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TOWN CLERK  
HARWICH, MA

2022 JUL 26 P 3: 26

**MINUTES  
SELECTMEN'S MEETING  
TOWN HALL  
GRIFFIN ROOM  
MONDAY, MAY 9, 2022  
5:45 PM EXECUTIVE SESSION  
6:30 PM REGULAR MEETING**

RELEASED

APPROVED

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

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

**CALL TO ORDER:**

Chairman MacAskill opened the Board of Selectmen's meeting for May 9, 2022 at 5:45 PM. Ms. Anderson moved to enter into Executive Session, 2nd by Mr. Howell. Vote 5:0 in favor by roll call. Motion carried unanimously.

**EXECUTIVE SESSION**

- A. Pursuant to MGL 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;
- B. Pursuant to G.L. c 30A, sec 21(a)(2) to conduct strategy sessions in preparation for negotiations with non-union personnel and to conduct contract negotiations with the non-union personnel.

Mr. MacAskill reopened the Board of Selectmen's meeting reporting that in Executive Session they discussed collective bargaining for all town unions as well as negotiations for non-union personnel, no decisions were made. He invited attendees to join him in the Pledge of Allegiance.

**PUBLIC COMMENTS/ANNOUNCEMENTS**

- A. Rabies Vaccine distribution Notice

Katie O'Neill, Health Director announced that the rabies bating will be taking place, information is in the packet. Also Outer Cape Health Care donated many COVID tests, distribution information will be on social media and the website.

Lou Urbano of West Harwich congratulated the Board on a successful Town Meeting He commented on and asked the Board to examine the source of the Free Cash. He noted questions the public has, requested answers and voiced concerns.

Cindy Williams, Executive Director of the Chamber of Commerce announced that they are selling the Treasure Chest stickers. Beach stickers are also available.

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Richard Waystack, Chair of the Warwick Board of Assessors updated on the Assessing Parcel Location and Identification Report and shared data. He noted that they are short staffed and suggested a part time employee to work specifically on this project.

### **PUBLIC HEARING**

#### **A. Review the proposed amendments to the Harbor Management Plan, Section 8.2 Class D Permit (Passenger Boat)**

Ms. Anderson read the Public Hearing Notice.

Mr. MacAskill opened the Public Hearing.

John Rendon, Harbormaster gave an overview, information is in the packet.

Len Greiner offered an overview of his history and experience on Cape Cod. He also described the vessel that he is having built.

Mr. MacAskill asked for any public comments, no response.

Mr. Howell moved to close the Public Hearing, 2nd by Ms. Anderson. Vote 5:0 in favor by roll call. Motion carried unanimously.

Mr. Howell is in favor, it's in the right hands.

Ms. Anderson is in favor, it'll be a nice addition to Harwich.

Ms. Kavanagh agrees and is excited, she is in favor.

Mr. Ballantine commented that it broadens what is available in Harwich, he is in favor.

Mr. MacAskill commented that the Greiners are very qualified business people. He has no doubt it will be a positive draw.

Ms. Anderson moved to vote to approve the proposed amendments to the Harbor Management Plan, Section 8.2 Class D Permit (Passenger Boat), 2nd by Ms. Kavanagh. Vote 5:0 in favor by roll call. Motion carried unanimously.

#### **B. Discussion and possible vote to approve the New, On Premise, Seasonal, All Liquor License for Ashwood Food Service, Inc. d/b/a Jake's at Cranberry Valley - 183 Oak Street (continued from May 2, 2022)**

Ms. Anderson read the Public Hearing Notice.

Mr. MacAskill stated that this was opened on May 2, 2022 at the Community Center and continued until tonight.

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Mr. Anderson moved to open the hearing for Ashwood Food Service Inc. as presented, 2nd. by Mr. Howell. Vote 5:0 in favor by roll call. Motion carried unanimously.

Mr. MacAskill opened the Public Hearing and commented that this is for Cranberry Valley Golf Course and Jake Rooney's. All information is in the packet. He asked if anyone in the public wished to comment. No response.

