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HARWICH, MA

2024 APR 23 A 10:43

**MINUTES
SELECT BOARD MEETING
DONN B. GRIFFIN ROOM, TOWN HALL
732 MAIN STREET, HARWICH, MA
EXECUTIVE SESSION 5:30 PM
REGULAR MEETING - 6:00 PM
MONDAY, MARCH 25, 2024**

MEMBERS PARTICIPATING: Julie Kavanagh, Chair, Michael MacAskill, Vice Chair, Jeff Handler, Clerk and Don Howell

ALSO PARTICIPATING: Joseph F. Powers, Town Administrator and Kathleen Barrette, Finance Director

I. CALL TO ORDER:

Ms. Kavanagh called the meeting of the Harwich Select Board to order on Monday, March 25, 2024 at 5:30PM noting that the Board will be entering into Executive Session and will return no earlier than 6:00PM.

II. EXECUTIVE SESSION

A. 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

Mr. Handler moved to enter into Executive Session 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. Seconded by Mr. Howell.

Vote: 4:0 by roll call vote. Motion carried.

Ms. Kavanagh called the meeting of the Select Board back to order at 6:00PM reporting that in Executive Session, no decisions were made.

Ms. Kavanagh read the Open Meeting Law Notice.

III. PLEDGE OF ALLEGIANCE

Ms. Kavanagh invited all attendees to join in the Pledge of Allegiance.

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IV. PUBLIC COMMENTS/ANNOUNCEMENTS

Mr. Handler noted that he will be choosing the date for the next Office Hours for the month of April. That information will be posted on the Town's website.

Emily Mitchell, Town Clerk was present and noted important dates in relation to both the Special Town Election and the Annual Town Election. She noted all the dates and events in detail, information can be found on the Town Website.

Mike Olgren, President of the Standish Woods Homeowners Association was present with several members of the Association. He noted that they are available to answer questions regarding an Agenda item.

Patrick Otton of Harwich was present and noted that there would be a discussion and information forum for the public on the Citizens' Petitions. He noted dates and times. He also referred to the Tree Cutting By-law (Article 10) and that it had not been in the proper format when it was presented to the Board. He requested that the Select Board follow up and confirm that what is on the Town Warrant is what was submitted and correctly formatted.

Mr. Powers commented that Article 10 now references the omitted graphics.

V. PUBLIC HEARING

A. Discussion and possible vote to opt out of early Voting by Mail for the Annual Town Election to be held on May 21, 2024

Mr. Handler read the Notice of Public Hearing.

Mr. Howell moved to open the Public Hearing. Seconded by Mr. MacAskill.

Vote: 4:0 in favor. Motion carried.

Emily Mitchell, Town Clerk gave a brief overview of Voting by Mail and recommended that the Town opt out of offering Vote by Mail, noting the reasons.

No one from the public opted to speak.

Mr. MacAskill moved to close the Public Hearing. Seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

Mr. MacAskill moved to opt out of Vote by Mail for the Annual Town Election to be held on May 21, 2024. Seconded by Mr. Howell.

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

Ms. Kavanagh took Item A. from New Business out of order, at this time, to accommodate the residents of Standish Woods who were present.

VI. 2024 ANNUAL TOWN MEETING

A. Discussion and possible vote to accept, recommend and place the following Articles in the 2024 Annual Town Meeting Warrant:

- * Monomoy Middle School Project Draft
- * Acquisition of Conservation Restriction
- * Expenditure of Funds from Sale of 276 Queen Anne Road
- * Correct 2023 Annual Town Meeting Article 24
- * Community Preservation Committee – Housekeeping Expenses
- * Community Preservation Committee – Beach AED Equipment
- * Community Preservation Committee – Cold Brook Trailhead & Public Access
- * Community Preservation Committee – Harwich Police Soccer Club Pitch
- * Community Preservation Committee – Affordable Housing Trust
- * Community Preservation Committee – Lower Cape Housing Institute
- * Community Preservation Committee – Monomoy Press Box
- * Community Preservation Committee – North Woods & Water Supply
- * Community Preservation Committee – 2023 Bank Street Firehouse Housing
- * Community Preservation Committee – Red River Valley Land & Water Protection
- * Community Preservation Committee – Senior Memorial Softball Field Fencing
- * Community Preservation Committee – South Harwich Gravestone Conservation
- * Community Preservation Committee – Veterans Memorial Complex Electric Irrigation
- * Repurpose 2013 Annual Town Meeting Article 31 (Library Trustees)
- * Amend General Bylaw Chapter 7
- * Amend General Bylaw Chapter 271
- * To fund the Fiscal Year 2024 Wastewater debt
- * Electronic Voting

Mr. Powers noted updates and changes in specific Articles as he described each one on the list.

