APPROVED

RELEASED

MINUTES
SELECT BOARD MEETING
Donn B. Griffin Room, Town Hall
732 Main Street, Harwich, MA
Executive Session 5:00 P.M.
Regular Meeting 6:00 P.M.
Monday, January 27, 2025

RECEIVED TOWN CLERK HARWICH, MA
2025 FEB 11 A 9:27

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

ALSO PARTICIPATING: Joseph Powers, Town Administrator

I. CALL TO ORDER

Ms. Kavanagh called the Select Board meeting to order on Monday, January 27, 2025 at 5:00PM noting that the Board would be entering into Executive Session and returning to Open Session no earlier than 6:00PM.

Mr. Piekarski moved to enter into Executive Session as presented. Seconded by Mr. Howell.

Vote: 5:0 In favor by roll call vote. Motion carried.

II. EXECUTIVE SESSION

A. 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: December 2, 2024

B. 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 discuss the possible release of executive session meeting minutes dated June 26, 2023

C. Executive session pursuant to the provisions of G.L. c.30A, §21(a)(3) to discuss potential litigation by the Town if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares

D. Pursuant to MGL c.30A section 21 (a)(3) to discuss strategy with respect to collective bargaining for all town unions and non-union personnel and the Chair has determined that open session would have a detrimental effect on the town's bargaining position; All

Ms. Kavanagh called the Select Board meeting back to order noting that while in Executive Session action was taken on items A. and B. to approve those minutes. No action was taken on items C. and D.

Ms. Kavanagh read the Open Meeting Law Notice.

III. PLEDGE OF ALLEGIANCE

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

Ms. Kavanagh noted that they will not be discussing the Housing Production Plan this evening. It will be on next week's agenda.

Ms. Kavanagh noted that under Presentations, they will be starting with B.

IV. PUBLIC COMMENTS/ANNOUNCEMENTS

Emily Mitchell, Town Clerk was present. She shared key dates for both nominees and voters as well as vacancies for the upcoming Annual Town Elections. All information is on the Town's website. She also noted the dog licensing deadline date and the annual census distribution.

Matt Sutphin was present and handed folders to Ms. Kavanagh and Mr. Powers. He read his statement: Before you is the cross- section of a healthy tree that was cut down to the ground, only a limb needed excision. In West Harwich there is a five foot aperture in the church roof creating the fear of pending collapse. If there is a problem with my hand, it should not require removal of my heart. This is the Harwich we are having to get used to. The cross-section of the tree before you shows there was healthy heartwood and healthy sapwood as attested by the one who cut the section for me. This tree needed a limb or two to be removed, not to be completely cut down. I will credit the Town Administrator with some alacrity once the offending limb was reported. Within 48 hours the limb was removed, along with the rest of the tree. I have 20 or so photos of the tree being cut down, I'd be glad to share them. There is a good photo of what is known in the trade as the widow maker, the deal limb. That is in your folder. So how do we account for this extreme reflex action on the part of the TA and the Highway Supervisor? Beats me, yet this is what we've gotten used to. Under MGL Chapter 87 any shade tree removal must come before your Board. With this tree, the Highway Supervisor will argue that a safety issue existed and action needed to be taken quickly. Yes it did, to remove the offending limb. Coincidentally, the following day I had a lunch scheduled with a tree warden. I will relate to the Board my sense of our conversation. The warden thinks we have much to learn. In the folder presented to you, can be found information regarding MGL Section 87. I presented this information before to you but this is from the hand of the tree warden. I will close by drawing the Select Board's attention to a photo in the folder, its of the tree trunk standing upright. In the background are two trees in front of the Brooks Library. Recently the Town Administrator authorized $20,000 for the engineering for the future work about to be done in front of the Library. Authorization was for design work creating a new brick sidewalk surface and removal of the two existing trees, the trees to be replaced with something a little more than saplings. The sum of $95,000 has been voted at Town Meeting for the benefit of the Brooks Free Library

Trustees. The Article presented at Town meeting was absent an HDHC hearing about the subject. Comment from HDHC would have informed the vote. Not only do we clear cut subdivisions in Harwich, apparently we clearcut our main streets. On a personal note, the Town will soon be hacking into a beautiful mature tree in Harwichport. It was planted close to Snow Inn Road and above an existing sidewalk. The tree has a bronze plaque beneath it with my grandmother's name on it, Alice Lee Pierce, 1965. Thank you.

Patrick Otton of East Harwich was present. He commented on the recent review of traffic studies. He referred to the Cape Cod Commission's Vision Zero Action Plan and read statistics of crashes on Cape Cod. He encouraged the Select Board to follow the Vision Zero Action Plan and have Harwich comply immediately in any way possible.

Kara Mewhinney, Director of Cultural Affairs was present. She noted February, March as well as summer upcoming events, workshops and programs. All information is on the Town's website.

Carolyn Carey, Community Center Director was present. She noted the 25 events in February to celebrate the 25th year of the Community Center. All the information is on the Town website and at the Community Center. She thanked the staff for all their hard work and expressed gratitude for having her job for 25 years.

Mr. Handler announced Office Hours, February 5th from 4-5:15PM at the Community Center.

V. SELECT BOARD REORGANIZATION

Mr. MacAskill asked that this item be held until the end of the Agenda due to the presentations and that Ms. Kavanagh is already running the meeting. Ms. Kavanagh agreed.

