

**APPROVED**

**MINUTES  
SELECTMEN'S MEETING  
GRIFFIN ROOM, TOWN HALL  
MONDAY, DECEMBER 12, 2016  
6:30 P.M.**

**SELECTMEN PRESENT:** Hughes, Kavanagh, LaMantia, MacAskill

**OTHERS PRESENT:** Town Administrator Christopher Clark, Assistant Town Administrator Charleen Greenhalgh, Chief Guillemette, Peg Rose, Bruce Nightingale, Joe McParland, Jeremy Gingras, Matt Hart, Richard Waystack, Jack Brown, Larry Ballantine, Ed McManus, Mark Ameres, John Chorey, Dana DeCosta, Rich Larios, and others.

**MEETING CALLED TO ORDER** at 6:30 p.m. by Chairman MacAskill.

**PUBLIC COMMENT/ANNOUNCEMENTS**

Peg Rose announced that the Voter Information Committee has set the date for the Volunteer Committee Fair for January 28<sup>th</sup> from 10:00 a.m. to 12:00 noon and asked for help getting the word out to the committee chairs.

**CONSENT AGENDA**

- A. Approve the 2017 Annual Liquor License Renewals
- B. Approve the 2017 Annual General License Renewals for Auto Licenses, Common Victuallers without Entertainment, Inns/Lodging Houses
- C. Authorize Chair to sign letter to Representative Peake and Senator-Elect Cyr regarding petition for increase of senior exemption Special Legislation approved at May 2016 Town Meeting
- D. Approve application for Road Race for Cape Cod Athletic Club for January 15, 2017
- E. Approve application for Road Race for Cape Cod Getaway MS Bike Ride for June 25, 2017
- F. Approve application for Road Race for Ragnar Cape Cod for May 12 & 13, 2017
- G. Approve the appointment of Al Donoghue as an alternate member of the ZBA as recommended
- H. Approve the appointment of Joan McCarty as a full member of the Historic District/Historical Commission as recommended
- I. Approve Amendment to the Contract for Whitehouse Field fencing to move the completion date from December to April 1, 2017

Ms. Kavanagh moved approval of the Consent Agenda Items A through G and Item I. Mr. Hughes seconded the motion and the motion carried by a unanimous vote. Chairman MacAskill noted that Item H is being held as they are not sure if the two alternates were offered the position.

**PUBLIC HEARINGS/PRESENTATIONS** *(Not earlier than 6:30 P.M.)*

- A. Annual Meetings with the Board of Selectmen

1. Saquatucket Development Committee

Mr. Hart delivered the annual report of the Saquatucket Development Committee.

2. Waterways Committee

Mr. Hart delivered the annual report of the Waterways Committee.

B. Public Hearing – Adoption of Noise By-Law Standard for Entertainment Licenses and Adoption of Uniform Hours of Entertainment – *continued from 11/14/16 & 12/5/16*

Mr. Clark outlined his revised memo of recommendation dated December 1, 2016 regarding “Conditions for Entertainment Licenses – Recommendations based on Public Hearing Comments (Along Route 28 Harwich Port Corridor)”:

Currently all Entertainment Licenses issued by the Board indicate that noise levels are not to exceed the licensed premises. I recommend that the Board vote to remove this language from the licenses therefore changing the standard that music within a dwelling should be contained within the building. Any music, inside or outside, should adopt the standard used in the Noise By-Law. We have had two meetings and a lot of discussion, hopefully this captures where we are in the process.

I recommend the following standard be included on Entertainment Licenses along Route 28 by Harwich Port and also selling liquor:

A. Inside Entertainment – Every day until 11:00 p.m. or until liquor closing whichever is later. Start times per request of applicant. No entertainment at the licensed premises may be conducted in a manner such that the noise from the entertainment is creating a nuisance and can be heard outside the boundaries of the premises.

B. Outside Entertainment – Every day until 10:00 p.m. Start times per request of applicant. The standard would be reasonable sound levels and which is plainly audible at a distance of 150 feet from boundary line or source of sound amplification system whichever is further, along with consider expanding above to all establishments’ entertainment.

Also amend the Liquor License Regulations Section 1.09 Subsection e to delete and replace with above but to be held at a duly noticed public hearing for all.