Mr. MacAskill moved to accept, recommend and place Article 9 Monomoy Middle School Project in the amount of 2.5 million, in the Annual Town Meeting Warrant. Seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

Mr. MacAskill moved to accept, recommend and place Article 21 Acquisition of Conservation Restriction on the Annual Town Meeting Warrant. Seconded by Mr. Howell.

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Michael Lach, Executive Director of the Harwich Conservation Trust was present and noted that the Trust had just received the results of an appraisal and the overall authorization can now be reduced from 2.7 million to 2 million.

Mr. Handler confirmed with Mr. Lach that there will be no net capital cost to the Town.

Vote: 4:0 in favor. Motion carried.

Mr. MacAskill moved to accept, recommend and place Article 22 Expenditure of Funds from Sale of 276 Queen Anne Road in the amount of \$1,505,001. Seconded by Mr. Handler.

Vote: 4:0 in favor. Motion carried.

Mr. MacAskill moved to accept, recommend and place Article 23 Correct 2023 Annual Town Meeting Article 24 on the Annual Town Meeting Warrant. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

Mr. Powers noted that Articles 24-36 are the Community Preservation Articles. They have all been vetted by him, the Finance Director, Town Counsel and members of the Community Preservation Committee.

Mr. MacAskill moved to accept, recommend and place Articles 24-36 Community Preservation Committee Articles as presented, in the Annual Town Meeting Warrant. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

Mr. MacAskill moved to accept, recommend and place Article 37 Repurpose 2013 Annual Town Meeting's Article 31 (Library Trustees) in the Annual Town Meeting Warrant. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

Mr. MacAskill moved to accept, recommend and place Article 43 Amend General Bylaw Chapter 7 in the Annual Town Meeting Warrant as presented. Seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

Mr. MacAskill moved to accept, recommend and place Article 44 Amend General Bylaw Chapter 271 in the Annual Town Meeting Warrant. Seconded by Mr. Howell.

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Vote: 4:0 in favor. Motion carried.

Ms. Kavanagh noted that the Board will not be moving forward with the Zoning Bylaws until and if there is a fall Town Meeting.

Mr. MacAskill moved to accept, recommend and place Article 45 to fund the Fiscal Year 2024 Wastewater debt in the Annual Town Meeting Warrant. Seconded by Mr Howell.

Vote 4:0 in favor. Motion carried.

Mr. MacAskill moved to accept, recommend and place Article 51 Electronic Voting Tabulators in the Annual Town Meeting Warrant. Seconded by Mr. Howell.

Mr. Powers noted that no decision has been made on how this Article will be funded. He asked the Board to consider using the Articles with unspent balances which total approximately \$183,000, if it is available.

Kathleen Barrette, Financial Director confirmed that there are available funds in the approximate amount of \$150,000 to \$160,000.

Mr. Howell commented that we have confirmed the we have the money. A lease is a different number than purchasing and he suggested making motion that identifies sweeping one or two of the Articles for that available funds at the same time as funding this. He noted that they do not yet know the cost of a lease.

Ms. Kavanagh asked for an estimated time frame to get the cost of a lease vs purchasing.

Mr. Powers commented that an estimated cost is from \$15,000 to \$30,000. For the purposes of this Article, he recommended that they have sufficient information to place and the funding sources which can be confirmed by next month.

Vote 3:1 in favor with Mr. MacAskill opposed. Motion carried.

