

RECEIVED
TOWN CLERK
HARWICH, MA

MINUTES
SELECTMEN'S MEETING
TOWN HALL

APPROVED

2022 JUN 28 A 10: 28 MONDAY, MARCH 7, 2022
5:45 P.M. - EXECUTIVE SESSION
6:30 P.M. - REGULAR MEETING
REMOTE PARTICIPATION OPTIONAL

RELEASED

SELECTMEN PARTICIPATING: Michael MacAskill, Julie Kavanagh, Mary Anderson, Donald Howell and Larry Ballantine

ALSO PARTICIPATING: Town Administrator Joseph Powers

CALL TO ORDER

Mr. MacAskill called the meeting to order at 5:45 p.m.

Ms. Anderson moved to go into executive session 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, 2nd by Mr. Howell. The vote was 5-0-0 with Mr. MacAskill, Ms. Kavanagh, Ms. Anderson, Mr. Howell & Mr. Ballantine voting aye by roll call.

EXECUTIVE SESSION

- A. 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

Mr. MacAskill called the meeting back to order following Executive Session. He reported that they did ratify the agreement with HMEA for one year. The Board had discussions with respect to other unions but no decisions were made.

PUBLIC COMMENTS/ANNOUNCEMENTS

Harwich Chamber of Commerce Executive Director Cyndi Williams was present. Ms. Williams recognized Brad Willis, William Schneeweiss & Matt Eldredge of the Harwich Fire Department for going above and beyond to assist a resident who had reached out to the department for assistance.

Mr. Powers reported that the Monomoy Regional School District has announced that registration for 2022-2023 kindergarten is now open. Any children in Harwich or Chatham age 5 or older can be registered. Additional information can be found at monomoy.edu. Informational sessions will be held on March 22 from 5:00 p.m. -7 p.m. and March 23 from 9:00 a.m.-1:00 p.m. at both elementary schools. For more information, the regional school district can be reached at 508-430-7216.

Patrick Otton was present remotely. He had submitted a letter to the Board and is now reading it into the record. Mr. Otton stated that he understands that it is a tough job to be a Selectmen. He went on to talk about the February 28 meeting regarding the possible appointment of a resident to

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the Planning Board. Mr. Otton feels that the behavior of an elected official was not appropriate and feels that the Chair of the Board of Selectmen should step down. Mr. Otton stated that he would like to see better behavior from the Board.

WEEKLY DISCUSSION

A. Discussion on Fiscal Year 2023 Capital Outlay Budget

Mr. Powers reviewed the information that was provided in the Board's packet. The Board is scheduled to meet jointly next week with the Finance Committee and Capital Outlay Committee. There is a proposal that has come in from the Board of Water and Wastewater Commissions. Mr. Powers stated that the request has come in after the COC voted the FY23 budget. As of today, they have not heard the request and the earliest that they could debate the matter would be next Monday night.

Mr. Howell stated that the charter speaks to a capital outlay plan over an arch of time. He understands what the intent of the request might be, but added that generally when anything gets added to the capital plan, it would be for year 5. Mr. Powers responded that this is the first time that we are doing the 5-year plan instead of the 7-year plan.

Ms. Kavanagh said that he has been looking at the line items for FY23 to see if anything can be moved around.

Mr. Ballantine asked for clarification on a few line items, including the green community utilities. Mr. Powers responded that both he and the COC will be prepared to have more in depth conversations at next week's meeting. With respect to the green community line item, the town needs to initially front the money and then as we move forward, the number will be reduced.

Mr. MacAskill commented that the Board will have some hard things to decide soon and that direction needs to be given to the Town Administrator and Finance Director.

B. Upcoming joint meetings between the Board of Selectmen and Finance Committee at Town Hall

1. Thursday, March 10, 2022 at 6:00 p.m.
2. Thursday, March 17, 2022 at 6:00 p.m.

Mr. Powers received the dates for the joint meetings. Various department head's and representatives from the Monomoy Regional School District will be present at the meetings.

