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**MINUTES
SELECT BOARD
HARWICH TOWN HALL
732 MAIN STREET, HARWICH MA
MONDAY, NOVEMBER 24, 2025
5:15 P.M.**

RELEASED
APPROVED

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; IAMAW – International Association of Machinists and Aerospace Workers, SEIU 888 – Service Employees International Union/Harwich Management Employees Association and HEA - Harwich Employees Association
- 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, § 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
- 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 discuss the possible release of executive session meeting minutes dated September 9, 2024, November 25, 2024 & December 16, 2024

Open Session Meeting resumes no earlier than 6:15 p.m.

Mr. Howell announced that the Select Board signed a new contract with IAMAW – International Association of Machinists and Aerospace Workers based on a memorandum of agreement that was previously signed.

PLEDGE OF ALLEGIANCE

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

STAFF COMMENTS/ANNOUNCEMENTS

- A. The Select Board will not be meeting on Monday, December 1, 2025. The next Select Board meeting will be on Monday, December 8, 2025

Mr. Howell announced that the Select Board will not be meeting on Monday, December 1, 2025. The next Select Board meeting will be on Monday, December 8, 2025.

- B. Annual Town Report Photo Contest; Photos due by December 1, 2025

Mr. Howell reminded the public about the annual town report photo contest, with photos due by December 1, 2025.

Community Center Director Carolyn Carey was present and announced that the Community Center weight room, located behind the front desk will be closed for floor repairs on December 2nd and December 3rd. The other weight room will remain open. Ms. Carey also reviewed upcoming events at the Community Center.

Mr. Handler read the list of current board and committee vacancies.

Mr. Howell said that the Chamber of Commerce holiday stroll in Harwich Port will be on December 5th. Cyndi Williams, Executive Director of the Harwich Chamber of Commerce was present remotely and briefly reviewed the upcoming events for the weekend of December 5th.

Mr. Schiavi announced that Town Offices will be closed on the day after Thanksgiving. He also commented that notices have been send out about the annual town report and that the photo submissions need to be submitted electronically by PDF or in person with printed photos.

WEEKLY BRIEFING

Mr. Schiavi reported that there are no new updates on Phase 3 or Phase 3A of the sewer project. In conjunction with some of the sewer projects, there are some town sponsored drainage projects happening as well. This information is now included in the weekly update and will be called out as a town project. The town has received a notice to proceed on the Route 28 dry pipe project, which is still hinging on the November 30th contract award. A kickoff meeting for the Brooks Academy Museum happened on November 20th. The group discussed scheduling impacts, and a first site visit has been scheduled for December 5th. Mr. Schiavi reported that work on the golf course irrigation project is scheduled to begin on December 1st.

PUBLIC COMMENTS/ANNOUNCEMENTS

Bernadette Waystack was present and highlighted some upcoming events at the Cultural Arts Municipal Building located at 204 Sisson Road, which include the holiday marketplace as well as the Capeness Productions Christmas Carol by Candlelight show.

Jon Chorey was present and said that he has been authorized to speak on behalf of the Charter Commission. The commission would like to have the public involved in their meetings, as the charter is for the entire town. The commission needs every Thursday at 6:30 p.m. Mr. Howell added that it is important for the commission to have guidance from the public.

PUBLIC HEARING – JOINT MEETING WITH SELECT BOARD AND BOARD OF ASSESSORS

Classification Hearing - for the purpose of deciding whether all property should be taxed at the same rate for Fiscal Year 2026 as set forth in Chapter 40, Section 56 of the Massachusetts General Law

Mr. Kelleher read the public hearing notice.

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

Present were Assessing Director Carlene Jones and Board of Assessors Members Richard Waystack, Bruce Nightingale and Jay Kavanagh.

Mr. Waystack called the meeting of the Board of Assessors to order at 6:44 p.m.

The Board of Assessors met at 5:30 p.m. tonight and are recommended that the Select Board vote a residential factor of 1 where all property in the Town of Harwich would be taxed at the same rate of \$5.69 per thousand. They are also recommending that the Select Board not grant an open space exemption, not grant a residential exemption and not grant a small commercial exemption.