B. Discussion and possible vote to accept and recommend the following Articles in the 2024 Annual Town Meeting Warrant:

- * Town Operating Budget
- * Adopt the Capital Plan
- * Capital Outlay Plan Items Funded from Water Retained Earnings

Mr. Powers noted that there will be a fourth Article which will be presented next week. He recommended that the discussion go to Article 4 Town Operating Budget and the Article regarding adopting the Capital Plan.

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Mr. MacAskill moved to accept, recommend and place Article 4 Town Operating Budget in the Annual Town Meeting Warrant in the amount of \$45,732,309. Seconded by Mr. Howell.

Mr. Powers noted a scrivener's error on page 90.

Mr. MacAskill commented on the 8.1% increase and the reasons for it. He noted that the Town's total Debt Service went up 39.1% and noted the reasons for that. He also commented that, moving forward, they should not have Budget Messages that say 1.5% when it is not realistic. He recommended that the Board create a policy on what they expect to come from the Town Administrator and the Finance Director with the budget message. Mr. MacAskill also requested that the Board discuss a realistic timeline moving towards Town Meeting, to allow them more time for discussions. He suggested that conversation take place in June or July to give the Board more time and allow for greater discussions.

Mr. Howell agreed with Mr. MacAskill that it would be beneficial to pull the time frame back to allow them to look at all the information and make sense of where they may be able to pull things. He commented on increases that the Town cannot control and cautioned that they have to think carefully about out-years to be able to continue funding things. He does not want to see anyone laid off four years after they were hired. He emphasized that it's important to be sure they have some sort of dynamic assessment of both the receipts and the Town's obligations.

Mr. MacAskill commented on unchanging line items and noted that he will be requesting that the Board look at those line items and Department turn backs over a three year period.

Mr. Powers referred to Article 4 and the two versions of Appendix B. He emphasized that there was base level language which he will incorporate into the portrait version of Appendix B. He commented that the Board has a Budget that is a statement of their priorities and he congratulated them on that effort.

Vote 4:0 in favor. Motion carried.

Mr. MacAskill moved to adopt, recommend and place Article 16 Adopt the Capital Plan on the Annual Town Meeting Warrant. Seconded by Mr. Handler.

Mr. MacAskill noted that Brooks Academy Museum is off the Capital Plan at this time with the intention of bringing it to a fall Town Meeting. He asked Mr. Powers to explain.

Mr. Powers replied and explained that he removed Brooks Academy Museum as there was no funding source which would accomplish what was envisioned under the Capital Plan in FY25. He also explained the Board's options for the future regarding Brooks Academy Museum.

Mr. Howell noted that the Capital Plan authorizes the Board to move forward in various directions. He suggested that the Article remain in the Capital Plan and whatever is listed in the

Capital Plan. In order for it to actually be operative it has to have a second article that funds it. He does not understand, if they are going to a fall meeting, why they wouldn't just leave the amount in the Capital Plan for the Brooks Academy under the assumption that they're going to take a follow on action. It doesn't have an article associated with it to actually fund it but it is still a priority. He continued that they would have to go through amending the Capital Plan in the fall when all they really have to do is put a funding article in if this is accepted as is with the amount included.

Ms. Kavanagh asked, if they were to incorporate a number into the Capital Plan and bring it to Town Meeting understanding that they don't specifically have a funding source for Brooks Academy, would that not require some type of disclosure on the actual Plan? She asked how they can say they are funding something and it's in the Plan, if they don't know an identified funding source.

Mr. Howell replied that the Capital Plan doesn't fund anything. The Capital Plan sets priorities within which you have articles that fund those priorities.

Ms. Kavanagh replied that they have had many conversations about whether the Capital Plan is written in stone or if it is a document that is amendable. She is asking for clarification on why they should leave it in the Capital Plan.

Mr. Powers commented that in his tenure in Harwich, everything that he has presented to the Select Board, has been balanced. And by extension, everything that the Board has presented has been balanced. He would be concerned that there may be some that consider that Capital Plan to be out of balance. He suggested that they can add language to the explanation under Article 16 and then stand ready to explain and justify.

Mr. Howell expressed concern for the message overall. The Town has a building that does not have a waiver at this time, it's not ADA compliant and it doesn't have a certificate of occupancy. Even if it's zeroed out, there is still a need for a discussion about what the plan is for the public's information. He suggested it be left in the Capital Plan, say it is not being funded but when funds are available, it's already been voted on the Capital Plan for FY25.

