

RELEASED

APPROVED

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TOWN CLERK  
HARWICH, MA

MINUTES  
BOARD OF SELECTMEN  
DONN B. GRIFFIN ROOM, TOWN HALL 2023 MAY -9 A 10: 59  
732 MAIN STREET, HARWICH, MA  
REGULAR MEETING 6:00PM  
MONDAY, APRIL 24, 2023

**MEMBERS PARTICIPATING:** Michael MacAskill, Chairman, Mary Anderson, Vice Chair, Larry Ballantine, Don Howell and Julie Kavanagh

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

**CALL TO ORDER:** Chairman MacAskill called the meeting of the Board of Selectmen to order at 6:00PM on April 24, 2023.

**PLEDGE OF ALLEGIANCE:**

Chairman MacAskill invited attendees to join in the Pledge of Allegiance.

**PUBLIC COMMENTS/ANNOUNCEMENTS**

Bernadette Waystack of the Harwich Cultural Council noted all upcoming events beginning this Wednesday. She described each event in detail including Art Week events. There will be a ribbon cutting ceremony for the two Cultural Districts on May 5th. May 7th will be the final date, information and details are on the website.

Cindy Williams, Director of the Harwich Chamber of Commerce noted the new magazine which she had distributed and noted where copies will be available for the public. She also noted that the Town Warrant dinner at the 400 East has been cancelled. Other upcoming events were mentioned. Details are on the website

Brianna Powell, Housing Advocate noted that the Cape Cod Commission is working on a regional housing strategy and noted when and where the meetings will take place. She also announced that the Housing Office will be hosting a homebuyers seminar virtually on June 1st.

Carolyn Carey, Community Center Director noted upcoming events.

**A. Committee Vacancies**

Ms. Anderson highlighted the Capital Outlay Committee noting that there are two openings and explained the importance of the Committee to the town. The application forms are available on the website.

**B. Memorial Day Celebration May 29, 2023 at 9:30 am Brooks Park**

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Mr. Powers gave details of the Town's Memorial Day Ceremony.

## **PUBLIC PRESENTATIONS/PUBLIC HEARINGS**

### **A. Presentation by Kristy Senatori, Executive Director of the Cape Cod Commission - 2022 Year end review**

Ms. Senatori shared updates from the Cape Cod Commission. Also present was Sarah Colvin, Communications Manager. She also recognized Jackie Edson and Elizabeth Harder from Harwich for their work with the Commission. She highlighted water quality, coastal resiliency in climate change and the work they are doing on housing, updating each in detail. She distributed information as a profile for the Town of Harwich regarding housing development and noted what the Commission is doing for each town. She noted when the stakeholder meetings will be and what they hope to accomplish.

Board members offered comments, observations, expressed concerns and asked questions which Ms. Senatori replied to and answered in detail.

Elizabeth Harder, Harwich Delegate to Barnstable County Assembly of Delegates commented on and addressed the specific concerns of the Board and also answered questions in detail.

### **B. Public Hearing - Approve a license transfer of an Annual, on-premise, all alcohol liquor license from WFS Restaurant Group, Inc. d/b/a Red River Barbecue to Red River Barbecue, LLC located at 787 Route 28**

Mr. Howell read the Public Hearing Notice aloud.

Jeremiah Reardon and Marion Hobbs, Attorney representing Mr. Reardon were present.

Chairman MacAskil asked for questions or comments and there were none.

Mr. Howell moved to close the public hearing, seconded by Ms. Anderson. Vote 5:0 in favor.

Mr. Howell, noting that the Police Department has no objections to the transfer, moved to approved the license transfer as presented, seconded by Ms. Anderson.

Vote 5:0 in favor.

## **CONSENT AGENDA:**

- A. Approve Board of Selectmen Meeting Minutes from April 10, 2023
- B. Approve Board of Selectmen meeting Minutes from April 18, 2023
- C. Approve the annual Harwich Police Department re-appointments

Mr. Howell moved to prove the Consent Agenda as presented, seconded by Ms. Anderson.  
Vote 5:0 in favor.

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**NEW BUSINESS:**

A. Vote to appoint a member of the Board of Selectmen as the Harwich Representative to the Cape Cod Commission for the three-year term effective April 25, 2023 through April 24, 2026

Mr. MacAskill made a correction and gave an explanation, this should be a reappointment. By agreement, this item will be on the May 8th Agenda for a reappointment.

Jackie Edson, Harwich Representative to the Cape Cod Commission, stated that she will be present on May 8th and will give a brief update of activities to date.

