**MINUTES**

**SELECTMEN’S MEETING**

**GRIFFIN ROOM, TOWN HALL**

**MONDAY, MARCH 18, 2019**

**6:30 P.M.**

**SELECTMEN PRESENT:** Ballantine, Howell, Kavanagh, MacAskill, McManus

**OTHERS PRESENT:** Town Administrator Christopher Clark, Chief Guillemette, Deputy Chief Tom Gagnon, Joe Stone, Cyndi Williams, William Crowell, Allin Thompson, Barbara-Anne Foley, John Foley, Peg Rose, Dana DeCosta, Linda Cebula, and others.

**WEEKLY BRIEFING**

Chief Guillemette introduced the police appointments as presented on the Consent Agenda.

**CONSENT AGENDA**

1. Minutes:
2. February 11, 2019 Regular Session
3. February 19, 2019 Regular Session
4. Approve 2019 Seasonal Liquor License Renewals
5. Approve 2019 Seasonal General License Renewals
6. Approve Hayride Special Permit Application and authorize the Chair to sign
7. Approve the 2019 Long Pond Bass Tournaments
8. Approve appointments per the recommendation of the Police Chief for the following:
9. Promotion of Lt. Kevin Considine to position of Deputy Chief
10. Promotion of Sgt. Adam Hutton to position of Lieutenant
11. Promotion of Officer Amy Walinski to position of Sergeant
12. Appointment of Thomas Gagnon as Special Police Officer
13. Appointment of Joseph A. Stone as Special Police Officer

Mr. McManus moved approval of the Consent Agenda with the exception of Item A2 and the recommended actions thereon. It was noted that Mr. Howell had changes to the minutes of February 19, 2019. Mr. MacAskill seconded the motion and the motion carried by a unanimous vote.

**PUBLIC HEARINGS/PRESENTATIONS** *(Not earlier than 6:30 P.M.)*

1. Public Hearing (**continued from 3/11/19)** – Application for a Seasonal, Common Victualler, All Alcoholic Beverages License by Capeside Kitchen Inc. d/b/a Capeside Kitchen, 537 Route 28, Harwich Port – Glen Jamieson, Manager.

Mr. Clark said the attorney indicated that the Board would have to include in their motion to list the hours and also indicate that it would not be detrimental to the spiritual and educational elements of the church. Mr. Waystack noted concerns including that the church is only 25 feet from the restaurant and there is a daycare program with a shared walkway and driveway. He asked the Board to reject this application. Bruce Nightingale, church member, spoke against the application noting that it is detrimental to the mission of the church and added that it is just too close. He urged the Board to deny the application. Alice Driftmeyer, chair of the church trustees, said the safety of the parking lot, the parishioners and the children are of great concern to them. Randy Sact, a deacon at the church, also expressed concerns about the after school program, the elderly and the shared driveway. Mr. Crowell, church member, discussed the history of the church and said he doesn’t see the need for a liquor license next door to the church. He also discussed safety and noise issues related to a liquor license and the activity of the church. He noted that the benefits don’t outweigh the risks. He asked that they find the liquor license detrimental to the spiritual activities of the church. Ms. Karin Larson discussed traffic issues that should be considered. Pam Roberts, church member, emphasized that the Augustus Snow applied for a liquor license many years ago and that was turned down. She asked that the Board turn down this request. Mr. Rosadini, co-owner, said they aren’t looking to become a bar or to change from being a breakfast/lunch family restaurant. Mr. Ballantine suggested eliminating Sundays and special events and Mr. Rosadini said he was not looking to eliminate special events. Mr. MacAskill asked if the daycare and after school programs are in the summer and Mr. Sact responded that they have Vacation Bible School in the summer as well as other activities for the community. Mr. MacAskill asked when the after school program starts and Ms. Cartmell said it runs from August to June and discouraged trying to work their programs around the liquor license. She said they open after school. Mr. Crowell suggested that the applicant have special events without liquor. He added that the focus shouldn’t be on the day care but rather on all church activities. Mr. MacAskill said he also had concerns about the special events. Mr. Howell questioned the value of having a liquor license from 12-2 Sundays and 11-2 on weekdays which is the most he would be considering. He also had concerns about having special events and commented that we aren’t lacking for pouring licenses in Harwich Port. He said he was disturbed about granting a license where there has never been a history of any pouring there. He said he is uncomfortable with the 25 feet distance between the church and the restaurant. Mr. Rosadini said he would like to be open no earlier than noon on Sundays and 10 or 11 on weekdays. Mr. Ballantine moved that the Board vote to approve a Seasonal, Common Victualler, All Alcoholic Beverages License by Capeside Kitchen Inc. d/b/a Capeside Kitchen, 537 Route 28, Harwich Port with hours authorized to be as follows: 11:00 to 2:00 Monday through Saturday and specifically excluding Sunday and further that the Board finds at the hearing that the approval of said license will not be detrimental to educational and spiritual activities of the Pilgrim Congregational Church. Mr. MacAskill seconded the motion. Mr. Howell stressed that it is disingenuous to say this is not detrimental to the church because the church is saying that it is and considering the distance between them he doesn’t see how it couldn’t be detrimental. The Board discussed the Ballarin factors in relation to this application. The Board took comments from Mr. Thompson who spoke in support of the church. The motion carried by a 3-1-1 vote with Mr. Howell in opposition and Mr. McManus abstaining from the vote.

