Weekday – 4:00 p.m. to 12:00 a.m. inside  
Live/recorded music, amplification, dancing by live performers  
Sunday – 4:00 p.m. to 12:00 a.m. inside  
Live/recorded music, amplification, dancing by live performers

**Mr. Handler moved to approve the 2024 Weekday & Sunday entertainment license renewal as listed above, 2<sup>nd</sup> by Mr. Howell and approved 4-0-0.**

4. BLM Restaurant Group d/b/a Lanyard Bar and Grill, 429 Route 28  
Weekday – 4:00 p.m. to 11:00 p.m. inside  
Jukebox, Radio, Television, Live/Recorded Music, Amplification, Dancing  
by Live Performers  
4:00 p.m. to 10:00 p.m. outside  
Jukebox, Radio, Television, Live/Recorded Music, Amplification, Dancing  
by Live Performers  
Sunday - 4:00 p.m. to 11:00 p.m. inside  
Jukebox, Radio, Television, Live/Recorded Music, Amplification, Dancing  
by Live Performers



4:00 p.m. to 10:00 p.m. outside  
Jukebox, Radio, Television, Live/Recorded Music, Amplification, Dancing  
by Live Performers

Mr. Howell stated that for the public's edification, there is a big difference between the location of The Lanyard as compared to other locations in town. There is no real surrounding area for The Lanyard and they are pretty isolated in terms of their impact.

Mr. MacAskill asked that staff check with the establishment regarding the times listed on their request. If they would like a change, the license can be amended next week.

**Mr. Handler moved to approve the 2024 Weekday & Sunday entertainment license renewal as listed above, 2<sup>nd</sup> by Mr. Howell and approved 4-0-0.**

5. Ember Pizza, Inc. d/b/a Ember Coal Fired Pizza and Wings, 600 Route 28  
Weekday – 10:00 a.m. to 12:00 a.m. inside  
Jukebox, Radio, Television, Live/Recorded Music, Amplification, Dancing  
by Live Performers  
10:00 a.m. to 10:00 p.m. outside  
Jukebox, Radio, Television, Live/Recorded Music, Amplification, Dancing  
by Live Performers  
Sunday - 10:00 a.m. to 12:00 a.m. inside  
Jukebox, Radio, Television, Live/Recorded Music, Amplification, Dancing  
by Live Performers  
10:00 a.m. to 10:00 p.m. outside  
Jukebox, Radio, Television, Live/Recorded Music, Amplification, Dancing  
by Live Performers

**Mr. Handler moved to approve the 2024 Weekday & Sunday entertainment license renewal as listed above, 2<sup>nd</sup> by Mr. MacAskill.**

Mr. Howell stated that this has been an issue through the years. Where we are, what we have been through and how we were able to resolve this was entirely contingent upon the outside being acoustic and not amplified. Mr. Howell said that he would not be willing to change his mind on that.

Ms. Kavanagh noted that they are also asking to push back their start time to 10:00 a.m. She would prefer to stick to 11:00 a.m. and make no changes to the application.

Mr. Howell asked if the Board could change their request or if it would have to be rejected. Mr. Powers responded that what is in the packet is the current license practice. Mr. Powers read what their current license reads.

**Mr. Handler withdrew his motion and Mr. MacAskill withdrew his 2<sup>nd</sup>.**



Mr. Handler wants to be able to approve the inside request as presented and wondered if a pieced-out motion could be made. Ms. Kavanagh added that she would be comfortable with the 10:00 a.m. start inside.

**Mr. Howell moved to approve the request with the same terms and conditions as the 2023 license. No 2<sup>nd</sup> was heard. Mr. Howell withdrew this motion.**

Mr. MacAskill noted that the establishment opens for lunch and asked if the Select Board would be open to an 11:00 a.m. start on Sunday.