The Board of Selectmen may want to consider this change for this year as a trial before expansion. I would recommend that if consensus cannot be reached that all licenses be re-issued under the same terms and conditions as last year.

After discussion it was agreed to add the word “not” before “plainly audible” in the recommendation. Chief Guillemette disagreed with allowing entertainment right up until closing time as they need to allow for a “cooling down period.” He said he preferred a midnight closing

time. Taylor Powell of Perks asked to extend outside hours for Friday and Saturday only. Mr. Powell expressed concern over how enforcement would be done as the language “reasonable sound levels” is subjective. Chief Guillemette stated that allowing entertainment to 11:00 p.m. on Friday and Saturday does not address the concerns of those who spoke at the hearing who are inside the 150 foot zone and he thinks 10:00 p.m. is reasonable. In response to Mr. Powell’s concerns, Chief Guillemette stated that when officers respond they would make a judgement on the 150 foot distance and if the noise is plainly audible they tell the business it’s too loud. He added that as enforcement, officers can issue tickets of \$150 for first offense, or bring the issue to the chain of command to bring before the Board which usually means that they have had several violations.

Mr. Hughes moved to close the hearing. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

Mr. Hughes moved to adopt the following standard regarding entertainment licenses on Route 28 in Harwich Port: that would be inside entertainment every day until 11:00 p.m. or until 60 minutes prior to liquor closing whichever is later, start time is per request of the applicant, all entertainment at the licensed premises may be conducted in a manner such that the noise from the entertainment is creating a nuisance that can be heard outside the boundaries of the premises; B. on outside entertainment - every day until 10:00 p.m., start time is per request of the applicant, the standard would be reasonable sound levels which are not plainly audible at a distance of 150 feet from the boundary line or source of sound amplification system whichever is further. Mr. LaMantia seconded the motion. Ms. Greenhalgh asked for clarification as Mr. Hughes did not say “and also selling liquor.” Mr. Hughes included it in his motion. Mr. LaMantia commented that he thinks we are going to run into a lot of difficulty with outside entertainment and the Board needs to understand that we need to test it. Ms. Kavanagh commented that we have to be cognizant of the zoning of these businesses as well. The motion carried by a unanimous vote.

C. Town Administrator submits 7-Year Capital Plan to joint meeting of Board of Selectmen and Finance Committee

Mr. Clark reviewed the various items on the Capital Plan by department for FY18 noting that the Town Administrator and Capital Outlay Committee were 100% in sync. The Board and Finance Committee discussed the plan as well as the impact to the overall budget and taxpayer. No action was taken.

D. Presentation by Hilltop Security on Financing of Capital Budget

Mr. Peter Fraser, Managing Director of First Southwest, a division of Hilltop Securities, and Vice-President Kristy Tofuri discussed their background and services which include acting as financial advisor to thousands of municipalities nationwide including about 180 Massachusetts municipalities and helping communities structure their debt. He and Ms. Tofuri presented summary charts of the plan they developed for Harwich (attached) and took questions and comments from the Board.

**OLD BUSINESS**

#### A. Historic District/Historical Commission membership – potential Charter amendment

Mr. Clark read from the statute that “the Commission shall consist of not less than 3 nor more than 7 members” and “Alternate members may be appointed in like manner as provided for in this section not exceeding in number the principal members.” After discussion the consensus of the Board was that the Commission should consist of 5 members and 3 alternates. No vote was taken.

### **TOWN ADMINISTRATOR’S REPORT**

#### A. Interim Finance Director position update

Mr. Clark reported that he has met with two candidates. He suggested getting someone in for 90 days and use a recruitment process similar to what was used for the Police Chief position. He noted that one candidate is retired with 30 years of experience from the Cape community and he would come in 2 days a week. He noted that the other candidate is interested in full-time work for 90 days and would like to be a candidate for the permanent position. He stated that he had asked them both to get back to him by Friday but the latter candidate did not. He added that having someone in full-time who is a candidate for the permanent position may give people the impression that the person has the inside track and will turn potential candidates away. Mr. Hughes questioned if the work can get done in 2 days a week and Mr. Clark responded yes but we would not be getting extra work done. He pointed out that free cash and the tax rate are done and this is really just helping out with the budget. Mr. LaMantia questioned the experience of the second candidate and Mr. Clark responded that they both have done a lot of municipal auditing but not necessarily been a municipal accountant, and he commented that he didn’t think we could go wrong with either candidate. The consensus of the Board was to get the temporary candidate in and start the process. Mr. Clark said he would ask him to meet with the Board.