Jon Chorey was present and asked how many properties are non-profits that are on the assessment/classification report that was provided in the packet. Mr. Waystack responded that some may be owned by non-profits. Mr. Chorey said that he assumed that they would not pay property taxes. Mr. Waystack responded that most do not. Mr. Chorey wanted to know how much the town does not collect on those properties. Mr. Waystack responded that staff could research and respond back to Mr. Chorey. Mr. Chorey asked if the Board of Assessors has any input on the payment in lieu of taxes program (PILOT). Mr. Waystack responded that the Board of Assessors does not control that program, and that staff is in the process of doing a substantial research project in looking at previous PILOTs and how they were approved.

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

Mr. Waystack commented that the Town of Harwich is valued at \$10.9 billion dollars and that the average residential property is now close to \$910,000.

Mr. Kelleher asked what would be considered an exempt property. Ms. Jones responded that the non-profits are exempt and that the churches in town are an example of that.

Mr. Waystack said that as values rise, the taxes will reduce. Actual budgetary items that affect the tax rates come from votes that are made at town meeting. He added that at this time next month, tax bills will be sent out, which will include full valuations. This is the only opportunity for owners to file for abatements for their property. Homeowners were encouraged to look at their assessor's field cards and records to confirm that they are accurate.

Mr. Piekarski moved to vote a residential factor of 1, 2nd by Mr. Handler and approved 5-0-0.

Mr. Piekarski moved not to grant an open space exemption, 2nd by Mr. Handler and approved 5-0-0.

Mr. Piekarski moved not to grant a residential exemption, 2nd by Mr. Handler and approved 5-0-0.

Mr. Piekarski moved not to grant a small commercial exemption, 2nd by Mr. Handler and approved 5-0-0.

Mr. Piekarski moved to authorize the Select Board Chair to sign the LA5 form on behalf of the Select Board, 2nd by Mr. Handler and approved 5-0-0.

Mr. Howell said that neither the Select Board or Board of Assessors have taken the position that it is inexpensive to live here. This is decision is something that would have caused a dramatic tax shift and a large cost increase to the Assessor's Department. There are other items that can be discussed to try and deal with the disparity between residents and non-residents.

Mr. Waystack adjourned the Board of Assessors meeting at 7:01 p.m.

CONSENT AGENDA

- A. Approve the appointment of Olivia Keiderling to Student Officer, as recommended by the Police Chief, effective November 30, 2025

Chief of Police Kevin Considine was present and introduced Olivia Keiderling. The Harwich Police Department has an authorized strength of 35 sworn full time officers. The department currently has 1 vacancy. Chief Considine briefly talked about Ms. Keiderling's credentials and that she will be attending the next session of the 22 week Massachusetts Police Training Committee at the East Falmouth Policy Academy, which is scheduled to start on December 1, 2025.

Mr. Kelleher moved to approve the appointment of Olivia Keiderling to Student Officer, as recommended by the Police Chief, effective November 30, 2025, 2nd by Mr. Handler and approved 5-0-0.

B. Introduction of Police Chaplain Darren L. Morgan

Chief Considine introduced Police Chaplain Darren Morgan, briefly talked about his background and said that he looks forward to working with him and thanked him for his eagerness to volunteer for this position and his important work in the community.

Mr. Kelleher moved to accept the appointment of Police Chaplain Darren L. Morgan, 2nd by Mr. Handler and approved 5-0-0.

Approve the Select Board Meeting Minutes from November 10, 2025 & November 17, 2025

Mr. Kelleher moved to approve the Select Board Meeting Minutes from November 10, 2025 & November 17, 2025, 2nd by Mr. Handler and approved 5-0-0.

2026 ANNUAL TOWN MEETING

Update on the Town Meeting and Budget Timeline

Mr. Schiavi reviewed the timeline as presented in the packet and said that the town is still waiting to hear from the Department of Revenue regarding our free cash certification. He has completed all of the department budget reviews and the department heads are currently submitting placeholder warrant article requests. Mr. Schiavi noted that he hopes that a joint meeting of the Finance Committee, Capital Outlay Committee and Select Board can be scheduled for December 22nd to discuss the capital plan.

NEW BUSINESS

- A. Vote to approve Acting Town Administrators' recommendations for four Select Board Holidays at Town Offices;
1. Christmas Eve, December 24, 2025 (12:00 p.m. closure)
 2. New Years Eve, December 31, 2025 (12:00 p.m. closure)
 3. Friday, December 26, 2025 (full day closure)
 4. Friday, January 2, 2026 (full day closure)

Mr. Piekarski said that with no disrespect to staff, he has a real issue with this request as it is essentially granting 5 full days off for 2 Thursday holidays. He feels that it is not appropriate of the Select Board to grant such a request.

