

APPROVED

RELEASED

**MINUTES
SELECT BOARD
HARWICH TOWN HALL
732 MAIN STREET, HARWICH MA
MONDAY, NOVEMBER 17, 2025
5:00 P.M.**

RECEIVED
TOWN CLERK
HARWICH, MA

2025 NOV 25 P 1:47

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 & Executive Assistant Jennifer Clarke

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: Fire Chief – David LeBlanc
- 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: Finance Director
- D. 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
- E. 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 in executive session, the board signed contracts with the Highways and Maintenance Employees Association, Massachusetts Coalition of Police (Patrol and Superior Officers). Mr. Howell also announced the hiring of Jennifer Mince as Finance Director, projected to start on December 1, 2025.

PLEDGE OF ALLEGIANCE

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

STAFF COMMENTS/ANNOUNCEMENTS

Health Director Carrie Schoener was present and announced that the Harwich Opioid Working Group, along with the Towns of Brewster, Chatham, Dennis and Orleans will be holding community opioid funds listening sessions to solicit feedback from residents to help make spending decisions. There are 5 listening sessions scheduled and will be held in a hybrid forum with one zoom link that is valid for all sessions. For those who cannot attend the sessions, paper copies of the surveys are available and can be submitted to the Health Department by December 12, 2025.

Department of Public Works Director Lincoln Hooper was present to provide an update on the safe routes to schools' project. The last time he was before the board, he mentioned that the right of way was the towns responsibility, that he decided to take on personally. Mr. Hooper met and spoke with any abutters affected. The project bounds are Sisson Road to the Cultural Center and South over to Main Streets and consists of removing and reinstalling the sidewalks as a \$3.3 million dollar project. The right of way was secured and in process and was then put on hold due to safety concerns, pending a go ahead from Massachusetts Department of Transportation. Mr. Hooper reviewed the series of letters that the abutters will receive going forward. Mr. Howell expressed the board's gratitude to Mr. Hooper for personally taking on this project.

WEEKLY BRIEFING

Mr. Schiavi reviewed the Phase 3 sewer updates as provided in the packet and noted that there will be no sewer construction on Thanksgiving or the day after.

Staff is in the process of scheduling a kickoff meeting for the Brooks Academy Museum project. They will be taking a fresh look at the schedule and seeing if there are any points where the timeline can be shortened without any undue risk. As soon as more information is available, it will be released to the public.

Mr. Kelleher said that it would be nice to hear updates from wastewater consultant Dan Pelletier. Mr. Schiavi responded that he communicates with him regularly and Mr. Howell commented that her periodically touches base with him as well.

PUBLIC COMMENTS/ANNOUNCEMENTS

Mark Ellis from 23 Mill Road was present and commented that he is at a loss on how to communicate an issue with something that he feels the town has reneged on. He provided the Select Board with information about the land value abatement and what he feels is a subsequent error in using unabated land value. In 2019, he purchased a house for \$1.6 million dollars. The following year, they received their assessment at \$1.8 million dollars, which exceeded the value that they purchased it for. The appealed the assessment, which was denied, and they have filed with the appellate tax board. Before filing with the tax board, the town had settled with them and the value was brought down to \$1.4 million dollars. Mr. Ellis referenced an email that was issued by Town Counsel. He said that when the new Assessor started, that she was not aware of the new assessment and used the old base. Mr. Ellis feels that his house is over-valued and that the amount that his house has increase is greater than the house next to him, which is a much bigger piece of land. Mr. Ellis feels that the town is not honoring what they said they would do, and he would like the Select Board to look into this. Mr. Howell responded that the issue would be looked in to.

Anthony DiMauro was present and wanted to briefly speak about the seasonal communities designation, but didn't make any other comments.

CONSENT AGENDA

- A. Vote to accept a gift for the Harwich Recreation Department from the Harwich Pickleball Association in the amount of \$1,000.00 to be used for a variety of recreation and community needs

Mr. Kelleher moved to accept a gift for the Harwich Recreation Department from the Harwich Pickleball Association in the amount of \$1,000.00 to be used for a variety of recreation and community needs, 2nd by Mr. Handler and approved 5-0-0.

PUBLIC HEARING

- A. Approve the Ambulance Billing Fee increases as recommended by the Fire Chief

Mr. Piekarski read the public hearing notice. Mr. Howell opened the public hearing.

Fire Chief David LeBlanc and Deputy Fire Chief Craig Thornton were present.