Mr. Howell moved to close the Public Hearing, 2nd by Ms. Anderson. Vote 5:0 in favor by roll call. Motion carried unanimously.

Mr. Howell moved to grant the license as requested, 2nd by Ms. Anderson. Vote 5:0 in favor by roll call. Motion carried unanimously.

### **CONSENT AGENDA**

- A. Vote to approve the following Board of Selectmen Meeting Minutes
  - 1. December 6, 2021
  - 2. December 13, 2021
  - 3. December 14, 2021
  - 4. September 21, 2020
  - 5. September 28, 2020
- B. Vote to approve Caleb Chase requests for the following amounts;
  - 1. \$867.10
  - 2. \$999.91
  - 3. \$1,000.00
  - 4. \$1,000.00

Ms. Anderson moved to vote to approve the Consent Agenda with a name correction on the September 21st minutes, 2nd by Mr. Howell.

Vote 5:0 in favor by roll call. Motion carried unanimously.

### **NEW BUSINESS**

- A. Discussion, recap, and debrief on Annual Town Meeting 2022 and next steps.

Mr. MacAskill thanked everyone involved with Town Meeting. He does not think it could have gone any better.

Mr. Howell commented that people need to understand that they can't tell the Board or demand that they do things.

Ms. Anderson also thought it went well. She would like the Warrant book to have more verbiage with more explanations and she gave an example. She offered to help with that.

Ms. Kavanagh agrees, that would have helped people on how money can be spent. Anything that helps people understand would be something she supports. She would like to see more people attend Town Meeting.

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Mr. Ballantine commented that he missed the screen for hearing impaired people. He thinks it's a requirement for those who need it and he asked that it be brought up for next year again.

Town Administrator Powers replied that they will have that or replace it with something more suitable. He wants it to be as accessible as possible.

Mr. Waystack commented on pre-Town Meetings that have been done in the past that was a training program. He suggested they have a training for people who are coming to Town Meeting for the first time.

Mr. MacAskill noted that there were a lot of events going on while Town Meeting was held, sporting events etc. He suggested reaching out to the schools to work on schedules so parents can attend. He also suggested that the Board explore other times Town Meeting may be held.

Martha Donovan, member of the Capital Appropriation Committee would like to see a debt schedule in the warrant next year and she gave her reasons.

Town Administrator Powers thanked everyone who participated in Town Meeting. He was encouraged by the number of people who attended, it was a very successful Town Meeting. He noted that they've had sub department head meeting to get answers to questions posed at Town Meeting and talk about what is next and he listed items.

#### B. Discussion on Town Administrator's presentation of the draft calendar of 2023 Annual Town Meeting

Town Administrator Powers commented on the great work of the Voter Information Committee. He presented the draft calendar for 2023 and it will be entered into the record of the meeting. He highlighted key dates. His goal is to make sure that the Board is aware of perspective CPC applications late August, early September so they can start building the Warrant earlier and more thoroughly.

Mr. Howell commented that during that pandemic they had better attendance outside on a Saturday than the second night of this meeting, and it's done in one day. He referred to the Charter and noted it'll take 2 years to change from whenever it's started.

Town Administrator Powers commented that they Board sets the time of Town Meeting. The Moderator would welcome an earlier start time which can be done without changing the Charter.

Ms. Anderson commented on the chart of dates and asked if they were the existing prescribed dates. She thought they were trying to get things done a bit sooner.

Town Administrator Powers replied yes and gave examples of dates that could be moved up. He referred to the Charter and specific date requirements and also noted when the Board can get the articles to the Finance Committee.

Mr. Howell commented that these dates are “no later than” dates and if the Board choses to pull things back, they can do that.

Ms. Kavanagh commented that they had difficulty with their meeting in March with Department Heads and their budgets. She suggested the sooner they get ahead of that and find dates they are all available, the more helpful that’ll be.

Mr. MacAskill commented on how the Finance Committee doesn’t have enough time to get the job done. He also noted that the Board creates Articles all year long and if there is anything to stop them from building it, voting it and putting place holder in it.