Mr. Handler commented that he thinks there needs to be a funding source and if in the fall they have a better understanding of where Free Cash is going to land, it's an easier package to bring to a fall Town Meeting. He feels this will be very confusing to the public, having something where there is no financial wherewithal. He understands that it is not being removed from the Capital Plan, it is just a different strategy to get there.

Mr. Powers emphasized that it is his responsibility as Town Administrator, to create a Capital Outlay Plan and a Budget with the Capital Outlay Committee. They met that obligation and the obligation of presenting to the Board in December. All parties understood that the funding

mechanisms were up in the air, at that time. Whatever the Board decides to do, he can assist in explaining.

Mr. Handler asked, if they get to the fall and there is no funding source, it would be a great way to collaborate with the Brooks Academy Commission to figure out the bare minimum to get it opened and find the funding in a lesser amount to then present at the fall Town Meeting. He supports the way it is presented and the strategy of it.

Ms. Kavanagh commented that this does not fall lightly on this Board, they are aware of how much money has gone into that building and they appreciate the historical asset. This Board has consistently supported Brooks.

Mr. Howell commented that he has never seen it done this way. It started out in this year, year one and now it's not on any year. He would feel better if it was in year FY26 to give it a deadline rather than take it out of the discussion entirely.

Mr. Handler commented that it is the Select Board's Capital Plan and it expects it will be included in the Fall Town Meeting.

Ms. Kavanagh emphasized that the Capital Plan is a plan and can be changed.

Mr. MacAskill noted that once they find out an amount, they can work with Brooks Academy between now and the fall on a priority list. They can then come up with all of or part thereof for fall and then add back in to the Plan anywhere they see fit.

Mr. Powers reminded the Board that even though there is zero value on zero dollars on the Plan, the Town through Facilities Maintenance are pursuing architectural support to aid in that conversation as well. Even though there is no funding available and sought in May of 2024, there are still ongoing projects and work that can tie into that perfectly.

Vote 3:1 in favor with Mr. Howell opposed. Motion carried.

Mr. Powers noted a correction and changes to Article 19, Capital Outlay Items Funded from Water Retained Earnings. He suggested that the Board reconsider their "accept, recommend and place" because it now has an updated number.

Mr. MacAskill moved to reconsider previous vote on Capital Outlay Plan Items Funded from Water Retained Earnings. Seconded by Mr Howell.

Vote: 4:0 in favor. Motion carried.

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Mr. MacAskill moved to accept, recommend and place Article 19 Capital Outlay Plan Items Funded from Water Retained Earnings in the amount of \$2,402,000 in the Annual Town Meeting Warrant. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

C. Vote to close the 2024 Annual Town Meeting Warrant

No action. This item is held for next week.

Mr. Powers listed the items that will be before the Board on April 1, 2024.

Mr. MacAskill requested that the Warrant include maps and a description of the properties on Queen Anne Road. He also noted some traditional Articles that have not yet been before the Board and asked for a status on those.

Mr. Powers replied giving answers and noting the status of each.

There was conversation about \$100,000 for the Sewer Assistance Program (SAP) and more definite information will be available for the next meeting.

Mr. MacAskill suggested that if an Article is needed that KP Law be asked to create it for next week.

Richard Waystack from the Board of Assessors participated remotely and noted that the criterion is in place to help people in need.

Kathleen Barrette, Finance Director commented that she needed to confirm how it would work, who would be responsible and where the fund would be transferred to, noting that it would end with the right result.

Mr. Waystack noted that the Assessors do not have the right to use their overlay account to fund SAP. He did explain what they can do and how they can participate by vetting for this program.

Mr. MacAskill commented that there should be an Article for the SAP including that it will be funded by a line item in the Water/Wastewater Budget and that the Board of Assessors will do the vetting. And then authorize the use of those funds.

Ms. Barrette confirmed that the Water/Wastewater Commissioners designated the Water Retained Earnings Funds for SAP.

Mr. Powers will work with counsel to create Article 53 for that purpose.