Chief LeBlanc referenced the memo as outlined in the packet. Harwich has not adjusted their ambulance rates in at least ten years and at the same time the operating budget for the Fire Department has increased approximately 40%. The initial review compared Harwich's current rates to the average of the top 50 clients serviced by our ambulance billing company revealed that Harwich was between 21% and 67% lower in the different rate categories. Since 2015 the department has also participated in the Certified Public Expenditures program, which allows the department to capture some of the actual cost of operating the ambulance above what is covered by the ambulance rates. Over the last several years, Harwich has seen a decrease in this revenue

which could be partially due to our rates relative to the Medicare rate. The recommendation is to increase the ambulance billings rates to align with the Comstar High 50 Average. In addition, the recommendation is for the board to increase the mileage rate of \$35.00. Billing and collections will never impact on the service provided by the Fire Department.

Mr. Howell asked what the most difficult position to fill is. Chief LeBlanc responded paramedics, and that the biggest constraint is wages and the cost of living.

No public comment was heard.

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

Mr. Handler moved to approve and accept the recommendation of the Fire Chief regarding the increase in ambulance reimbursement rates as well as the increase in mileage as provided in the packet, effective December 1, 2025, 2nd by Ms. Doucette and approved 5-0-0.

2026 ANNUAL TOWN MEETING

A. Update on the Town Meeting and Budget Timeline

Mr. Schiavi announced that the budget department reviews are ongoing. The town is still waiting for information from the state regarding the free cash certification. The next major milestone is for the department heads to submit draft warrant articles to the Administration office by November 24, 2025. The tax classification hearing is scheduled for November 24th as we move to set our tax rate.

Mr. Howell asked where this timeline puts us in relation to the Charter. Mr. Schiavi responded that we are well ahead of schedule.

NEW BUSINESS

A. Senator Julian Cyr and Representative Hadley Luddy to present a Legislative update

Senator Julian Cyr and Representative Hadley Luddy were present to provide a legislative update. Senator Cyr said that he has been laser focused on housing affordability and the reality is that Cape Cod is no longer affordable. He talked about how we go about subsidizing housing for public safety officials, teachers and other municipal workers noting that the median home price in Harwich is current around \$980,000. In Harwich, almost 40% of the housing units are used seasonally or recreationally and about ½ of the Harwich households are cost burdened by housing costs. Senator Cyr went on to talk about the seasonal communities designation which is a new status created by the Affordable Homes Act to recognize towns that face big seasonal fluctuations in population, housing demand and employment. Senator Cyr also said that there are 2 zoning requirements and that one is to allow under sized lots if they are used for year round housing and the other is allowing cottage colonies or tiny homes if they are being used for year round housing. The Administration will be putting out final regulations before the end of the year, which will provide more clarity. Senator Cyr talked about using the model of the Cape and

Islands Water Protection fund. He has also learned that collaboration and communication between the house and senate are essential.

Representative Luddy emphasized how wonderful it is to work with a delegation that works so well together and noted that she has tried to focus on making sure that our voices are heard on Beacon Hill. Representative Luddy reviewed passed initiatives including the Child Welfare Safety Act as well as a joint rules reform to make the legislature more accessible and transparent. Representative Luddy commented that she has tried to have more consistent office hours and tries to attend as many meetings as possible and community events that she can. Also briefly talked about was the Maggie Hubbard Rental Safety Act which was filed after a tragic loss. This act would require short term rentals to verify that they have working smoke detectors. A couple of other topics were Marnie's Law which would require nursing schools in Massachusetts to include inflammatory breast cancer awareness in their curricula as well as Bill 3974 which is an act relative to cellular coverage. Representative Luddy thanked the Town of Harwich for a wonderful Veteran's Day ceremony. She encouraged anyone that is available to stop by any of her upcoming office hours.

Mr. Kelleher said that Harwich is going to be negotiating with Chatham regarding the regional school district and that he believes at the state house, there is talk about updating the Chapter 70 formula and asked our reps if they could do anything to move that along. He also commented that a bullet sheet on seasonal communities would be helpful. Mr. Kelleher asked how close the Maggie Hubbard Rental Safety Act is close to passing. Representative Luddy responded that it is not in law yet, but they are hopeful that it will be implemented soon. Senator Cyr noted that regarding education funding, the Student Opportunity Act was passed in 2018, which was a big investment in the Chapter 70 formula. He noted that there are real challenges for rural and regional schools and suggested that a discussion happen offline so he can better understand the equalization piece and hopefully include that in future Chapter 70 discussions.

Mr. Howell noted that he is the representative on the Clean Waters Board. He feels that the school issue is going to get worse if we cannot come up with a equitable solution for it. With respect to housing, he hopes that there isn't a thought of creating another trust that would be solely dedicated to attainable housing and another for affordable.