Town Administrator Powers replied that there is nothing keeping them from doing that. He and staff have already started working on articles for next year.

Mr. Ballantine asked the Town Administrator to take a critical look at the Board and tell them what they can be doing better on making these discussions and moving it forward.

Town Administrator Powers referred to the joint meeting with the Finance Committee and suggested that if the Board could start working on dates soon, then staff could work with the Finance Committee to choose a date for that meeting. He suggested, that would be helpful. He has a date that he could suggest.

Mr. Howell commented that the people in Harwich have not had a problem voting on an issue at Town Meeting if it is something that can’t wait the 5-7 years.

Mr. MacAskill noted that they will be discussing the Capital Plan, questions, changes etc. in the near future. There is confusion around the new process that need to be clarified.

Mr. Ballantine commented that he was looking for constructive criticism. He does agree that the earlier they can have the financial discussions, the better.

C. Discussion and possible vote to designate the Assistant Town Administrator as American Rescue Plan Act (ARPA) Reporter relative to the Barnstable County ARPA Application Portal changing from Carol Coppola.

Ms. Anderson moved to vote to designate the Assistant Town Administrator as presented, 2nd by Mr. Howell. Vote 5:0 in favor by roll call. Motion carried unanimously.

D. Discussion and possible vote to accept the closure and relinquished the Annual, On Premise, All Alcohol Liquor license held by the Harwich Inn and Tavern - 77 Route 28

Ms. Anderson moved to vote to accept the closure and relinquished liquor license as presented, 2nd by Mr. Howell. Vote 5:0 in favor by roll call. Motion carried unanimously.

E. Discussion and possible vote to approve a Special Permit for one day entertainment for the Harwich Conservation Trust Walk ’n Wag Event to be held at 10 Headwaters

Drive on May 14, 2022 from 11:00 AM to 2:00 PM - Entertainment Type: Recorded or Live music with amplification outside.

Ms. Anderson moved to vote to approve a Special Permit as presented, 2nd by Mr Howell.

Patty Smith from Harwich Port explained this event and hopes it'll be a fun event for everyone. She hopes the Board will grant this permit, music makes everything more fun.

Vote 5:0 in favor by roll call. Motion carried unanimously.

F. Discussion and possible vote on procuring a second appraisal for the owner unknown parcel related to the Harwich Affordable Housing Trust Properties located at Pleasant Lake Avenue.

Town Administrator Powers noted that the Affordable Housing Trust has been actively working on these properties. On that, the town is required to have an appraisal done.

Mr. Howell noted that appraisals are increasing, they have an expert in both real estate and appraisals. He asked Mr. Waystack if it would be a better number than 4 months ago.

Mr. Waystack explained that it has a lot to do with who the appraiser is, a local person who owns Harwich would be better. The difficulty now is getting an appraiser. He suggested getting professional advice from people who know the market and can help in the decision as to whether or not another appraisal should be done.

Mr. MacAskill asked Mr. Waystack if the property in question is worth \$170,000.00, he does not think it is worth that much.

Mr. Waystack noted that it is an opinion and he commented that it could be a little overpriced. If there were comps, it would help.

Mr. Howell commented that another concern of his is that in imminent domain it can't be an off the cuff opinion. An appraisal is required to set the money in escrow.

Mr. Waystack replied that the town has one but the question was, should they get another. More information is needed to make that decision.

Mr. Howell suggested having a market analysis done.

By consensus of the Board, they will have a market analysis done.

G. Discussion and possible vote to approve the 2022 Expanded Outdoor Table Service Applications for:

1. Zack, Inc. d/b/a Castaways - 986 Route 28
2. WFS Restaurant Group, Inc. d/b/a Red River Barbecue (previously L'Alouette) - 787 Route 28

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3. 554 Street Bar LLC d/b/a Three Monkeys - 554 Route 28
4. MT Group LLC d/b/a Mad Minnow Bar & Kitchen - 554 Route 28

Mr. Anderson moved to vote to approve the Expanded Outdoor Table Service Applications as presented, 2nd by Mr. Howell. Vote 5:0 in favor by roll call. Motion carried unanimously.

