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HARWICH, MA
2022 JUL 26 P 3:26

MINUTES
SELECTMEN'S MEETING
TOWN HALL
GRIFFIN ROOM
MONDAY, MAY 16, 2022
5:30 PM EXECUTIVE SESSION
6:30 PM REGULAR MEETING
REMOTE PARTICIPATION OPTIONAL

RELEASED

APPROVED

SELECTMEN PARTICIPATING: Chairman Michael MacAskill, Vice Chair Julie Kavanagh, Larry Ballentine and Donald Howell

ALSO PARTICIPATING: Town Administrator Joseph F. Powers

CALL TO ORDER:

Chairman MacAskill opened the Board of Selectmen's meeting for May 16, 2022 at 5:30 PM.

Mr. Howell moved to go into Executive Session for the following 4 reasons:

- A. Executive Session pursuant to G.L. c. 30A, s. 21(a)(2)-former Town Administrator Christopher Clark
- B. Pursuant to MGL c30A 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.
- C. Pursuant to G.L. c 30A, sec 21(a)(2) to conduct strategy sessions in preparations for negotiations with non-union personnel and to conduct contract negotiations with non-union personnel.
- D. Pursuant to MGL c30A, s21(6) to consider the purchase, exchange, lease or value or real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.

We will return at the conclusion of Executive Session, 2nd by Ms. Kavanagh. Vote 4:0 in favor by roll call. Motion carried unanimously.

Mr. MacAskill reopened the Board of Selectmen's Meeting reporting that the meeting in Executive Session was for 4 topics.

On:

- A. A vote was taken, no announcements will be made at this time as this is possible pending litigation.
- B and C. No votes were taken.
- D. Decisions were made, no announcements will be made at this time.

PLEDGE OF ALLEGIANCE

Mr. MacAskill invited attendees to join him in the Pledge of Allegiance.

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PUBLIC COMMENTS/ANNOUNCEMENTS

Mark Kelleher of West Harwich expressed concerns about the J1 students' safety while on bikes. He asked if there is anything the Police Department or the Town can do to help educate them. He also spoke regarding short term rentals. He suggested the town be ready to move when able.

Mr. MacAskill will get that back on the agenda in a reasonable amount of time.

Dave Guillemette Chief of Police noted that the Cape Cod Regional SWAT Team had requested use of the range on Depot Rd. and he gave details.

Mr. Ballantine commented that in the past they have had some success with the bikers. To some extent that is the responsibility of the business community.

Cindy Williams, Executive Director of the Harwich Chamber of Commerce commented that in the past there has been a dinner for the employees to educate them on this issue. Nothing is planned as of now but they are working on a date.

Mr. Howell noted the importance of the SWAT Team using the range at night.

Ms. Kavanagh encouraged Chief Guillemette to do whatever he can to get the word out so people know what is happening.

PUBLIC HEARING

A. Discussion and possible vote to approve the transfer of a Seasonal, On Premise, All Alcohol Liquor License from Pleasant Bay Group, Inc. d/b/a Wequassett Inn to Round Cove Resort Beverages LLC d/b/a Wequassett Inn - 2173 Route 28

Ms. Kavanagh read the Public Hearing Notice

Mr. MacAskill opened the Public Hearing

Alton Chung, General Manager of the Wequassett Resort and Golf Club is present to answer any questions.

Attorney Dennis Quilty, representing the applicant, explained that it is a corp to corp transfer, no change of location, capacity or hours.

Mr. Howell moved to close the Public Hearing, 2nd by Ms. Kavanagh. Vote 4:0 in favor by roll call. Motion carried unanimously.

Mr. Howell commented on the past management, no complaints, he sees no problem with this.

Mr. MacAskill welcomed the new ownership.

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Mr. Howell moved to agree to the transfer as submitted, 2nd by Ms. Kavanagh. Vote 4:0 in favor by roll call. Motion carried unanimously.

CONSENT AGENDA

- A. Vote to approve four Caleb Chase requests each in the amount of \$1,000
- B. Vote to approve the following Board of Selectmen Meeting Minutes
 - 1. December 20, 2021
 - 2. March 28, 2022

Ms. Kavanagh moved to vote to approve the Consent Agenda as presented, 2nd by Mr. Howell. Vote 4:0 in favor by roll call. Motion carried unanimously.

NEW BUSINESS

- A. Discussion - Cape and Vineyard Electric Co-Operative (CVEC) Representative Appointment

Town Administrator Powers confirmed that this is a Board discussion for a position that is vacant.

