

RELEASED

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HARWICH, MA

APPROVED

MINUTES

BOARD OF SELECTMEN
DANA B. GRIFFIN ROOM, TOWN HALL
732 MAIN STREET, HARWICH, M 02645
EXECUTIVE SESSION 5:45PM
REGULAR MEETING 6:00PM
MONDAY, MARCH 20, 2023

2023 MAY 23 P 3:34

MEMBERS PARTICIPATING: Michael MacAskill, Chairman, Mary Anderson, Vice Chair, Donald Howell, Clerk and Larry Ballantine

ALSO PARTICIPATING: Joseph F. Powers, Town Administrator

CALL TO ORDER: Chairman MacAskill called the meeting of the Board of Selectmen to order on Monday, March 20, 2023 at 5:45PM. The Board will be going into Executive Session and returning to Open Session no later than 6:00PM.

Mr. Howell moved to vote to go into Executive Session pursuant to MGL 30A s21(a)(3) to discuss with respect to collective bargaining for all town unions if the Chair has determined that open session would have a detrimental effect on the town's bargaining Police Patrol and Superior Police Unions. Motion seconded by Ms. Anderson.

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

EXECUTIVE SESSION:

A. Pursuant to MGL c30A s21(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; Police Patrol and Superior Police Unions

Mr. MacAskill reopened the Board of Selectmen's Meeting reporting that in Executive Session they discussed with respect to collective bargaining for all town unions and the chair has determined that an open session would have a detrimental effect on the town's bargaining position; Police Patrol and Superior Police Unions. A decision was made, there are ongoing negotiations and no announcement was made.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENTS.ANNOUNCEMENTS

A. Committee Vacancies

Mr. MacAskill announced for the benefit of the audience, Petition Articles will be heard next week. He asked for Public Comments and Announcements.

Patrick Otton of East Harwich asked for the date, time and place of Town Meeting which is May 1, 2023 at 7:00PM at the Community Center. He also asked about a comment made at the Real Estate and Open Spaces Meeting regarding inaccuracies in citizens petitions concerning fertilizers and asked for clarification. Mr. MacAskill responded that he will get in touch with Mr. Otton, possibly this week and he also suggested that Mr. Otton speak with the Water Superintendent. He gave a brief overview of a previous lengthy discussion. Mr. Otton gave the Town Administrator additional information regarding the citizens' petition.

Carolyn Carey, Community Center Director noted that on Saturday, March 25th, due to circumstances beyond their control, the Community center will be closing at 2:00PM. She noted all of the upcoming events at the Community Center. All information is available on the website.

Ms. Anderson announced and listed the committee vacancies. Information and forms are available on the town's website.

Mr. Ballantine added that the Accessibility Rights Committee member Steve Duffy has passed away. He expressed sympathy and gratitude for all Mr. Duffy has done for the Town of Harwich.

CONSENT AGENDA

- A. Approve Board of Selectmen Meeting Minutes.
 - 1. March 6, 2023
- B. Accept a gift from Team Bonding of three little libraries for the Community Center
- C. Vote to approve the buyback of vacation time for the Fire Chief per the Employment Agreement Section 7
- D. Approve Jennifer Harrington, Harwich Animal Control Officer as the Inspector of Animals
- E. Vote to approve the Assistant Town Administrator's recommendation to grant permission by NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY for the purpose of to install 90' +/- of 2-4" conduit which is necessary to provide service at Turtle Run Orleans Road.

Mr. Howell moved to approve the Consent Agenda as presented, seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

JOINT MEETING WITH THE BOARD OF SELECTMEN AND BOARD OF WATER/WASTEWATER COMMISSIONERS

- A. Fiscal year 2024 Water/Wastewater Department Operating Budget

Vice Chair Allin Thompson, Jr. called the meeting of the Water/Wastewater Commissioners to order. Other members present: Noreen Donahue, John Gough and Gary Carreiro, Chairman. Dan Pellitier, Water/Wastewater Superintendent was also present to present the Budget.

Mr. MacAskill referred to the FY24 Operating Budget which the BOS members have seen. He asked Mr. Pelletier to note the highlights.

Mr. Pelletier noted highlights and reductions. The overall Budget number lines up with the number in the packet. Regarding the Water Budget: he specified the Budget totals and the percentage increases for FY24. He noted and explained the intra-fund transfer. Regarding the Wastewater Budget: Mr. Pelletier specified the Budget totals and the percentage increases for FY24. He also noted the reduction of the Wastewater debt. BOS members asked questions and Mr. Pelletier replied with detailed answers.

