APPROVED

RELEASED

RECEIVED
TOWN CLERK
HARWICH, MA

2025 NOV 25 P 1:47

**MINUTES**
**SELECT BOARD**
**HARWICH TOWN HALL**
**732 MAIN STREET, HARWICH MA**
**MONDAY, NOVEMBER 10, 2025**
**5:00 P.M.**

**MEMBERS PARTICIPATING**: Chair Donald Howell, Vice Chair Peter Piekarski, Clerk Mark Kelleher, Member Jeffrey Handler & Member Anita Doucette

**ALSO PARTICIPATING**: Acting Town Administrator Tony Schiavi

**CALL TO ORDER IN OPEN SESSION**

**Mr. Kelleher moved that the Select Board enter into Executive Session to discuss the items as outlined below, 2nd by Mr. Handler. The vote was 4-0-0 with Mr. Howell, Mr. Handler, Mr. Kelleher & Ms. Doucette all voting aye by roll call**

**EXECUTIVE SESSION**

A. Pursuant to MGL c.30A, §21 (a)(3) to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares; SEIU 888 – Service Employees International Union/Harwich Management Employees Association, HEA - Harwich Employees Association, HMEA – Highways and Maintenance Employees Association, Massachusetts Coalition of Police (Patrol and Superior Officers)
B. Pursuant to G.L. c. 30A, sec. 21(a)(2) to conduct strategy sessions in preparation for negotiations with non-union personnel and to conduct contract negotiations with non-union personnel: Acting Town Administrator – Anthony Schiavi
C. 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: Fire Chief – David LeBlanc
D. 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: Finance Director
E. Pursuant to MGL c. 30A §21(a)(7) to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements, the Open Meeting Law, MGL c. 30A §§ 22(f), (g) to review, approve and or discuss the possible release of executive session meeting minutes dated September 29, 2025, October 6, 2025, October 14, 2025 & October 27, 2025
F. Pursuant to G.L. c. 30A, § 21(a)(6) To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body; Assessor's Map 82, Parcel R5

**Open Session Meeting resumes no earlier than 6:30 p.m.**

Mr. Howell announced that the Select Board has come to an agreement with Tony Schiavi for a 90-day extension to his contract, under the same terms and conditions as previously prevailed.

**PLEDGE OF ALLEGIANCE**

Mr. Howell invited everyone to join in the Pledge of Allegiance.

**STAFF COMMENTS/ANNOUNCEMENTS**

Kara Mewhinney, Director of Cultural Affairs was present to provide information on upcoming events at the 204 which include The Glenn Miller Orchestra and Concert which will be playing on November 19, 2025 with 3:00 p.m. and 7:00 p.m. shows. Tickets can be purchased in advance or at the door. Tickets are also on sale for A Christmas Carol that is being put on by Capeness Arts and Spectacle. All tickets for this show are $10.00. Opening night will be December 4, 2025. Coming back is the Holiday Market which will start on December 6, 2025 from 10:00 a.m. – 4:00 p.m. There will also be open studios, sales and more. All information can be found at 204sisson.com.

Mr. Handler reminded the public that he will be holding office hours on November 13th from 8:30 a.m. – 9:15 a.m. in the Select Board Library. He also congratulated Monomoy Regional girls field hockey for making it to the final 4.

Mr. Howell reminded the public that tomorrow is Veteran's Day and that there will be an observance ceremony held at Evergreen Cemetery at 10:30 a.m., where Mr. Schiavi will be the featured speaker.

**WEEKLY BRIEFING**

Mr. Schiavi outlined the phase 3 sewer look ahead as provided in the packet. Construction will be happening on November 11th, but not on Thanksgiving or the day after.

There is no new information to report on the Great Sand Lakes/Phase 3A portion of the sewer project. The project is still on track and staff will be working on a milestone chart to provide to the board and public.

Bids were opened last week for the Route 28 dry pipe project and town is still hopeful that MassDOT will be able to get a contractor by November 30th. The town did receive notification last week that our state revolving fund package was approved for part of this project, however it is still contingent upon having a contractor on board.

The contract for Brooks Academy Museum will be discussed at the end of this meeting. The original schedule was set to start on September 15th. Once the contract has been signed and the company is on board, the town will be asking for an updated schedule and how we can make up any lost time. Mr. Howell added that this is the 250th anniversary of the founding of the country, so there was real urgency to make sure that this building is open because it is a signature building in Harwich.

