

**MINUTES  
SELECTMEN'S MEETING  
GRIFFIN ROOM, TOWN HALL  
MONDAY, MAY 14, 2018  
6:30 P.M.**

**APPROVED**

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

**OTHERS PRESENT:** Town Administrator Christopher Clark, John Rendon, Judi Wilson, Steven Scannell, Ed McManus, Cyndi Williams, Matt Kelley, and others.

**WEEKLY BRIEFING**

Mr. Clark discussed some Town Meeting actions and how they affect the ballot.

**PUBLIC COMMENTS/ANNOUNCEMENTS**

Ms. Williams of the Chamber of Commerce announced that applications for The Big Fix are due June 1<sup>st</sup>. Ms. Kavanagh read a certificate of recognition for Ms. Brown as it was her last Board meeting. Ms. Wilson of the Council on Aging discussed programs related to Older Americans Month.

**CONSENT AGENDA**

- A. Accept the resignation of Joseph Powers to the Historic/Historical Commission, Community Preservation and the By/Law and Charter Review Committee effective May 14, 2018
- B. Approve Committee appointments:

John Ketchum	Conservation Commission (Alternate)	June 30, 2021
Janet Evans	Treasure Chest Committee (Alternate)	June 30, 2021
Carol Thayer	By-Law/Charter Review Committee (Full)	June 30, 2020
Meg Patterson	Housing Committee (Full)	June 30, 2021
- C. Approve Application for Change of Officers/Directors on Liquor License for Belmont Condominium Beach Club Corp.

Mr. Ballantine moved approval of Items A and C on the Consent Agenda. Ms. Kavanagh seconded the motion and the motion carried by a unanimous vote. Chairman MacAskill removed the appointment of Mr. Ketchum from Consent Agenda Item B as he said there are no alternates for the Conservation Commission. Mr. Howell recommended changing the term for Meg Patterson to end in 2019 in order to avoid having the terms of 4 out of the 5 members ending in 2021. Ms. Usowski said the Commission has had 2 alternate positions available for quite a while and Mr. Diggs currently serves as an alternate. She added that it is understood that alternates can't vote, and it is used a prep ground to being on the Commission and the potential applicant was aware of it. Mr. Ballantine asked for clarification as years ago they worked to get alternates for the reasons that Ms. Usowski discussed. Mr. Howell said it is really up to the Board but suggested they be non-voting alternates. Mr. McManus pointed out that Massachusetts General Law doesn't allow for alternates to be voting members. Mr. Ballantine moved to approve the committee appointments for John Ketchum for Conservation Commission Alternate non-voting member for a term expiring June 30, 2021, Janet Evans Treasure Chest Committee Alternate term expiring June 30, 2021, Carol Thayer, By-Law/Charter Review Committee term expiring June 30, 2020,

Meg Patterson Housing Committee term expiring June 30, 2019. Ms. Brown seconded the motion and the motion carried by a unanimous vote.

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

A. Public Hearing – Transfer of the Freedom Ferry Slip and Class F Permit

Mr. Ballantine read the hearing notice into record and Chairman MacAskill opened the hearing. Mr. Rendon explained that Jack Sheeran provided an overview of his plan to the Waterways Committee who voted favorably on this. He added that he has met with Mr. Sheeran on several occasions and recommends the approval of the slip transfer with the permit and to purchase the Freedom Ferry from Alan McMullen. He noted that the plan is to maintain the current offsite parking being utilized by the ferry and the development plan is to bring the ticket sales over to the waterside area of Route 28. Mr. Sheeran said he has been in talks with Mr. McMullen for over a year and he noted that he currently lives in Chatham. He added that the schedule and staff will remain the same and they are going to stay at the Nantucket boat basin. Chairman MacAskill called for public comment and Mr. Chorey spoke in support of the transfer noting that he has known Mr. Sheeran for six years and he would be a great asset to the Town. Mr. Ballantine moved to close the public hearing on the transfer of the Freedom Ferry slip and Class F permit. Ms. Brown seconded the motion and the motion carried by a unanimous vote. Mr. Ballantine and Ms. Kavanagh said they have no concerns and wished Mr. Sheeran luck. Mr. Howell said it is a real boon to the Town to have this and moved that we approve the application to transfer the Freedom Ferry slip and Class F permit. Ms. Brown seconded the motion and the motion carried by a unanimous vote.