Mr. MacAskill commented that there are a lot of department's that are listed to attend the meetings. The bulk of the exercise is to address budgets that have not been approved to date. Mr. Powers responded that his understanding was that the Board wanted to hear from any department that was cut to be able to make their case. The Finance Committee would also like to meet with any department who had a budget increase.

Finance Committee Chair Jon Chorey was present and confirmed that they did send a list of departments that the committee wanted to meet with. They would also like to meet with the schools, Water Department and Fire Department. The Finance Committee had an in depth discussion on March 3 where they went through every line item.

Mr. MacAskill suggested that an email be sent out tomorrow to departments that don't need to be present at the meetings.

Water Superintendent Dan Pelletier was present to review the request that is being made. Although the request from the Water and Wastewater Commission is a late addition, he feels that it is important. There was a 1.2 trillion dollar job acts bill that was passed. Mr. Pelletier stated that the money will be funneled into the states and put into the existing programs, the SRF program as an example. Part of the urgency for doing this last minute is that if we wait until next year, we will be in the project budget with everyone else who is pursuing the funds.

Mr. Powers feels that this is a good news/bad news situation. The bad news is that this is something that the COC has not vetted yet and that we don't have a dollar amount yet. Mr. Pelletier added that there are 4 projects that have been identified as potential projects. Mr. Powers went on to say that the good news is that a funding source, the water retained earnings, has been identified. Mr. Powers feels that the COC should be given the opportunity to hear this presentation next week.

Ms. Anderson asked if it is too late to add items to the warrant, and added that she does support going after this money. Mr. Powers responded that it is not too late. Mr. Howell disagreed with Mr. Powers and said that the Board would have to give a placeholder to the Finance Committee for warrant article. Mr. Powers responded that he would have to defer to the Board and Town Counsel.

After further discussion, Mr. Powers said that he would get an opinion from Town Counsel on adding to the warrant.

C. Any and all matters related to Fiscal Year 2023 Annual Town Meeting Budgets

Mr. Ballantine asked about a discussion last week regarding funds that were transferred into the wastewater account, which was done to create a separate tracking mechanism. Finance Director Carol Coppola was present and reviewed how the wastewater account was funded.

CONSENT AGENDA

- A. Vote to authorize the Chair to sign step increase for the Harwich Fire Department per contract
- B. Vote to approve Caleb Chase in amount of \$298.00
- C. Vote to approve Caleb Chase in amount of \$697.00
- D. Vote to approve Board of Selectmen meeting minutes:
 - 1. November 16, 2020
 - 2. June 14, 2021
 - 3. May 17, 2021

Ms. Anderson moved to approve the consent agenda as presented, 2nd by Mr. Howell. The vote was 5-0-0 with Mr. MacAskill, Ms. Kavanagh, Ms. Anderson, Mr. Howell & Mr. Ballantine voting aye by roll call.

NEW BUSINESS

- A. Discussion and possible vote regarding management of the Robbins Pond Conservation Area

Conservation Administrator Amy Usowski was present. A couple of years ago, the Conservation Commission had applied for and received \$20,000 in CPA funds to better manage our conservation Board of Selectmen

areas. One of the areas that the Conservation Commission feels needs better management is the Robbins Pond conservation area. Ms. Usowski presented a map of the area. The current proposal is to put gates up on the access roads to the area. She reported that the dirt track is in such poor condition that only higher vehicles and ATV's can drive down the path. Because of its remoteness, this area is very desirable, but also attracts a lot of undesirable activities. In addition to the gates, they are proposing to demolish the old pump house. A blockade was put up to try and prevent ATV's and bonfire activity that happens in the area, however people were simply going around the blockade. There is a lot of trash and dumping that happens along the road. The Conservation Commission hopes to better manage this area in a way that is environmentally safe. Ms. Usowski stated that the abutters to this area are in favor of the gates. The Commission is also proposing more parking areas at the gate so that people can park and walk the area. The sentiment of the Commission is to put up 2 gates that would prevent vehicular access and try to promote better passive recreation in the area.