#### B. Building Commissioner position update

Mr. Clark reported that Administration had an issue that prevented the Local Inspector from moving up as he took the exam twice and did not pass. He explained that right now we have done an extension for him to serve as Local Inspector as he has to pass a certain number to maintain his viability as a Local Inspector. He noted that they had 5 people that applied and not all of them met the criteria. He stated that they interviewed the candidate whom they thought made the most sense and he will have discussions to see if he is interested in accepting the position.

### **SELECTMEN’S REPORT**

Mr. Hughes said the Board needs to consider the following items in the future:

1. Update Action Item Register to include all Board objectives
2. Selectmen’s Compensation – He noted that he and Mr. LaMantia, as retiring Selectmen, plan to bring something forward and he would like to have a discussion with the Board to see if they would rather have them do it as a petition article or should they do it as a Board.
3. There is a provision where as a Town you can opt out of the marijuana law and it takes a ballot question. Someone at the state is working on the language.
4. In January they should do another tour of the South Harwich Meeting House.

5. They should have Sarah Peake in and it should be done on an annual basis, to let them know how things are going at the State House.

## **ADJOURNMENT**

Mr. Hughes moved to adjourn at 8:59 p.m. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel  
Recording Secretary

**2017 ANNUAL LIQUOR LICENSE RENEWALS**

400 East, Inc.  
1421 Route 39  
East Harwich, MA 02645  
Gail O. Sluis, Manager  
**Common Victualler - All Alcohol**

A.J. Lukes of Harwich, Inc.  
224 Route 28  
West Harwich, MA 02671  
Arthur J. Luke, Manager  
**Package Goods Store - All Alcohol**

Allen Harbor Yacht Club, Inc.  
371 Lower County Rd.  
Harwich Port, MA 02646  
Peter Moynagh, Manager  
**Club - All Alcohol**

Ashwood Food Service Inc.  
d/b/a Jake Rooney's  
119 Brooks Rd.  
Harwich Port, MA 02646  
Peter Klaus, Manager  
**Common Victualler - All Alcohol**

Bourne Petroleum Ltd.  
d/b/a Harwich Exxon  
173 Pleasant Lake Ave.  
Harwich, MA 02645  
Jaime Almeida, Manager  
**Package Goods Store - Wine & Malt**

Brax Restaurant Management, Inc.  
d/b/a Brax Landing  
705 Route 28  
Harwich Port, MA 02646  
Jeffrey S. Gomes, Manager  
**Common Victualler - All Alcohol**

Charles J. Weiss  
d/b/a 7-Eleven 34434A  
5 Route 28  
West Harwich, MA 02671  
Charles J. Weiss, Manager  
**Package Goods Store - Wine & Malt**

WFS Restaurant Group, Inc.  
d/b/a L'Alouette  
787 Route 28  
Harwich Port, MA 02646  
Christian Schultz, Manager  
**Common Victualler - All Alcohol**

Ember Pizza, Inc.  
d/b/a Ember  
600 Route 28  
Harwich Port, MA 02646  
Justin R. Brackett, Manager  
**Common Victualler - Wine & Malt**

John F. Connell  
d/b/a Cape Cod Claddagh Inn & Irish Pub  
77 Route 28  
West Harwich, MA 02671  
John F. Connell, Manager  
**Innholder - All Alcohol**

Portside Liquors III, Inc.  
d/b/a Portside Liquors  
1421 Route 39  
East Harwich, MA 02645  
Zeina Metri, Manager  
**Package Goods Store - All Alcohol**

Harwich Port Seafarer, Inc.  
d/b/a Harwich Port Seafarer  
86 Sisson Rd.  
Harwich Port, MA 02646  
Damien Wiseman, Manager  
**Innholder - All Alcohol**