Select Board Reorganization was taken before the Town Administrator's Report

Ms. Kavanagh stated that she has been Chair for a year, she will not be running again and she thinks it is time for a change. She asked the Board how they wanted to do the reorganization, Mr. Handler could go into the Chair as he is Vice Chair and she could step back and be Vice Chair or the Board can completely reorganize.

Mr. MacAskill asked Ms. Kavanagh if she was stepping down.

Ms. Kavanagh replied that yes, she is stepping down. She can stay on until the end of the month or step down next week.

Mr. MacAskill commented that he is not ready to have the conversation and he wanted to see where Ms. Kavanagh was going because when she signed on to be Chair, she signed on for a full year. He did not anticipate a reorganization and he is not prepared to act on this tonight. There is a mechanism, if Ms. Kavanagh steps down, the Vice Chair steps into the Chair seat. As far as he is concerned, the Board is covered for the time being. He added that when he says the Vice Chair steps into the Chair's seat, he did not mean permanently. It is up to the Board if they totally reorganize and he would like to hear if there are people who are interested in being Chair, why they want to be Chair, what they plan on doing, what they plan on changing and then have a healthy debate on it.

Ms. Kavanagh stated that she is stepping down as Chair as of tonight.

Mr. Howell commented that he has pondered this for a long time. When they finally do the reorg, it's more than rearranging the deck chairs on the Titanic. It should not be on the front end of the Agenda, it's unfair to the Town, the Board and unfair to the person who is handed the gavel five minutes into a meeting. He noted that it was always at the end of a meeting.

Ms. Kavanagh agreed, commenting that she thought the same thing when she saw it on the Agenda. It doesn't make sense to start off with the reorganization.

Mr. Howell supported what Mr. MacAskill had said, to have Mr. Handler sit in next meeting and make sure it is on an Agenda in a meeting or two so the Board can actually ponder whether they will do this as a permanent reorganization.

Mr. MacAskill thanked Ms. Kavanagh for being the Chair for the last year. On the Housing Production Plan, he wants to understand.process-wise, what the Board is doing because it will be back on the Agenda next week. He noted that they had the Local Planning Committee along with a consultant, present a Housing Production Plan and a Local Comprehensive Plan (LCP) to the Board but it is the Board's Plan. He had three pages of notes. He also specifically looked at the meeting and listened to the conversation and he feels that Select Board member Howell had a lot to say about things that he thought were missing. He asked if they are to just have the debate with the Board because he has no interest in continuing to debate with the Committee. He wanted to thank them for all the work they did but he asked if at this point, is it edits from the Board as they agree on and then the Plan is given to the Planner and Tighe and Bond to finalize the agreement? He noted that one of the housing advocates tonight said, "if the Board passes the Plan, if not you'll be a year behind" . He noted that he has zero interest in passing something that has so many holes in it or broad statements because the Board will be held accountable for everything that's in there. Being that it s a ten year plan, he thinks it should be pretty detailed on areas of housing and types of housing, instead of just a broad subject. What he got out of that meeting is that there are things missing. He asked how the Board perceives things going forward, is the Board sending all their thoughts or presenting all their thoughts at a meeting and then getting the Planner to do a final draft?

Ms. Kavanagh replied that the LPC's (Local Planning Committee) request was to give any revisions to them so they could review with the Town Planner and with Tighe & Bond. There was an email that indicated why certain things couldn't be shared because of the way they parallel to Federal things versus local and State. She noted that Mr. Howell voiced his items at the meeting.

Mr. Howell commented that they weren't captured.

Ms. Kavanagh noted that the Board is supposed to be getting the final. Joyce McIntyre of the LPC told the Board members to share their thoughts and revisions so she could provide a revised document. Ms. McIntyre does not feel currently that she has that revised document, she is waiting for that feedback. Ms. Kavanagh commented that in reading the previous Plans, the problems have only gotten worse, the varying factors aren't that much different, in discussing housing projects going in town, the infrastructure is not there. They should have been working on it all these years and they haven't done anything . She commented that she feels it's important that they look at the plan and figure out how they move this forward. She suggested to Mr. MacAskill that if there is something in there that he doesn't see or doesn't like he should feel free to say it..

Mr. MacAskill noted that a lot of the plan lists percentages that the Town has to hit and then contradicts itself in the same plan about the environment, the infrastructure and the more global partnerships. He asked how the Board could talk about the very limited resources but they're going to be okay with, as an example, a 250 unit project. There is no cap on the projects the Board is talking about supporting. He agrees that they are going backwards but they are still one of the towns that is progressing forward a lot quicker than anyone else. To Administration, the Town has a Housing Coordinator but they don't have anyone monitoring the SHI List. The Town's SHI List has dropped down to 4.3% but if you talk to the Assessing Department, no one has gone into the Assessing Department and offered up full taxes. He questioned what the exact SHI List number is, how they got there, why nothing has changed in Assessing and who in Town is monitoring that? He commented that if they add up everything, the Town is in really good shape compared to other towns. He has no interest in creating a plan to just solve to the States 10%.