Mark Kelleher of West Harwich asked that whoever is appointed take a message to the State House regarding power outages on Cape in the winter.

Mr. Howell clarified CVAC and what it does as an organization. He commented that what is needed is someone who understands that they represent Harwich.

Ms. Kavanagh agreed, that person needs to be knowledgeable.

Mr. Ballantine also agrees and commented that they need to use this forum and others to find the person who will represent Harwich in a most favorable way.

Town Administrator Powers commented that there will be movement on a number of issues over the next fiscal year. This is a key position to fill as soon as possible. He mentioned someone previously interested.

Mr. Howell noted that the application process is the same as other committees. He would like a range of candidates.

Town Administrator Powers commented that he was not endorsing the person he previously mentioned. He was indicating that a CVAC representative would be helpful in decision making over the next fiscal year.

Mr. Howell commented that it doesn't have to be somebody who is presently serving on the Utility Committee. There has only been one application and that was months ago.

Ms. Kavanagh will follow up.

B. Discussion and possible vote to approve the Recreation Commission's recommendation to adjust Beach and Beach parking Lot closing times - Proposed time 6:00 a.m. to 10:00 p.m.

Mr. MacAskill notes that the recommendation is in the packet with an outline from Eric Beebe.

Ms. Kavanagh commented that if a fire permit is issued, people often don't start fires until 9:00 p.m. and this would tell them to be off the beach at 10:00.

Mr. MacAskill commented that this topic warrants Eric Beebe, Director of the Recreation Department, being present. He is inclined to bring this back for conversation.

Mr. Howell would like this continued, the memo does not say if anyone from the public was present at the public hearing. He does not see pulling back on something people like.

Mr. Ballantine would like to see a full discussion.

Dave Guillemette, Chief of Police noted that he attended that meeting and noted others who attended. He stated that parking lots close at 10:00 pm and beaches midnight and the issues that occur.

Mr. MacAskill commented that he attended a meeting and noted what beaches were discussed. He noted places where public beaches abut resorts and private beaches. He feels people are invited to Harwich and then told don't make noise and now they can't be on the beach after 10:00 pm. He noted that some people fish during the night. He needs more information and would like to know what other towns have done. This is a blanket statement for all beaches. He would like another meeting with Mr. Beebe present.

Bob Nickerson of Harwich Port noted incidences on the beaches close to his residence, specifically in regards to fires. He also noted cars speeding in the area.

Mr. MacAskill commented that the fire issue would be for the Fire Chief, what the permits are issued for etc. Speed bumps would be for the DPW to address. He hears the concerns and will bring this back.

Mr. Howell noted that closing the beach will not stop all the nonsense. The police department doesn't have enough officers to police this. He would like to know how many police calls there have been over a period of time and how many fire calls there have been.

Ms. Kavanagh noted the process involved in the Rec Department issuing a fire permit. If people are using pallets and having bon fires that is against the law and the police could get involved.

Mr. MacAskill summarized the concerns that have been voiced.

Town Administrator Powers noted that he would like to meet with the Department heads to confirm that the town has a comprehensive response to these issues.

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C. Discussion and possible vote to approve a Transient Vendor license for Andale on Wheels - business Address: 137 Azalea Drive, Harwich - Mobile Food truck will travel for events and park on private property

Ms. Kavanagh moved to vote to approve the Transient Vendor license as presented, 2nd by Mr Ballantine, Vote 4:0 in favor by roll call. Motion carried unanimously.

D. Discussion and possible vote to approve an event permit for Port Summer Nights hosted by the Harwich Chamber of Commerce - Wednesday nights in July and August from 5:00 PM to 8:00 PM - to include live and/or recorded music with amplification located at various businesses in Harwich Port.

Ms. Kavanagh moved to vote to approve the event permit as presented, 2nd by Mr. Howell. Vote 4:0 in favor by roll call. Motion carried unanimously.

E. Discussion and possible vote to approve a road race and one day entertainment permit application for the Harwich Road Race hosted by the Harwich chamber of Commerce - June 25, 2022 - Music to be held outside at Harwich Chamber and Mad Minnow Bar & Kitchen - 12:00 PM to 2:00 PM - Recorded or live music with amplification - Road race starts and ends at 1 Schoolhouse Road

Ms. Kavanagh moved to vote to approve the road race and one day entertainment license was requested, 2nd by Mr. Howell. Vote 4:0 in favor by roll call. Motion carried unanimously.