Harwichport House of Pizza, Inc.  
330 Route 28  
Harwich Port, MA 02646  
Aleks Sotiri, Manager  
**Common Victualler - All Alcohol**

Hot Stove Saloon, Inc.  
d/b/a Hot Stove Saloon  
551 Route 28  
Harwich Port, MA 02646  
Gabriel Leidner, Manager  
**Common Victualler - All Alcohol**

Land Ho Harwichport LLC  
d/b/a Land Ho  
429 Route 28  
Harwich Port, MA 02646  
Dillon J. Murphy, Sr., Manager  
**Common Victualler - All Alcohol**

Lepinay, Inc.  
d/b/a Cranberry Liquors  
555 Route 28  
Harwich Port, MA 02646  
Joseph V. DellaMorte, Manager  
**Package Goods Store - All Alcohol**

Main Street Quik Pik, Inc.  
d/b/a Main Street Market  
715 Main St.  
Harwich, MA 02645  
Anil Patel, Manager  
**Package Goods Store – All Alcohol**

Morningstar Restaurant, Inc.  
d/b/a Villa Roma  
278 Route 28  
West Harwich, MA 02671  
Douglas R. Morrissey, Manager  
**Common Victualler - All Alcohol**

Maulik Corporation  
d/b/a Value Mart  
435 Route 28  
Harwich Port, MA 02646  
Bahecharbhai Patel, Manager  
**Package Goods Store – Wine & Malt**

Shogun Inc.  
d/b/a Noble House  
21 Route 28  
West Harwich, MA 02671  
Amy Liang, Manager  
**Common Victualler - All Alcohol**

Shooting Star Realty, LLC  
d/b/a Buca's Restaurant  
4 Depot Rd.  
S. Harwich, MA 02661  
Robert J. Chiappetta, Manager  
**Common Victualler - All Alcohol**

Spyridon & Aglaia Christakis  
d/b/a George's Pizza House  
564 Route 28  
Harwich Port, MA 02646  
Spyridon & Aglaia Christakis, Managers  
**Common Victualler - Wine & Malt**

William R. Coffin & Sons, Inc.  
d/b/a Plum's Package Store  
326 Route 28  
Harwich Port, MA 02646  
John W. Coffin, Manager  
**Package Goods Store - All Alcohol**

Zack, Inc.  
d/b/a Castaways  
986 Route 28  
South Harwich, MA 02661  
Deborah B. Merrill, Manager  
**Common Victualler - All Alcohol**

Ham and Bri, LLC  
d/b/a Red's Pizza  
703 Main St.  
Harwich, MA 02645  
Brienne Smith, Manager  
**Common Victualler – All Alcohol**

Pekarkill Inc.  
d/b/a Local Flavor Lunch & Bagel  
403 Pleasant Lake Ave.  
Harwich, MA 02645  
Elaine Pekarcik, Manager  
**Package Goods Store – Wine & Malt**

## 2017 ANNUAL GENERAL LICENSE RENEWALS

Acme-Shorey Precast Co., Inc.  
36 Great Western Rd., Harwich  
**Auto Class I – Agents or Sellers**

Alexander the Great, Inc.  
d/b/a Alecsie's House of Pizza  
181 Route 137, Unit 3, Harwich  
**Common Victualler**

Barnaby Inn  
36 Route 28, West Harwich  
**Lodging House**

Barry Bessette  
d/b/a BB's Automotive  
805 Route 28, Harwich Port  
**Auto Class II – Used Car Dealer**

Bassil Brothers Inc.  
d/b/a Harwichport Getty  
570 Main St., Harwich Port  
**Auto Class II – Used Car Dealer**  
**Auto Class IV – Vehicle Repairman**

Bluefish Bed & Breakfast  
102 Parallel St., Harwich  
**Lodging House**

Bonatt's Restaurant & Bakery  
537 Route 28, Harwich Port  
**Common Victualler**

Braddock, Inc.  
d/b/a Winstead Inn & Beach Resort  
4 Braddock Lane, Harwich Port  
**Innholders**

Braddock, Inc.  
d/b/a Winstead Inn & Beach Resort  
Parallel St., Harwich  
**Innholders**