**PUBLIC COMMENTS/ANNOUNCEMENTS**

John Carey was present to provide updates on his projects in Harwich. The West Harwich Schoolhouse is complete, and the 7 market rate units are filled. The 3 affordable units are still waiting on the affordable housing lottery at the state level. Mr. Carey was hoping for a 30-year deed restriction, but the town ended up asking for perpetuity, which he ended up agreeing with. He thanked the various town departments as well as the Select Board for their assistance in moving this forward. Mr. Carey also recognized the Harwich Affordable Housing Trust and the Community Preservation Committee (CPC) who partially funded this project. The West Harwich square are the 2 lots that are next to the church. Mr. Carey will be starting entitlements for them next month and looks forward to working with the town on that project. As of 2 months ago, Mr. Carey entered into a purchase and sale agreement with the West Harwich Baptist Church. His understanding was that the towns' goal for this building was preservation, and we are on a path towards that. Mr. Carey has spent the last 2 months in the church and found that it is a solid building. He has put together a 3-phase plan to restore and preserve the structure for the town and future generations and plan to bring the same level of craftmanship as he did with his other project. Mr. Carey has submitted a CPC application for phase 2 funding and wants to ensure the community that if they choose to support the request, it will be something to be proud of. The application will be going before the CPC on December 11th.

**CONSENT AGENDA**

A. Approve the resignation of Amy Jalbert on the Voter Information Committee effective immediately

**Mr. Kelleher moved to accept the resignation of Amy Jalbert on the Voter Information Committee effective immediately, 2nd by Mr. Handler and approved 5-0-0.**

B. Approve the resignation of Robert Thompson on the Cemetery Commission effective January 1, 2026

**Mr. Kelleher moved to accept the resignation of Robert Thompson on the Cemetery Commission effective January 1, 2026, 2nd by Mr. Handler and approved 5-0-0.**

Mr. Howell said that if anyone wishes to resign from a board or committee, that they must submit their resignation in writing to the Town Clerk's Office and then it will be forwarded to the Select Board.

C. Vote to accept a gift for the Council on Aging from the Friends of the Harwich Council on Aging in the amount of $5,000

**Mr. Kelleher moved to accept a gift for the Council on Aging from the Friends of the Harwich Council on Aging in the amount of $5,000, 2nd by Mr. Handler.**

Mr. Piekarski questioned if the motion should include "for the purpose as presented".

**Mr. Kelleher removed his motion and Mr. Handler removed his second.**

**Mr. Kelleher moved to accept a gift for the Council on Aging from the Friends of the Harwich Council on Aging in the amount of $5,000 for the purpose as presented, 2nd by Mr. Handler.**

D. Approve the Select Board Meeting Minutes from November 3, 2025

**Mr. Kelleher moved to approve the Select Board Meeting Minutes from November 3, 2025, 2nd by Mr. Handler and approved 5-0-0.**

**PUBLIC HEARING**

A. Approve a Change of Classification application for Blue Stripe, LLC d/b/a Cape Sea Grille, 31 Sea Street, Manager Jennifer R. Ramler

Mr. Kelleher read the public hearing notice. Mr. Howell opened the hearing. Jennifer and Doug Ramler were present. No questions or comments were heard from the public.

**Mr. Handler moved to close the public hearing, 2nd by Mr. Piekarski and approved 5-0-0.**

**Mr. Handler moved to approve the Change of Classification application for Blue Stripe, LLC d/b/a Cape Sea Grille, 31 Sea Street, Manager Jennifer R. Ramler, 2nd by Mr. Piekarski and approved 5-0-0.**

**2026 ANNUAL TOWN MEETING**

A. Update on the Town Meeting and Budget Timeline

Mr. Schiavi announced that we are still in contact with the Department of Revenue hoping to get our free cash certification. Until that is received, it holds up a couple of things that staff is working on in terms of getting our free cash analysis report. All departments have entered their budgets and Mr. Schiavi will be meeting with department head's this week.

Mr. Howell noted that he has an interest to make sure that we can stay as close as we can in front of the deadlines.

**JOINT MEETING WITH THE SELECT BOARD AND FINANCE COMMITTEE**

A. Acting Town Administrator and Interim Finance Director to present prior year financial review for Fiscal Year 2025

Finance Committee members present were Bob MacCready, Tina Games, Dana DeCosta, Peter Hughes and Mark Ameres. Committee member Scott Norum was present remotely. Interim Finance Director Jennifer Mince was also present.