Mr. Kelleher said that he can see where Mr. Piekarski is coming from, but that it could be made up for in future years. He would be in favor of the proposal.

Mr. Handler moved to approve the Acting Town Administrators' recommendations for four Select Board Holidays at Town Offices as listed above, 2nd by Ms. Doucette and approved 4-1-0 (Piekarski opposed).

- B. Vote to approve the appointment of Jennifer Mince as the Finance Director/Town Accountant effective December 1, 2025

Mr. Kelleher moved to approve the appointment of Jennifer Mince as the Finance Director/Town Accountant effective December 1, 2025, 2nd by Mr. Handler and approved 5-0-0.

- C. Department of Public Works (DPW) Director and Acting Town Administrator presentation on the Department of Public Works restructure and establishing Deputy DPW Director position into the Personnel By-Law (PBL)

Department of Public Works (DPW) Director Link Hooper was present.

Mr. Schiavi said that when he was brought into this position he stated his experience with organizational development and how to establish the most efficient organization and set them up for excellence. He reviewed the general background of the department and the recommended reorganization and funding. The ask is to establish a deputy position reflective of the department's broad reach and is commensurate with the Police and Fire Deputy Chiefs who have similarly high budgets, personnel numbers and responsibilities. Funding for fiscal year 2026 would be handled organically within the DPW's current appropriation. For fiscal year 2027, full time employees would no increase and funding for this position would be substantially funded by the unfunded scale house position.

Mr. Hooper thanked Mr. Schiavi for working on this. In his opinion, this position is long overdue, and he briefly talked about the growth of the department and wants to think that when he retires, that he would be leaving the department in capable hands.

A brief discussion about the vacant scale house position was had and the board agreed that they would support the requests being made tonight.

Mr. Handler moved to approve the Acting Town Administrators proposal to reorganize the Division of Highway and Maintenance/Department of Public Works and approve the creation of the Deputy DPW Director in the Personnel Bylaw at Grade M7 consistent with the Deputy Police and Fire Chief and formerly the Assistant Town Administrator, 2nd by Ms. Doucette and approved 5-0-0.

- D. Approve a temporary closure for Cape Sea Grille, 31 Sea Street, Harwich Port, closing December 7, 2025, through March 31, 2026

Mr. Kelleher moved to approve a temporary closure for Cape Sea Grille, 31 Sea Street, Harwich Port, closing December 7, 2025, through March 31, 2026, 2nd by Mr. Piekarski and approved 5-0-0.

- E. Vote to amend a special permit application for Harwich Cranberry Festival for entertainment, one-day liquor license (wines & malt), craft fair and event, for an event to be held on September 19, 2026, from 10:00 a.m. – 7:00 p.m. & September 20, 2026, from 10:00 a.m. – 3:00 p.m., event to be held at 100 Oak Street (approved on October 27, 2025 meeting). Added dates include September 15, 2026, through September 18, 2026, to allow for set up and required inspections

Mr. Kelleher moved to approve the amended special permit application for Harwich Cranberry Festival for entertainment, one-day liquor license (wines & malt), craft fair and event, for an event to be held on September 19, 2026, from 10:00 a.m. – 7:00 p.m. & September 20, 2026, from 10:00 a.m. – 3:00 p.m., event to be held at 100 Oak Street (approved on October 27, 2025 meeting). Added dates include September 15, 2026, through September 18, 2026, to allow for set up and required inspections, 2nd by Mr. Handler and approved 5-0-0.

- F. Vote to approve a special permit application for Bernadette Waystack for one-day liquor license (wines & malt) for an event to be held on December 11, 2025, from 5:00 p.m. – 7:00 p.m., event to be held at 204 Sisson Road

Mr. Kelleher moved to approve a special permit application for Bernadette Waystack for one-day liquor license (wines & malt) for an event to be held on December 11, 2025, from 5:00 p.m. – 7:00 p.m., event to be held at 204 Sisson Road, 2nd by Mr. Handler and approved 5-0-0.

- G. Vote to approve a special permit application for Jessica Gomes for one-day liquor license (wines & malt) for an even to be held on November 30, 2025, from 3:00 p.m. – 6:00 p.m. at 554 Route 28, Unit 14

Mr. Kelleher moved to approve a special permit application for Jessica Gomes for one-day liquor license (wines & malt) for an even to be held on November 30, 2025, from 3:00 p.m. – 6:00 p.m. at 554 Route 28, Unit 14, 2nd by Mr. Handler and approved 5-0-0.