Mr. Howell requested, for another time, a recap in the Board's discussion when its back on and what the ramifications are of not approving the Plan, in practical terms. He also noted that the redlined version of the Plan that he received, didn't have what he had requested. He had said that they have to make an explicit statement to support an examination of the Town's critical infrastructure, particularly roadways and that they needed to have a commitment stated in the Plan because that is the only way for the Town to be able to do the building. He added that the original Housing Production Plan in the early 2000s talked about scatter site housing which is why he talked about 8-10 units here and there. That is not something that he saw appearing in the Plan either. Those two things are important to him as well as what Ms. Senatori was talking about earlier, trying to figure out how to streamline the process for smaller providers to be able to do something without having to put in significant thousands of dollars worth of engineering fees to even be told if they are going to be put on an agenda for the Planning Board.

Ms. Kavanagh commented that ultimately people won't do anything if it doesn't make them money. The Town needs to do something.

Mr. Howell commented that they need to do something with the SHI List and what's going on with the original Pine Oaks because Pine Oaks had made commitments through HUD loans that encumbered their deeds with deed restrictions for a certain period of time, which are timed out. He added that they are charging affordable housing rents for the properties but if the Town is not getting credit for that then something has to change.

Mr. Piekarski noted that these plans are a prerequisite from the Commonwealth so they can check a box and the town is then eligible for all these funds or opportunities. He noted that in the past, these documents were created by the Town Planner, and the Planning Board. They could put a plan together that would appease the Commonwealth of Massachusetts. If they then wanted to spend $150,000+ they could bring consultants into work with the Town Planner, Housing Advocate, Planning Board to create the real nook and cranny document that talks about the specific zoning changes that are required. He commented that it was not a criticism. Both the Committee and the consultants did exactly what they were asked to do. He would prefer that in the future, the Town spend money on the details and submit the paperwork to the Commonwealth as cost effectively as they can, to appease them.

Ms. Kavanagh referred to the new legislation that the Governor rolled out that has somethings by right.

VI. WEEKLY BRIEFING

A. Phase 3 Wastewater Construction update

Mr. Powers gave an update on the Phase 3 Wastewater Construction noting where the work is presently being done, next steps and restricted traffic.

VII. PRESENTATIONS

A. Cape Cod Commissions Year in Review, Kristy Senatori

Kristi Senatori was present. She had distributed the Commission's 2024 Year End Review. Ms. Senatori commented that their staff retreat was in Harwich, noting the they visited places in Town to see the great work being done towards housing and open space preservation. She commended the Town for its work on local planning and commented that the Commission looks forward to working with the Town and providing technical assistance. Ms. Senatori highlighted some the Commission's work for 2024 focusing on streamlining the process for affordable housing, supplying resources to support the implementations, housing profiles for each of the communities as well as the potential development of a community housing trust and housing bank. She also noted work they have done regarding water quality including developing a fresh water initiative as well as other initiatives and resources for water quality data. Regarding Wastewater, she highlighted the Cape and Islands Water Protection Fund Management Board and its accomplishments since 2018. She thanked Mr. Howell for his participation. Ms. Senatori noted the Vision Zero Action Plan which is being developed to improve road safety. She noted that completion of the Plan would make all 15 Cape towns eligible for Safe Streets and Roads for All implementation grants. Ms. Senatori commented on climate and coastal resiliency and the models of By-laws and regulations they are developing to promote resiliency in the flood plane. She stated that each town has identified 2-3 vulnerable roadway segments and in Harwich the solutions were developed for North Road and Bay Road at Route 28. Ms. Senatori noted the economic development efforts the Commission has been undertaking which makes all towns eligible for Federal Funding through the Economic Development Administration. She also noted an update to the Commission's Regional Policy Plan noting the specific focus of the Plan. Ms. Senatori recognized Jackie Etsten of Harwich who is a member of the Cape Cod Commission and thanked her for all of her efforts.

Mr. Howell referred to Love Lane and the fact that nobody took it up. He noted that it hasn't been litigated but aside from that, they probably would have gotten an approval of some sort if they had gone through the regular regulatory reviews. He noted that what happened is, being a project that no one could comment on has had a cost because other large projects are now weighted down with it. He commented, you didn't let us talk about that and this is too much now added to that. He commented that if people had the opportunity to vent and potentially talk about anything they saw that might have been able to be corrected, it would have been a far easier outcome dealing with 40Bs that came down the pike after that. He noted that the State had taken the position that it wasn't subject to review because it had an exemption but, he added that if all the affordable housing carriers in the entirety of Cape Cod started alleging that they were going to start putting pods in different developments that had an educational component, one could argue that everybody would be exempt from any kind of zoning review. He commented that he is not sure where it ends but it is something Ms. Senatori needs to hear and bring back to there Commission, that it had a tangible outcome here on the successor projects.

Ms. Kavanagh referred to the pre-approved housing plans to streamline the permitting process and asked Ms. Senatori how she sees that working town by town.

Ms. Senatori replied that the Commission is working with a number of consultants that have had successes in other areas streamlining permitting, noting how that is accomplished and how each community can have input so it is tailored to the individual town.

Ms. Kavanagh asked if they would be looking for the developer to come with a plan, how would they be looking at the density of that?

Ms. Senatori replied that they don't need specific locations yet but they would need some identification of what might be pre-approval. There is structure already built in and then the Commission works with what the community might prefer.