Senator Cyr said that with the state revolving fund, this is our opportunity to make sure that we are receiving our fair share of resources. He also said that on attainable housing conversations, there are no requirements that attainable housing would be exempt from property taxes, but affordable would be. The real hope is that for attainable housing, the valuation would be less, so the taxes would be less.

Mr. Handler said that he would be reaching out to both Senator Cyr and Representative Luddy as there are a lot of things he would like to talk about and wants more education on. He added that Harwich is investing in Harwich in ways that people can see which include housing, resident services and school systems. Investments are also being made that cannot be seen which include cleaning of our waters and sewer. For Cape Cod, many of the initiatives that come from the North

don't help as much as we need. Mr. Handler feels that the 40b process is probably perfect for off cape, but that it is not a solution on cape and that we need to look at our bylaws in town. Mr. Handler would also like to see bullet points on how the seasonal communities designation works. Harwich has a tax credit available of up to \$1500 if a resident rents even a bedroom in their home. He is not sure if any other town has that kind of program. Mr. Halder would like information on what other towns are doing and think about a possible collaboration.

Harwich has a project online that is waiting for the state to approve the affordable housing lottery. The person who owns this property is waiting for an answer from the state to be able to rent the 3 affordable units. Mr. Handler asked what the typical turn around time is for something like this. Senator Cyr responded that he is not sure and asked town staff to send information to his office.

Mr. Howell talked about the subsidized housing inventory (SHI) list and how one of the Pine Oaks phases fell off the list because they had a contract that expired. Mr. Handler added that the cape should have a SHI list of 5% with incentives for creating affordable housing above 5%. Harwich doesn't have the ability to grow to reach the 10% threshold.

Mr. Piekarski asked that in the future, that a list of topics to be discussed be provided to the Board in advance. He asked if the speakers have any knowledge on the potential audit that was supported by 60% of the voters. Senator Cyr responded that there is a disagreement on if the audit is constitutional, but that the Senate has supported it. He said that he can direct folks on where to find the audit information and that this has become a political issue.

Elizabeth Harder was present speaking as a resident. She apologized as the Executive Office of Housing and Livable Communities had posted when they would have their final regulations for the seasonal communities act, and she did not provide that information. She will put information together and send it to the Select Board. In the future, she will keep everyone better updated as information becomes available. Ms. Harder said that as the Harwich Delegate to the Barnstable County Assembly of Delegates, she was planning to ask for time at a Select Board meeting in December of January. She is now the chair of the Economic Development Affairs Subcommittee and would like to discuss a transfer fee and if we need a funding stream for attainable housing. Mr. Howell responded that he will set this up for a future agenda.

B. Assessing Department Presentation on Residential Tax Exemption

Present were Board of Assessors Richard Waystack, Bruce Nightingale and Jay Kavanagh as well as Assessing Director Carly Jones and Assistant Assessor Madison Griben. They are before the Select Board in advance of next weeks classification hearing because they are hearing from across the cape that some towns have decided to accept a residential exemption. The residential tax exemption shifts a portion of a community's residential tax burden from taxpayers who own and occupy their home in Harwich as their primary residence to all other non-primary residential taxpayers, such as seasonal residents and owners of vacant lots as well as properties over the break-even point even if owner occupied. Mr. Waystack reviewed how the exemption would

work, how the exemption is calculated, how one would qualify for the exemption and if the board considers the exemption, a suggested timeline of rollout. Harwich offers many other exemptions including affordable housing property tax, low income seniors, senior tax work off, disabled Veterans, sight impaired, surviving spouse/minor, hardship exemptions, senior tax deferral and the sewer assistance program.

Ms. Jones said that for the program to happen the Assessing Department would need an addition of a new staff member, additional licensing, additional IT and office supplies as well as a Munis upgrade and additional overlay funding.

Mr. Waystack commented that 65% of the home sales this year have been to off-island buyers. Mr. Piekarski asked if the homes that were purchased are for year round use. Mr. Waystack responded that it is mixed.

Mr. Kelleher said that he doesn't like to pile on to the seasonal residents but is also cognizant of the fact that 30-40% of the residents in town are aged 65 and older and have incomes of \$50,000 or less. He feels that the idea of a study group would be good if this moves forward. For now, his feeling is that the seasonal residents are good for the town. Mr. Waystack responded that he understands that there are seniors who need assistance and that there are other programs available that are far greater than what the residential tax exemption would offer them.

