

**MINUTES  
SELECTMEN'S MEETING  
GRIFFIN ROOM, TOWN HALL  
MONDAY, FEBRUARY 26, 2018  
6:30 P.M.**

**APPROVED**

**SELECTMEN PRESENT:** Ballantine, Brown, Howell, Kavanagh, MacAskill

**OTHERS PRESENT:** Town Administrator Christopher Clark, Chief Guillemette, John Rendon, Carol Coppola, Sheila House, Matt Kelley, Sharon Pflieger, Cyndi Williams, Judy Ford, Carol Novak, Taylor Powell, and others.

Chairman MacAskill called the meeting to order at 6:30 p.m.

**WEEKLY BRIEFING**

Chief Guillemette reported that there was conversation on an inbound bus to the Cape Tech School this morning about an imminent safety threat at the school. He stated that buses were averted, the building was swept, the conversation was investigated and this was found not to be a credible threat.

**PUBLIC COMMENTS/ANNOUNCEMENTS**

Emily Milan, Assistant Library Director, announced the details of the Library's upcoming fine amnesty program and other upcoming programs.

Judy Ford, announced that the South Harwich Meeting House will open on St. Patrick's Day weekend and the Chatham Chorale will be having benefit concerts there. She thanked all those involved in the project.

**CONSENT AGENDA**

- A. Vote to participate in pursuing opioid legislation and vote to authorize the Chair to sign the Engagement to Represent
- B. Approve the award of contract to replace the DPW Transfer Station siding to Poulin Construction, Inc., in the amount of \$139,000

Chairman MacAskill pulled Item A from the Consent Agenda noting that they would like Town Counsel to come and explain this and it deserves some discussion. Mr. Ballantine moved approval of Item B. Ms. Kavanagh seconded the motion and the motion carried by a unanimous vote.

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

- A. Mass Cultural Council Cultural Compact – Signing Ceremony

Anita Walker, Executive Director of the Mass Cultural Council, stated that Harwich was chosen as one of 6 communities in their new pilot program aimed at increasing collaboration, partnership and initiatives that support cultural and economic development in Harwich. She explained that the

Cultural Compact includes the Massachusetts Cultural Council, the Town of Harwich, the Harwich Cultural Council and the Harwich Chamber of Commerce and provides for regular meetings and ongoing communication, as well as for Harwich-specific goals like consulting support for the Harwich Cultural Center, guidance on the proposed artisan shacks at Saquatucket Harbor, direction on the process for obtaining two Cultural District designations for Harwich Port and Harwich Center, and the possible involvement of Blue Institute to create educational opportunities for environmental cleanup. Ms. Williams of the Chamber reported that the kickoff celebration will be May 24 at the Harwich Cultural Center to showcase everything they will be doing. Ms. Games, Chair of the Harwich Cultural Council recognized members of the Council and thanked everyone involved. Ms. Walker, Ms. Greenhalgh, Ms. Games and Ms. Williams signed the Cultural Compact documents.

#### B. FY 2017 CFAR/Audit presentation and Report on Cemetery Perpetual Care Funds

Renee Davis, audit partner with Powers and Sullivan, went over what they did related to Cemetery Perpetual Care and the recap audit for FY17 as well as the Town's participation in the CAFR program. Ms. Davis took questions and comments from the Board. Ms. Coppola discussed the review of capital assets and noted that she has provided comments to the auditors and we are working diligently to improve our risk assessments and internal controls.