Mr. Howell asked Ms. Senatori what kind of an impact she has seen with the stretch code versus building affordable housing because the cost per square foot is skyrocketing. He noted that the Cape Light Compact, which is not part of the Commission, wasn't offering retrofitting either for high efficiency heat plants. He commented that even as the State is pushing for more affordable housing, he is not sure that that is not having an impact and it won't have an impact as it goes forward because of the cost of construction.

Ms. Senatori responded that the Commission is working in design guidelines that incorporate net zero design consideration, identifying opportunities where it makes sense to address some of the climate impacts and recognizing that the cost of development on Cape is very challenging.

B. Update provided by Karen Shanley, Finance Director Search Consultant

Ms. Shanley was present. She noted that the position of Finance Director has been posted and on what sites it has been posted. She noted which sites will reach people on a national level as well as those that were more local. Ms. Shanley also noted a LinkedIn posting to reach people not involved with Municipal Finances.

Mr. Howell expressed concern that the search is not reaching out far enough to people outside of Municipalities. He asked about LinkedIn.Mr. Howell noted that one of the Town's previous Finance Director's came from the private sector and she was really good at the job. He noted that the Board is trying to look for a wide selection of choices and various flavors.

Ms. Shanley responded that that was the purpose of setting up a LinkedIn account. It connects to anybody on LinkedIn who is looking for a job.

Mr. Piekarski asked Ms. Shanley if she would be discussing what she has seen for applicants thus far.

Ms. Shanley replied that there are currently three applicants. The deadline for applications is March 1, 2025, the applications will be reviewed as they are sent in and the qualified candidates will be interviewed in March by Ms. Shanley and Angelique McGibbon. She also noted that she will have finalists to the Select Board by early April with a goal of having the process completed by the May 5th Annual Town Meeting. Ms. Shanley noted that the Select Board interviews are public and televised. As previously stated, she will supply the questions for the Select Board to ask. She also suggested that candidates be sequestered until their interview that day so they are unable to hear the questions. She offered to ask the questions if the Board would prefer, to allow them to take notes.

Mr. Howell noted that it is a direct report to the Select Board and that each of them may have a question of their own.

Ms. Shanley cautioned that the Select Board ask everyone the same questions.

Mr. Piekarski asked if the Board is open to being flexible with the schedule. Specifically, if the Select Board can start interviewing before the noted timeframe.

Ms. Shanley responded that most postings go for 30 days and the Board may miss some good candidates.

Mr. Piekarski responded that if the Board sees on paper a candidate the looks to be a strong recommendation, then Ms. Shanley's interview can happen before March so she can vet that person out as opposed to waiting until sometime in March and possibly losing them.

Mr. Handler asked how the Select Board would know if strong candidates are applying and suggested weekly updates.

Ms. Shanley responded that she keeps a spreadsheet and she can communicate wth the Select Board weekly to let them know how many candidates have come in. If someone looks particularly strong, that person can be interviewed. She cautioned against interviewing people at different times.

Mr. Howell noted the downside to interviewing people at different times, especially if they want to sequester candidates so they don't hear the questions ahead of time.

Mr. Piekarski clarified his point, if Ms. Shanley finds a resume that seems to be a standout, that she can conduct her interview with that individual before March.

Ms. Shanley noted that if there is somebody who is uniquely strong, she will certainly bring it to the Board's attention.

Mr. Piekarski noted that his preference is that Ms. Shanley have her interview as soon as possible so if there is a candidate that they don't want to lose, they could then take action as a Board.

Ms. Kavanagh requested that Ms. Shanley send the Board members weekly updates.

VIII. CONSENT AGENDA

A. Approve the following Select Board Meeting Minutes:

1. December 30, 2024
2. January 6, 2025
3. January 7, 2025 – Joint Meeting with the Select Board, Local Planning Committee and the Planning Board

Mr. Howell asked for the January 7, 2025 meeting to be held out.

Mr. Piekarski moved to approve the following Select Board Meeting Minutes as written:

1. December 30, 2024
2. January 6, 2025

Seconded by Mr. Howell.

Mr. Handler noted the misspelling of Matt Sutphin's name as well as the misspelling Charles Gruszka's name and his incorrect address. The correct address is 6 Teaberry Ave in Harwich.

Motion amended to include corrections. Seconded as amended.

Vote: 5:0 in favor. Motion carried.

B. Vote to approve the committee appointment of Erica Strzepek as recommended by the Interview Committee to the Cultural Council, term to expire June 30, 2026

Mr. Piekartski moved to approve the committee appointment of Erica Strzepek as recommended by the Interview Committee to the Cultural Council, term to expire June 30, 2026. Seconded by Mr. Handler.

Vote: 5:0 in favor. Motion carried.

Mr. Howell commented that there is potential for more vacancies on the Cultural Council and encouraged anyone interested to come in for an interview.

C. Approve the request of the Fire Chief for vacation buy back

Mr. Piekarski moved to approve the request of the Fire Chief for vacation buy back. Seconded by Mr. Handler.

Mr. Piekarski noted that the request is for two weeks which precludes the carryover of any time into the next fiscal year.

Vote: 5:0 in favor. Motion carried.

IX. COMMITTEE PRESENTATIONS

A. Harwich Housing Committee – Chair Elizabeth Harder

Elizabeth Harder was present. She had previously filed her report and offered to answer questions.