Brax Restaurant Management Inc.  
d/b/a Brax Landing  
705 Route 28, Harwich Port  
**Common Victualler**

Buckies Biscotti  
554 Route 28, Harwich Port  
**Common Victualler**

Cape & Islands Collision, Inc.  
d/b/a Cranberry Collision  
161 Queen Anne Rd., Harwich, MA  
**Auto Class II – Used Car Dealer**  
**Auto Class IV – Auto Repairman**

Carlos Tapia  
d/b/a JC Auto Sales  
195 Queen Anne Rd., Harwich  
**Auto Class II – Used Car Dealer**

Dave's Garage  
910 Route 28, S. Harwich  
**Auto Class IV – Auto Repairman**

Dan & Sue Edwards  
d/b/a Tern Inn  
91 Chase St., West Harwich  
**Lodging House**

Dent Donuts LLC  
d/b/a Dunkin' Donuts  
481 Route 28, Harwich Port  
**Common Victualler**

Dent Donuts LLC  
d/b/a Dunkin' Donuts  
175 Route 137, Harwich  
**Common Victualler**

Dream Big Holdings, Inc.  
d/b/a The Platinum Pebble Boutique Inn  
186 Belmont Road, West Harwich  
**Innholders**



Epiros Holdings, LLC  
d/b/a George's Pizza House  
564 Route 28, Harwich Port  
**Common Victualler**

Harbor Breeze Inn, LLC  
d/b/a Allen Harbor Breeze Inn &  
Gardens  
326 Lower County Road, Harwich Port  
**Lodging House**

Harwichport House of Pizza, Inc.  
d/b/a Harwichport Pizza  
330 Route 28, Harwich Port  
**Common Victualler**

Harwich Port Seafarer, Inc.  
d/b/a Harwich Port Seafarer  
86 Sisson Road, Harwich Port  
**Innholders**

Hot Stove Saloon, Inc.  
d/b/a Hot Stove Saloon  
551 Route 28, Harwich Port  
**Common Victualler**

Inn of Treasured Memories, LLC  
d/b/a Inn of Treasured Memories  
473 Main St., Harwich  
**Innholders**

Jim Cox Foreign Car Service  
d/b/a Jim Cox Foreign Car Service  
210 Queen Anne Rd., #15, Harwich  
**Auto Class IV – Auto Repairman**

Joseph D. Lang  
d/b/a All Out Performance  
136 Factory Road, Harwich  
**Auto Class IV – Auto Repairman**

Morin-Froughton, Inc.  
d/b/a Lighthouse Café  
216 Route 28, West Harwich  
**Common Victualler**

Murphy/Torres LLC  
d/b/a Upper Crust Pizza  
1421 Route 39, Unit 25, Harwich  
**Common Victualler**

Nancy L. Clapp  
d/b/a Clapp's Guest House  
15 South St., Harwich Port  
**Lodging House**

Nick & Claudine Enterprises LLC  
d/b/a West Harwich Save-On-Gas  
4 Route 28, West Harwich  
**Auto Class IV – Auto Repairman**

Peter S. Stagg  
182 Route 137, Harwich  
**Auto Class II – Used Car Dealer**  
**Auto Class IV – Auto Repairman**

Reflections Auto Restoration  
4 Evergreen Way, Harwich  
**Auto Class IV – Vehicle Repairman**

Ruggies, Inc.  
d/b/a Ruggies  
707 Main St., Harwich  
**Common Victualler**

Sam's Automotive Center  
d/b/a Sam's Auto Repair and Sales  
413 Route 28, Harwich Port  
**Auto Class II – Used Car Sales**  
**Auto IV – Auto Repairman**

Scott's Cycle  
210 Queen Anne Rd., #1, Harwich  
**Auto Class IV – Auto Repairman**

Shooting Star Realty  
d/b/a Buca's Tuscan Roadhouse  
4 Depot Rd., Harwich  
**Common Victualler**

Shogun, Inc.  
d/b/a Noble House  
21 Route 28, West Harwich  
**Common Victualler**

Steven's Auto Repair  
216 Main St., #7 & 8, Harwich  
**Auto Class IV – Auto Repairman**