Mr. Schiavi commented that this is a presentation that the town has received not in the past. When a fiscal year is finished out, the books are closed and there is a lot that goes on behind the scenes. This presentation is a review of the history, which can help inform the future.

Ms. Mince hopes that this overview that will lead everyone to the same conclusion that Harwich is in good shape. Our most recent AAA bond rating reaffirms the towns exceptional creditworthiness and sound fiscal management, placing Harwich among the most financially stable municipalities in the state. Harwich has shown balanced and sustainable budgeting and continues to adhere to conservative financial policies.

Ms. Mince reviewed the general fund revenues for FY25, noting that the revised budget was $80,100,637 and the actual receipts came in at $82,719,293.65, with the difference being turned back in to free cash. Ms. Mince talked about the major sources of revenue which are property taxes, state aid, local receipts and other sources. General fund revenues for FY25 include total state aid, total tax levy, total other revenues, total transfers in and total local receipts.

A history of new growth from FY13 through FY25 was presented as well as debt exclusion from FY17 through FY25 and state aid revenues.

The FY25 general budget of $79.2 million increased $4.4 million from the prior years budget. Approximately $2.2 million of general fund expenses were turned back at the close of FY25. Half of that was unused salary allocations, several due to unfilled positions. The remaining half was due to conservating spending in operations expenses. Some of the most notable turn backs included the Police Department, Fire Department, Group Insurance and Highways Department.

Total debt service in FY25 was $5.7 million. The town did no new borrowing in FY25. A borrowing in early FY26 covers some previously appropriated items that remained unborrowed. Ms. Mince illustrated the debt service drop off for current borrowings and said that the goal is to smooth this out to make less of an up and down situation. There are funds that have been approved but not yet borrowed, so those could be layered in as well. Mr. Schiavi added that when the chart was developed, the key take away is looking at the spikes and trying to smooth them out.

Ms. Mince talked about excess levy capacity, which is the amount of property tax that the town could legally raise under proposition 2 ½ but chose not to for one reason or another.

In summary, FY25 demonstrates Harwich's continued commitment to responsible budgeting, efficient operations and strategic financial planning. Our conservative approach has positioned Harwich well for the future ensuring we can sustain services, manage infrastructure needs and protect taxpayers. At the end of FY25, Harwich is in good financial shape, and we are working to position ourselves well for the future.

Mr. Howell said that this is an excellent presentation and hopes that it will happen every year.

Mr. Kelleher noticed the information that shows the debt is going down. Ms. Mince responded that you are only seeing what was borrowed. Mr. Kelleher asked why the tax levy decrease this year was $753,000. Ms. Mince said that she would report back on that question.

Mr. Piekarski said that one of the things that was talked about last year and one of the rules of thumb that was heard was the 90% rule when you talk about the certified prior fiscal year and basing the next years receipts on 90% of that number. Mr. Schiavi responded that he likes to take a more analytical approach and that this process is not an exact science. The date given can not only give answers but can tell you what questions to ask. Mr. Piekarski added that to him, this is a conservative approach, but it is an approach where we don't know what the future will bring. He added that he is interested in the $700,000 on the levy capacity, noting that he thought we were tighter than that. Ms. Mince responded that she would follow up.

Mr. Handler asked what Ms. Mince's opinion is on our free cash number. When he looks at the data, he sees the best practice is for free cash to be between 10% - 15% and Harwich is at 12.7%. Ms. Mince responded that free cash provides funding that is important, and it is a conservative approach that gives room in the budget and gives a pool of money to accomplish important work. A policy exists to set minimums to sustain the idea of what a rain day bucket of funds is. Ms. Mince thinks that it is important to keep the free cash conservatively high, but also important to budget for what we are seeing and what the trends are telling us. She does not think our number is bad. Mr. Handler said that for how a town chooses to use its free cash is an entirely different conversation. At the end of the day, we are a town that relies heavily on 99 days of people showing up and spending money and that is not an easy prediction. Mr. Schiavi pointed out that we have to be careful of letting a number drive us into a situation where we artificially cause stress and constrain ourselves.

Mr. Piekarski wondered when the last time the free cash policy was looked at or updated.