Cindy Williams Executive Director of the Chamber of Commerce shared her excitement for these events along with details. The bands are carefully placed.

F. Discussion and possible vote to approve a new 2022 Seasonal Common Victualers license - Saquatucket Snack Shack LLC d/b/a Dockside - 715A Route 28 - *Pending building department approval*

Ms. Kavanagh moved to vote to approve the Seasonal Common Victualers license as requested, 2nd by Mr. MacAskill.

Mr. Howell noted that the application in the pocket has the Building Commissioner's signature.

Mr. MacAskill commented that he has been informed that all the pieces that were read into the motion have been received.

Ms. Kavanagh rescinded "Pending building department approval".

Mr. MacAskill rescinded the same from his 2nd.

Ms. Kavanagh noted, for the public, the Snack Shack at Saquatucket will be opened for the season.

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Vote 4:0 in favor by roll call. Motion carried unanimously

G. Discussion and possible vote to approve a new 2022 Seasonal Common Victualers license - Ashwood Food Service, Inc. d/b/a/ Jake's at Cranberry Valley - 183 Oak Street - *Pending receipt of a Certificate of Insurance and a completed Workers comp affidavit.*

Mr. MacAskill noted that the pending documents have been received.

Ms. Kavanagh moved to vote to approve a new Seasonal Common Victualers license as requested, 2nd by Mr. Howell. Vote 4:0 in Avon by roll call. Motion carried unanimously,

H. Update by the Town Administrator on the Barnstable County Proposed Budget for Fiscal Year 2023

Town Administrator Powers referred to an article that is in the packet regarding the county budget which is looking to cut several line items including information technology. He explained the effect on the town if those cuts go through. It is an unfortunate situation and he urged Board members to reach out to their counterparts in the county.

Mr. Howell noted that this has been a year's long conversation. An action like this does not make anyone want to engage in something like this again.

Ms. Kavanagh agreed. She noted that they are getting paid for the services.

Mr. Ballantine reached out to a delegate when he learned of this, she is not part of the Reconciliation Team. He asked for clarification on how they can bail out of a two year contract in year one.

Town Administrator Powers replied that the inter-municipal agreement is set to end at the end of this fiscal year. He noted that had they known, they may have done something differently and stated that this is not a good way to operate.

Mr. Ballantine commented that they offer these things to the town, the town takes advantage of them and then they bail out. It is unacceptable.

Elizabeth Harder, Harwich Delegate to the Barnstable County Assembly was online and commented that they are working on the tech staffing problem. She is on the Broadband and Tech Committee and assumes they will be having a meeting shortly. She noted that the delegates, she and Bourne combined, do not have enough votes to override the rest of the Assembly. Once the budget is passed they will be working on how to fix this.

I. Update from the town Administrator on Barnstable County American Rescue Plan (ARPA) Funds

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Town Administrator Powers noted that Barnstable County's ARPA portal is live. He noted that each town has its allocations set aside. He explained details and what is and is not available through the portal. He noted the 4 areas he expects to have success. He thinks Harwich can be an applicant in the portal this fiscal year. He noted of the 10 million, \$616,000+ is set aside for Harwich.

Mr. MacAskill asked what formula they used to arrive at the \$616,000.

Town Administrator Powers replied that it was along the lines of proportional representation. These funds have to be expended by December 31, 2026.

Mr. Ballantine asked for clarification on if the County is still debating how the funds will be sourced out.

Town Administrator Powers replied yes for the money in addition to the 10 million. Any allocations set aside for the town will be in the manner as they have done so far.

TOWN ADMINISTRATOR'S REPORT

Town Administrator Powers noted that he will be celebrating 3 years in the Town of Harwich and he thanked this Board, prior Boards and the residents and wished himself a happy anniversary.

SELECTMEN'S REPORT

Mr. Howell pointed out that tomorrow is election day and encouraged a people to vote and noted they need a positive vote on the road maintenance program and noted other issues.

Ms. Kavanagh congratulated the Cape Charter Lighthouse School on their presentation. She wanted them to know there will be a proclamation acknowledging their accomplishment.

Mr. Ballantine noted that at Town Meeting they passed the Monomoy School Agreement and Chatham also passed it. He hopes to equalize funding for the elementary school.

Mr. Howell moved to adjourn, 2nd by Ms. Kavanagh. Vote 4:0 in favor by roll call. Motion carried unanimously.

Respectfully submitted,

Judith R. Moldstad
Recording Secretary.

May 16, 2022