Super Stop & Shop  
d/b/a Starbucks  
Routes 39 & 137, Harwich  
**Common Victualler**

Subfleet, Inc.  
d/b/a Subway  
1 Auston Rd., E. Harwich  
**Common Victualler**

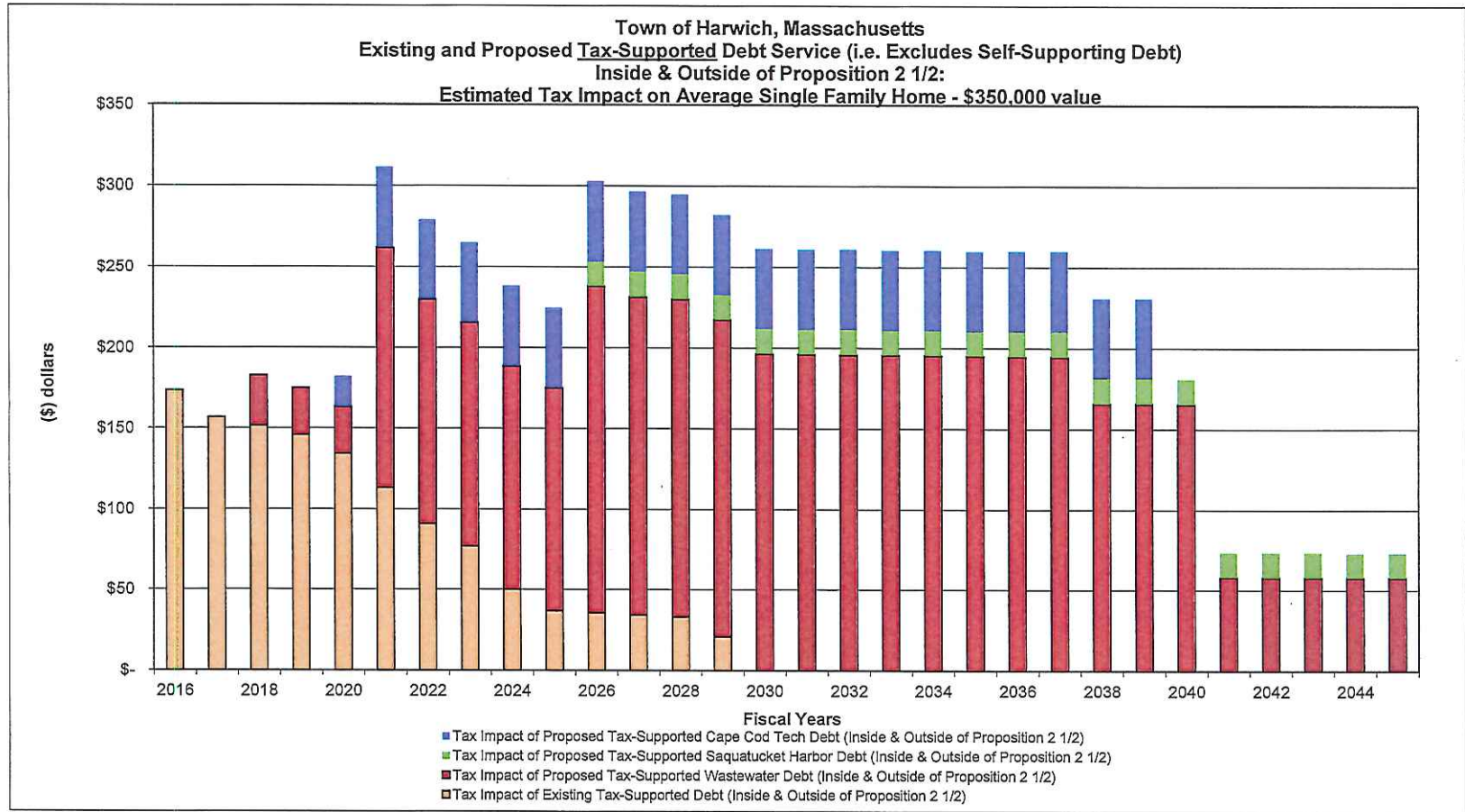
Wayne's Auto Service  
643 Main St., Harwich  
**Auto Class IV - Vehicle Repairman**