- H. Approve the following 2026 Common Victuallers license renewals:
- a. Four Hundred East, Inc d/b/a 400 East Restaurant and Bar – 1421 Orleans Road
 - b. NYC Twisted, Inc d/b/a Twisted Pizza – 181 Route 137
 - c. Harwich Port House of Pizza, Inc – 330 Route 28
 - d. Beach Light, LLC d/b/a The Seal Pub and Café – 703 Main Street
 - e. The Stop & Shop Supermarket Co LLC d/b/a Stop & Shop #475 – Starbucks – 111 Route 137
 - f. Brax Landing Restaurant Management d/b/a Brax Landing – 705 Route 28
 - g. Zou Garden, Inc. d/b/a Szechuan Delight – 1421 Orleans Road
 - h. Ruggies Inc. d/b/a Ruggie's – 707 Main Street

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

- I. Approve the following 2026 Auto license renewals:
 - a. Snows Small Engine – 216 Route 28 – Auto Class IV/Auto Repairman
 - b. Waynes Auto Service – 643 Main Street - Auto Class IV/Auto Repairman

Mr. Kelleher moved to approve the 2026 Auto license renewals as listed above, 2nd by Mr. Handler and approved 5-0-0.

- J. Approve the following 2026 Entertainment license renewals:
 - a. Four Hundred East, Inc d/b/a 400 East Restaurant and Bar – 1421 Orleans Road
 - Weekday**
5:00 p.m. to 10:00 p.m. inside
Jukebox, Radio, Television, Dancing by Live Performers, Live/Recorded, Music Amplification
 - Sunday**
1:00 p.m. to 10:00 p.m. inside
Jukebox, Radio, Television, Dancing by Live Performers, Live/Recorded, Music Amplification
 - b. 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
 - c. 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
 - d. Beach Light, LLC d/b/a The Seal Pub Café, 703 Main Street
 - Weekday**
6:00 a.m. to 12:00 a.m. inside & 6:00 p.m. to 9:00 p.m. outside
Jukebox, Radio, Television, Live/Recorded Music (Acoustic Unamplified Singing Only)
 - Sunday**
6:00 a.m. to 12:00 a.m. inside & 6:00 p.m. to 9:00 p.m. outside
Jukebox, Radio, Television, Live/Recorded Music (Acoustic Unamplified Singing Only)

Mr. Kelleher moved to approve the 2026 Entertainment license renewals consistent with the terms and conditions of their 2025 licenses, 2nd by Mr. Handler.

Mr. Handler suggested pulling the application for Ember out separately as they are asking for something new.

Mr. Piekarski commented that the application for 400 East is incomplete as it does not indicate what kind of live/recorded music they will have.

Mr. Kelleher moved to approve the 2026 Entertainment license renewals as listed above, except for 400 East, consistent with the terms and conditions of their 2025 licenses, 2nd by Mr. Handler and approved 5-0-0.

- K. Vote to approve the Acting Town Administrator's recommendation to grant permission by NSTAR Electric Company d/b/a Eversource Energy to install (1) new handhole 277/HA3 and 39' +/- of 3" conduit on Wales Road

Mr. Kelleher moved to approve the Acting Town Administrator's recommendation to grant permission by NSTAR Electric Company d/b/a Eversource Energy to install (1) new handhole 277/HA3 and 39' +/- of 3" conduit on Wales Road with the condition that the area is returned to its original condition when the work has been completed, 2nd by Mr. Handler and approved 5-0-0.

- L. Vote to approve the Acting Town Administrator's recommendation to grant permission by Verizon New England, Inc. and NSTAR Electric Company d/b/a Eversource Energy to install one (1) jointly owned mid-span pole – P55 on the South Side of Orleans-Harwich Road

Mr. Kelleher moved to approve the Acting Town Administrator's recommendation to grant permission by Verizon New England, Inc. and NSTAR Electric Company d/b/a Eversource Energy to install one (1) jointly owned mid-span pole – P55 on the South Side of Orleans-Harwich Road with the condition that the area is returned to its original condition when the work has been completed, 2nd by Mr. Handler and approved 5-0-0.