Mr. Waystack said that there are approximately 5100 properties in Harwich that could qualify for this exemption but that the current office staff could not handle all these applications, which is why they would need an additional staff member.

C. Department of Public Works Director presentation on Transfer Station fee restructuring

Department of Public Works Director Lincoln Hooper was present and is recommending an increase in the residential permit fee from \$160 to \$200 and an increase in tires from \$3 to \$10. It has been 10 years since the residential permit fee was last increased. The town's cost of municipal solid waste has increased 85% in that same timeframe from \$60/ton to \$112/ton.

Mr. Howell said that he would like to move this forward and hold a public hearing.

Mr. Piekarski asked for clarification on the fiscal year 2026 disposal area expenses as outlined in the packet. Mr. Hooper responded that he generally makes his increase requests closer to the fiscal year mark. In doing this now, he has not yet submitted his budget. The numbers being presented on the expense sheet are fiscal year 2026, where the new rates would be for fiscal year 2027.

Mr. Piekarski asked what the disposal regular fees are. Mr. Hooper responded that is the cash or check that is received at the scale house.

Ms. Doucette asked if the 2nd sticker fee would remain at \$25.00. Mr. Hooper said that it will not change and seems to be in line with other towns.

Mr. Kelleher asked about the commercial trash hauler rates. Mr. Hooper responded that those rates were increased a little over a year ago and he is not recommending moving them at this time.

Mr. Handler asked if there are any construction and debris charge accounts and if any are in the rears. Mr. Hooper responded that there are a couple hundred accounts that he inherited and that there are always some that are behind.

Mr. Piekarski clarified that if approved, these rates would go into effect for July 1, 2026.

The board agreed to schedule a public hearing for December 15, 2025.

D. Department of Public Works Director request to set private contractor plow rates for 2026

Department of Public Works Director Lincoln Hooper was present to request an increase in the private contract plow rates by \$10 per hour on all categories. Essentially, this is a scarcity problem, and contractors are not willing to tie up their vehicles, bear the cost of a plow and have the required insurance. Many contractors are getting out of the snowplow business and many towns and Massachusetts Department of Transportation are competing for scarce resources.

Mr. Handler moved to approve the Department of Public Works Directors request to increase private contract plow rates by \$10 per hour on all categories as presented in the packet, 2nd by Ms. Doucette and approved 5-0-0.0

E. Department of Public Works Director and Acting Town Administrator to request creation of Personnel Bylaw (PBL) position titled Part Time Truck Driver

Department of Public Works Director Lincoln Hooper was present to request creation of Personnel Bylaw (PBL) position titled Part Time Truck Driver. Over the last decade, the DPW has relied on Firemen and Police Officers to assist with snow plowing activities where they would drive town owned plows. Unfortunately, there have been a few retirements, leaving the DPW with no way to hire the retirees to plow. To address this issue, Mr. Hooper is requesting to establish a truck driver position in the PBL and pay \$35/hour to allow the DPW to utilize these willing retirees to assist with snow removal activities.

Mr. Schiavi added that he would insert his positions as a PT7A into the PBL.

Mr. Kelleher moved to create of Personnel Bylaw (PBL) position titled Part Time Truck Driver as outlined in the packet and as recommended by the Department of Public Works Director and Acting Town Administrator, 2nd by Ms. Doucette and approved 5-0-0.

- F. Presentation by Harwich Conservation Trust to present an initiative to transfer selected Town-owned parcels from care and custody of the Select Board to the Conservation Commission or the Water Department

Harwich Conservation Trust Executive Director Michael Lach was present to present an initiative to transfer selected Town-owned parcels from care and custody of the Select Board to the Conservation Commission or the Water Department. The goal of the partnership project is to take a proactive step that will ensure that existing town owned parcels that facilitate public water supply recharge, pond/marine watershed recharge, habitat health, resilience to the effects of climate change and other community values are appropriately protected and managed to support the long term viability of natural resources in Harwich. They are requesting that the Select Board vote to sponsor a warrant article for the 2026 Annual Town Meeting that will facilitate the transfer of these parcels. Mr. Lach said that the trust is available to assist in drafting the proposed article for the Select Board and Town Counsel to review.

Mr. Lach reviewed all the maps as provided in the packet.

Mr. Kelleher asked what the interface is between the Conservation Commission and the Harwich Conservation Trust, noting that there are deed restrictions on some of the parcels.

Mr. Lach said that another aspect for the Select Board's consideration would be that these parcels could receive a conservation restriction which would be held by the trust. Mr. Howell responded that it has always been a great advantage to the town to have the trust as a partner to be sure that a future board doesn't remove the restrictions and build something. Mr. Lach added that they have a cooperate arrangement with the Conservation Department and that they have an evolving and ongoing partnership.