### **OLD BUSINESS**

A. Discussion and possible vote on potential appointment of members to the Local Planning Committee (LPC)

Mr. MacAskill referenced a memo in the packet from the Town Administrator. By majority the Board has agreed on 10, for the 11th there are 3 candidates.

Mr. Howell made a plea to set aside at least one spot for somebody who is interested in preserving the natural assets of the community. He is advocating for Clara McLardy and stated his reasons.

Ms. Anderson agreed, Clara represents a different point of view and she feels there is a place at the table.

Ms. Kavanagh commented that most applicants had an interest in protecting Harwich, She is advocating for Ed McManus and stated her reasons.

Mr. Ballantine commented that he is interested in having a diverse group. He endorsed Clara McLardy.

Mr. MacAskill comments that Mr. McManus represents exactly what has been mentioned. He endorsed Mr. McManus.

Mr. Howell moved to appoint Clara McLardy to the last position, 2nd by Ms. Anderson. Vote 4:1 in favor by roll call. Motion carried.

Mr. MacAskill noted that Clara McLardy is added to the list as the 11th.

Mr. Howell moved to approve the list submitted in the packet for the first 10 as presented, 2nd by Ms. Anderson. Vote 5:0 in favor by roll call. Motion carried unanimously.

B. Discussion and possible vote to approve and sign the deed for the sale of 5 Bells Neck Road to John Carey

Ms. Anderson moved to vote to approve and sign the deed for the sale of 5 Bells Neck Road to John Carey, 2nd by Ms. Kavanagh. Vote 5:0 in favor by roll call. Motion carried unanimously.

### **CONTRACTS**

A. Discussion and possible vote to execute and authorize the Chair to sign a contract for dog impoundment services with the Animal Rescue League - \$7,000

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Ms. Anderson moved to vote to execute and authorize the Chair to sign for dog impoundment services with the Animal Rescue League - \$7,000, 2nd by Mr. Howell. Vote 5:0 in favor by roll call. Motion carried unanimously.

- B. Discussion and possible vote to approve the Barnstable County Dredge Contracts for;
1. Allen Harbor Channel Dredge Project
  2. Wychmere Harbor Channel Dredge Project

Ms. Anderson moved to vote to approve the Barnstable County Dredge Contracts as presented and to authorize the Chair to sign, 2nd by Mr Howell.

Mark Kelleher of West Harwich commented on the West Harwich Jetty Reconstruction Project. He asked how much of the Harbors' are under private control and how much are public. He feels there could be some cost sharing.

Mr. MacAskill noted that these dredge projects are not related to the West Harwich project.

Mr. Kelleher agreed, he is interested in the cost sharing of the Allen Harbor Reconstruction Project.

Mr. MacAskill replied that they will follow up.

Vote 5:0 in favor by roll call. Motion carried unanimously.

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

Town Administrator Powers noted contracts that he was able to execute and noted the amounts.

Mr. Howell commented on an issue with a few of the lights.

Town Administrator Powers will follow up with the DPW.

Mr. MacAskill asked that the LCP membership each be sent a letter from the Board of their appointment and note that they will hear from the Board. He requested a letter be sent to all the other applicants suggesting other committees.

Mr. Howell suggested they not mention other committee, the LCP may have another opening that they could fill.

### **SELECTMEN'S REPORT**

Ms. Kavanagh reminded all about the COVID test pickup.

Mr. Ballantine commented on the Treasure Chest, it looks fantastic and they are doing well.

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Mr. MacAskill commented on the theft of political signs. Someone a Mass DOT truck was seen taking a sign, a follow up resulted in that person saying they would put it back. Mr. MacAskill would like to follow up to find out why they took that one, if they'd taken more and where the people who paid for those signs could recover them. It needs to be addressed as a town and he would appreciate an answer.

Ms. Kavanagh noted that signs should not be on public land.

Mr. Howell moved to adjourn, 2nd by Ms. Anderson. Vote 5:0 in favor by roll call. Motion carried unanimously.

Respectfully submitted,

Judith R. Moldstad  
Recording Secretary

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