Mr. Howell moved to vote to support the Wastewater Budget and Water Budgets as presented, seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

Mr. MacAskill commented that it has been recommended by the Finance Committee that there be an Article for new hires. The BOS voted to do a chart, there will not be separate Articles.

(C. was taken out of order and addressed at this time)

B. 2023 Annual Town meeting Articles

Mr. Pelletier noted the memo which is included in the packet. He described each item in detail.

Town Administrator Powers noted that he has received information from council. There is new language for what Mr. Pelletier is proposing. He asked Mr Pelletier if counsel is aware of the transfer element. Mr. Pelletier will confirm that he does.

BOS members asked questions and received answers from Town Administrator Powers regarding the change in language and the Article.

Mr. Ballantine moved to approve the Water Article on New Source Expiration Phase 2 with final language set by legal counsel, seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried unanimously.

Mr. Pelletier explained the FY24 Pavement Management Plan in detail.

Mr. Howell moved to support the FY24 Pavement Management Plan, subject to final language, seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

Mr. Pelletier explained the FY24 Route 28 Water Main Replacement in detail noting funding applications that he filed.

Mr. Powers noted that in anticipation of potential Federal funding, Counsel has stated that the motion will make reference to that as well.

Mr. Howell moved to support the Article for FY24 Route 28 Water Main Replacement, seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

Mr. Pelletier explained this to also be in support of the Route 28 Water Main Replacement Project. This is a request for an easement at 129 Route 28.

Mr. Powers noted that this is not presently in the Draft Warrant. He recommended placing the vote to place the Article known as 129 Route 28 Utility Easement.

Mr. Howell moved to vote to place on the Warrant an Article currently known as 129 Route 28 Utility Easement, seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

Mr. Pelletier explained a proposed amendment to the By-Law relative to increasing the fines associated with violating the water restrictions and he noted the proposed increases.

Mr. Powers commented that this is not yet in the Warrant.

Mr. Howell moved to amend Chapter 300 of the General By-Laws relative to violations of the water restriction By-Laws and violation penalties and place it on the Warrant, seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

Discussion on potential article on regarding private wells.

Mr. MacAskill recommended that the Water/Wastewater Commission hold a public hearing.

Chairman Carreiro agreed and has requested that it be put on their agenda. He would like to include educating the public on various water usages and their effects.

BOS members made comments and offered opinions.

Water Commissioners also made comments and offered opinions.

John Sennet of 20 Hoyt Rd., Harwich Port commented and noted that mineral rights cannot be restricted on private property. He explained well owners rights and that they have Board of Health issued permits.

Mr. MacAskill noted that as of now, this is not going on the Warrant. They will wait to hear back from the Commissioners on their next meeting.

Mr. Pelletier continued, regarding Wastewater and the Phase 3 East Harwich Collection System Expansion. He noted the total of \$50 million and will list each one individually for the next meeting.

Mr. MacAskill asked Mr. Pelletier to also note funding sources.

Mr. Pelletier noted that they are anticipating varying degrees of principal forgiveness and noted those funds.

Mr. Powers noted that Mr. Pelletier has constant meetings with GHD. The 50 million dollar number is meant to be the highest possible number but they don't expect to hit it. This is not what they were looking at years before. He emphasized that Mr. Pelletier and the team have been doing exactly what was asked of them, both with spirit and in the direction of the law to evaluate proposals that go before Town Meeting as having been vetted to cost.

Mr. Donahue requested that the word expansion be eliminated as it is misleading and to substitute the wording. Discussion followed with suggestions.

Mr. Powers confirmed eliminating the word expansion.

Mr. Ballantine moved to support the Phase 3 East Harwich Collection System for 50 million dollars funded by Debt Exclusion, seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

Mr. Pelletier noted and explained he West Harwich Route 28 Sewer Main Installation which is on the Capital Plan.

Mr. Howell moved to support the Article currently known as West Harwich Route 28 Sewer Main Installation Project at 6.5 million dollars, seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

Ms. Donahue moved to adjourn the meeting of the Water/Wastewater Commission, seconded by Mr. Gough. Motion carried unanimously.