Mr. Piekarski noted that the Committee occasionally has quorum issues and asked if there were any candidates in the pipeline that she was aware of.

Ms. Harder replied that she knows of one woman she would like on the Committee but she is very busy. She noted that the Housing Committee needs 1 or 2 more members and the Housing Authority needs a member who would be appointed by the Select Board.

Mr. Howell asked if that the one opening is supposed to be the tenant representative.

Ms. Harder replied that they have a tenant representative.

Mr. Howell noted that the Select Board doesn't appoint anybody. In a joint meeting with the Housing Authority, they can come up with someone who is the purely elected official and the majority of the combined Boards can appoint somebody for the remainder of the term. He noted that there is a Governor's appointee, there is a Tenant's appointee and then there are the ones that are elected and if there is somebody who didn't run, leaving a vacancy or somebody who left during their term, then the Select Board can but it doesn't go through the Interview Committee. It goes through a joint meeting of the Housing Authority and the Select Board.

Art Bodin was present and commented that as far as he knew, that open position is an elected position.

Ms. Kavanagh agreed and noted that the Town Clerk had mentioned it earlier that evening.

Ms. Harder referred to what Ms. Senatori had said and noted that she could have By-laws ready for Town Meeting but the Housing Production Plan has to be approved or they will be a year behind.

B. Harwich Housing Authority – Chair Elizabeth Harder

Ms. Harder commented that the Housing Authority had gotten money from CPC to run a rental assistance program. She noted that they are currently helping 9 families and when the families move on, that will be the end the money for Harwich. That program will not be continuing because the Affordable Housing Trust is doing a housing assistance program that has case management.

X. NEW BUSINESS

A. Vote to approve the following 2025 Annual Renewal of Mooring Servicing Agent Permits:

* Allen Harbor Marine Servies, servicing Allen Harbor mooring field
* Lower Cape Marine Services, servicing Herring River, Pleasant Bay & Round Cove mooring fields
* Harwich Port Boat Yard, servicing Wychmere Inner & Outer Harbor mooring fields

Mr. Piekarski moved to approve the following 2025 Annual Renewal of Mooring Servicing Agent Permits:

* Allen Harbor Marine Servies, servicing Allen Harbor mooring field
* Lower Cape Marine Services, servicing Herring River, Pleasant Bay & Round Cove mooring fields
* Harwich Port Boat Yard, servicing Wychmere Inner & Outer Harbor mooring fields

Seconded by Mr. MacAskill.

Mr. Howell noted that there was a morning service agent last year which was significantly higher than the previous year. He asked if that had been addressed here.

Bill Neiser, Deputy Harbormaster was present. He noted that a study had been done of all the prices in the area for mooring services. These prices are very much in line with all the other mooring servicing agents and he has gotten positive feedback about their work. The private mornings still use the person who did not have the paperwork in on time for last year's permitting or they use someone else who the Harbormaster has approved.

Vote: 5:0 in favor Motion carried.

Mr. Neiser commented that it has been a pleasure and a privilege to work with John Rendon, retired Harbormaster.

Ms. Kavanagh noted John Rendon's accomplishments and contributions to the Town and wished him the best in his retirement.

B. Review and approve the Film Agreement between the Town of Harwich and Magilla Entertainment

Mr. Powers noted that a representative had been on line earlier but was not on at the present time.

Mr. MacAskill noted that Attachment A was a blank sheet and there is nothing for the Board to look at. He would like a description of said film in additional to all the information. He stated that until Magilla Entertainment produces that information a week ahead of time, he has no interest in bringing it back.

Cindy Williams, Executive Director of the Harwich Chamber of Commerce was present. She noted that she knew nothing about the film, the Chamber was not contacted by Magilla Entertainment.

Mr. Powers noted that staff had reached out to the applicant, asked them for more information, advised them to be present, they were going to be on remote access and they were there earlier. On behalf of staff, he recommended that the Board table this Agenda item.

C. Approve a temporary closure for Cape Sea Grille, 31 Sea Street, closing February 1, 2025, through March 11, 2025

Mr. Piekarski moved to approve a temporary closure for Cape Sea Grille, 31 Sea Street, closing February 1, 2025, through March 11, 2025. Seconded by Mr. MacAskill.

Vote: 5:0 in favor. Motion carried.

D. Discussion and Possible vote to revise the Tourism Destination Marketing District (TDMD) from the Cape Cod Chamber of Commerce

Cindy Williams, Executive Director of the Harwich Chamber and Paul Niedzwiecki, Chief Executive Officer of the Cape Cod Chamber were present. Ms. Williams commented that the revised TDMD will help the Cape compete with locations outside of the State who are also developing Destination Districts.

Mr. Niedzwiecki gave a brief overview of the TDMD and off Cape locations that have one in place. He commented that last year, they had contemplated doing a TDMD Cape wide noting that to qualify, a hotel had to have 14 rooms and over 160 hotels qualified on Cape. He described the challenges of coordinating 15 Towns Cape wide. After gathering information from other locations, it was recommended that they focus on hotels that had similar interests. He noted that they raised the room number from 14 to 85 and 35 hotels qualified. Mr. Niedzwiecki explained that those 35 are in 9 of the towns and the Chamber decided to create the districts on a town by town basis. He noted that the Board has the revised District Plan in the packet. The only hotel in Harwich that is impacted by the TDMD is the Wequassett Resort. He noted that Wequassett is in favor of the TDMD and Gary Thulander, Managing Director of Wequassett was present. Mr. Niedzwiecki noted that the TDMD will be handed over to the Town Manager and that it is required that there be a Public Hearing and a final vote by the Town. The Town would be creating the District however they need the Town vote because this would be an additional 1.5% charge on people staying at Wequassett which would be collected through the Department of Revenue and then come back to the Regional Tourism Council.