1. Presentation - Wastewater Program Updates – David Young, CDM Smith

David Smith and Michael Giudice of CDM Smith provided a Power Point presentation covering the following topics: Phase 2 - State Revolving Fund (SRF) Status, Pumping Station Design, Easement Status, Harwich Program Cost Estimates, and DHY Status Update. They took questions and comments from the Board. Mr. Pelletier offered to get feedback from other towns on the different pumps, specifically submersible versus suction-lift pumps, in response to concerns from the Board although he explained they are both going to work. He stressed that every town is different and the flows are going to be different. He commented that he would prefer to see the pumps above ground. Mr. Ballantine asked CDM Smith to come back with more costing information. Mr. Smith said he would be happy to supply Mr. Pelletier with names of other operators and take him for site visits. Mr. Smith and Mr. Giudice took questions from residents.

1. Authorization for the Town Administrator to execute all Sewer Collection System – Phase 2 SRF grant or loan activities – *vote to authorize*

Mr. Howell moved authorization for the Town Administrator to execute all Sewer Collection System Phase 2 SRF grant or loan activities. Mr. Ballantine seconded the motion and the motion carried by a 4-1-0 vote with Mr. MacAskill in opposition.

**NEW BUSINESS**

1. Approve new application for Weekday Entertainment and Innholders Licenses for Harwich Inn and Tavern, 77 Route 28 in West Harwich

Mr. Tsoukalas, owner, introduced himself and said he is seeking entertainment for his business. Mr. Clark said the applicant is seeking noon to midnight and in Harwich Port outside activities end at 10:00. Mr. McManus stated in the past the outside entertainment was cut off at 8:00 p.m. at this establishment. Mr. Tsoukalas said he isn’t the past owner and he runs things differently. He said he would have no problem ending at 10:00. Mr. Ballantine said he could live with 10:00. Mr. MacAskill said we should have a public hearing and notify abutters. Mr. Howell said although not required, we should have a public hearing. It was agreed just to have a notice to the abutters with no newspaper advertisement. Mr. McManus moved to approve the application for Innholders License. Mr. MacAskill seconded the motion and the motion carried by a unanimous vote.

**WARRANT ARTICLES – REVIEW RECOMMENDATIONS**

Mr. McManus moved to take the position of supporting Articles 1, 2 and 3 as follows. Mr. Balllantine seconded the motion and the motion carried by a unanimous vote.