Mr. Howell said that you would never put a continuous obligation on free cash. The budget is what pays for continuing items. If you start getting too aggressive and setting aside free cash, you start getting a capital plan that is based on how much money is available, and the other problem is that you cannot deploy the same services as other towns. There needs to be a serious discussion about what that looks like.

Capital Outlay Committee Chair Martha Donovan was present and reminded everyone that about 90-95% of our capital, maybe not the big sewer project, and paid for through free cash. If the Select Board is going to discuss adjusting free cash down, she feels that there needs to be a source for capital.

Mr. MacCready noted that the chart on local receipts was extremely helpful and informative in terms of what is being discussed. He also thinks that the grey area on debt is what people are interested in. He noted that there is nothing in the presentation about taxes and how any of this will affect the taxpayer in terms that they would understand. Mr. MacCready commented that it is wonderful to have this information, thanked everyone for putting it together and was appreciative that the Finance Committee was invited.

Mr. Decosta commented that 4 of the Finance Committee members attended the state finance committee meeting in Sharon this year and it was said that many portions of the state are going through downturns quicker than Harwich is. They did a good analysis of actual state projected money against inflation. The state is giving out less and less to the towns each year, and that needs to be kept in mind. He feels that if we are slicing the money so thin and deferring things into other years, it could end up costing us more. The same can be true about free cash.

Mr. Howell said that this is all the beginning of a discussion that we have not had before and guaranteed that it would continue.

Mr. Hughes said that the Finance Committee appreciates the information that was put together. He encouraged the creation of one more slide which will show how the average taxpayer is doing during this period by taking the average tax bill, break down its components and use that to show why the tax bills keep increasing.

Mr. Norum said that he would endorse putting the recurring expenses into the operating budget to make that budget more of a realistic picture of our recurring obligations. He knows that would take away money from what have been called capital items in the past and thinks that we should accept a lower target for what the free cash deposit should be every year. The free cash target should be focused on building the stabilization reserve, which would be a buffer against the unknowns. His other question was where the excluded debt service appears in our standard financial schedules. Ms. Mince responded that she did not have thongs numbers in front of her, but that she thinks it was simply excluded, just by looking at the numbers.

Jon Chorey was present and asked Ms. Mince if she has information on the approved but not spent debt. Ms. Mince responded it is likely north of 70 million dollars. Mr. Chorey went on to briefly talk about OPEB numbers.

The Finance Committee adjourned their meeting.

**NEW BUSINESS**

A. Vote to approve a special permit application for Joe Young IV/Big Sound Productions, LLC for entertainment & one-day liquor license (wines & malt) for an event to be held on November 19, 2025, from 3:00 p.m. – 9:00 p.m. at 204 Sisson Road

Mr. Kelleher asked where the liquor would be served. Ms. Mewhinney responded that historically, they have allowed people to bring their beverages into the auditorium and that any spills would be cleaned up right away. They also have extra parts to the seats that can be replaced if a major event were to happen.

Mr. Howell asked if there is an indemnification clause for events like this. Ms. Mewhinney responded yes and reviewed what paperwork is provided from the applicants.

**Mr. Handler moved to approve a special permit application for Joe Young IV/Big Sound Productions, LLC for entertainment & one-day liquor license (wines & malt) for an event to be held on November 19, 2025, from 3:00 p.m. – 9:00 p.m. at 204 Sisson Road, 2nd by Mr. Piekarski and approved 5-0-0.**

B. Building Commissioner presentation on building department fee restructuring

Building Commissioner Eleanor Mackay was present.

Mr. Schiavi said that he continues to look at operations across the town and see where changes and improvements can be made. We are seeing a movement across towns to restructure the way that they do their building fees, particularly in coastal communities, and how the building code has changed.

Ms. MacKay said that since July 1st, there is a new building code that must be followed. As requirements change, what the Building Department looks for must change, and that takes more time and involvement. Ms. MacKay reviewed the building permit process starting at the first step when the applicant submits their application. Once the application is complete, it is filtered off to various departments for their review. Once the application is deemed complete and any questions have been answered, the permit will be issued and will move on to the inspection phase.

Building permit fees are calculated in mainly 2 different ways. Most towns in the state charge a percentage of the construction costs and others like Harwich, charge based on area. Most of the projects in town are small or medium. The building permit fee for a typical small renovation is $138.75 and medium restoration at $345.00. Harwich currently charges $.55 per square foot, which is too low and not sustainable. Currently, Ms. MacKay is proposing that Harwich charge $12.00 per $1000.00. This increase is designed to be a small jump on many permits and not a large jump on a single type of permit or application. Overall last year the department issued 4271 permits with 5515 inspections completed.