C. Water/Wastewater Department adds to staff.

Mr. MacAskill noted that there will be a chart and one Article for new hires, there will not be separate Articles. He recommended that the Water Commissioners put their new position in their description and it will be included in their motion. The BOS supports the new position.

NEW BUSINESS

A. Discussion in Fiscal Year 2024 Department Operating Budget

Mr. MacAskill noted that they had discussed pulling the HR position out of the Budget and that a motion is needed to do so.

Mr. Howell moved to, for the time being, remove the HR position from consideration this year at Town Meeting, seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

B. Approve the proposed amendments to the Fiscal year 2024 Personnel Bylaw Compensation/Classification Tables

Town Administrators Powers noted that the material in the packet is meant to indicate Appendix B which is the supporting documentation for Article 4, the Operating Budget. He has FY 22 and FY23 numbers. He explained certain lines and entries comparing original FY23 and BOS recommendations as well as other calculations resulting in the total cost of Article 4.

Mr. Howell asked if the Personnel Table would be in the body of the Article itself rather than an Appendix.

Mr. Powers replied that the Table has not been embedded in the Warrant Article itself. Anything that comes after estimated cost is understood to be outside the Article and informational only. Adding it to the Article is a policy issue for the BOS to discuss.

Discussion followed as to whether or not to make the Personnel Table part of the Article.

Ms. Donahue commented that she is in support of the newer Table method, placing a simple chart of new hires, either in the Operating Budget itself or in Appendix B and she gave her reasons.

Mr. MacAskill commented he is perplexed as to why this hasn't been done as a policy change throughout the years that this conversation has come up. For the last two Town Administrators, new hires were in the Operating Budget. There will be a document for the BOS to discuss the policy. He gave a brief history of how this issue has been dealt with in the past. He feels that Appendix B is exactly where this belongs. The Board either supports the Budget and the Enhancement Services or it doesn't. He would be happy reading that at the state of the union address before Town Meeting. At Article 4, the Town Administrator can point people to Appendix B and explain briefly the Enhancement of Services. His opinion is that it should be put in as Appendix B, they should alert Town Meeting that it is in Appendix B and give a brief explanation of why they are doing an Enhancement of Services.

Mr. Howell commented that if they can't put people on notice prior to coming to Town Meeting, they don't know if they'll be motivated to come or not. He suggested that if the Table is in the Warrant itself, it'll be printed in the newspaper and everyone will be put on notice.

Mr. Ballantine moved to approve Article 4 as stated, seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

Mr. Ballantine suggested that, when presenting Capital Budget items, it would be useful if there was a table showing what it means to future operating budgets.

Mr. Powers agreed and explained that a Finance Director is needed for that projection. They are not prepared to do that for this Town Meeting.

Mr. Howell commented that there are questions that will be asked at Town Meeting and he feels they should get the answers so they are able to answer them.

B. Approve the proposed amendments to the Fiscal Year 2024 Personnel Bylaw Compensation/Classification Tables

Town Administrator Powers noted that there is a cover memo in the packet. He emphasized that this is not for FY23. FY23 Personnel received 2% to match their COLA (cost of living adjustment).

Mr. Howell commented that it would be helpful to have FY23 and Fy24 lined up for easy comparison.

Mr. Powers will provide that for the BOS in their next packet.

Mr. Howell moved to approve the proposed amendments to FY2024 Personnel Bylaw Compensation/Classification Tables as presented, seconded by Ms. Anderson. The memorandum lays out the conservative proposal that he is presenting and the subsequent pages show what the changes would look like in the Classification and Compensation tables. It outlines wage adjustments with an adjustment to the base salary and then a COLA. What the Board is looking at is what they agreed to through negotiations with the collective bargaining associations. They will be relying upon money available from the 2022 Town Meeting, Article 4, Line 2.

Vote 4:0 in favor. Motion carried unanimously

C. Vote to request Community Preservation Committee to reconsider their vote on the dollar amount to go towards Harwich Affordable Housing Trust.

Mr. MacAskill noted that CPC voted to fund \$250,000 and he asked the Board to support asking them to reconsider and increase that number to \$500,000.

Mr. Howell noted that the reason there is a Trust is to aggregate funds so that when an opportunity comes up, the Trust doesn't have to wait for a Town Meeting to move on it.

Ms. Anderson moved to vote to request that the Community Preservation Committee reconsider their vote on the dollar amount to go to the Harwich Affordable Housing Trust from \$250,000 to \$500,000, seconded by Mr. Howell.