B. Public Hearing – Transfer of Annual All Alcohol Innholder’s License from John F. Connell d/b/a Cape Cod Claddagh Inn and Irish Pub to Harwich Inn and Tavern LLC d/b/a Harwich Inn and Tavern

Mr. Ballantine read the hearing notice into record and Chairman MacAskill opened the hearing. Mr. Tsoukalas, applicant, said he looks forward to taking over the property and being a part of the Harwich community. Ms. Brown moved to close the hearing and Mr. Ballantine seconded the motion. The motion carried by a unanimous vote. Mr. Howell noted that through the years there have been complaints about entertainment noise going beyond the property and questioned if Mr. Tsoukalas is prepared to live within the confines of the actual license for entertainment. Mr. Tsoukalas responded that he is more in the inn and restaurant business rather than the entertainment business. Ms. Kavanagh moved to approve the transfer of the Annual All Alcohol Innholder’s License from John F. Connell d/b/a Cape Cod Claddagh Inn and Irish Pub to Harwich Inn and Tavern LLC d/b/a Harwich Inn and Tavern. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

C. Town of Harwich certification as a National Wildlife Federation (NFW) Community Wildlife Habitat

Chairman MacAskill noted they would be bringing this item back next week.

**NEW BUSINESS**

A. Confirm appointment of Eugene Murphy to the position of Mechanic effective May 29, 2018 as recommended by DPW Director

Mr. Howell moved to confirm the appointment of Eugene Murphy to the position of Mechanic effective May 29, 2018 as recommended by DPW Director. Ms. Kavanagh seconded the motion and the motion carried by a unanimous vote.

B. Appointment of Judi Wilson to the Harwich Accessibility Rights Committee

Chairman MacAskill said Ms. Brown and he interviewed Ms. Wilson last week. He noted that Ms. Wilson is the COA Director and lives in the Town of Brewster and as such they decided it would be more appropriate to put this on the agenda for Board discussion. Mr. Howell said the Charter doesn't give authority for a non-resident but she is clearly a wealth of information and recommended appointing her as an ex-officio member to the committee to stay within the confines of their appointment powers. Mr. Howell moved that we accept the appointment of Judi Wilson to the Harwich Accessibility Rights Committee as ex-officio position by virtue of her position on the COA for expiration of June 30, 2021. Ms. Brown seconded the motion and the motion carried by a unanimous vote.

C. 100% Renewable Energy Letter – discussion and vote to sign letter of support

The requestor, Environment Massachusetts, was not present to discuss the proposed letter. Mr. Ballantine said he opposed the letter as it is. Chairman MacAskill said he is completely against raising electric rates and that is what he reads this letter as. Mr. Clark said he would invite the requestor in again to discuss.

D. Review the revised First Congregational Church Cemetery Agreement – discussion and possible vote

Mr. Clark reported that this agreement memorializes that the property is owned by the Church and the Town no longer has to do any maintenance and also there is a map that was created of existing full body burials and the judge ordered no more cremains can be put on top of that and this agreement is based on judge's order. Ms. Kavanagh pointed out that the map doesn't have an engineer's stamp. Mr. Clark said they confirmed what we submitted and Ms. Kavanagh stressed that it should be stamped for recording purposes. Mr. Clark said he will check with the attorney to see if that is required. Ms. Kavanagh moved that we approve the revised First Congregational Church Cemetery Agreement pending review of whether or not the plan needs an engineer's stamp. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

E. Reconsideration of vote on Alteration of Premises on liquor license for Ember Pizza

Mr. Howell noted that he originally opposed this and therefore cannot vote to reconsider. Attorney Kelley said the plans are done, the engineer has done all the surveying, and he expects to submit the paperwork next week. He said it should be a very short amount of time. He asked that the Board's vote mirror their vote on The Port.

Mr. Ballantine moved that we reconsider the vote on the alteration of premises on the liquor license for Ember Pizza of February 26, 2018. Ms. Kavanagh seconded the motion and the motion carried by a 4-0-1 vote with Mr. Howell abstaining from the vote.

Mr. Ballantine moved that we approve the application for the alteration of premises of the Seasonal Common Victualler, All Alcoholic Beverages Licenses, by Ember Pizza Inc. on premises at 600 Route 28, Harwich Port, contingent on the applicant submitting necessary paperwork to Planning and Building within 90 days of the February 26, 2018 date. Ms. Kavanagh seconded the motion. Mr. Howell said although the license was approved by the ABCC it still doesn't reflect the actual regulatory situation right

now in terms of what's approved to be there. Ms. Kavanagh said this is an engineering delay due to the engineer's schedule. Mr. Howell said it still has to be approved by the Planning Board and he noted that State acceptance is based on local acceptance. Mr. Clark agreed and added that as long as local acceptance will be forthcoming it is probably not an issue. Mr. Kelley said he has a draft site plan done for The Port and is expecting Ember's tomorrow. He said he is expecting to file by mid next week at the latest. The motion carried by a 4-1-0 vote with Mr. Howell in opposition.