Mr. Schiavi said that fees are one of the areas where we are supposed to recapture the cost of providing the service. The current permit fee probably barely covers the cost of one inspection. He added that you can never charge more than what it costs to provide the service. He thanked Ms. MacKay for looking into this and said that if the Select Board wants to continue this discussion, staff could schedule a public hearing in a couple of weeks to get comment before asking for implementation.

Mr. Howell feels that it would be a big mistake to not have this conversation.

Mr. Kelleher said that he is good with the concept, but asked if the costs would inhibit any construction. Ms. MacKay responded that the previous towns that she worked for did their fees by construction costs and they did not see a decline in construction.

Mr. Handler commented that the more a project costs, the more touch points there will be. Ms. MacKay responded not necessarily. Mr. Handler went on to say that the current model is flawed from the beginning. The cost per square foot is not remotely close to what is costs to renovate or build. He would be in favor of the proposal because he thinks it would put us in line to give a product to the construction industry that would be more efficient and would work to at least cover our base costs.

Ms. Doucette said that she is in favor of the proposal and asked when the last time these fees were looked at. Ms. MacKay responded 2019.

Mr. Piekarski said that the additional cost would not be absorbed by the building, but it would go to the customer. He feels that this proposal would put us on the right track and was interested to know how Ms. MacKay came up with this proposal. Ms. MacKay responded that they wanted to look at what they needed to sustain their department.

Mr. Handler said that he would like to discuss a carveout for affordable housing projects, where they would not pay the rate. Ms. MacKay responded that they could waive the fees by following the existing fee waiver policy that is currently in place. Mr. Howell said that he would want to have language that would say the exemption would be given for affordable housing projects.

Mr. Howell said that he would work with staff to map out a timeline of moving this forward.

C. Discussion on the 204 Cultural Arts Municipal Building License Agreements and the Towns' need for Municipal Space

Mr. Schiavi said that it is important to start with how he arrived at this decision and the background behind it. There was always the change that the town would need to put municipal operations into office space in the 204 building, which is why the license agreements are written the way that they are. When he arrived in town, there was a specific direction from the Select Board for him to look at operations and employees and where they are situated. It did not take long for him to see that one of our major departments was not in a suitable space. Mr. Schiavi understands that there are people involved in this discussion, but he has a responsibility to make sure that he is taking care of his staff and that operations are located appropriately. He hopes that the Select Board supports this decision. After looking at the 204 use policy, it states that the Select Board authorizes the Town Administrator to oversee use of the building.

There have been statements made that a termination has never happened before, which are untrue. This happened back when Christopher Clark was the Town Administrator. It happened again in 2024 when former Town Administrator Joe Powers wrote letters to 2 occupants to tell them that their contract with the town was being terminated. The Charter also says that the Town Administrator handles all the operational needs of the town. Mr. Schiavi received an opinion from Town Counsel which also talks to the Charter and the responsibilities of the Town Administrator.

Unfortunately, things were put in print in emails and on social media that forced Mr. Schiavi to take a deeper dive into what is happening with this license agreement. He did meet with the licensee several times and met with many tenants at the 204 where he answered many questions. Arts and culture are an important part of economic development. Despite the social media commentary, Mr. Schiavi received a total of 3 emails on this topic and was sought about by about 5 Harwich residents who felt that the town should be able to use the space for municipal needs.

Mr. Howell said that he sees no violation in anything that Mr. Schiavi did. The license is a binding document that lays out specific terms and conditions.