WFS Restaurant Group, Inc.  
d/b/a L'Alouette  
787 Route 28, Harwich Port  
**Common Victualler**

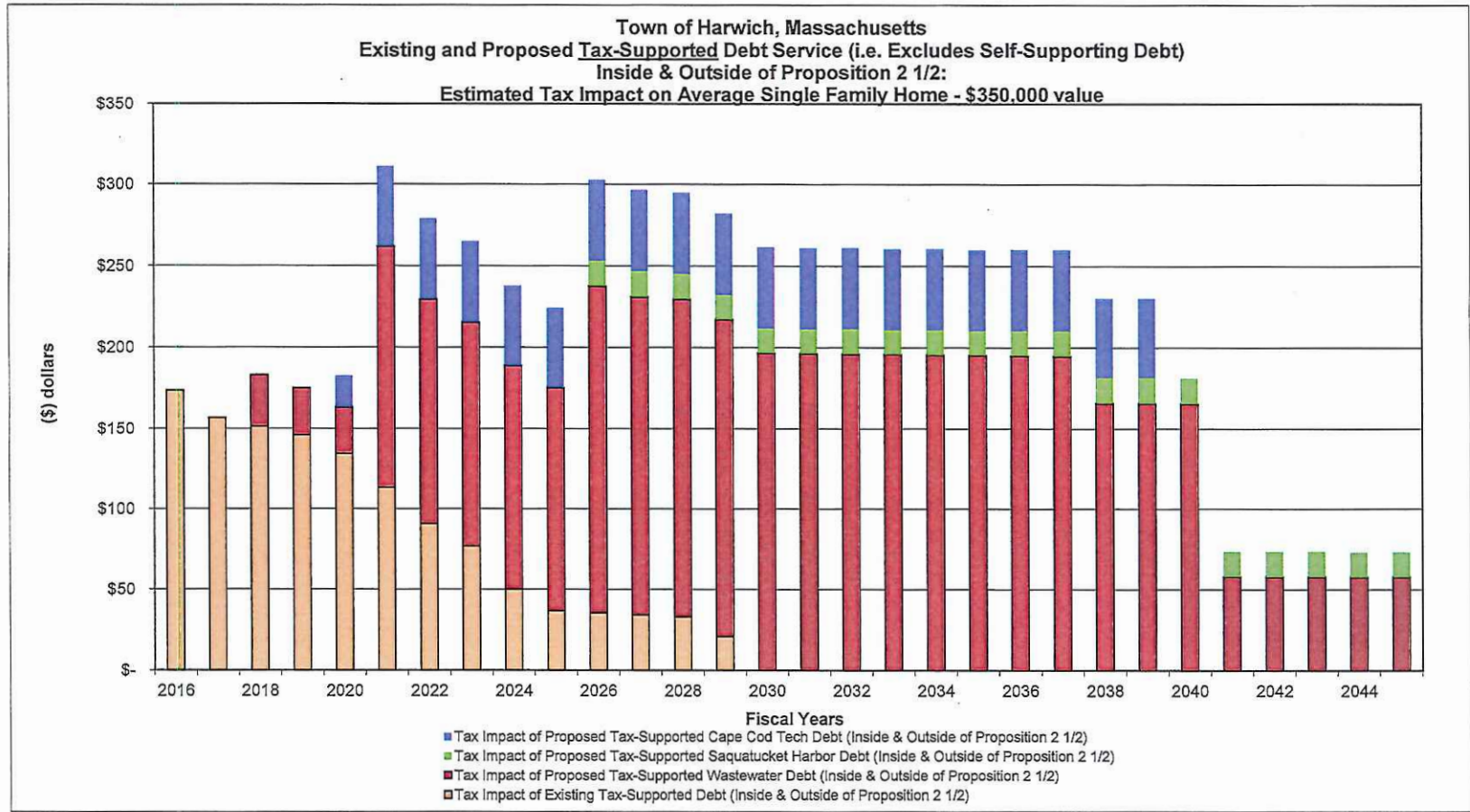
Zack, Inc.  
d/b/a Castaways  
986 Route 28, South Harwich  
**Common Victualler**