#### C. Public Hearing - Application for Alteration of Premises for Seasonal, General On Premise, All Alcoholic Beverages License, by Go Industries Inc. dba Perks, 545 Route 28, Harwich Port, Taylor Powell – Manager, contingent on applicant submitting necessary paperwork to Planning and Building within 90 days to be in compliance with regulations

Mr. Ballantine read the hearing notice into record and Chairman MacAskill opened the hearing. Mr. Clark explained that the Board of Selectmen had some concerns regarding the description of premises needing to accurately reflect what is there now in each of the hearings tonight, so we asked each of the applicants to submit an alteration of premises application. He stated that the role of the Board is to ensure that the license reflects the actual layout that exists and in each of the three cases tonight they do have to apply to the Planning Board for alteration to the site plan and submit to the Building Department for the occupancy load as seating is one thing and occupancy load is something else. Taylor Powell, manager and applicant, said he is currently working with Building and Planning in getting them the information they requested. He submitted the abutter notice return receipts. Ms. Kathy Vranos of 43 Sea Street in Harwich Port noted that her residence is immediately next to The Port and diagonal to Perks. She stated that last summer their home became unlivable due to the competing amplified live and recorded music coming from The Port and Perks and on numerous occasions they had to call for police assistance due to noise. She stated that the culture in neighborhood has changed due to excessive drinking and crowds that have come into the neighborhood and they have lost their basic rights of the ability to sleep and to feel safe. She asked the Board to deny these requests for expansion of outdoor bars and amplified live music on these premises. Mr. Bill Vranos said entertainment problems haven't been resolved and it is not reasonable for them to ask for expansion. He said The Port continues to play after 11:00 p.m. and there are problems with drunks in the parking lot. Mr. Clark pointed out that charges were filed which were adjudicated and there was a penalty issued and the Chief will be calling in license holders to discuss what is expected of license holders. Mr. Vranos said The Port isn't even trying to play by the rules and music can be heard beyond 150 feet. He said the music

is blasting when they are in their back yard. He suggested a compromise of no amplified music. Mr. Powell said they been working hard at this and are not competing with any other business. He stressed that the live music stops at 10:00 p.m. or earlier. Mr. Vranos confirmed that Perks shuts their music off on time and said he is really here for The Port. Chairman MacAskill said the hearing is for the liquor license and not for entertainment and that complaints will be acted on by the Police Department. Ms. Williams of the Chamber said they will be putting on educational meetings with all the restaurants to go over Selectmen policies. Mr. Ballantine moved to close the public hearing. Mr. Howell seconded the motion and the motion carried by a unanimous vote. Mr. Clark said if there is an issue in terms of Building or Planning we will be back. Chairman MacAskill questioned if the Board is being asked to approve the license prior to site plan approval. Mr. Clark indicated that they are and part of the reason for that is that we don't know how long it is going to take and the description has to match accurately what's in the field on all of these. Mr. Ballantine said this seems to be going backward and the Selectmen should be the last to look at it. Ms. Kavanagh responded the plans need to reflect adequately the liquor license and that is what the Board is responsible for. Mr. Clark said they can approve it on a contingent basis. Mr. Howell said the Board didn't instruct anyone to sequence it this way but rather just indicated that they wanted the licenses to coincide with what is there. He said he has seen numerous restaurants that started with interior service, went to exterior seating with the interior service, screened it in and then eventually put siding on it and it became inside service. Mr. Howell said that Board of Health hasn't even been discussed. Mr. Clark said they are in compliance with Health regulations. Mr. Howell responded that he would like to see that they are consistent with all the regulations before he votes with it. He said we are doing this in the exact opposite way we should and the Board should be the last stop. Ms. Greenhalgh said they have spoken with Mr. Powell and he knows exactly how many seats he is allowed to have by virtue of previously approved site plans, Board of Health regulations, and also through the Building Department. She added that he is going to request a waiver for site plan to include the footprint for the outside bar but the seating isn't going to change at all. Mr. Ballantine said we need to tighten our enforcement of the music rules and shut it down if they refuse to cooperate and that should be our promise to everyone. Mr. Ballantine moved to approve the application for the Alteration of Premises for the Seasonal, General On Premise, All Alcoholic Beverages License, for Go Industries Inc. known as Perks. Ms. Kavanagh seconded the motion and the motion carried on a 4-1-0 vote with Mr. Howell in opposition.