Mr. Handler noted that he knows there was an error in the room numbers and asked what room we are looking at. Mr. Schiavi responded room 102. He has let the license holder know that the original letter with a date of December 1st is mute at this point. Mr. Schiavi found a history that goes back to the license holder advocating for a larger space to support what they do. The opportunity came up when another tenant needed to change rooms due to confidentiality of what they practiced, and there was a mutually agreed upon decision, which was approved by the Town Administrator, to swap rooms. There is a tracking log of what artist is where and what they pay. The town should have gone back and updated the license agreements when the swaps happened. Mr. Schiavi said that he has done a deep review of the license, the request for proposal and the terms and conditions. It clearly says in the use document that they are not to operate a business out of the space. The space is to be used by individuals and non-profit organizations. All indications are that High Point Vintage is utilizing the space as a business. A business certificate for High Point Vintage was filed with the Town Cler in February 2025 and is under the name of Connor Howard Rose with an address of 40 Logn Road. The census form that was returned to the Town Clerk in February of 2025 from the property owner says that Janna Powell and Connor Howard Rose did not reside at that property and that the owner did not know where they lived. Mr. Schiavi went on to say that the license holder is not making tiles and coasters in their studio space. As part of their license agreement, they must provide a sheet of all materials being used in the space. The sheet for their room has one item and it is textiles. Mr. Schiavi provided the Select Board with photos of the space, and it was concluded that the tenants are using the space to store items for their business. Mr. Schiavi said that he emphasizes that the tenants have a business and a livelihood, but he has a responsibility to the town and the Select Board.

Janna Powell was present and said that she is an independent artist and files her taxes separately from High Point Vintage and that the license agreement for the room was never registered under that business name. They do other things out of the room besides textiles. Ms. Powell reviewed the history of when they moved into the modular buildings. The modular space was later condemned, and they were given a new room of A09 in the winter of 2020. They were told at the time A09 was a temporary space for them and that there was a waitlist for a larger room. They have done tiles in the building but could not properly ventilate and could not get maintenance on the windows. Ms. Powell said that she went to Town Meeting to advocate for the Cultural Director position as well as advocate for new windows. When Ms. Mewhinney came into the position, according to Ms. Powell, the tenants were told that the waitlist was not functional and that they would be starting fresh. Shortly after this, the pandemic hit, and the arts scene was decimated. Ms. Powell went on to review what kind of tiles they have created. She acknowledged that there were questions in the past about how she was using the space, but that she was always backed up by the town. Ms. Powell claimed that she was told that the room swaps would not go to the former Town Administrator and that they would be handled internally.

Ms. Powell said that the first person to contact her after she received her termination letter was the tenant that they swapped rooms with. She feels that this is a mess and that she would not be before the board trying to resolve it if things were clearer. The other tenant who is supposedly retiring and leaving their studio space has offered to sit at the table and offer a compromise.

Mr. Schiavi said that a lot of Ms. Powell's statements are not consistent with the way that the town views things. The license agreement is to an individual. He added that it would be disingenuous to say that they are not operating out of the space as High Point Vintage, when there is a sign outside of the studio door, which is also not allowed under the license agreement. Ms. Powell is not an owner of High Point Vintage, but it is clear and factual that High Point Vintage is operating out of that space.

Director of Cultural Affairs Kara Mewhinney was present and thinks that in general, this situation has become uncomfortable for everyone. She feels targeted professionally and thinks that many in the public would agree with her and she stands by the fact that nothing happened at the 204 building that Mr. Powers was not aware.of. Ms. Mewhinney reviewed the history of the license agreements from when they started in 2022, adding that they have learned a lot of things along the way. Ms. Mewhinney said that every month she does a studio audit, and that the town does their part to make sure that all the tenants are educated.

Mr. Piekarski said that he sympathizes with the tenant's situation, but the question is which individual has the authority to handle the license agreements, noting that the use policy indicates that the Select Board authorizes the Town Administrator to handle such matters as this. Mr. Piekarski believes that one of the failures was to rent out all the rooms and that it would have been wise to identify a few rooms in the building that would be preserved for future use and argued that it something that we should still do. Based on some of the comments that he has heard, it is probably appropriate to review all the tenants to make sure that they comply with the policy as outlined.

Ms. Powell said that in terms of proper use of the space, they could not make tiles out of the room due to ventilation issues. She added that they were present when the Massachusetts Cultural Council did a walk through of the building. The council saw what they were doing with their space and approved of it. Ms. Powell added that Ms. Mewhinney praised them for what they were doing at the time. Ms. Mewhinney approved them to start the 204 thrift and flea market. Ms. Powell feels that it is not consistent that they are suddenly not properly using the space. Mr. Piekarski responded that he has no desire to identify if they are or are not operating property. The task before the board is who is authorized to manage this process.

Ms. Doucette agreed that the use policy does state that the Select Board authorizes the office of the Town Administrator to handle these matters. She asked if new agreements were drawn up after rooms were swapped. Ms. Mewhinney responded that it was not something that was tracked with the former administration. She has already talked with the current administration staff about changes that need to be made. The previous administration did approve all internal room swaps. There were rooms that sat vacant for several months before they went out for the request for proposal process.