- M. Vote to approve the Acting Town Administrator's recommendation to grant permission by NSTAR Electric Company d/b/a Eversource Energy to install 10' +/- of 3" conduit on Bank Street

Mr. Kelleher moved to approve the Acting Town Administrator's recommendation to grant permission by NSTAR Electric Company d/b/a Eversource Energy to install 10' +/- of 3" conduit on Bank Street with the condition that the area is returned to its original condition when the work has been completed, 2nd by Mr. Handler and approved 5-0-0.

OLD BUSINESS

- A. Discussion related to establishing an entertainment policy, and its relationship to the Town's noise bylaw

Mr. Howell said that the board has had discussions about this and that each members has a different flavor on what we are trying to accomplish. The board has to move forward with a discussion, noting that there is a relationship between noise and entertainment and the board has indicated that there is a certain willingness to discuss the overall issue. If the board decides to go the bylaw route, it will need to be approved at town meeting. We also need to remember that we are looking at a town that has 7 villages, all with different problems.

Bob Cohn from Pleasant Street was present and said that he is confused as to where the current noise bylaw sits. In February of 2022, the Select Board voted to create a town meeting warrant article to amend Chapter 189 – Noise. His reading of the amendment is that there is no exemption and that liquor license holders are still liable under the noise bylaw for any noise infractions, including crowd noise. Mr. Howell responded that this is simply the launch point to try and clear up any ambiguities and go forward with something that is cohesive and understandable to all. Mr. Cohn said that he is encouraged that the board is open and willing to tackle this problem in an open minded way, and referenced an email that was sent to the Select Board regarding Harwich’s entertainment policy. Mr. Cohn feels that things have improved, and this is because a lot of the venues do not have outdoor amplification. He understands that the Select Board and the town at large wants to see businesses succeed, but there needs to be a line drawn at harmful business practices.

Mr. Howell suggested that there be a more universal starting point and that if something is not working well, we need to speak with those who are responsible for enforcing the bylaw and find out what would be helpful for them. Input would also be needed from businesses and residents. All Mr. Howell is looking for at this point is an agreement that the Select Board wants to pursue this in the upcoming months.

Mr. Piekarski said that he would not have a problem asking our public safety officials to come in and give their thoughts and opinions, knowing that it will not capture everything that is needed. This process will be bumpy and will likely involve legal counsel as how to best move this forward.

Bob Nickerson was present and feels that having the businesses involved in the noise discussion is not a good idea. Mr. Nickerson asked that the Select Board start thinking about the residents as much or more so than the entertainment. Mr. Kelleher said that the board would want to hear from some of the establishments, in fairness to them.

Mr. Handler asked if this is something that the Select Board would be interested in trying to bring to town meeting. Mr. Howell responded yes. The hope is to try and set up a public hearing in the early part of the year to solicit public opinion about what people think works and doesn’t work.

Mr. Cohn said that some residents have begun developing a set of proposals and that he would forward those to the board.

Mr. Handler said that in past practice, the hearing office for any alleged violations has always been the Town Administrator and asked if there is a specific reason for that. Mr. Howell

responded that it has been done both ways over the last 25 years. Mr. Handler added that given the significance of what is being talked about, that maybe the Select Board should be the hearing officer. Mr. Howell said that it would be appropriate to have that discussion.

CONTRACTS

- A. Vote to approve a contract with GHD in the amount of \$178,000 for engineering services for Route 28 Phase 1 Sewer Construction project

Mr. Kelleher moved to approve a contract with GHD in the amount of \$178,000 for engineering services for Route 28 Phase 1 Sewer Construction project, 2nd by Mr. Handler and approved 5-0-0.

TOWN ADMINISTRATOR'S REPORT

Mr. Schiavi announced the appointment of Matt Hamilton to the position of Planning Assistant beginning on December 8th.

SELECT BOARD MEMBER REPORT

Ms. Doucette announced the passing of Treasure Chest Committee member George Forrester.

Mr. Howell said that the Christmas tree lighting will be on December 5th at 5:30 p.m.

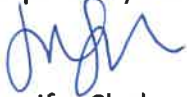
On behalf of the Select Board, Mr. Howell wished everyone the warmest, happiest Thanksgiving.

CORRESPONDENCE

ADJOURNMENT

Mr. Handler moved to adjourn the regular meeting of the Select Board at 8:15 p.m., 2nd by Mr. Piekarski and approved 5-0-0.

Respectfully submitted,



Jennifer Clarke
Executive Assistant