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Ms. Barrette noted that she did not expect any additional unpaid bills before Town Meeting.

After discussion it was agreed that placing Article for unpaid bills is unnecessary.

VII. 2024 ANNUAL TOWN ELECTION

A. Discussion and possible vote on a debt exclusion ballot question for Monomoy Regional Middle School

Mr. MacAskill moved to approve the placement of a debt exclusion ballot question for Monomoy Regional Middle School for the Annual Town Election. Seconded by Mr. Howell.

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

VIII. NEW BUSINESS

A. Phase 3 Sewer Project – Review, approve and execute Orders of Taking for Sewer Pump Stations and Private Road Utility Infrastructure for Phase 3 Sewer Project – Votes may be taken

- * 43 Chestnut Lane
 - * 0 Standish Woods Circle
 - * 3 Wilma's Way
- Private Roads to include:
- * Bascom Hollow
 - * Brothers Lan
 - * Caldwell Lane
 - * Lily Lane
 - * Live Oak Drive
 - * Perry's Way
 - * Scribners Terrace
 - * Walden Way
 - * Washburn Way
 - * Wilma's Way
 - * McGuerty Road

Mr. Powers distributed documents that reflect updated information, correcting an omission. He gave a summary of the Project and noted that the Board can discuss the Order of Taking and/or develop a process for negotiating on behalf of the parties present. He also stated that the Town needs to execute the two separate Orders of Taking. Mr. Powers referred to the pages in the documents regarding the Orders of Taking and noted the few changes. He commented that he is recommending the Orders of Taking as they are necessary for the Town to move forward on Phase 3 of the Projects. He also recommended that the Board vote to direct him to negotiate on the Town's behalf noting that the final agreement would come before the Board. He noted the timeline moving forward, if there is a vote at this meeting.

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Mr. MacAskill moved to approve and execute Orders of Taking for Sewer Pump Stations 43 Chestnut Lane, 0 Standish Woods Circle, 3 Wilma's Way as presented and as amended this evening and further to ask the Town Administrator to negotiate damages on the Town's behalf. Seconded by Mr. Howell.

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

Mr Powers noted that he will reach out to the parties tomorrow to start the process. He also noted that included under Item A. are Orders of Taking for Private Road Utility Infrastructure for Phase 3 Sewer Project.

Mr. Handler moved to approve and execute Orders of Taking for Private Utility Infrastructure on the private roads to include: Bascom Hollow, Brothers Lane, Caldwell Lane, Lily Lane, Live Oak Drive, Perry's Way, Scribners Terrace, Walden Way, Washburn Way, Wilma's Way and McGuerty Road. Seconded by Mr. MacAskill.

Mr. Powers referred to a 19 page document in the packet related to the Orders of Taking noting that specific plans are included. He requested that the Board sign the pertinent documents this evening so that they can be recorded the next day.

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

Select Board members signed the pertinent documents.

B. Vote to declare the following Queen Anne Road parcels as surplus properties

- * 172 Queen Anne Road
- * 178 Queen Anne Road
- * 246 Queen Anne Road

Mr. MacAskill moved to declare the following Queen Anne Road parcels as surplus properties: 172 Queen Anne Road, 178 Queen Anne Road, 246 Queen Anne Road. Seconded by Mr. Howell.

Mr. Powers noted that no Board, Committees or Departments had any municipal use for the properties. He stated for the record that the Planning Department had suggested that perhaps the proceeds from these sale of lands could be marked to support affordable housing needs.

Vote: 4:0 in favor. Motion carried.

C. Approve a M.G.L Chapter 138, Section 15 seasonal liquor license for Maulik Corporation d/b/a Value Mart, 435 Route 28

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Mr. Handler moved to approve a M.G.L Chapter 138, Section 15 seasonal liquor license for Maulik Corporation d/b/a Value Mart, 435 Route 28 subject to any terms and conditions that may have been contained in the prior license. Seconded by Mr. MacAskill.

Vote 4:0 in favor. Motion carried.