Mr. Kelleher said that for him, this is an easy decision and that the board relies on the Town Administrator and staff.

Ms. Powell said that she always had an understanding that any changes in the building would go through the Select Board. She was also under the impression that the Town Administrator would work with the Select Board to address these matters. Mr. Howell responded that there is some truth to that and that the Select Board does determine appropriate uses of how the building gets leased out. Chapter 4 of the Town of Harwich Charter calls for the Town Administrator to be able to efficiently reorganize the government as needed. The town always reserved the right to use the space for municipal use should it be needed.

Mr. Handler asked that the Town Counsel opinion and the 204 use policy be included in next weeks packet under correspondence. Mr. Schiavi pointed out that when the Town Counsel opinion was received, they did not have a copy of the 204 use policy.

Mr. Handler asked if there are any other licenses or tenants in the building that are non-cultural or don't fit into the use policy. Ms. Mewhinney responded no, but that would go back to her question of what defines culture. Mr. Handler asked if Mid-Cape Church Homes is a tenant. Ms. Mewhinney responded that the Department of Cultural Affairs does not have a license agreement and that would have been done through the former Town Administrator.

Mr. Handler asked Ms. Powell to define her partnership with the department head of the 204 building over the last year. Ms. Powell responded that they were approached in 2024 to begin a pilot program, and went on to talk about the markets that they participate in. They work from their studio space and go to markets. There was an idea to start a market in the 204 building to highlight the idea of curation. Ms. Powell feels that their relationship had been great, and she was not aware of any negative issues. Ms. Powell added that she feels there are others in the building who are operating a business. Ms. Mewhinney responded that you could say that any one of them is a business. They can sell during open studios, and anyone can offer commission and make appointments. Ms. Mewhinney commented that the 204 thrift and flea market is a partnership and the 204 and the department always supported it as a signature event.

Mr. Howell said that this decision was made because the town needs to occupy the space. The tenants are not being singled out because they are conducting a business.

Mr. Handler asked if the tenants would be allowed to go back to their old room, should the space become available.

Mr. Schiavi said that at the end of the day, the town may need to go through the entire building. There still needs to be a discussion about use of the space and what the tenants are operating under. This is not to say that other tenants might not be doing something similar, but the use of the space came up afterwards. There is no creation going on in Ms. Powell's space right now. Ms. Schiavi was told that Ms. Mewhinney only seeks the tenants once a month, up until now when all of this started. The town is not opposed to try and cure some of these things and get back to center. Mr. Schiavi is willing to work with the tenants on the timing and look at a possible date in January.

Mr. Howell said that the town will be issuing licenses again in Juen and will be able to have a clearer picture of this. The need of the room was identified first. Going forward we must be able to go deeper under the surface, knowing that peoples use of their rooms over the years may have morphed.

Ms. Powell commented that no one has ever asked her what happens in the space and that everything has been an assumption or projection. Mr. Howell responded that he was in the room himself. Ms. Powell responded that most of the items in the room are not for sale and that they are working on a photo book of an archive. She added that they do not run a store and do not want to. Her door is open to whoever wants to come and talk to them about.what they do and she doesn't understand why there isn't more of a conversation.

No motion was heard from the board to overturn the decision of the Town Administrator.

Mr. Powell asked how she could be terminated form a room that she doesn't have a license agreement for. Mr. Howell responded that she is occupying the room that is needed. Ms. Powell responded that she has talked to her counsel and is confused.

Ms. Mewhinney said that she is going to start working with Mr. Schiavi and that the facility use policy predates her. The only things that ever changed on the policy was the name of the building. She anticipates being back before the Select Board in January.

Mr. Howell told Ms. Powell to schedule a time to meet with Mr. Schiavi about the date and particulars. He added that the board would discuss the license agreements overall.

**OLD BUSINESS**

A. Update on the Monomoy Middle School siding project

Superintendent Dr. Scott Carpenter and Michael MacMillian, School Business Manager were present.

Mr. MacMillan said that they recently concluded the siding bidding process for the general contractor portion of the project. They received 3 bids, and the winning bid was for $6,983,000, just for the construction, which was about $2.2 million dollars below the budget. They have some wiggle room in the budget for any issues that may come up. The school committee approved awarding the contract a couple of weeks ago and a kickoff meeting was had, and the final contract was executed. The windows will be ordered and delivered, but there is a bit of a lead time for delivery. They hope that they will start construction in April and finish in August.