1. Customary Articles
* Town Officers & Committees
* Reports of Town Officers & Committees
* Elected Officials Salaries

Mr. McManus moved to support the customary articles as follows. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

1. Petition Articles
* Defray Costs for the Chase and Harwich Port Libraries
* Promote the Town of Harwich
* Supplement Annual Allocation of Mass Cultural Council For Local Cultural Council Grants

Mr. McManus moved to take a position of support on the following article which transfers from available funds $26,170 for our town’s share. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

* Pleasant Bay Alliance

Mr. Patrick Otton of 49 Kendrick Road provided a presentation on the following petition article. There was discussion among the Board about implementation issues. Mr. Howell moved to support a positive recommendation for this. The motion was not seconded. Chairman Kavanagh said as a petition article, it will be included in the warrant. Mr. Clark asked Mr. Otton to come into the office and they would work on a motion.

* Amend the Code of the Town of Harwich to prohibit procurement of and dispensing beverages in plastic containers of any size

Maria Ruddin, proponent of the petition article, spoke on this article. Mr. Clark noted that this is non-binding per Town Counsel. Chief Guillemette explained that the Police Department doesn’t have the authority to enforce federal immigration laws. Chairman Kavanagh noted that as a petition article, it will be included in the warrant.

* Refrain from Using Town Funds/Resources to Enforce Federal Immigration Laws

There was no discussion on these petition articles.

* Support for Legislation to Change State Seal and Motto
* General By-Law Amendment to Ban the use of Single-Use Plastic Straws
* Amendment to the Harwich Board of Health Regulations - Flavored Tobacco Products
* Selectmen’s Public Record of Votes

Ms. Cebula spoke on the following article.

* Amend the Code of the Town of Harwich Charter – Update the Name “Selectmen” to “Select Board”

Mr. McManus moved to take a position of support of Article 58 and 59. Mr. Ballantine seconded the motion and the motion carried by a 4-1-0 vote with Mr. Howell in opposition. Mr. McManus moved to take a position to indefinitely postpone Article 57. Mr. Ballantine seconded the motion and the motion carried by a 4-1-0 vote with Mr. Howell in opposition.

1. Pet Burial Ground Articles
* Article 57 - Rescind Article 57 of the 2016 Annual Town Meeting – Pet Burial Ground
* Article 58 - Establish Annual Revolving Fund for the Pet Burial Ground
* Article 59 -Complete Construction of the Pet Burial Grounds
1. Cemetery Articles

Mr. McManus moved to take a position of support for the following article. Mr. MacAskill seconded the motion. Mr. DeCosta indicated that the Finance Committee is recommending a few changes. Mr. MacAskill withdrew his second as he asked to see changes that the Finance Committee made. The Board agreed to bring this item back.

* Amendments to Cemetery Rules and Regulations

Mr. McManus moved to take a position of support on the following article. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

* Cemetery Arboretum Project – Mapping and Software

The following items were not addressed:

1. Planning/Zoning
* Single-family dwelling with accessory apartment
* Freestanding Portable signs
* Retaining walls for septic systems
* Special provisions for lifting existing structure to new and appropriate elevations
* Provide funding for an Update of the Town’s Local Comprehensive Plan
1. Land Matters Articles
* Approve Easement for Verizon and Eversource Energy at 1464 Orleans-Harwich Road (Rte. 39) for Fire Station 2
1. Miscellaneous Articles
* Solar Photovoltaic Energy Systems
* Amendment to the Agreement Between the Towns of Chatham and Harwich for the formation of a Regional School District

1. Approve the Annual Election Ballot – *sign*

Mr. McManus to approve the Annual Election Ballot and sign it. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

**TOWN ADMINISTRATOR’S REPORTS**

1. Status of Recruitments:
2. Assistant Town Administrator

Mr. Clark reported that interviews were held.

1. Town Engineer

Mr. Clark reported that interviews are being lined up.

1. Executive Assistant to the Town Administrator

Mr. Clark reported that we are looking at applications.

1. Departmental Reports

The above item was not addressed.

**ADJOURNMENT**

Mr. MacAskill moved to adjourn at 10:37 p.m. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel

Recording Secretary