Gary Thulander, Area Managing Director of the Wequassett Resort was present and gave a brief history of his career on Cape. He explained why he is in favor of the TDMD and how it will benefit the Resort as well as the Cape and Islands.

Ms. Kavanagh asked for the timeline on the Public Hearing.

Mr. Niedzwiecki responded that the Cape Cod Chamber would submit the Petition to the town this week, there is then a week to mail the Notice back to Wequassett, it has to be posted for two weeks and the Public Haring is two weeks after the close of the post at the earliest but within 60 days. The earliest would be March 4th.

Mr. Powers noted that this has not been reviewed by staff or legal. The request was to make the presentation to the Select Board tonight, he is also hearing this for the first time.

Mr. MacAskill asked what action is being requested for tonight.

Mr. Niedzwiecki replied that this is only informational to let the Select Board know that this process is going to start.

Mr. MacAskill noted that the Board received one email in support of this from the Managing Partner, the Managing Director of Pelham House who he is unsure would be affected by it. He recalled that when they discussed this last year, there was a 50/50 split. He asked for the negative side to this TDMD.

Mr. Niedzwiecki responded that the hotels that are really strictly seasonal did not see a benefit because a lot of the marketing funds will be used to extend the under-utilized shoulder seasons. He noted that there is a sense of urgency because the Cape is facing increased competition.

Mr. Howell noted that in the past, Wequassett did not have the strategy of staying open year round and he feels it is an important move forward, especially in competition to Mr. Thulander's former employer. He would like to support this because it means something to the Town of Harwich to be able to move into the shoulder seasons.

Mr. Thulander responded that Wequassett's goal is to be a year round resort and they are hoping this will help increase business in the shoulder seasons.

Mr. Piekarski commented that he is not so inclined to support this. He noted that Harwich will have one entity in this and he read that the majority of the membership of the Committee shall be lodging business owners paying into the TDMD. Harwich will only have one representative deciding where the money will be spent. He commented that the statement of the infrastructure being built for capacity is not true in Harwich, there are deficient roadways all over town that have just been outlined. He read the long list costs involved with the program and noted that it would all come from approximately $50,000. Mr. Piekarski commented that if the lodging industry wants to increase their tourism through marketing, they can do that. It doesn't involve an assessment. He does not understand why they would put an additional sales tax on to the people who want to come to town.

Mr. Niedzwiecki responded that the Plan has to detail anything that they could possibly spend money on. With limited resources they would not be able to do all the things listed. He noted that this is a request by a business in Harwich to be able to generate more income to reinvest in its business. He commented that it is not public money and could potentially relieve some of the burden on public funds.

Mr. Piekarski noted that he doesn't disagree however he doesn't believe that requires a tax to be put forth on the consumer. The business has that right and ability any time they want to invest money in marketing and tourism ventures.

Mr. Powers stated that his response was not rehearsed. He noted that if he remembers the history and the process correctly, the Cape Cod Chamber presented to the Cape and Islands Managers and Administrators Association, what will be two years in June. He noted that when this matter came before the previously constituted Select Board, the understanding was that the Chamber was going to go to several communities and he believes the first community that voted this was the Town of Harwich, However when the presentation was made to Managers and Administrators, they were told that there was going to be a regional entity. He commented that what is before them doesn't read like a regional entity, it reads like the Town of Harwich with one hotel as the entity. He asked to validate that statement.

Mr. Niedzwiecki responded that it is 9 communities that are impacted now, not 15. It will be 9 individual districts that will be tied together administratively for efficiency purposes. The money raised has to be reinvested in the hotel that is paying the fee. The Chamber has to prove a return on the investment and the district has to be reapproved every 5 years. He added that the first town to vote it was Orleans.

Mr. Powers noted that the point he wants to bear is that the presentation that led this town to approve it was that there was a concept of multiple towns being in a regional event. What he is hearing tonight is that there are 9 individual perspective districts. There is a change and he had not heard that explanation of the change.

Mr. Niedzwiecki responded that that is why he is there tonight, he thought he had started with that.