**Mr. MacAskill moved to approve the 2024 Weekday & Sunday entertainment license renewal, as follows, 2<sup>nd</sup> by Mr. Howell and approved 4-0-0:**

**Ember Pizza, Inc. d/b/a Ember Coal Fired Pizza and Wings, 600 Route 28**

**Weekday – 10:00 a.m. to 12:00 a.m. inside**

**Jukebox, Radio, Television, Live/Recorded Music, Amplification, Dancing by Live Performers**

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

**Jukebox, Radio, Television, Live music acoustic only, recorded music &, Dancing by Live Performers**

**Sunday - 10:00 a.m. to 12:00 a.m. inside**

**Jukebox, Radio, Television, Live/Recorded Music, Amplification, Dancing by Live Performers**

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

**Jukebox, Radio, Television, Live music acoustic only, recorded music &, Dancing by Live Performers**

1. Four Hundred East, Inc. d/b/a Four Hundred East, 1421 Orleans Road  
Weekday – 5:00 p.m. to 10:00 p.m. inside  
Live/Recorded Music, Amplification, Dancing by Live Performers  
Sunday – 4:00 p.m. to 10:00 p.m. inside  
Live/Recorded Music, Amplification, Dancing by Live Performers

**Mr. Handler moved to approve the 2024 Weekday & Sunday entertainment license renewal as listed above, 2<sup>nd</sup> by Mr. Howell and approved 4-0-0.**

2. Morningstar Restaurant, Inc. d/b/a Villa Roma, 278 Route 28  
Weekday – 4:30 p.m. to 11:00 p.m. inside  
Jukebox, Radio, Television  
Sunday - 4:30 p.m. to 11:00 p.m. inside  
Jukebox, Radio, Television

**Mr. Handler moved to approve the 2024 Weekday & Sunday entertainment license renewal as listed above, 2<sup>nd</sup> by Mr. Howell and approved 4-0-0.**

3. Red River BBQ LLC d/b/a Red River BBQ, 787 Route 28



Weekday – 5:00 p.m. to 9:00 p.m. inside  
Jukebox, radio, television, live/recorded music, amplification, dancing by  
live performers  
Sunday – 5:00 p.m. to 9:00 p.m. inside  
Jukebox, radio, television, live/recorded music, amplification, dancing by  
live performers

**Mr. Handler moved to approve the 2024 Weekday & Sunday entertainment license renewal as listed above, 2<sup>nd</sup> by Mr. Howell and approved 4-0-0.**

4. Round Cove Resort Owner LLC d/b/a Wequassett Resort and Golf Club,  
2173 Route 28  
Weekday – 12:00 p.m. – 12:00 a.m. inside  
Live/Recorded Music, Amplification, Dancing by Live Performers and  
Patrons  
12:00 p.m. – 10:00 p.m. outside  
Live/Recorded Music, Amplification, Dancing by Live Performers and  
Patrons  
Sunday - 12:00 p.m. – 12:00 a.m. inside  
Live/Recorded Music, Amplification, Dancing by Live Performers and  
Patrons  
12:00 p.m. – 10:00 p.m. outside  
Live/Recorded Music, Amplification, Dancing by Live Performers and  
Patrons

**Mr. Handler moved to approve the 2024 Weekday & Sunday entertainment license renewal as listed above, 2<sup>nd</sup> by Mr. Howell and approved 4-0-0.**

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

Mr. Powers announced one contract for additional voting related equipment. The Town has contracted with LHS Associates in the amount of \$37,600 for a high speed tabulator, 6 additional poll pads and an upgrade of software for the poll pads. This is great technology that will be used at elections and Town Meeting. Even though LHS is a sole source provider, this was still completed as a request for proposals. The funding for this comes through the April 2022 Annual Town Meeting article 20.

### **SELECT BOARD'S MEMBER REPORT**

Mr. Howell commented on the great tree lighting in Harwich Port, adding that it is something that warms your heart and is glad that Harwich is still doing something like this together as a community.

Mr. Handler said that not a week goes by in Harwich where he doesn't find himself running into some extraordinary people. He paid compliments to Rebecca Riley, who leads the Harwich Elementary School choir.



Mr. MacAskill thanked Brax Landing for serving over 1600 free meals at Thanksgiving.

Ms. Kavanagh echoed all comments about all of the events that the Harwich Chamber of Commerce puts on. One of the warmest moments was in Harwich Port when Santa arrived on the fire truck.

### **CORRESPONDENCE**

No correspondence was heard.

### **ADJOURNMENT**

**Mr. MacAskill moved to adjourn the meeting of the Select Board, 2<sup>nd</sup> by Mr. Handler and approved 4-0-0.**

Respectfully submitted,  
Jennifer Clarke  
Recording Secretary