- D. Public Hearing - Application for Alteration of Premises for Seasonal, Common Victualler, All Alcoholic Beverages License, by The Port Restaurant and Bar Inc. dba The Port, 541 Route 28, Harwich Port, Justin R. Brackett – Manager, contingent on applicant submitting necessary paperwork to Planning and Building within 90 days to be in compliance with regulations

Mr. Ballantine read the hearing notice into record and Chairman MacAskill opened the hearing. Attorney Matt Kelley representing The Port and Ember said the plans no longer actually reflect what is on the ground as required by the ABCC and that is what led to this application. He said the owners met with the former Building Commissioner regarding the outside bar at Ember and were told to build it a certain way and that they don't need a permit and so a few years later they decided to do the same thing at The Port, as they had previously received the blessing of the Town, but they did come in and get a temporary permit when it became an issue. He said they met with the Community Development team and were given very specific marching orders for an updated site plan, they met with the Building Department regarding the occupancy permit and

received the blessing from the Board of Health. He said there is no further expansion in these applications. Ms. Vranos said the space between their home and The Port is a driveway and a 5 foot fence. She said the number of seats has nothing to do with the number of people and it is absolutely packed. She said drunken shouting goes on until 3:00 a.m. and it is an enormous problem. Ms. Kavanagh moved to close the hearing. Ms. Brown seconded the motion and the motion carried by a unanimous vote. Mr. Ballantine and Ms. Kavanagh said their comments stand (see previous hearing for Perks). Mr. Howell stated that this isn't personal but has to do with the application and what the public should expect. Chairman MacAskill said they need to address any battle of the bands that is going on. Mr. Kelley said they had jazz type bands and Chairman MacAskill responded that he goes to The Port and it isn't a jazz band. He stated that The Port and Perks do a wonderful job for Harwich Port but we also have to be concerned with what the neighbors say and hopefully the two businesses can work together. Mr. Ballantine moved to approve the amended application regarding the Seasonal, Common Victualler, All Alcoholic Beverages License now held by The Port Restaurant and Bar and presented by Justin Brackett at 541 Route 28, Harwich Port contingent on the applicant submitting necessary paperwork to Planning and Building within 90 days to be in compliance with regulations. Ms. Kavanagh seconded the motion and the motion carried by a 4-1-0 vote with Mr. Howell in opposition.

- E. Public Hearing - Application for Alteration of Premises for Seasonal, Common Victualler, All Alcoholic Beverages License, by Ember Pizza Inc. dba Ember, 600 Route 28, Harwich Port, Justin R. Brackett – Manager, contingent on applicant submitting necessary paperwork to Planning and Building within 90 days to be in compliance with regulations

Mr. Ballantine read the hearing notice into record and Chairman MacAskill opened the hearing. Attorney Matt Kelley stated that they met with the Department Heads and made application. He said the fire bar will not change in any way and the application is just to accurately reflect what's on ground. Ms. Brown moved to close the hearing. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote. Mr. Ballantine moved to approve the application for the alteration of premises of the Seasonal, Common Victualler, All Alcoholic Beverages License, by Ember Pizza Inc. on premises at 600 Route 28, Harwich Port, conditioned on a regulatory review by relevant boards. Ms. Kavanagh seconded the motion and the motion carried by a 4-1-0 vote with Mr. Howell in opposition.

## **NEW BUSINESS**

- A. Update on Opioid Epidemic and Discussion with Schools

Chief Guillemette reported on the opioid crisis noting that there is not a lot of encouraging news. He stated that our community reflects the trends across the state and it's obvious a serious problem still exists. He provided the following statistics and noted that one encouraging trend is that deaths within our community and across the state have been reduced but that may be due to the deployment of Narcan.

