

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
TUESDAY, NOVEMBER 12, 2013
7:00 P.M.**

SELECTMEN PRESENT: Ballantine, Cebula, Hughes, LaMantia, McManus

OTHERS PRESENT: Robert C. Lawton, Jr., Interim Town Administrator

Mr. McManus moved to go into executive session pursuant to M.G.L. c. 30A, § 21(a)(6), to consider the purchase, exchange, lease or value of real estate regarding the Downey Property and pursuant to M.G.L. c. 30A, § 21(a)(2), to discuss strategy in preparation for negotiations with nonunion personnel if an open meeting may have a detrimental effect on the bargaining position of the public body regarding Real Estate Counsel. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote. Open session adjourned at 6:46 p.m and re-opened at 7:00 p.m.

SELECTMEN PRESENT ON REOPENING OF PUBLIC SESSION: Ballantine, Cebula, Hughes, LaMantia, McManus

OTHERS PRESENT ON REOPENING OF PUBLIC SESSION: Robert C. Lawton, Jr., Interim Town Administrator, Chief Clarke, Caren Hazart-Roshan, Arnie Lett, Howard Cahoon, and others.

PUBLIC COMMENT/ANNOUNCEMENTS

A. Accept proceeds from the Irish Pub Road Race for the Harwich Fire Department

Chief Clarke accepted a check in the amount of \$1,000 for the Harwich Ambulance Fund from Brendan O'Reilly of the Irish Pub. Chief Clarke stated that the Fire Department is happy to be part of this event and thanked Mr. O'Reilly on behalf of the Department.

Chairman LaMantia announced that the contract has been sent to the Mr. Clark for signature and he has indicated he will be signing it. Chairman LaMantia further noted that we expect to have Mr. Clark in place on December 30, 2013.

CONSENT AGENDA

- A. Approve Minutes – October 21, 2013 Regular Meeting
- B. Vote to approve the request by Nstar Electric to provide underground service to 140 Uncle Venies Road
- C. Vote to award Contract for ITT46 COMA with Verizon for our ongoing telephone system for 5-years for a total amount of \$54,000 - *authorize the Chairman to sign*
- D. Vote to approve recommendation of the Police Chief to appoint Tyler J. Vermette as a full-time Regular Police Officer Effective March 23, 2014 to allow the Department to reserve an academy position for him

- E. Vote to approve Budget Certification Form SRB-3 as acknowledgement of Harwich's membership with the Cape Cod Mosquito Control Project - *authorize the Town Administrator to sign*
- F. Vote to reaffirm vote from Classification Hearing of November 4, 2013 to select a factor of "1"
- G. Vote to accept the gift of \$2,000 to the Recreation Department from the Harwich 5K Road Race Committee and the Harwich Chamber of Commerce Charitable Foundation
- H. Vote to approve the MOA to renew the Pleasant Bay Alliance as authorized by the May Annual Town Meeting.
- I. Vote to affirm the Town Administrator's appointment of Mr. Sean Libby as the new Facilities Maintenance Manager (14-day review per Charter)
- J. Vote to authorize the Town Administrator to sign the Community Innovation Challenge Grant for Mid Cape Regional Fire & Life Safety Training Partnership and to authorize the Town Administrator to sign
- K. Vote to approve application for Change of Manager to liquor license for Ashwood Food Service Inc. d/b/a Jake Rooney's
- L. Vote to approve contract agreement for the foundation construction portion of the Well 10 Iron and Manganese Removal Facility project and authorize Town Administrator to sign

Mr. Hughes moved approval of the Consent Agenda. Ms. Cebula seconded the motion. Mr. McManus noted that with regard to Item F, that the Board also should vote to reaffirm that we do not grant an open space exemption, that we do not grant a residential exemption, and that we do not grant a small commercial exemption, and the Board agreed to include as part of the Consent Agenda and motion. The motion carried by a unanimous vote.

PUBLIC HEARINGS/PRESENTATIONS *(Not earlier than 7:00 P.M.)*

- A. Continuation of Show Cause Hearing for Annual, All Alcohol, Package Store Liquor License held by Harvest Fine Wines and Spirits

Mr. Lawton reported that we thought we had a transfer application for this license but we were notified this morning by the landlord that a lease had not been agreed to. He noted that if we revoke the license we cannot reissue as it is an over-quota license. Mr. Arnie Lett, noted that he was representing Caren Hazart-Roshan, and stated that negotiations had broken down on the lease and they are currently seeking other locations. He asked the Board to continue the hearing. Mr. Lawton noted that the current holder of the license is not present but has been notified a number of times about the hearing. Ms. Cebula moved to continue the hearing until December 2, 2013. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

- B. **Public Hearing** – Application for Change of Location and Transfer of Annual, Package Store, All Alcoholic Beverages License held by D.J. Henry, Inc. d/b/a Pleasant Lake General Store, David J. Henry, Manager to Main Street Quik Pik, Inc. d/b/a Main Street Market, Anil Patel, Manager

Mr. Hughes read the hearing notice into record. Mr. McManus noted that he recused himself when this was license was last up for transfer but since then he has not been employed by Mr. Henry doing repairs at his store or house, he doesn't feel he has a conflict of interest and therefore he will be sitting in on the hearing without any reservation. Attorney Howard Cahoon, representing Main Street Quik Pik, presented the Affidavit of Notice to Abutters and abutter return receipt cards. He noted that the petitioner currently hold 2 liquor licenses, an Annual Wine and Malt Package Store and a Seasonal All Alcohol Package Store which they will relinquish if this license is granted. He further noted that they have never been charged with any violations, his establishment is convenient for the public and there is adequate parking. Mr. Cahoon introduced Gary Patel, principal and Anil Patel, manager. Mr. Lawton questioned if as manager, Mr. Patel would be dividing his time between here and the Watertown store and Mr. Cahoon responded that he would. Mr. Lawton further questioned if there would be an expansion of the liquor display area and Mr. Cahoon responded that there would not. Chairman LaMantia stated that Pleasant Lake General Store has not responded to the Board's request to identify the exact dates he wished to be closed and that is in violation of the Board's regulations. Mr. Henry of Pleasant Lake General Store responded that he just received the request yesterday. Ms. Cebula moved to close the public hearing. Mr. McManus seconded the motion and the motion carried by a unanimous vote. Mr. McManus moved to grant the transfer of the package store license from Pleasant Lake General Store to Main Street Market. Mr. Ballantine seconded the motion. At Ms. Cebula's request, Mr. McManus amended his motion to include that the petitioner would return the two licenses he currently has and Mr. Ballantine agreed. The motion carried by a unanimous vote.

NEW BUSINESS

A. Request for Selectmen to support Community Innovations Challenge Grant for an after school program for Monomoy students – *discussion and possible vote*

Dan Tobin, Chatham Parks and Recreation Director said he is seeking to create a Middle School after-school program at the Chatham Community Center which would be a fee-charged program and have bus service. He noted that this grant is seeking vans and other equipment to facilitate the program. He stated that the fee structure will support the expenses of the program. Mr. Lawton questioned if the benefits and van would be registered to Chatham and Mr. Tobin responded yes. Mr. Tobin added that the cost would be the same for both Harwich and Chatham. Ms. Cebula moved to support the Community Innovations Challenge Grant for Monomoy students and that the Town Administrator be authorized to sign. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

ADJOURNMENT

Mr. Ballantine moved to adjourn the meeting at 7:41 p.m. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel
Recording Secretary