D. Approve the following M.G.L Chapter 138, Section 12 seasonal liquor licenses:

1. Ajg Corp. d/b/a The Weatherdeck Restaurant, 168 Route 28
2. The Belmont Condominium Beach Club Corp., 1 Belmont Road
3. Ember Pizza Inc. d/b/a Ember, 600 Route 28
4. 554 Street Bar LLC d/b/a Three Monkeys, 554 Route 28
5. Mt Group LLC d/b/a Mad Minnow Bar & Kitchen, 554 Route 28
6. Port Restaurant and Bar, Inc., 541 Route 28
7. Saquatucket Snack Shack LLC d/b/a Dockside, 715A Route 28
8. The Lucky Labrador, Inc. d/b/a Perks, 545 Route 28
9. Wychmere Harbor Functions Lp d/b/a Wychmere Harbor Beach & Tennis Club

Mr. Handler moved to approve the following M.G.L Chapter 138, Section 12 seasonal liquor licenses #1-9 as noted in the packet with conditions previously contained in prior licenses. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

E. Approve a new 2024 Seasonal Entertainment license for 554 Street Bar d/b/a 3 Monkeys, 554 Route 28:

- * Weekday 1:00 p.m. to 4:00 p.m. & 6:00 p.m. to 10:00 p.m. inside – Live/recorded music, amplification, dancing by live performers
- * Sunday 1:00 p.m. to 4:00 p.m. & 6:00 p.m. to 10:00 p.m. inside – Live/recorded music, amplification, dancing by live performers

Mr. Howell noted the differences between the new license request and the previous license.

Mr. Handler moved to approve a new 2024 Seasonal Entertainment license for 554 Street Bar d/b/a 3 Monkeys, 554 Route 28 as noted in the packet with conditions previously contained in prior years including time and type. Seconded by Mr. MacAskill.

Vote: 4:0 in favor. Motion carried.

F. Approve the following 2024 Seasonal Common Victauller license renewal:

1. 554 Street Bar d/b/a 3 Monkeys, 554 Route 28
2. MT Group d/b/a Mad Minnow Bar & Kitchen, 554 Route 28
3. Port Restaurant and Bar, Inc., 541 Route 28
4. Belmont Condominium Trust Beach Club d/b/a The Beach, 1 Belmont Road

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5. Saquatucket Snack Shack LLC d/b/a Dockside, 715A Route 28
6. AJG Corporation d/b/a The Weatherdeck Restaurant, 168 Route 28
7. Lucky Labrador, Inc. d/b/a Perks, 545 Route 28
8. Wychmere Harbor Functions, LP d/b/a Wychmere Beach Club, 23 Snow Inn Road
9. Seagulls Sweets, 537 Route 28

Mr. Handler moved to approve the following 2024 Seasonal Common Victauller license renewals #1-9 as noted in the packet with conditions previously contained in prior license of 2023.
Seconded by Mr. MacAskill.

Vote: 4:0 in favor. Motion carried.

G. Approve the following 2024 Seasonal Entertainment license renewals:

1. MT Group d/b/a Mad Minnow Bar & Kitchen, 554 Route 28 Weekday 4:00 p.m. to 10:00 p.m. inside & outside Live Recorded Music, amplification, dancing by live performers
 - * Sunday 4:00 p.m. to 10:00 p.m. inside & outside Live Recorded Music, amplification, dancing by live performers

Mr. Handler moved to approve the following 2024 Seasonal Entertainment license renewal as noted in the packet with conditions previously contained in prior years including time and type as voted in 2023. MT Group d/b/a Mad Minnow Bar & Kitchen, 554 Route 28 Weekday 4:00 p.m. to 10:00 p.m. inside & outside Live Recorded Music, amplification, dancing by live performers, Sunday 4:00 p.m. to 10:00 p.m. inside & outside Live Recorded Music, amplification, dancing by live performers. Seconded by Mr. MacAskill.

Vote: 4:0 in favor. Motion carried.