Ms. Anderson asked if both the Police and Fire Departments would have access through the gates. Ms. Usowski responded that they would and added that they all met at the site and it was agreed that this is a problem area.

Mr. Ballantine stated that this has been a problem for years and that he is glad that it is being addressed. He added that in the past, the Conservation Department had trail cameras in the area. Ms. Usowski responded that some of the cameras have been stolen, but they are in the process of obtaining more.

Ms. Kavanagh thanked Ms. Usowski for the information and asked if she has any idea how much money it has cost the town to clear out the trash and debris. Ms. Usowski responded that she could follow up with DPW on cleanup costs, but that it would be mainly staff time. Ms. Usowski added that she is personally afraid of the fires that happen routinely in this area.

Mr. MacAskill stated that there are a lot of answers for this area, but feels that gates are not one of them. He argued that the potholes on the road are very passable when there is no water in them. The money that would be used for the gates could simply be used for t-base to fill the holes and to notch out some of the puddles so that they can properly drain. He feels that gates would prohibit some cars, but not the ones that are causing the problem. Mr. MacAskill commented that he would be in favor of cameras and giant boulders. While he isn't saying that the fires are a good idea, Mr. MacAskill said that a sandpit is probably the safest area for them. People hunt in this area and park in the various turn-offs. Mr. MacAskill feels that we should be encouraging the use of this land while still trying to address the dumping issues. He is not a fan of blocking a town road, but is a fan of trying to fix the problem.

Ms. Usowski said that the Conservation Commission did not make this decision lightly. This area is more remote than other conservation areas in town. She recognizes that the gates will not stop all ATV use in the area, but would lessen it. Ms. Usowski stated that abutters are concerned about the misuse of the property.

Mr. MacAskill asked what issues the gates would solve other than the dumping issue. Ms. Usowski responded that parking along the sides of the road and the numerous other trails that have been made are leading to habitat fragmentation of conservation land. She added that there is not supposed to be vehicular access or fires in conservation areas. Mr. MacAskill feels that you are not going to stop ATV trails going to the bog. He asked the Board members to go walk the property and Ms. Usowski responded that she would be happy to walk the area with them.

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Mr. Ballantine said that the goal has been to try and stop some of the car traffic that is bringing dumping to the area. He would like to see this topic explored further.

Ms. Kavanagh stated that she would be interested in going to the area. If the Conservation Commission has money allotted from CPC to try and better the situation, Ms. Kavanagh understands why Ms. Usowski would make this a priority.

Ms. Anderson said that she would be interested in hearing from the Fire Chief and Police Chief on this topic.

The Board agreed to walk the area and bring this back for further discussion.

Wayne Coulson was present and said that he is opposed to blocking off any roads in town, especially this one. This area is part of the history and culture of Harwich. He asked if the funds could be used to fix the road so that people can drive down there and enjoy the area.

B. Update from the Conservation Commission on the proposed new changes to Harwich Water Dependent Structures Bylaw Chapter

Conservation Administrator Amy Usowski was present with Conservation Commission members Brad Chase & Ernie Crabtree.

Mr. MacAskill stated that this dialogue will be kept to the proposed changes to the bylaw and will be brought back by the end of the month for a presentation from the Commission on the entire bylaw. A letter was submitted by a resident who suggested that the town seek opinion from Town Counsel.

Mr. Crabtree stated that there were 3 takeaways from the last Conservation Commission meeting. One being the seasonality of the docks, the 2nd being grandfathering of the existing docks and the 3rd was the proposed moratorium. The commission has said that docks can be in the water from April 15 through December 1. There is language in the bylaw that existing docks are not subject to the restriction.