#### F. Recap of 2018 Annual Town Meeting

Chairman MacAskill commented that Town Meeting was extremely successful and Mr. Clark did an outstanding job. Ms. Kavanagh added that it went exceptionally well. Mr. Ballantine commented that we need to give people a break for a while on capital items. Ms. Brown said the verbiage in Article 30 had been changed and Mr. Clark said he would look into it but his recollection was that the majority of the Board asked for a change to be done after it was presented and his obligation is to follow the majority of the Board and do it consistently. Chairman MacAskill said he did recall having a conversation about changing the article but asked Mr. Clark to look at it. Mr. Howell commented that he would love to see the attendance be kept up and agreed that the Town needs a break on capital items. Mr. Clark said we have continued to make progress toward educating people on the process.

### **OLD BUSINESS**

#### A. Town Administrator Performance Evaluation

Chairman MacAskill noted that not all Board members have submitted their reviews and Mr. Clark is agreeable to bringing this back next week. Ms. Kavanagh said the evaluation form is difficult and doesn't make sense particularly where they are being asked to create future priorities and it is not appropriate to be in the evaluation. She added that the form is not a fair reflection of anything. Mr. Ballantine agreed and said it is difficult to relate the scoring system to his review. Mr. Howell said he agreed with what's been said and added that the form makes it difficult to give honest critique for the purpose of improving performance. The Board agreed to use the form this year but that they have to make improvements on it for next year. Mr. Ballantine suggested having quarterly reviews and stressed that it is a two way street and they need to work together. The Board agreed to start working on the form right away.

### **TOWN ADMINISTRATOR'S REPORT**

#### A. Waiver of fees for the Cape Cod Tech Building Project

Mr. Clark stated that he had an inquiry from Superintendent Sanborn in regard to opportunity for fee waivers on the Cape Cod Tech building project. He recommended that we treat them consistent with how Monomoy Schools were treated. He noted that Monomoy paid \$4,000 out of \$30,000 for site plan review. Mr. Clark noted that Monomoy is different as we pay 72 cents on the dollar and for Cape Cod Tech is it 14% but he suggested considering them the same. Mr. Howell said the approval to get the funding for the Cape Cod Tech building was regional wide and had nothing to do with town by town and secondly that we are the host town in terms of what we have to do for Police and Fire and other things. He stated that we do have to pay 14% but they've got bonding and if it were built anywhere else it would cost them something to get permits. Ms. Brown said she would support the waiver as it is a school and a shelter for Harwich. Ms. Kavanagh said she would support it as well and by not waiving the fees we cost everyone a little more anyway in terms of overall project cost. Mr. Ballantine questioned why we wouldn't be paying our 14% and the other towns paying based on the same rules. Chairman MacAskill

said he supports it and one way or another we are paying for it. The consensus of the Board was that Cape Cod Tech should be treated the same as Monomoy but that they should bring this item back.

B. Election Ballot for May 15

Mr. Clark reviewed the election ballot results.

C. CDM Smith – Progress Report No. 10 for Phase 2 Sewer Collection System

Mr. Clark reported that they are in process of refining sewer profiles for Phase 2 and getting down into the specific locations for where the pump stations are necessary. Chairman MacAskill asked to get the figure they are charging us for the brochure. Mr. Ballantine said he is anxious for Mr. Clark to start the easement discussions for the private roads. Mr. Clark responded that he has already discussed it with Town Counsel but will have him begin looking at the 10 streets.

D. Departmental Reports

No action was taken on this item.

**SELECTMEN'S REPORT**

A. Farewell and Thank You to Jannell Brown

Mr. Clark and Chairman MacAskill thanked Ms. Brown for her service and wished her the best.

**ADJOURNMENT**

Ms. Brown moved to adjourn at 8:06 p.m. Ms. Kavanagh seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel  
Recording Secretary

## Related Documents - May 14, 2018 BOS Meeting

- 01 Agenda.pdf
- 02 J Powers Resignation.pdf
- 03 Committee Appointments.pdf
- 04 Belmont Condos - Liquor Lic..pdf
- 05 Public Hearing - Transfer of Freedom Ferry Slip and Permit.pdf
- 06 Public Hearing - Harwich Inn and Tavern Lic.pdf
- 07 NWF - Community Wildlife Habitat.pdf
- 08 Appointment of Mechanic - DPW.pdf
- 09 100% Renewable Energy Letter.pdf
- 10 First Congregational Church Agreement.pdf
- 11 Final Plan First Congo Church.pdf
- 12 First Congo Church Outermost Plan.pdf
- 13 Ember Pizza - Alteration of Premises.pdf
- 14 TA Performance Evaluation.pdf
- 15 TA Rpt - Annual Election Ballot.pdf
- 16 TA Rpt - Sewer Collection Progress Report.pdf
- 17 Department Reports.pdf