He noted that today he received notification as the chair of the Board of Trustees, that he has to provide a report of the status of funds that have been granted through CPC going back to inception of the Trust. He cannot report when it will be expended because they don't know. It's meant to be capital seed money. The way Harwich CPC treats funds for an Affordable Housing Trust funds are different from other communities.

Mr. MacAskill commented that it may be time for a joint meeting between CPC, the Board of Selectmen and the Affordable Housing Trust.

Mr. Howell commented that it is clear that the way the Trust document was constructed, the money comes into the Trust and only by a vote of the Trust can it be appropriated out for anything, There is no recapture.

Vote 4:0 in favor. Motion carried unanimously.

D. Vote to name Betty Clark MacLeavy as the Reporter of the American Rescue Plan Act (ARPA) funds for the Town of Harwich

Mr. Howell moved to approve to name Betty Clark MacLeavy as the Reporter of the American Rescue Plan Act (ARPA) funds for the Town of Harwich, seconded by Ms. Anderson.

Mr. Powers explained that Ms. MacLeavy is the new Treasurer/Collector. As Town Administrator he is the recorder and someone in the finance role is the reporter of what the town did with the funds.

Voter 4:0 in favor. Motion carried unanimously.

E. 2023 Annual Town Meeting Warrant Articles

1. Vote to place additional Articles

Mr. Powers noted that there are currently 2 additional Articles to be considered for placement tonight and there will be more next week. One Article for tonight is a request for supplemental funding for renovations to Brooks Academy Museum and he gave a brief overview of the request and an available funding source. He recommended placing the Article, affirm the estimated cost once it is determined and rely on the funding source that he described. He also recommended removing the \$600,000 in the Capital Outlay Plan for Brooks Academy Museum because the funding source will have an impact on that number.

David Spitz, Chair of the Brooks Academy Museum Commission described a concealed condition and the cost to address it. He noted 2 other concealed conditions. One is a rotten sill with an estimation of \$25,000. The other is the concrete block wall in the newer section which has no footings underneath it. The cost of replacing that is just over \$200,000. He went on to

explain other options including helical piers which is a specialty construction. There will be a meeting this week with the structural engineer. He is hopeful that the amount will be half of the \$200,000.

Mr. Howell moved to place this Article in the Warrant with an estimated cost of \$250,000 to be revisited next week, seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

Mr. Powers noted that the other Article is to reaffirm and extend MGL C59 s5 c56, which he read. This is a standard Article that is renewed every 2 years.

Mr. Howell moved to place an Article to Reaffirm and Extend MGL C59 s5 c56, seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

Mr. Howell moved to support the Article, seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

2. Vote to support and recommend Articles that have been placed.

Mr. Powers suggested the wording of “support and adopt” to be used by the BOS and the Finance Committee. Some previous motions used the wording “placed”. He reviewed the 8 page document, Articles placed on the 2023 Warrant needing BOS recommendations.

Mr. Howell moved to accept and adopt the document Articles placed on the 2023 Warrant needing BOS recommendations, as read. Seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

Mr. Howell moved to accept and adopt the Article, Town Officers and Committees as read, seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

Mr. Howell moved to accept and adopt the Article, Elected Officials Salaries in the amount of \$119,107 as read, seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

Mr. Howell moved to accept and adopt the Article, Town Operating Budget in the estimated amount of \$43,101,586 as read, seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

Mr. MacAskill read the Article, Monomoy Regional School District Budget with an estimated cost of \$28,469,466. The BOS will revisit this after a meeting with Monomoy Regional School District.

Mr. Howell moved to accept and adopt the Article, Cape Cod Regional Vocational School District Budget with the estimated amount of \$2,014,200 as read, seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

Mr. Howell moved to accept and adopt the Article, Cape Cod Community Media Center with the estimated cost of \$157,037, as read, seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

Mr. Howell moved to accept and adopt the Article, Items funded by the Cable Fund with the estimated amount of \$47,222 as read, seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

Mr. Howell moved to accept and adopt the Article, Child Care Stipend Support Program with an estimated cost of \$250,000 as read, with a note that they are still working on the language, seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

Mr. Howell moved to accept and adopt the Article, Fund Technology Enhancements for Brooks Free Library with an estimated cost of \$25,000 as read, seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

Mr. Howell moved to accept and adopt the Article, Amend Cemetery Regulations as read, seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

Mr. Howell moved to accept and adopt Article, MGL C41 s110a as read, seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

Mr. Howell moved to accept and adopt Article, Amendment to the agreement between the towns of Chatham and Harwich with respect to the formation of a regional school district as read, seconded by Ms. Anderson.