Zou Garden, Inc.  
d/b/a Szechuan Delight  
1421 Orleans Rd., Unit #24, East  
Harwich  
**Common Victualler**

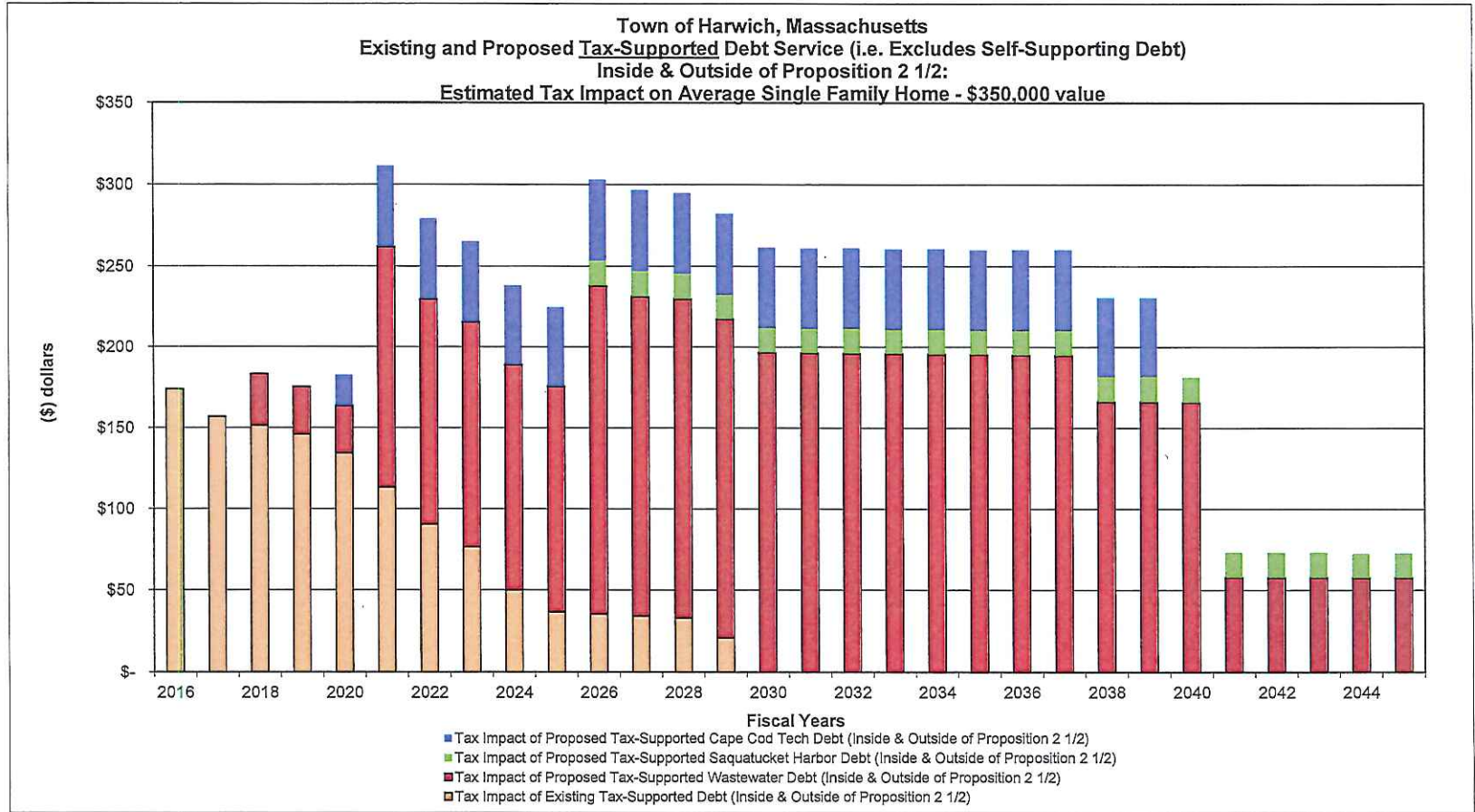
Harwich CIP  
 (Proposed Saquatucket Harbor Bonds issued on a Level Debt Basis)



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