2015	23 overdoses with 4 fatalities
2016	21 overdoses with 1 fatality
2017	25 overdoses with 1 fatality
2018 to date	5 overdoses with 1 fatality

He further noted that they do not always get informed of every overdose and family and friends are being educated about availability and use of Narcan. He said they are attacking the problem in a multifaceted manner including prevention and education, enforcement and treatment. He reported that they have full time officer assigned to the Cape Cod Drug Task Force, they created a street level narcotics patrol investigator, they do follow-ups with Gosnold to get survivors into treatment, they have two School Resource Officers, and they host weekly family support meetings. He said Harwich numbers reflect about 80% going into treatment.

Sheila House said she has gotten money to do a Youth Risk Behavior Survey every two years and last year an area of concern that popped up was people getting into cars with people who were drinking and driving and so they brought in to the school simulators for drunk driving and distracted drivers using cell phones. She added that with anxiety issues being on the rise, which is risk factor for substance abuse, they are bringing in a film to the students to address that.

Mr. Howell asked Detective Brackett about spiking of various things with fentanyl and if that is a problem here. Detective Brackett responded that nobody is quite sure what they're taking when they're buying illicit narcotics and they are getting all kinds of reports. He said Bourne made an arrest for cocaine laced with fentanyl and we are finding marijuana laced with fentanyl or heroin that is fentanyl. He said that is one of the contributing factors to a lot of the overdoses and they feel strongly about providing drug education and he does a lot of speaking at the schools.

#### B. Recommendation from DPW Director to adopt a new Treasure Chest Charge

Mr. Hooper and Mr. Caruso, Chair, explained the documents. Mr. Ballantine said the number of members should be included the charge and all the members should take the ethics test. The Board thanked them for their efforts. Ms. Brown said she thinks we should close the Treasure Chest down the road for financial reasons. Mr. Howell moved to approve the charge with the addition of the committee membership. Ms. Brown seconded the motion and the motion carried by a unanimous vote.

#### C. Draft Cranberry Bog RFP for the Bells Neck Conservation Area Bogs approved by the Conservation Commission - *discussion to approve language*

Mr. Usowski stated that as she had indicated a couple of months ago that releasing the Bells Neck Cranberry Bog would require Conservation Commission approval. She stated that the Conservation Commission has been working to put together draft RFP language for which they discussed a set 5 year lease with a 5 year renewal option in an effort to judge performance. She added that annual reporting will be required as this bog is an ecologically sensitive area and we want to make sure that natural resources and historic resources are protected. She said that she has added the location as it was left off the document originally. Mr. Howell asked if there has been an attempt to reach out to potential bidders to talk about the 5 year renewal and he questioned making it 10 years and then if someone defaults they can put out another RFP. Ms. Usowski said that's not their area of expertise but they had a series of public meetings and took input from interested parties. She said there is really only one extremely interested person and they were at all these meetings and were comfortable with the 5 year lease and 5 year extension. Mr. Howell moved to approve the issuance of the RFP advertised for a period of 30 days with the inclusion of a description of the property. Ms. Kavanagh seconded the motion and the motion carried by a unanimous vote.

## OLD BUSINESS

- A. Request for the Board of Selectmen to issue an RFP for a restaurant or snack shack – *discussion*. Saquatucket Marina project timeline

John Rendon reported that the marina project is progressing very well. He noted that the dredging was completed but we got a one week extension to do some clean up work after the dredging was done. He stated that they have been installing electrical conduit and driving some piles. He noted that the first set of docks is expected to be trucked in on March 6, with all the docks expected to be installed by the second week in May. With regard to the landside project, Mr. Rendon reported that they are driving a lot of piles and putting a retaining wall on the east end of the boardwalk to retain the parking lot. He said the foundation for the Harbormaster office building is ongoing and is probably a week behind schedule. He said they have CC Construction on hold pending the figure for the snack shack. Chairman MacAskill said he has asked Mr. Clark to identify a funding source and they will discuss it next week.

