

## SELECT BOARD MEETING AGENDA\*

Donn B. Griffin Room, Town Hall

732 Main Street, Harwich, MA

Executive Session 5:15 P.M.

Regular Meeting 6:00 P.M.

Monday, July 24, 2023

### **Remote Participation Optional:**

Please join my meeting from your computer, tablet or smartphone.

<https://meet.goto.com/692768669>

You can also dial in using your phone.

Access Code: 692-768-669

United States: [+1 \(872\) 240-3311](tel:+18722403311)

*\*As required by Open Meeting Law, you are hereby informed that the Town will be video and audio taping as well as live broadcasting this public meeting. In addition, anyone in the audience who plans to video or audio tape this meeting must notify the Chairman prior to the start of the meeting.*

### I. CALL TO ORDER

### II. EXECUTIVE SESSION

- A. Pursuant to G.L. c. 30A, sec. 21(a)(3) To discuss strategy with respect to litigation as the Chair has declared that an open session may have a detrimental effect on the litigating position of the Town. In addition to a general discussion of litigation matters, the following cases may be discussed: Bogen v. Guillemette, Chief of Police of the Town of Harwich; Town of Harwich Conservation Commission v. Smith; 3137, LLC, et al. v. Town of Harwich, et al.; Ember Pizza, Inc., et al. v. Town of Harwich, et al.; Ember Pizza, Inc., et al. v. Town of Harwich and ABCC; Port v. Harwich Local Licensing Authority; Seal Pub v. Harwich Local Licensing Authority; Hall's Path Enforcement; Jeffrey E. Jones, et al. v. Town of Harwich, et al.; Jones v. Harwich Board of Health and Town of Harwich; King and James M. Kelly v. Harwich Conservation Commission; King and Kelly v. Walter Diggs et al. and the Harwich Conservation Commission; Michael LeBlanc and Sheila LeBlanc, Trustees of the Radar Realty Trust v. Harwich Conservation Commission; McCourt, et al. v. Town of Harwich Zoning Board of Appeals, et al.; Novak v. Town of Harwich Conservation Commission; Walsh Brothers Building Company, Inc., et al. v. Harwich Conservation Commission, and Town of Harwich; Winston and Plunkett v. The Planning Board and the Royal Apartments LLC, et al Wise v. Harwich Planning Board
- 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 non-union personnel: Town Administrator

### III. PLEDGE OF ALLEGIANCE

### IV. PUBLIC COMMENTS/ANNOUNCEMENTS

### V. PUBLIC PRESENTATIONS/PUBLIC HEARINGS

- A. Public Hearing - Approve the Alteration of Premises application submitted by Cape Roots Market LLC d/b/a Cape Roots Market and Café location at 557 Route 28. Alteration consists of adding additional interior and exterior seating.

### VI. JOINT MEETING WITH THE SELECT BOARD AND BYLAW CHARTER REVIEW COMMITTEE

- A. Discussion on letter dated June 13, 2023, from Bylaw Charter Review Committee addressed to the Select Board

### VII. JOINT MEETING WITH THE SELECT BOARD AND TRAFFIC SAFETY COMMITTEE

- A. Discussion and possible vote to approve the Cross Street recommendation from Traffic Safety Committee
- B. Update, discussion and possible vote on the Route 39 and Chatham Road intersection projects

### VIII. CONSENT AGENDA

- A. Accept the resignation of Carole Ridley, Community Preservation Committee, effective immediately
- B. Vote to appoint Election Workers from names submitted by the Harwich Democratic and Republican Town Committees.
- C. Vote to appoint Noreen Donahue to the By-law/Charter Review Committee, term to expire 6/30/2024
- D. Vote to appoint Phyllis Thomason to the Recreation & Youth Commission, term to expire 6/30/2026
- E. Approve Select Board Meeting Minutes:
- July 10, 2023
  - July 17, 2023
- F. Vote to designate Kathleen Barrette Finance Director/Town Accountant as the American Rescue Plan Act (ARPA) Reporter relative to the Barnstable County ARPA Application Portal

### IX. NEW BUSINESS

- A. Discussion, per section 1.16 of the Harwich Liquor License Regulations, for the June 21, 2023, alleged noise violation for Lucky Labrador, Inc. d/b/a Perks located at 545 Route 28.
- B. Debrief on the Select Board Working Group held on July 17, 2023

- C. Vote to waive the Town’s Right of First Refusal for the sale of 17 Woody Glen Road formerly known as 140 Oak Street
- D. Update on new Watershed Permit Regulations by GHD and Water/Wastewater Superintendent
- E. Approve and authorize the Chair to sign a permanent easement totaling 760 Square Feet for MassDOT at Saquatucket Harbor for the sidewalk installation on Route 28
- F. Review and take action on G.L. c. 268A, Section 19(b)(3) Disclosure of Non-Elected Municipal Employee of Financial Interest – Emily Brutti, Planning Board
- G. Discussion on abutter complaint regarding Cranberry Valley Golf Course
- H. Vote to approve the following Special Permits:
  - 1. Harwich Chamber of Commerce – Event Permit for a Motorcycle Ride – Sunday, September 10, 2023, starting at 9:00 a.m. at Falmouth High School, 874 Gifford Street, Falmouth and ending at 11:00 a.m. at Cape Cod Regional Technical High School, 351 Pleasant Lake Ave
  - 2. Cape Cod Commercial Fisherman’s Alliance – One Day All Alcohol & One Day Entertainment Permit – Saturday, August 5, 2023, 5:00 p.m. to 10:00 p.m., 100 Oak Street. Recorded or live music outside

X. **OLD BUSINESS**

- A. Update from the Town Administrator on ongoing procurement status
- B. Update on the progress of the Intermunicipal Agreement with Cape Cod Technical High School

XI. **CONTRACTS**

- A. Authority to file document to execute for the Phase 3 project delegating Town Administrator to sign on behalf of the Town for the Phase 3 project
- B. Approve an Intermunicipal agreement with Barnstable County for administering the Public Health Excellence for Shared Services Grant
- C. Approve the contract with Atlantic Recycling Equipment, LLC for the purchase of two Municipal Solid Waste Trailers - \$205,000
- D. Vote to authorize the Chair to sign the Harwich Green Communities grant extension
- E. Discussion and possible vote to execute a Grant Agreement between the Town of Harwich and the Harwich Conservation Trust relative to the construction of the Cold Brook Ecological Restoration Project - \$1,500,000

XII. **TOWN ADMINISTRATOR’S REPORT**

XIII. **SELECT BOARD’S MEMBER REPORT**

XIV. **CORRESPONDENCE**

XV. **ADJOURNMENT**

*\*Per the Attorney General’s Office: The Select Board may hold an open session for topics not reasonably anticipated by the Chair 48 hours in advance of the meeting following “New Business.” If you are deaf or hard of hearing or a person with a disability who requires an accommodation contact the Selectmen’s Office at 508-430-7513.*

**Authorized Posting Officer:**

\_\_\_\_\_  
Danielle Freiner, Executive Assistant

**Posted by:** \_\_\_\_\_  
Town Clerk

**Date:** \_\_\_\_\_  
July 20, 2023