B. Approve a Special Permit for a one day wines and malt liquor license for Harwich Cranberry Festival - Event to be held at 204 Sisson Road on May 5, 2023, 6:30 p.m. to 9:00 p.m.

Mr. Howell moved to approve the Special Permit as presented, seconded by Ms. Anderson. Vote 5:0 in favor.

C. Approve a fee waiver request for the use of Doane Park Saturday, May 27 for the Garden Club of Harwich annual plant sale in the amount of \$175 (\$50.00 Board of Health, \$75.00 Building Department sign permit, \$50.00 Recreation Department)

Mr. Howell moved to approve the fee waiver as presented, seconded by Mary Anderson.

Mr. MacAskill commented that he is normally against fee waivers, however for the Garden Club and what they do for the town, it would be hard not to give this fee waiver.

Vote 5:0 in favor.

- D. Approve the 2023 renewal of expanded outdoor dining of the following:
1. Zack, Inc. d/b/a Castaways - 986 Route 28
  2. Ember Pizza Inc, d/b/a Ember - 600 Route 28

Mr. Howell moved to approve the 2023 renewal of expanded outdoor dining as presented, seconded by Ms. Anderson. Vote 5:0 in favor.

**OLD BUSINESS:**

A. Discussion in next steps - Land of Low Value Sale

Mr. Powers noted the requisite auctions of low value land that took place on October 26, 2022. The Town was required to have a second auction for anything not sold on that date, which was held on November 16, 2022. He explained next steps on any lands that have not sold.



Board members asked questions and agreed that Mr. Powers should go forward on next steps, asking Departments if they have use for the land and then bringing the information back to the Board.

Mr. Powers explained that evaluating the process regarding the low value land is something that he and the Treasurer/Collector are working on.

#### B. Discussion on 2023 Annual Town Meeting Warrant Articles

Mr. Powers stated that the Warrant Books, which were published in the Chronicle, are expected to arrive Tuesday or Wednesday this week. The Books and the Annual Town Reports will be available. He is compiling his book with information on the Articles to ensure that he has answers to questions at Town Meeting.

Ms. Kavanagh referred to Article 59, and clarified that her vote was included to support the Article for Town Meeting but she does not personally support the Article.

Mr. MacAskill noted that they did not include her vote on the Petition Articles. He also asked Mr. Powers to give an explanation to the Board on Article 22, Preservation Act Land Bank Debt Service in the amount of \$166,000. His understanding is that it is also in Article 4 in the Operating Budget.

Mr. Powers replied that they are Indefinitely Postponing Article 22 because the payment is built into the Operating Budget and they are trying to avoid a double entry. If Article 4 passed with that element in, it's a moot point by Article 22. He will speak to that process at Town Meeting and follow up with CPC and the Finance Committee.

Mr. Howell commented that the results of IP-ing Article 22 are differently than if they do it differently, regarding where the money will go.

Mr. Powers replied that the funding source is already identified in Article 4, which is the CPC funds, for the same purpose.

#### **CONTRACTS:**

##### A. Vote to approve a Memorandum of Understanding with Meals on Wheels

Mr. Howell moved to vote to approve the Memorandum as presented, seconded by Ms. Anderson. Vote 5:0 in favor.

##### B. Vote to approve a unit-price contract in the sum not to exceed \$1,000,000 with Robert B. Our Co., Inc. for Drainage Infrastructure and Installation throughout the Town.

Mr. Howell moved to vote to approve a unit-price contract as presented, seconded by Ms. Anderson.

Mr. Ballantine questioned the difference in the dollar amount and the price.

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Mr. Powers replied with the answer.

Vote 5:0 in favor.

C. Vote to approve a unit price contract in the amount not to exceed \$125,000 with Markings Inc., for pavement markings throughout Town

Mr. Howell moved to vote to approve a unit price contract as presented, seconded by Ms. Anderson. Vote 5:0 in favor.

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

Mr. Powers gave an update on a contract that he had executed, . He also thanked Meggan Eldredge, Assistant Town Administrator, his team and the Board for their support while he was on vacation. He stated that he has had a conversation with Selectman Ballantine and it is his intention to name Mr. Ballantine as his designee to serve on the Board of Trustees of the Harwich Affordable Housing Trust Fund effective May 22nd.

#### **SELECTMEN'S REPORT:**

After discussion, the Selectmen agreed to be at Town Meeting at 6:30PM.

#### **CORRESPONDENCE:**

None

#### **ADJOURNMENT:**

Mr. Howell moved to adjourn, seconded by Ms. Anderson. Vote 5:0 in favor.

Meeting adjourned.

Respectfully submitted,

Judith Moldstad  
Board Secretary

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