Mr. Howell asked if Chatham agreed as they have to accept the same Article.

Mr. Powers replied that counsel had indicated that they have to pass the same document provided by the School Committee which they don't have yet but the school district will be providing it.

Vote 4:0 in favor. Motion carried unanimously.

Mr. Howell moved to accept and adopt the Chamber of Commerce Article, Promote the Town of Harwich with an estimated cost of \$50,000 as read, seconded by Ms. Anderson.

Mr. MacAskill noted that the recommendation is to go from \$35,000 to \$50,000.

Vote 4:0 in favor. Motion carried unanimously.

Cindy Williams, Director of the Chamber of Commerce thanked the BOS for their support.

Mr. Howell moved to accept and adopt Article, Supplemental Annual Allocation of Mass Cultural Counsel for local Cultural Council grants with an estimated cost of \$4,000 as read, seconded by Ms. Anderson.

Vote 4:0 in favor Motion carried unanimously.

Mr. Howell moved to accept and adopt the Article, Defray the expense of the Chase Library and Harwich Port Library with an estimated cost of \$20,000 as read, seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

Mr. Howell moved to accept and adopt the Article, Annual Departmental Revolving Funds Authorization as read, noting the table in the Warrant.

Mr. Powers noted a scrivener's error and noted the correction. He also increased the dollar amount related to 204 Sisson Road to \$300,000 and gave his reasons.

Ms. Anderson moved to accept and adopt the Article, Annual Departmental Revolving Funds authorization, seconded by Mr. Ballantine.

Vote 3:1 in favor. Motion carried.

Mr. Howell moved to adopt and accept the Article, Herring Fisheries as read, seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

Mr. Powers noted that the next Article on page 4, continuing on through the majority of page 6 are the CPA Articles, funding sources have been confirmed and there may be language changes to properly state the funding sources, the dollar amounts will not change . They are essentially as seen in the Articles.

Mr. Howell moved to accept and adopt the Article, Community Preservation Act Land Bank Debt Service in the estimated cost of \$166,650 as read, seconded by Ms Anderson.

Vote 4:0 in favor. Motion carried unanimously.

Mr. Howell moved to accept and adopt the Article, Community Preservation Act Open Space Reserve \$198,700, Historic Preservation Reserve \$198,700, Community Housing Reserve \$198,700, Administrative Expense \$50,000 and undesignated fund anticipated \$1,390,900, as read, seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

Mr. Howell moved to accept and adopt the Article, Community Preservation Act Herring River Land Preservation Project, estimated cost of \$125,000 as read. Seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

Ms. Anderson moved to accept and adopt the Article, Community Preservation Act Lower Cape Housing Institute, estimated cost \$7,500 as read. Seconded by Mr. Ballantine.

Mr. Howell explained that towns from Provincetown to Harwich are all putting in an amount of money and he would like an explanation before he approves it.

Vote 3:0:1 in favor. Motion carried.

Mr. Howell moved to accept and adopt the Article, Community Preservation Act Brooks Academy Renovations estimated cost \$690,000 as read. Seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

Mr. Howell moved to accept and adopt the Article, Community Preservation Act Preservation of 203 Bank Street with an estimated cost of \$350,00 as written. Seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

Mr. Howell moved to accept and adopt the Article , Community Preservation Act Oak Street Bike Path Crossing Lights with an estimated cost of \$13,000 as written . Seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

Mr. Howell moved to accept and adopt the Article, Community Preservation Act Senior Softball Fields Restrooms with an estimated cost of \$150,000 as written. Seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

Mr. Howell moved to accept and adopt the Article, Community Preservation Act Resurface Courts at Brooks Park with an estimated cost of \$110,000 as written. Seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

Mr. Howell moved to accept and adopt the Article, Community Preservation Act Additional Funding Sand Pond Restroom Project with an estimated cost of \$35,000 as written. Seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

Mr. Howell moved to accept and adopt the Article, Community Preservation Act Skinequit Pond Remediate Project with an estimated cost of \$92,000 as written. Seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

Mr. Howell moved to accept and adopt the Article, Community Preservation Act War Memorials Project with an estimated cost of \$256,282.40 as written. Seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

Regarding the Article, Capital Outlay Plan items funded from Free Cash, Mr. Powers referenced a table on page 7, Project #15, 80 Parallel St, \$600,000, Facilities Department and recommended that it be stricken from the table and that the table be renumbered to \$4,886,151. He also noted that the Town's council has indicated that rather than divide the question, he would expect that Moderator Ford would read the table and ask that if anybody wants a project to be held out. There would then be votes on all the ones that weren't held out. He will then go back to the ones that were held out.