Mr. Powers noted that Managers and Administrators, as a group, did not support this, they did not oppose it coming before each of their towns but to the previous speaker, there is a requirement for this Town to have a Hearing to have a tax. Mr. Powers commented that his concern is what people misunderstand as they do the Budget, is that the tax that is being created is a pass through, its not a tax levied by the Select Board to any entities out there but its also not a tax that we are enjoying the benefit of as we are with the present hotel/motel and meals tax for our Special Purpose Stabilization Fund. He commented that he feels it is important to have these facts brought up. Additionally, he noted that the language still reads incorrectly. The Town of Harwich is not governed by a Town Council which is what is referenced in the document, that is a legislative assembly. It is the Select Board, so the document needs to be updated in that regard. He noted that as the Town goes forward, the Town Administrator would have to cause a Hearing to be heard. He feels its important to bear out there that this is not what was presented when the Board first adopted it and he thinks there has to be greater transparency on this because as the Select Board will be discussing the Town's Budget, there will be a hearing in the Town of Harwich on a rooms tax for tourism. He noted that he wants to make sure there is separation between those two because he doesn't want to have this Board or Administration criticized during the Budget process, that they are raising more taxes. He noted that there is no open Town Meeting or representative Town Meeting other than the capital city and the second largest city in the Commonwealth that are going through this with the Department of Revenue. There is a potential concern that they don't know how it will work for Harwich's Treasurer/Collection Department and other taxes that are collected. He thinks it can be explained but he also thinks it's important for the Board to know all of that. Mr. Powers noted that the request for staff was to have this on the Agenda so the Board could consider it. He clarified that staff has not evaluated this in any way, shape or form nor has it passed muster with legal. He believes there was a request for the organizations to get the benefit of the Board's Legal to review the petition.

Mr. Niedzwiecki noted that the Chamber did submit the petition for legal review. He believes it was approved but he will check on that. The new petition was submitted for approval before he came before the Select Board this evening.

Mr. Howell warned that he has never seen something that was laid hands on in Boston where it retained 100% of its equity by the time it got to here. Every other tax he has seen them do, except for the clean waters stuff, there's a wheelbarrow that goes up to Beacon Hill that is half full by the time it comes back. He cautioned that in concept this may look great but he's not too sure how long it is going to take for them to figure out that they have administrative overhead in taking it and reallocating it back.

Ms. Kavanagh noted that she noticed the council reference but the petition doesn't say that, it says Town of Harwich.

Mr. MacAskill commented that it has been vetted through Boston and Cambridge.

Mr. Niedzwiecki responded that for the Department of Revenue, its a pass through. It's the only way to get State funding that comes back to the region at 100% of what was so levied.

Mr. MacAskill noted that there is one thing for Mr. Niedzwiecki to check on and asked the intention of the Board because the Board will have to give direction to the Town Administrator to facilitate a public hearing so it can go to the next level. He asked if they were bringing it back to get to that point. Are they agreeing now that they will at least hold a public hearing?

Ms. Kavanagh asked Mr. Powers what he would need to do at his end.

Mr. Powers replied that it is completely unknown at this point. he is familiar with the program but noted that there was doubt amongst Managers and Administrators on the Cape for a lot of the reasons why the members have said here, for each town. He commented that there is a lot to digest and if the Board were to direct him to move forward on the hearing, he doesn't know how the hearing is promulgated and he doesn't know who is answering the questions at the hearing.

Mr. MacAskill asked what a fair amount of time would be to get this back to the Board to say we are going to have the hearing. He doesn't want it to get lost and he feels they should have a public hearing and hear from the public. He also understands that the Town Administrator should be comfortable getting to a public hearing.

Mr. Powers responded that the document that the Board has in their packet that is dated September 2024, needs to be updated in certain instances but with the public hearing and the duration that it began January 1st, he asked if that date would have to be updated.

Mr. Niedzwiecki replied that it would have to be updated to July 1, 2025.

Mr. Powers commented that for the organization to go through their document, then present it, we can share it with staff including Finance and Legal and then have a better sense of when it can come back.

Mr. Niedzwiecki commented that he will have it back to the Town by next week.

Mr. Powers noted that they then work through Legal and Finance and it could comeback in mid to late February perhaps.

Mr. MacAskill commented that he agrees with the separation between budgeting and Town Meeting when the Board starts talking about taxes. He confirmed that it is only if someone stays at Wequassett that they pay an additional 1.5%. It doesn't affect anyone else in town.

Mr. Niedzwiecki noted that he would be present for the public hearing to answer questions and he would offer to make a full presentation.

Mr. Powers asked if any other towns on Cape have done this yet.

Mr. Niedzwiecki suggested that Mr. Powers could reach out to the Towns of Yarmouth and Bourne. They seem ready to go but they have not done the hearing part yet.

Ms. Kavanagh noted that they will work to get it back to the Board and Mr. Niedzwiecki will get the answer to the legal question.

E. Discussion and vote on one of the following dates to hold the March Budget Meeting:
    * Saturday, February 15, 2025
    * Saturday, February 22, 2025
    * Saturday, March 1, 2025
    * Saturday, March 8, 2025

Mr. MacAskill noted that March 1st and 8th are the only two he can consider unless it will be remote.

Mr. Piekarski commented that March 1st and 8th are the only dates for him also.

Ms. Kavanagh commented that she doesn't know if she can do either of those two dates.

Mr. Howell commented that he is unsure of the value of having the meeting on either March date if the purpose is to have Department heads in to advocate for anything other than just go through FinCom and the Select Board.

Mr. Powers noted that on February 3rd he will be delivering a preliminary Budget message and preliminary figures that is meant to start the discussion in earnest and that the Finance Director and his team are planning on having an abundance of information that follows that available on February 10th. He noted that he and the Select Board Chair had discussed the potential for a joint meeting some time in February with the Finance Committee. He suggested that if the February 10th date still works for all the parties, the two Boards could discuss next steps as far as a more in-depth discussion by Department heads. Perhaps it is remote in some circumstances. He noted that in years past, they have done the first Saturday in March with the second Saturday in March as a fall back but they know those don't work for all the members.