Mr. Chase reported that the Conservation Commission held 8 public hearings from 2019 through 2021 to look at the regulation as a whole. One area of high concern is Herring River. The hope is to reduce impacts on the river. Mr. Chase went on to review the setback requirements and talked about proposed versus existing docks. The Commission had discussed increasing setbacks, but could not come up with a resolution. The proposal is to have a 5-year moratorium on new docks in Herring River, to try and reduce any negative impact. During the 5-year moratorium, the Commission would like to have a study done on the river. The Conservation Commission voted to approve that change.

Ms. Anderson noted the volume of emails that she has received on this topic. One thing that struck her was a suggestion that any new docks would have to be approved at such a level that they would not create any issues. Another suggestion was to focus on the area of Route 28 by the overpass.

Mr. Chase responded that some of the existing docks were built a long time ago under different conditions. Part of the changes to the bylaw would include changes to the dock structures. New docks will help improve the area, but you will still have scouring from pilings that will decrease

conditions in the river. Mr. Chase feels that a study would go a long way to see what is causing the decline in river conditions.

Ms. Anderson noted that she did receive an email about a number of potential docks, 5 of which being already into the permitting and engineering phase. For that few, she would be hard pressed to tell the property owners that they could not have a dock, when they are paying higher taxes for living on the river. Mr. Chase agreed, but added you have to consider that the docks are still impacting the natural resources.

Mr. Howell would like to make sure that the Selectmen receive copies of all correspondence relating to this matter. He asked if the Conservation Commission had a public hearing on the proposed bylaw changes. Mr. Crabtree responded that there were 8 advertised hearings from 2019-2021, and that they are happy to schedule more. Mr. Chase added that the Commission also had 2 joint meetings with the Waterways Committee. He added that we need to make sure that the river as a town resource is protected and that there are a lot of moorings on the river that are used by people that don't live on the river.

Mr. MacAskill stated that a file of correspondence has been started with the Town Administrator's Office and that all documents should be in there. While he hears both sides of the argument, there are people who bought their houses on the river without a dock, so they knew what they were buying. Mr. MacAskill understands that there needs to be a balance with the property owners and protecting the resource.

Mr. Crabtree noted that not all of the docks that are being applied for will be permitted. There will be some that will have to be turned down because of the location.

Ms. Kavanagh asked if the study would include information on the existing docks, scouring, silt build up and fertilizer use. Ms. Usowski responded that they are still in the process of developing a RFP to see what the study should encompass.

The Board and attendees had a discussion on permitting docks with variances.

Ms. Kavanagh commented that it seems like the new docks are better designed with less of an impact to the area. Mr. Chase responded that they do see new docks with more spacing between planking and docks that are built higher up. In some cases monopoles have been used. Ms. Kavanagh went on to ask if people walking and dragging kayaks through the marsh would create more damage than a pier. Mr. Chase responded that damage would depend on the location and commented that docks are forever while pathways are not.

Ms. Usowski stated that there is nothing to prohibit applications from being submitted for docks before the potential moratorium.

Mr. Ballantine would like to allow at least some of the biologists to have input into the study. He asked if 5 years would be necessary to get results or would a shorter time period be workable. Ms. Usowski responded that the Commission did talk about the time frame and that they would at least need to look at the impacts over all of the seasons for at least one year. Mr. Ballantine suggested a 3-year option instead.

Sue Sangiolo from 9 Sketcheconet Way was present and commented that there are a potential 8 docks that could be permitted according to the bylaws and that some of them would require variances. She added that there were 2 public hearings but that the Commission never made any presentation of evidence. Ms. Usowski responded that they can put a link on the Town webpage with all of the photos from different locations. Ms. Sangiolo referenced a power point presentation that was never released to the public. Mr. Chase responded that the power point is public record and can be made available. Mr. MacAskill said that the Selectmen would be hearing this again at the end of the month and asked if the Conservation Commission could have a public meeting to do a presentation to the public so everyone can see exactly what is being proposed. The Board and Ms. Usowski discussed having a joint meeting with the Selectmen and Conservation Commission on March 27th. Ms. Sangiolo commented that no one has a problem with any of the proposed changes to the bylaw, their only issue is with the proposed moratorium. With respect to the joint meeting, Ms. Sangiolo would like to see specifics on what will be included in the study.