Mr. Howell moved to accept and adopt the Article, Capital Outlay Plan funded by Free Cash with an estimated amount of \$4,886,151 as written and presented. Seconded by Ms. Anderson

Mr. MacAskill noted that there are 16 projects that are listed in the Warrant. Adding a description line to the table had been discussed in a previous meeting.

Mr. Powers commented that they have to be mindful of the language used and he does not want to give specificity to a level that has not been given in the past. He gave an example.

Vote 4:0 in favor, Motion carried unanimously.

Mr. Howell moved to accept and adopt the Article, Capital Outlay Plan items Funded from Retained Earnings estimated in the amount of \$775,000 as written. Seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

Mr. Howell moved to accept and adopt the Article, Capital Outlay Plan Items Funded from Chapter 90 funds in the estimated amount of \$700,000 as written. Seconded by Ms. Anderson.

Mr. Powers explained the administrative decision that was made this year to have the first \$700,000 appear in the table under Free Cash, Project #10 and then use Chapter 90 funds.

Vote 4:0 in favor. Motion carried unanimously.

Mr. Powers noted that the BOS will get the final version of the Zoning Articles next week as well as others that he has previously referenced.

Mr. MacAskill noted that all the Petition Articles will be before the Board next week. He asked Mr. Powers for a matrix of what has been voted.

3. Discussion on additional material to be included in the Warrant

Mr. MacAskill noted the Revolving Fund Reports that he previously gave to Mr. Powers.

Ms. Anderson suggested giving an explanation of CPC, where the money comes from and how it's dictated into the four buckets.

Mr. Powers noted that the Warrant at a Town Meeting is the sole creation of the Board of Selectmen and the sole purview of the Board. There are several pages that talk about standard terms, financial glossary etc. More content can be added to the front before the legal Warrant.

Mr. MacAskill noted that on the Petition Articles, there was one other Article contemplated by the Board on the Chapter 97 land, related to the Main Street bog and another petitioner. Counsel has recommended they go with the petitioners Article but he is still doing deed research. Counsel feels both petitions will get to the same place. Mr. MacAskill also asked to have the legal opinions on the Petition Articles before the next meeting.

Mr. Ballantine commented that if legal counsel finds something, they would then go back to the petitioner as well.

Mr. Powers does not believe that is the practice of KP Law and that it is contrary to what the State warns Municipalities about, interfering either under the guise of aid or amendment. He offered suggestions of other actions that could be taken. He will discuss it with counsel.

F. Approve the following 2023 Seasonal on-premise liquor license renewals pending receipt of their 2023 Fire Inspection report:

1. AJG Corp d/b/a The Weatherdeck Restaurant - 168 Router 28
2. 554 Street Bar LLC d/b/a Three Monkeys - 554 Router 28
3. Mt Group LLC d/b/a Mad Minnow Bar and Kitchen - 554 Route 28
4. The Belmont Condominium Beach Club Corp. d/b/a The Beach - 1 Belmont Road

5. The Lucky Labrador Inc. d/b/a Perks - 545 Route 28
6. Wychmere Harbor Functions Lp d/b/a Wychmere Harbor Beach and Tennis Club - 23 Snow Inn Road

Mr. Howell moved to vote to accept the Liquor License Renewals pending their 2023 Fire Inspection reports, #1 through #6, as listed. Seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

G. Approve a 2023 Seasonal off-premise liquor license renewal for Malik Corporation d/b/a Value Mart - 435 Router 28

Mr. Howell moved to vote to approve the Seasonal off-premise liquor license as listed. Seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

H. Approve the Change of Manager Application for Allen Harbor Yacht Club, Inc. d/b/a Allen Harbor Yacht Club - 371 Lower County Road

Mr. Ballantine moved to approve the Change of Manager Application as listed. Seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried unanimously.