Mr. Clark stated that the project was approved at Town Meeting and that included the snack shack. He said there was an effort made to look at a 60 or 100 seat restaurant. He noted that Town Meeting approved the site plan for a snack shack and that was also approved at the ballot. He explained that now that we have the grant, we have the ability to deliver the entire project as presented including the snack shack. He stated that when we went out to bid we realized we couldn't do the entire project with the existing funding and now that we have secured the grant we have the ability to deliver exactly what we told Town Meeting. He said it would have been more relevant to discuss the private sector solution of a restaurant if we still didn't have the funding to do the snack shack but that problem doesn't exist anymore.

Ms. Greenhalgh reviewed her memo of January 22, 2018 regarding parking at Saquatucket Harbor (attached).

The Board took comments from the public but Chairman MacAskill stressed that this is a public meeting not a public hearing. He noted that we received a letter with 100 plus signatures on it in support of a restaurant and that in prior meetings we have had an equal amount of people, between phone calls and emails, who don't want a restaurant there.

The Board took comments from:

Charles Peavy regarding parking issues,  
Steven Scannell who wanted a marine education program,  
Dan McLaughlin who submitted the letter with signatures in favor of a restaurant,  
Barry Bessette who was against a restaurant,  
Tom Johnson Jr. who expressed interest in the development of restaurant,  
Leo Cakounes who wanted a definition of snack shack and stressed the need to go back to Town Meeting,  
Hugh Drummond who was against a snack shack but said he had no problem with getting proposals from private parties,  
Priscilla Eastman spoke against a restaurant and said it should be for all to enjoy,

Christopher Our who said he didn't hear how many parking spaces it would take for the square footage of the building,

Walter Redstone questioned if they have taken into consideration the ferries, charter boats and kid's fishing boat people who need to park there too.

Chairman MacAskill said if the voters reject using the \$1 million to finish this project then we can talk about an RFP but based on what the Town Planner says we don't have the parking for it.

Mr. Ballantine said he was uncomfortable even with moving ahead with a snack shack as it could be a financial burden. He said he would like to understand the commercial value of the property and what type of lease we can get for a snack shack. He said he would like to pull it back for a year if Town Meeting votes against it.

Ms. Kavanagh said this is a unique asset to everyone in Town and the snack shack offers a lot of opportunity to everyone in the community. She said we should probably go to an RFP if the use of the grant fails.

Ms. Brown said they have to decide whether to use the grant in addition to the \$3 million that was voted or use it to offset it. She said last year's article wasn't worded correctly and in her mind, it's supposed to offset it. She suggested that Mr. Rendon write up in the acceptance of the grant to at least utilize the money for site work and maybe for septic. She further suggested putting out an RFP as she is a proponent of a public private partnership because it brings revenue to the Town. She stated that a snack shack to her doesn't make sense. She added that the parking is just numbers on paper and are not real.

Chairman MacAskill stressed that Town Meeting voted a borrowing of \$3 million for a project which included the snack shack and the decision belongs to the voters.

Mr. Howell stated that Town Meeting asked for a snack shack and approved it. He noted that we put it out for contract and it couldn't be done within the \$3 million, we got \$1 million as a grant, and it's wholly up to Town Meeting to decide to pay down the debt exposure or complete the project.

Mr. Ballantine stated that they already agreed to bring this back to Town Meeting and to help inform the Town Meeting, they should have some idea of what the options are and if we need to put out an RFP to do that, we should.

Chairman MacAskill moved to reject the request for issuing an RFP and any more conversation on an RFP until after Town Meeting votes on whether to finish the project as voted or not. Mr. Howell seconded the motion. The motion passed on a 3-2-0 vote with Ms. Brown and Mr. Ballantine in opposition. Ms. Kavanagh said she misunderstood the motion as she thought he meant a 60-100 seat restaurant. She asked if we are saying that we're not going to go out to bid for the snack shack. Chairman MacAskill clarified that this will go back to Town Meeting and if Town Meeting votes not to spend the \$1 million to finish the project, at that time they will have a discussion about issuing the RFP. Mr. Clark stated that he also believed they were voting on whether to put out an RFP on a 60 or 100 seat restaurant. Chairman MacAskill said there is no need to create an RFP now and this will go back to Town Meeting and Mr. Howell agreed and said that all of these comments should have been aimed at last year's discussion. Ms. Kavanagh

moved to go to an RFP for the snack shack now. The motion was not seconded. Chairman MacAskill asked Mr. Clark if there is realistically time to do this and Mr. Clark commented that we would be scrambling and you have to give 30 days to submit a proposal. Chairman MacAskill said we can start putting things together to pursue the RFP for the snack shack.