Mark Burgess of Shorefront Consulting was present and stated that he has been designing docks all over Cape Cod for 21 years. He has been involved in every public hearing for the last 2 years regarding the proposed bylaw changes. In general, the proposed changes go a long way to clarify and standardize Harwich with what other towns are doing. He supports all of the bylaw changes with the exception of the proposed moratorium. There is no guarantee that the moratorium could ever be lifted and he is concerned that people can still walk all over the marsh to drag in their kayak. Mr. Burgess said that he would email his comments to the Board.

Pam Newberg was present and stated that she has been doing shellfish surveys in and around Cape Cod for 25 years. She has also attended the public meetings. Ms. Newberg's comments were similar to the previous speaker. She feels that it would not be right to withhold the privilege of a waterfront property owner from having a dock, knowing that their property taxes are going to increase. Ms. Newberg added that a moratorium for a small number of docks is not needed and that a study can be done without a moratorium. If the Commission wants to improve shellfish habitat, then you can improve water quality through nitrogen management.

Catharine Ricks from Coastal Engineering was present and said that she submitted an email today with her comments.

Michele Hunton from Rubin and Rudman was present. She has been before the Conservation Commission in the last several years for a variety of dock projects. Ms. Hunton commented on the moratorium from a legal perspective. She commented that the town must first show that there is a rational reason for its action and provide specific quantitative evidence. The second step would be the study. She feels that the Commission has not shown the evidence in order to conduct the study and that the 5-year moratorium is excessive. Most moratoriums from between 18 months to 2 years. Ms. Hunton suggested that the Commission make their decisions on a case by case basis and that there are a lot of ways that the Commission could address their concerns without a broad moratorium. Mr. MacAskill asked Ms. Hunton to submit her comments in writing to the Board.

C. Discussion and possible vote to formally accept the American Rescue Plan Act (ARPA) award in the amount of \$1,270,886

Ms. Anderson moved to formally accept the American Rescue Plan Act (ARPA) award in the amount of \$1,270,886, 2nd by Mr. Howell. The vote was 5-0-0 with Mr. MacAskill, Ms. Kavanagh, Ms. Anderson, Mr. Howell & Mr. Ballantine voting aye by roll call.

- D. Discussion and possible vote to designate the Town Administrator as American Rescue Plan Act (ARPA) Certifier and to designate the Finance Director as American Rescue Plan Act (ARPA) Reporter relative to the Barnstable County ARPA Application Portal

Ms. Anderson moved to designate the Town Administrator as American Rescue Plan Act (ARPA) Certifier and to designate the Finance Director as American Rescue Plan Act (ARPA) Reporter relative to the Barnstable County ARPA Application Portal, 2nd by Mr. Howell. The vote was 5-0-0 with Mr. MacAskill, Ms. Kavanagh, Ms. Anderson, Mr. Howell & Mr. Ballantine voting aye by roll call.

- E. Discussion and possible vote to amend Article III, Boards and Committees, § 7-10 of the General Bylaws, specifically the Planning Board member composition from seven (7) members to five (5) members

Mr. MacAskill asked the Board if they would like to postpone this discussion due to the late hour of the meeting. He added that this topic has been brought up because Planning Board members have complained that they are not able to get a quorum. A memo was provided in the packet that reads to the Town Planner's vision on this. The Board agreed to bring this up at a later date.

- F. Discussion and possible vote to accept Stanley Pastuszak's request to become an alternate member of the Conservation Commission

Ms. Anderson moved to accept Stanley Pastuszak's request to become an alternate member of the Conservation Commission, 2nd by Mr. Howell. The vote was 5-0-0 with Mr. MacAskill, Ms. Kavanagh, Ms. Anderson, Mr. Howell & Mr. Ballantine voting aye by roll call.