- I Approve the following 2023 Seasonal Common Victualler's license renewals:
1. AJG Corp d/b/a The Weatherdeck Restaurant - 168 Route 28
 2. Ashwood Food Services Inc. d/b/a Jake's at Cranberry Valley - 183 Oak Street
 3. 554 Street bar LLC d/b/a Three Monkeys - 554 Route 28
 4. Harwich Port Dairy Queen - 441 Route 28
 5. The Lucky Labrador Inc. d/b/a Perks - 545 Route 28
 6. Mt, Group LLC d/b/a Mad Minnow Kitchen and Bar - 554 Route 28
 7. Pelham on Earle - 30 Earle Road
 8. Port Restaurant and Bar d/b/a The Port - 541 Route 28
 9. Wychmere Harbor Functions Lp d/b/a Wychmere Beach Club - 23 Snow Inn Road

Mr. Ballantine moved to vote to approve the 2023 Seasonal Common Victualler's license renewals as listed. Seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried unanimously

J. Approve the following Weekday and Sunday 2023 Seasonal Amusement license renewals:

1. Hall Karts, Inc. - 9 Sisson Road - Amusement Type: Go carts
2. Harbor Glen Mini Golf - 168 Route 28 - Amusement Type: Mini Golf

Mr. Howell moved to vote to approve the Weekday and Sunday 2023 Seasonal Amusement license renewals as listed. Seconded by Ms. Anderson

Vote 4:0 in favor. Motion carried unanimously.

K. Approve the 2023 Inn holders license renewal for Pelham on Earle - 30 Earle Road

Mr. Howell moved to vote to approve the 2023 Inn holders license renewal was listed. Seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

Mr. MacAskill noted a memo put before the Board outlining that anything highlighted is the same request as last year, anything not highlighted is asking for a change. The first and third are no change, the second is a change.

L. Approve the following 2023 Weekday and Sunday Entertainment License renewals:

1. The Lucky Labrador Inc, d/b/a Perks - 545 Route 28

2023 request

Weekday: 12:00 p.m. to 12:00 a.m. inside & 11:30 a.m. to 10:00 p.m. outside Jukebox, radio, television, dancing by patrons & live performers, live/recorded music, amplification

Sunday: 1:00 p.m. to 12:00 a.m. inside - Ambient music, television

6:00 p.m. to 10:00 p.m. outside - Jukebox, radio, television, live/recorded music, amplification, dancing

3:00 p.m. to 12:00 a.m. inside - Jukebox, radio, television, radio, live/recorded music, amplification, dancing

(#3 taken out of order here)

Mr. Howell moved to approve #1 The Lucky Labrador, request as listed. Seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

2. Port Restaurant and Bar d/b/a The Port - 541 Route 28

2023 request

Weekday: 11:00 a.m. to 1:00 a.m. inside & 11:00 a.m. to 10:00 p.m. outside Jukebox, radio, television, dancing by patrons & live performers, live/recorded music, amplification

Sunday: 1:00 p.m. to 1:00 a.m. inside & 1:00 p.m. to 10:00 p.m. outside Jukebox, radio, television, dancing by patrons & live performers, live/recorded music, amplification

Mr. MacAskill noted the difference is that they were given un-amplified the last two years.

Mr. Howell noted the closeness to neighbors and feels the outside portion is as it should be.

Mr. Howell moved to approve the request by Port Restaurant and Bar d/b/ The Port 541 Route 28 with the changes as follows based on the 2022 approval:

Weekdays: 11:00 a.m. to 12:00 a.m. inside recorded/live music, amplification
11:00 a.m. to 10:00 p.m. outside television, background music only, 6:00 p.m. to 10:00 p.m. outside live performers un-amplified and
Sunday: 1:00 p.m. to 12:00 a.m. inside live/recorded music amplification
1:00 p.m. to 10:00 p.m. outside television and background music only
6:00 p.m. to 10:00 p.m. outside live un-amplified music

Seconded by Ms. Anderson.

Vote 4:0 in favor, Motion carried unanimously.