B. Annual Town Meeting Warrant – *discussion on article descriptions*

There was no discussion or action on this item.

**TOWN ADMINISTRATOR'S REPORT**

- A. Wastewater project update – Southern section of Pleasant Bay Watershed
- B. DHY Clean Water Partnership
- C. Departmental Weekly Reports

There was no discussion or action on these items.

**SELECTMEN'S REPORT**

There was no discussion or action on this item.

**ADJOURNMENT**

Mr. Ballantine moved to adjourn at 10:10 p.m. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel  
Recording Secretary



Memorandum from Charleen Greenhalgh  
Assistant Town Administrator  
Town of Harwich

January 22, 2018

To: Christopher Clark, Town Administrator  
Board of Selectmen  
John Rendon, Harbormaster  
From: Charleen Greenhalgh, Assistant Town Administrator/Town Planner  
Re: Saquatucket Harbor

I have looked at the parking plans that were approved by the Harwich Planning Board. Although the calculations provided for both the existing and proposed parking, I did base my information on the actually number of parking spaces shown on the existing conditions plan and the proposed site plan.

	<u>East</u>	<u>West</u>	<u>North East (Downey)</u>
Existing Parking:	79	149	0
Proposed Approved Plans:	79	137	90

There are 79 spaces in the East Lot. These spaces fall under the State for the purposes of access to the water via the ramp. These spaces cannot be used for anything the ramp/water access use and are not available for any other uses on or off the property.

These leaves 137 spaces on the West Lot and 90 spaces on the North East Lot for:  
**TOTAL AVAILABLE PARKING SPACES      227 Spaces.**

Based on the uses that were presented to the Planning Board and approved on the site plan the parking required is as follows:

201 Slips	201 spaces
Harbormaster Office	7 spaces
Garage	1 space
Snack Shack*	<u>17 spaces</u>
<b>TOTAL REQUIRED SPACES</b>	<b>226 spaces</b>

\*(assumes 6 Employees Max Shift, 6 Mandatory Spaces & 5 outdoor tables w/4 seats each)

Additionally, there are several Artisan Shacks proposed on the site, which parking was not accounted for these uses.

A 60 Seat Restaurant would require 15 parking spaces for seats (1 per four seats), plus 1 parking space per employee on the maximum shift

A 100 Seat Restaurant would require 25 parking spaces for seats (1 per four seats), plus 1 parking space per employee on the maximum shift.

## Related Documents - 2/26/18 BOS Meeting

- 01 Agenda.pdf
- 02 Mass Opioid Litigation Effort.pdf
- 03 Contract Award for Transfer Station - Ad IFB & Proposal.pdf
- 04 Transfer Station Siding Contract.pdf
- 05 Cultural Council Signing Ceremony.pdf
- 06 Report on Cemetery Funds.pdf
- 07 Harwich FY2017 Draft LOR.pdf
- 08 Harwich FY2017 CAFR Audit.pdf
- 09 Public Hearing - Perks.pdf
- 10 Public Hearing - The Port Restaurant.pdf
- 11 Public Hearing - Ember Pizza.pdf
- 12 Treasure Chest Charge Amendments.pdf
- 13 Draft Cranberry Bog RFP.pdf
- 14 Saquatucket Marina Restaurant RFP.pdf
- 15 Saquatucket Grant approval and Timeline.pdf
- 16 ATM Warrant Articles.pdf
- 17 Full ATM Draft Warrant.pdf
- 18 Department Weekly Reports.pdf