- G. Discussion and possible vote to accept the Committee Appointments recommended by the Interview Committee:
1. Wayne Coulson – Full member – Conservation Commission – Term expires 6/30/2023
 2. Stanley Pastuszak – Alternate member – Conservation Commission – Term expires 6/30/2024

Ms. Anderson moved to accept the Committee Appointments as recommended by the Interview Committee for Wayne Coulson – Full member – Conservation Commission – Term expires 6/30/2023 & Stanley Pastuszak – Alternate member – Conservation Commission – Term expires 6/30/2024, 2nd by Mr. Howell. The vote was 5-0-0 with Mr. MacAskill, Ms. Kavanagh, Ms. Anderson, Mr. Howell & Mr. Ballantine voting aye by roll call.

OLD BUSINESS

- A. Discussion and possible vote on the response to the Massachusetts Housing Finance Agency (MassHousing) review of an application for Site Approval submitted by Kemah Apartments, LLC (Chloe's Path project)

Mr. Powers stated that the cover letter provided in the packet was after consultation with the Assistant Town Administrator and the Director of Planning and Community Development.

Also included in the packet is information that has been accumulated from town staff and minutes from previous discussions. Mr. Powers is looking for direction from the Board based off of the LIP discussions that took place last fall where there was a 3-2 vote to not support the LIP application.

Mr. MacAskill noted that there were a lot of pros and cons brought up at the previous meetings that that a lot of information was provided by the applicants.

Mr. Howell feels that everyone should have whatever say they want when coming to the table. He added that a lot of information was provided with the application and he would hate to have points missed because there is so much text.

Ms. Kavanagh said that there needs to be some way to prioritize the issues, but good and bad, but that the number one thing that we can all agree upon is that the wildlife restriction needs to be addressed as well as the all-encompassing traffic study. She added that the traffic study needs to include information from the summer months as well as during school hours.

Mr. Ballantine does not want to see this overcomplicated and thinks that the Board can pull out 6-10 themes that run through each of the documents.

Besides the fact that we need to resolve any restrictions, Mr. Howell commented that the application that went to the Massachusetts Housing Partnership pretended that there were no encumbrances.

Mr. Howell moved that the Board of Selectmen affirm that the response letter to the Massachusetts Housing Finance Agency (MassHousing) review of an application for Site Approval submitted by Kemah Apartments, LLC (Chloe's Path project) can be signed by the Board of Selectmen Chair, 2nd by Ms. Anderson. The vote was 5-0-0 with Mr. MacAskill, Ms. Kavanagh, Ms. Anderson, Mr. Howell & Mr. Ballantine voting aye by roll call.

Mr. MacAskill stated that his biggest concerns with the project are density, height of the building and the environmental impacts. He asked that Mr. Powers best articulate the Board's concerns in the letter. In addition, all application information should be posted on the website. Attorney Andrew Singer was present. He asked that any personal information provided in the documentation be redacted and not posted on the website.

Brian Bush from Heritage Properties was present. He feels that the process was fair and open and recognizes that there is sentiment for and against the project.

Peter Gorey from 226 Sisson Road was present. While he respects the team and what they have tried to do, Mr. Gorey feels that the application to Mass Housing was lacking in detail and filled with errors of fact. Mr. Gorey commented that he has not seen any information regarding the septic system and the additional workforce housing units that were discussed in the final of 5 meetings in front of the Selectmen. The sheer density of the project is concerning to him and his neighbors and no changes to the size of the project have been made. Mr. Gorey doesn't think that the developer has any intention to adjust their application before the Zoning Board of Appeals to make the project smaller. Mr. MacAskill noted that the additional workforce housing was at the request of the Selectmen to try and get support for the project.

Because the Selectmen did not vote to support the application, the applicant is not obligated to have the additional workforce housing.

Mr. Bush stated that the 8 additional workforce housing units are still on the table and they are proposing 96 units.