3. Wychmere Harbor Functions Lp d/b/a Wychmere Beach Club, located at 23 Snow Inn Road

2023 request

Weekday: 11:00 a.m. to 1:00 a.m. inside & 11:00 a.m. to 10:00 p.m. outside
Dancing by patrons & live performers, live/recorded music, amplification

Sunday: 11:00 a.m. to 1:00 a.m. inside and 11:00 a.m. to 10:00 p.m. outside
Dancing by patrons and live performers, live/recorded music, amplification

Mr. Howell moved to approve #3 Wychmere Harbor Functions Lp, request as listed. Seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

M. Approve the temporary closure of WFS Restaurant Group d/b/a Red River BBQ located at 787 Route 28

Mr. Howell moved to approve the temporary closure of WFS Restaurant Group d/b/a Red River BBQ located at 787 Route 28 to reopen no later than May 1, 2023. Seconded by Ms. Anderson.

Mr. Howell asked what the time frame will be for the closure.

Mr. MacAskill understands that it is only for a couple of weeks.

Cindy Williams spoke with the new owner who gave a goal date of April 5th.

Mr. MacAskill suggested they add “no later than May 1st.

Vote 4:0 in favor. Motion carried unanimously

N. Approve a Special Permit request for One Day Entertainment - Harwich Conservation Trust - Event on May 13, 2023, 9:00 a.m. to 12:00 p.m. at 10 headwaters Drive - Recorded/live music , amplification

Mr. Howell moved to approve a Special Permit request as listed. Seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

O. Approve a Special Permit request for a One Day Wines and Malt Liquor license - Hairworks - Event on April 2, 2023, 3:00 p.m. to 7:00 p.m. at 119 Route 137

Mr. Howell moved to approve the Special Permit request as listed. Seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

P. Approve a New 2023 Seasonal Entertainment License for Pelham on Earle Operating LLC d/b/a Pelham on Earle - 30 Earle Road

Weekdays: 9:00 a.m. to 10:00 p.m. inside & outside
Jukebox, radio, television, dancing by patrons & live performers, live/recorded music, amplification

Sunday: 9:00 a.m. to 10:00 p.m., inside & outside
Jukebox, radio, television, dancing by patrons & live performers, live/recorded music, amplification

Mr. MacAskill shared Ms. Kavanagh's concerns about the inside and outside music amplification because of the geographic location and proximity to houses. Also because it is the West Harwich Group which they've had a fair amount of problems with in the past when they opened the Old Irish Pub for one season.

Other members voiced the same concerns. Further discussion was requested.

Mr. MacAskill prefers to have a motion with restrictions and have them come back to ask for more.

Mr. Howell moved to approve a new 2023 Seasonal Entertainment license for Pelham on Earle Operating LLC d/b/a Pelham on Earle - 30 Earle Road

Weekdays: Inside from 9:00 a.m. to 10:00 p.m. Jukebox, radio, television, dancing by patrons & live performers, live/recorded music, amplification
Outside from 9:00 a.m. to 10:00 p.m. un-amplified music
Sunday: From 9:00 a.m. to 10:00 p.m. inside with Jukebox, radio, television, dancing by patrons & live performers, live/recorded music and amplification .
From 9:00 a.m. to 10:00 p.m. outside with un-amplified performances.

Seconded by Mr. Ballantine.

Mr. Howell noted that each request is different because of where it is and who it effects. With those close to residential areas, they try to consistently balance their right to operate against people's rights to peace and quiet.

Vote 4:0 in favor. Motion carried unanimously.

OLD BUSINESS

- A. Discussion on charter change recommendations from the Bylaw/Charter Review Committee: votes may be taken.

Mr. MacAskill asked the Board to have this taken off until there is a new Board, after the elections.

TOWN ADMINISTRATOR'S REPORT

Mr. Powers reported that he has promoted Dean Damon at Golf Course Operations to the position of Foreman.

He noted the great work of Deputy Chief Kevin Considine and everybody related to the Law Enforcement Torch Run and all the brave people at the Annual Polar Plunge. A total of \$850,000 was raised during the year.

SELECTMEN'S REPORT:

Mr. MacAskill commented that there have been questions about the outcome of the Articles in the Chronicle related to the lawsuits with The Port and The Ember. He announced that all 3 lawsuits have been dismissed. The Board and the others were found not responsible. They received a letter from ABCC that they upheld the 3 day suspension for the violations. The owners of the establishments have the right to appeal the ABCC decision.

Mr. Howell recognized that Mr. Ballantine did a great job in trying circumstances.

ADJOURNMENT:

Mr. Howell moved to adjourn, seconded by Ms. Anderson.

Vote 4:0 in favor. Motion carried unanimously.

Respectfully submitted,

Judith R. Moldstad
Board Secretary