2. Port Restaurant and Bar, Inc., 541 Route 28
 - * Weekday 10:00 a.m. to 12:00 a.m. inside & 10:00 a.m. to 10:00 p.m. outside Jukebox, radio, television, live/recorded music, amplification, dancing by live performers
 - * Sunday 10:00 a.m. to 12:00 a.m. inside & 10:00 a.m. to 10:00 p.m. outside Jukebox, radio, television, live/recorded music, amplification, dancing by live performers

Mr. Howell moved to approve the following 2024 Seasonal Entertainment license renewal for the Port Restaurant and Bar, Inc., 541 Route 28 with the following conditions: Weekday 10:00 a.m. to 12:00 a.m. inside & 11:00 a.m. to 10:00 p.m. outside with acoustic entertainment only. Sunday 1:00 p.m. to 12:00 a.m. inside & 1:00 p.m. to 10:00 p.m. outside with acoustic entertainment only. Seconded by Mr. Handler.

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Mr. Howell withdrew his motion.

Mr. Handler withdrew his second and noted that he supports allowing the earlier times for inside.

Mr. MacAskill moved to approve the 2024 Seasonal Entertainment license renewal for the Port Restaurant and Bar, Inc., 541 Route 28 specific to the inside: Weekday 10:00 a.m. to 12:00 a.m. inside, Sunday 10:00 a.m. to 12:00 a.m. inside for jukebox, radio, television, live recorded music with amplification, dancing by performers. Seconded by Mr. Handler.

Vote: 3:1 in favor with Mr. Howell opposed. Motion carried.

Mr. MacAskill moved to approve the 2024 Seasonal Entertainment license renewal for the Port Restaurant and Bar, Inc., 541 Route 28 specific to the outside: Weekdays 11:00 a.m. to 10:00 p.m. and Sunday 1:00 p.m. to 10:00 p.m. to include a jukebox, radio, television, live and recorded music - acoustic only with no amplification, dancing by live performers. Seconded by Mr. Handler.

Vote: 4:0 in favor. Motion carried.

3. Belmont Beach Condominium Trust Beach Club d/b/a The Beach, 1 Belmont Road
* Weekday 5:00 p.m. to 10:00 p.m. inside
Live/recorded music, amplification, dancing by live performers & patrons

Mr. Handler moved to approve the following 2024 Seasonal Entertainment license renewal Belmont Beach Condominium Trust Beach Club d/b/a The Beach, 1 Belmont Road, Weekday 5:00 p.m. to 10:00 p.m. inside, Live/recorded music, amplification, dancing by live performers & patrons. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

4. Lucky Labrador, Inc. d/b/a Perks, 545 Route 28
* Weekday 12:00 p.m. to 12:00 a.m. inside & 11:30 a.m. to 10:00 p.m. outside
Jukebox, radio, television, live/recorded music, amplification, dancing by live performers & patrons
* Sunday 1:00 p.m. to 12:00 a.m. inside, 3:00 p.m. to 12:00 a.m. inside & 6:00 p.m. to 10:00 p.m. outside
Inside 1:00 p.m. to 12:00 a.m. ambient music & television only
Inside 3:00 p.m. to 12:00 a.m. jukebox, radio, television, live/recorded music, amplification, dancing
Outside 6:00 p.m. to 10:00 p.m. jukebox, radio, television, live/recorded music, amplification, dancing

Mr. Handler moved to approve the following 2024 Seasonal Entertainment license renewal:

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Weekday 12:00 p.m. to 12:00 a.m. inside & 11:30 a.m. to 10:00 p.m. outside, Jukebox, radio, television, live/recorded music, amplification, dancing by live performers & patrons,
Sunday 1:00 p.m. to 12:00 a.m. inside, 3:00 p.m. to 12:00 a.m. inside & 6:00 p.m. to 10:00 p.m. outside. Inside 1:00 p.m. to 12:00 a.m. ambient music & television only Inside 3:00 p.m. to 12:00 a.m. jukebox, radio, television, live/recorded music, amplification, dancing. Outside 6:00 p.m. to 10:00 p.m. jukebox, radio, television, live/recorded music, amplification, dancing as noted in packet with conditions previously contained in prior license of 2023 including time and type.
Seconded by Mr. MacAskill.

Vote 4:0 in favor Motion carried.