- B. Discussion and possible vote to establish an interview date for Local Planning Committee (LPC) prospective members

The Board and Mr. Powers discussed possible dates to hold interviews.

It was agreed to tentatively schedule an interview date for the Local Planning Committee prospective members to be held on April 2, 2022 to begin at 9:00 a.m.

- C. Update from the Town Administrator on Open Meeting Law training for all boards, committees and department heads

Mr. Powers stated that KP Law provides annual training for all boards, committees and department heads. He made contact with KP Law several weeks ago and we are working on coordinating a date. Mr. Powers is urging that we do this after Town Meeting and before the fiscal year begins.

Ms. Anderson asked if this is something that is done every year. Mr. Powers responded that this is something that we try and do on a regular basis.

Mr. Powers will come back to the Board with possible training dates.

- D. Discussion and possible vote on Request For Proposal for Saquatucket Harbor Food Concession

Mr. Powers stated that this discussion is for the Board to decide if they want to finalize the process with the bidder that has been determined to be responsive, or if the town would like to go in a different direction. He is recommending that the Board move forward with the winning bidder.

Ms. Anderson stated that she feels no reason to go back out to bid.

Mr. Howell stated his concerns about the amount of time that it will take the town to recoup is expenses based on the contract and that the 3-year contract bothers him with respect to a responsible responsive bidder.

Ms. Kavanagh said that we have what we have and the Board should not hamper the process. After 3 years, we can redesign the RFP. This could be our chance to move forward with a fresh start.

Mr. Ballantine & Mr. MacAskill would like to move ahead with the bidder.

Mr. Howell would like a clear understanding of what the domain of the establishment is. Mr. Powers responded that the boundaries are clearly delineated from the town's perspective. Their area is the restaurant where the pouring happens and certain number of tables on the deck.

Harbormaster John Rendon was present and reviewed where all of the “no alcohol beyond this point” signs are located. Mr. Powers added that if someone goes beyond those areas, then they are breaking the law.

Mr. Powers commented that he is excited about this organization to come on board. They have given a great proposal and thinks that it will be a great season at the harbor.

Arthur Donowski was present and announced that he was the bidder. They are very excited to be in Harwich and promised to make the location someplace that people are proud of.

Ms. Anderson moved to award the contract for the Saquatucket Harbor Food Concession to Becaff LLC DBA Poco NYC as presented, 2nd by Ms. Kavanagh. The vote was 5-0-0 with Mr. MacAskill, Ms. Kavanagh, Ms. Anderson, Mr. Howell & Mr. Ballantine voting aye by roll call.

CONTRACTS

A. Discussion and possible vote to approve the extension request contract from CDM Smith for the Cold Brook project

Mr. Howell stated that he would not be voting for this extension request because of who the company is. He feels that a lot of things were not competitive and that they have done damage to the town.

Ms. Anderson moved to vote to approve the extension request contract from CDM Smith for the Cold Brook project, 2nd by Mr. Ballantine. The vote was 4-1-0 with Mr. MacAskill, Mr. Ballantine, Ms. Anderson & Ms. Kavanagh voting aye and Mr. Howell voting nay by roll call.

TOWN ADMINISTRATOR'S REPORT

Mr. Powers congratulated the Town of Harwich Cemetery Director as her varsity cheerleading team has qualified for state competitions. All around it was a banner year for the Monomoy Sharks.

SELECTMEN'S REPORT

Ms. Anderson asked if going forward, there could be a penalty clause in the contracts if contractors are not able to meet deadlines. Mr. Powers responded that he could work with Town Counsel on standard language for contracts.

CORRESPONDENCE

No correspondence was discussed.

ADJOURN

Mr. Howell moved to adjourn the meeting of the Selectmen, 2nd by Ms. Anderson. The vote was 5-0-0 with Mr. MacAskill, Ms. Kavanagh, Ms. Anderson, Mr. Howell & Mr. Ballantine voting aye by roll call.

Respectfully submitted,
Jennifer Clarke
Recording Secretary