Mr. Lach said that he would provide Administration staff with draft warrant information.

Patrick Otton was present and asked why a warrant article would be needed. Mr. Howell responded that it is because the custody of the property has to change and no one but town meeting can do that.

- G. Vote to approve a special permit application for Harwich Chamber of Commerce for one-day entertainment for an event to be held on December 5, 2025 from 5:30 p.m. – 8:00 p.m. in Harwich Port

Mr. Kelleher moved to approve a special permit application for Harwich Chamber of Commerce for one-day entertainment for an event to be held on December 5, 2025 from 5:30 p.m. – 8:00 p.m. in Harwich Port, 2nd by Ms. Doucette and approved 5-0-0.

- H. Approve the following 2026 Common Victuallers license renewals:

1. Cape Chill Partners, LLC d/b/a Dairy Queen Grill & Chill - 441 Route 28
2. Ember Pizza, Inc – 600 Route 28

3. Epiros Holdings, LLC d/b/a George's Pizza House – 564 Route 28
4. Scribano's, Inc. d/b/a Scribano's Italian Market & Deli – 302 Route 28
5. Red River Barbeque LLC d/b/a Red River Barbeque – 787 Route 28
6. Morin-Froughton, Inc. d/b/a Lighthouse Café – 216 Route 28

Mr. Kelleher moved to approve the 2026 Common Virtualers license renewals as presented, 2nd by Mr. Handler and approved 5-0-0.

- I. Approve the following 2026 Auto license renewals:
 1. Bassil Brothers Inc. d/b/a United Gas - 520 Route 28 - Class II Used Car Dealer & Class IV Auto Repairman
 2. Nick & Claudine Enterprises, LLC d/b/a West Harwich Sav-On-Gas – 4 Route 28 – Class IV Auto Repairman
 3. Dave's Garage – 910 Route 28 – Class IV Auto Repairman

Mr. Kelleher moved to approve the 2026 auto license renewals as presented, 2nd by Mr. Piekarski and approved 5-0-0.

- J. Approve the following 2026 Innholders license renewals:
 1. Sands Hospitality, Inc., d/b/a The Platinum Pebble – 186 Belmont Road

Mr. Kelleher moved to approve the 2026 Innholders license renewals as presented, 2nd by Mr. Piekarski and approved 5-0-0.

- K. Approve the following 2026 Entertainment license renewals:
 1. Ember Pizza Inc. d/b/a Ember, 600 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, Dancing by Patrons, Dancing by Live Performers, Live/Recorded Music (Live Band & Recorded DJ), Amplification

Sunday
10:00 a.m. to 12:00 a.m. inside & 10:00 a.m. to 10:00 p.m. outside
Jukebox, Radio, Television, Dancing by Patrons, Dancing by Live Performers, Live/Recorded Music (Live Band & Recorded DJ), Amplification

Mr. Howell said that he has heard from members that the way this application is being requested, that it should be set up for a public hearing.

Mr. Handler said that he wanted to fall back on a conversation that the board had several weeks ago where they talked about the potential of reviewing the entire entertainment noise license. He would prefer that before any entertainment licenses come before the board, that a discussion is had on any possible changes. Mr. Piekarski responded that he would be happy to have a global conversation.

2. Red River Barbeque, LLC d/b/a Red River Barbeque, 787 Route 28
Weekday
12:00 p.m. to 9:00 p.m. inside
Jukebox, Radio, Television, Dancing by Live Performers, Live/Recorded Music
(Acoustic Solo), Amplification

No action was taken on any entertainment licenses.

CONTRACTS

- A. Review and approve License Agreement with Pine Tree Nursery for use of Pleasant Road Beach Parking Area

Mr. Schiavi briefly reviewed the request and recommends approval of the agreement.

Mr. Handler moved to approve the License Agreement with Pine Tree Nursery for use of Pleasant Road Beach Parking Area, 2nd by Ms. Doucette and approved 5-0-0.

TOWN ADMINISTRATOR'S REPORT

Mr. Schiavi said that attended the Finance Committee meeting last week. He also has a meeting tomorrow where he will be able to get more information about the seasonal communities act.

SELECT BOARD MEMBER REPORT

CORRESPONDENCE

ADJOURNMENT

Mr. Handler moved to adjourn the regular meeting of the Select Board at 9:14 p.m., 2nd by Mr. Kelleher and approved 5-0-0.

Respectfully submitted,

Jennifer Clarke
Executive Assistant