H. Approve the following 2024 Seasonal Amusement license renewals:

1. Grand Slam Entertainment, 322 Main Street – Weekday & Sunday 10:00 a.m. to 9:00 p.m. – Batters box & video games
2. AJG Corporation d/b/a Harbor Glen Mini Golf, 168 Route 28 – Weekday & Sunday 11:00 a.m. to 9:00 p.m. – Mini golf
3. Hall Karts, Inc. d/b/a Bud's Go-Karts, 9 Sisson Road – Weekday & Sunday 9:00 a.m. to 10:00 p.m. – Go Carts

Mr. Handler moved to approve the following 2024 Seasonal Amusement license renewal:
Grand Slam Entertainment, 322 Main Street – Weekday & Sunday 10:00 a.m. to 9:00 p.m. – Batters box & video games as noted in packet with conditions previously contained in prior licenses. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

Mr. Handler moved to prove the following 2024 Seasonal Amusement license renewal AJG Corporation d/b/a Harbor Glen Mini Golf, 168 Route 28 – Weekday & Sunday 11:00 a.m. to 9:00 p.m. – Mini golf as noted in packet with conditions previously contained in prior license.
Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

Mr. Handler moved to approve the following 2024 Seasonal Amusement license renewal: Hall Karts, Inc. d/b/a Bud's Go-Karts, 9 Sisson Road – Weekday & Sunday 9:00 a.m. to 10:00 p.m. – as noted in packet with conditions previously contained in prior license. Seconded by Mr. MacAskill.

Vote 4:0 in favor. Motion carried.

I. Approve a 2024 Seasonal Innholders license renewal for Allen Harbor Inn LLC d/b/a Allen Harbor Rentals, 326 Lower County Road

March 25, 2024

Mr. Handler moved to approve a 2024 Seasonal Innholders license renewal for Allen Harbor Inn LLC d/b/a Allen Harbor Rentals, 326 Lower County Road as noted in packet with conditions previously contained in prior license, Seconded by Mr. MacAskill.

Vote: 4:0 in favor. Motion carried.

IX. CONTRACTS

A. Approve an agreement with Nextgrid, Inc. For the decommissioning and removal of renewable- energy electric generating facilities at 0 Depot Road and authorize the Chair to sign.

Mr. Handler moved to approve an agreement with Nextgrid, Inc. for the decommissioning and removal of renewable- energy electric generating facilities at 0 Depot Road and authorize the Chair to sign. Seconded by Mr. Howell.

Mr. Powers explained that the Board is being asked to vote to approve and sign upon the endorsement of the other party.

Vote: 4:0 in favor Motion carried.

B. Approve a contract with McGovern Auto Group Corp Services in the amount of \$75,126.85 for the purchase of a 2024 Ford Super Duty F-350

Mr. Handler moved to approve a contract with McGovern Auto Group Corp Services in the amount of \$75,126.85 for the purchase of a 2024 Ford Super Duty F-350. Seconded by Mr. MacAskill.

Vote: 4:0 in favor. Motion carried.

C. Approve a contract with McGovern Auto Group Corp Services in the amount \$118,335.50 for the purchase of a 2024 Ford Super Duty F-550

Mr. Handler moved to approve a contract with McGovern Auto Group Corp Services in the amount \$118,335.50 for the purchase of a 2024 Ford Super Duty F-550. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried

D. Approve a contract a with McGovern Auto Group Corp Services in the amount of \$107,476.10 for the purchase of a 2024 Ford Super Duty F-450

March 25, 2024

Mr. Handler moved to approve a contract with McGovern Auto Group Corp Services in the amount of \$107,476.10 for the purchase of a 2024 Ford Super Duty F-450. Seconded by Mr. Howell

Vote: 4:0 in favor. Motion carried.

X. TOWN ADMINISTRATOR'S REPORT

Mr. Powers reported that he has no announcements.

XI. SELECT BOARD'S MEMBER REPORT

Mr. Howell requested a report from Mr. Powers regarding Brooks Academy that states whether or not it is possible to get a waiver allowing them to get the main floor open.

Mr. Handler requested an update on HARC which Mr. Howell said he would provide.

XII. CORRESPONDENCE

XIII. ADJOURNMENT

Mr. MacAskill moved to adjourn. Seconded by Mr. Handler.

Vote: 4:0 in favor. Motion carried.

Respectfully submitted,

Judi Moldstad
Recording Secretary

March 25, 2024