Mr. Howell wanted everyone to understand that on a contract like this, there is always the potential need for a change order.

Mr. Piekarski asked what the other bids were. Mr. MacMillan responded the 2nd bid was $7,170,000 and the 3rd was for $8.5 million. Mr. Piekarski asked how many phases were built into the bid. Dr. Carpenter responded that they sketched out a 6-phase project and that the bulk of them would happen in the summer.

Mr. MacMillan said that they are currently in the schematic design phase of the roof portion of the project, which also must be submitted to the Massachusetts School Building Authority who will reimburse for about 37% of the project. The design must be submitted by December 18th for it to go to their board meeting in February and then ultimately a town meeting in the spring. The roof is complicated with a lot of elevations and HVAC equipment. This part of the project may have to start a little before summer to get done before school starts the following year.

Mr. Piekarski asked if anyone has indicated that they are confident that the windows will be able to be sourced in time for the project. Mr. MacMillan responded that there has not been any indication of a delay. Dr. Carpenter added that their biggest concern is that the architects were asking for a sample window to do a sample mark up. There were concerns expressed about how quickly a sample window could get sone, given that you are building something out of sequence.

Dr. Carpenter reviewed the material that is being used for the siding which is concrete fiber board that looks very similar to shingles and will be grey in tone. They added that the copula will remain.

Mr. Howell asked how much if any of the water migration in that building is due to the roofing. Mr. MacMillan responded that they have spent time and money patching holes in the roof. Right now, there are a couple of active leaks, but nothing major.

Mr. MacMillan said that they have started their budget process and that these numbers will feed into the budget. They are on target to submit their draft budget on January 15th in alignment with the agreement.

B. Discussion the Assistant Town Administrator recruitment

At a previous meeting, the Select Board had allowed Mr. Schiavi to start the recruitment process for the Assistant Town Administrator. Shortly after that decision, Mr. Schiavi happened to have a phone call with the consultant, Mr. White, who is doing the Town Administrator search and it was said to him that this path forward is probably not a good one. One standpoint is that someone coming in as the Assistant Town Administrator will want to know who they are going to be working for. There is an immense amount of trust between the Town Administrator and the Assistant Town Administrator. That could have a detrimental effect on the Assistant Town Administrator recruitment pool. It would make sense to let the incoming Town Administrator choose their Assistant.

Mr. Howell noted that several of the Town Administrator candidates have expressed interest in choosing their Assistant Town Administrator.

Mr. Piekarski said that if the Select Board settles on a new Town Administrator in January and we know that person has to give 30-days' notice to their current employer, that perhaps we put out the notice to recruit the Assistant Town Administrator, with applications due when the Town Administrator starts, to at least get the ball rolling.

## CONTRACTS

A. Review and approve a contract with Habeeb & Associates Architects for Engineering and Architectural Services for Brooks Academy Museum in the amount of $197,600.00

**Mr. Piekarski moved to approve a contract with Habeeb & Associates Architects for Engineering and Architectural Services for Brooks Academy Museum in the amount of $197,600.00, 2nd by Mr. Handler and approved 5-0-0.**

## TOWN ADMINISTRATOR'S REPORT

Mr. Schiavi knows that there will be more discussion on this but wants to be cautious about some of the suggestions about putting things in the operating budget when we are talking about taking things out, simply to save free cash. We need to set where our priorities are, and Mr. Schiavi feels that we are headed in the right direction. Mr. Howell responded that the board would have this discussion and that the board did approve a budget statement that talked about looking from within and settling our union contracts. Mr. Piekarski added that this is a process that can happen overtime and would not have to happen on this budget.

## SELECT BOARD MEMBER REPORT

Mr. Piekarski asked for a follow up discussion on the review and analysis of revolving funds. He is also appreciative that Mr. Howell and Mr. Schiavi will be part of the Veterans' Day ceremony tomorrow.

**CORRESPONDENCE**

**ADJOURNMENT**

**Mr. Handler moved to adjourn the regular meeting of the Select Board at 10:00 p.m., 2nd by Mr. Piekarski and approved 5-0-0.**

Respectfully submitted,

Jennifer Clarke
Executive Assistant