Ms. Kavanagh asked if the Board could have the larger Department heads available on February 10th.

Mr. Powers replied that he thinks they could. His understanding is that the Board is interested in getting comprehensive information from him, what he will present as a Budget and what they have for all the revenue for the Sources and Uses. What he is expecting Finance to bring to the Board on February 10th is a greater breakdown of that which would be in advance of the March hearing. He noted that presently that is MUNIS Reports and not the easiest to read. Having a joint meeting with the Select Board and the Finance Committee on February 10th should help decide the next steps and conversations. The Board may to want the bigger Departments to come on the 10th because they will not yet have all the information. It could be done at future meetings or separate meetings.

Ms. Kavanagh commented that the followup to that would be, if they were to have that discussion on the 10th, the 17th is a holiday and the next meeting would be the 18th.

Mr. MacAskill noted that he will be gone for the most part, the month of February but he will be available remotely and for Mr. Powers' Budget presentation. He commented that he doesn't see the reason to have most of the Department in because they submit a budget, the budget gets keyed in and there are no asks. It comes down to the budgets where things have been cut for them to make a case or for anyone who wants an Enhancement of Services. He sees no reason why they can't do that as part of the Budget discussion at a regular meeting.

Mr. Howell commented that if they do this in March, they're trapped where they were before. He noted that it used to be done in early February so there was time to jiggle the budget around. He commented that he works backwards, you have Town Meeting, when the Warrant has to be published and printed and prior steps to get to that point. If they hold the meeting in the middle of March, there's almost no possibility that anything is changing because there are too many deadlines.

Ms. Kavanagh commented that she doesn't see any reason why they can't add it to a regular Select Board meeting if they have any reason that they need Department heads in.

Mr. Powers noted that the other consideration was trying to get information quickly to their counterparts in the Finance Committee.

Ms. Kavanagh noted that the Select Board has communicated frequently with the Finance Committee and they are all available to have another meeting on February 10th. If there is a need to hear from any Departments after that, it can be done at a Board meeting.

XI. OLD BUSINESS

A. Review of Housing Production Plan; Vote required before submittal to Executive Office of Housing and Livable Communities (EOHLC)

XII. TOWN ADMINISTRATOR'S REPORT

Mr. Powers noted a contract awarded to Global Solutions Group, Inc.for the digitation of Town record, which he described in detail. Mr. Powers noted a contract for consulting services with Crescendo Consulting Group.LLC for the development of a community action plan and noting the funding source. The third contract was for consulting services with Karen Shanley for the Finance Director/Town Accountant search. Mr. Powers gave an update on the Town experiencing an outage last week on the Town website. He explained that the issue centers around an SSL certificate which he explained. He emphasized that at no point in time was there any threat to the Town records and he will bring more information back as it is available. The IT Director has taken steps to ensure that the Town has better information when Civic Plus does not return their calls. The contract the Town had with Civil Plus did not go to the level of SSAs however they are partnering with Barnstable County IT and looking to have other towns help explain why the customer service response was more than inadequate and to try and get a response. The Town is reviewing its rights under the contract and they want to get Civic Plus' report so they can explain what they saw on their end before the Town takes any definitive action.

XIII. SELECT BOARD'S MEMBER REPORT

Mr. Piekarski requested an update on the letter from the ZBA Chair regarding meeting space for large meetings.

Mr. Powers replied that he and Brian Sullivan are meeting tomorrow to go over that. He has assured Mr. Sullivan that Administration and staff will support his regulatory body as they go forward to make sure they are conformable with whatever space they need.

Mr. Piekarski asked if the meeting on the 3rd will include year to date numbers on Income and Expenses. He also asked if they will see a debt schedule on the 3rd.

Mr. Powers noted that Mr. Spellman and Ms. Green are tracking all the sources that are typically relied upon and to evaluate where they are with them as ongoing numbers. They will continue to populate that document as they go to and through Town Meeting. Mr. Powers noted that he is working on a draft Appendix B. noting what that shows. He will also have Sources and Uses. Mr. Spellman will present the Debt Schedule that the Town has to report to the Commonwealth. They are trying to capture the year over year Debt Service in simple to use documents with all the background data.

Mr. Piekarski reminded Mr. Handler that they have amended the Public Comment and Announcement section or policy of the Board and they still have Town Employees addressing the Board during that time period as opposed to a separate spot for them.

Mr. Howell commented that it remains an area concern that accrued obligations and that approved accrued obligations about projects that have yet to be borrowed and its important that people know that just because their tax bill didn't have it this year, there's millions of dollars that the Town hasn't yet borrowed but that have already been approved. It's not the Select Board raising taxes.

Mr. Powers noted that next week the Board will get preliminary numbers with a Budget Message. It will cover all facets of the Budget. On February 10th, everybody will get more information but it will go to the Board before everybody else.

Mr. Handler thanked Ms. Kavanagh for her time, effort and work stating that she's is important and she made a difference.

XIV. CORRESPONDENCE

XV. ADJOURNMENT

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

Vote: 5:0 in favor. Motion carried. Meeting adjourned.

Respectfully submitted,
Judi Moldstad
Board Secretary