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, February 3, 2025

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

NOT PARTICIPATING: Julie Kavanagh

ALSO PARTICIPATING: Joseph Powers, Town Administrator

I. CALL TO ORDER

Mr. Handler called the meeting of the Harwich Select Board to order on Monday, February 3, 2025 noting that they 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: 4:0 in favor by roll call vote. Motion carried.

II. EXECUTIVE SESSION

A. Executive Session pursuant to G.L. c. 30A s21(a)(3) - Seal Pub Restaurant v. Liquor Licensing Authority for the Town of Harwich, where a discussion in open session would have a detrimental effect on the Town litigating position and the chair so declares
B. 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 - added

Mr. Handler called the meeting of the Select Board back to order reporting that while in Executive Session no action was taken.

Mr. Handler read the Open Meeting Law Notice.

III. PLEDGE OF ALLEGIANCE

Mr. Handler invited all attendees to join in the Pledge of Allegiance.

IV. PUBLIC COMMENTS/ANNOUNCEMENTS

Mr. Handler opened Public Comments/Announcements up to Town employees.

Carolyn Carey, Community Center Director was present. She advised that the carpeting is going in at the Community Center. She gave an update of the progress and noted that the building is open during the project.

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

Mr. Howell clarified that the Select Board never voted to have meetings itself. They're Select Board members meetings.

Mr. Powers noted that they had received notice from the Mass. Department of Transportation Highway Division regarding the Route 28 Bank Street to Saquatucket Harbor sidewalk installation project. The work is estimated to begin February 10th, construction to begin after March 17th and there is a completion date of April 15, 2027.

V. WEEKLY BRIEFING

A. Phase 3 Wastewater Construction update

Mr. Powers noted that they are still working On the 2W contract, 1E had not yet begun and he noted where they will be from February 3-14. For the next week, they will be working the holiday, Monday, February 17th.

VI. PRESENTATIONS

A. Introduction by State Representative Hadley Luddy, 4th Barnstable District

Hadley Luddy, State Representative was present and noted that Grayson Roundtree, Legislative Aid for the 4th Barnstable District was also present. She gave a brief overview of her background and noted that they had stopped at the Harwich Police Department to offer a citation to Officer TJ Griffiths. They also held Office Hours at the Community Center and will be doing that at different locations in the District regularly in the future. Ms. Luddy notes that she is also part of the Seasonal Communities Council and what the benefits of that are to the 4th Barnstable District. She noted that the State House webpage has Bills and Home Rules that have been filed. She highlighted Bills that she has filed. She also noted the Act relative to the Maggie Hubbard Rental Safety Act and its goals.

Mr. Piekarski expressed interest in the Community Seasonal designation, what it includes and what it means for the community.

Mr. MacAskill thanked Ms. Luddy for coming.

Mr. Howell commented on the challenges of representing the Cape and that he looks forward to Ms. Luddy being involved.

Mr. Handler agreed with the previous comments and also thanked Ms. Luddy for coming.

VII. PUBLIC HEARINGS

A. Public Hearing on a proposed amendment to the Harbor Management Plan, Appendix A;Votes may be taken.

Mr. Piekarski read the Public Hearing Notice.

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

Vote: 4:0 in favor. Motion carried.

Mr. Powers noted that Don Yannozzi, Natural Resource Officer and Bill Neiser, Deputy Harbormaster were present.

Mr. Yannozzi noted that this is a proposal from Aquaculture Research Corporation (ARC). He had expected a representative to be present and asked if the Board wanted to go forward.

Mr. Handler asked that Matt see if there was anyone on line who represents ARC. There was no one on line to speak to this proposal. He asked if there was anyone in the public who would like to speak, on line or present. No response.

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

Vote: 4:0 in favor. Motion carried.

Mr. MacAskill moved to approve a proposed amendment to the Harbor Management Plan, Appendix A. for the addition of two working moorings in Herring River to be used by Aquaculture Research Corporation as presented. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

Mr. Piekarski noted that all the recommendations came back to approve this proposal.

B. Vote to approve a new Class II Used Auto Dealer License for A & G Accident Repair d/b/a Cranberry Collision, 161 Queen Anne Road

Mr. Piekarski read the Public Hearing Notice.

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

Vote: 4:0 in favor. Motion carried.

Mr. Powers noted that the application has been reviewed by all relevant staff. There were no issues and it is recommended for approval or issuance of the license, if the Board sees fit.

Mr. Handler asked if anyone from the public would like to speak. No response.

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

Vote: 4:0 in favor. Motion carried.

Mr. MacAskill moved to approve a new Class II Used Auto Dealer License for A & G Accident Repair d/b/a Cranberry Collision, 161 Queen Anne Road as presented. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

VIII. CONSENT AGENDA

A. Approve the Select Board Meeting Minutes from January 13, 2025

Mr. Howell suggested two amendments to the Minutes of January 13, 2025. He wants included on page 5 that it really doesn't matter whether climate change is being caused by human beings or it is just a natural fluctuation. We still need to address its consequences. He made that comment there mainly to get everybody on the same page that there are things that we need to do. Also, at the bottom of page 5, he believes it is Tesla rather than Tesler.

Mr. Piekarski moved to approve the Select Board Meeting Minutes from January 13, 2025 with the amendments presented by Selectman Howell. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

IX. NEW BUSINESS

A. Presentation and discussion on Fiscal Year 2026 Departmental Operating Budgets

Mr. Powers noted that he will be going through the Fiscal Year 2026 Preliminary Budget, related to the cost of the day to day operations for the Town. It is a forecast for the 2025 Annual Town meeting. Mr. Powers noted that Ed Spellman, Town Accountant/Finance Director and the Finance Committee will be present at next week's meeting. Mr. Powers gave a slide presentation noting the Town's AAA rating as well as the terms Strong and Stable. He explained in detail the Solid Financial Reserves, Sources (Revenue) and Uses (Expenditures). He noted Local Receipts that are reported annually to the Dept. of Revenue, FY 24 Estimates vs Actuals as well as Year to Date 2025 Estimates vs Actuals.

Mr. MacAskill asked for an explanation on Fees, estimated 0 and $172,000 was taken in and other charges for services, estimated $228,000 actual 0. He requested an explanation for any of the larger numbers and clarification for a future Budget. The request was not for this meeting but a future date.

Mr. Powers responded that the intent for next week, is for he and Mr. Spellman to dive even deeper into the Sources and Uses for FY26. He noted that the numbers the Board is looking at, end of year 2024, are unaudited which means they may change slightly. Third quarter numbers will be shared as they come in.

Mr. Powers noted that the Free Cash slide is not his, it is from the Department of Local Services (DLS). He noted that the slide lists Certified Free Cash as $5,821,439.

Mr. Howell noted for the public that there was a misalignment of the bills that were paid. They were paid but they were paid in a different fiscal year ultimately. He expects that Free Cash doesn't end up relying on one year being too high and one year being too low.

Mr. Powers replied that the Board will hear that next week from Mr. Spellman.

Mr. Powers referred to the slide showing a DLS Chart of Free Cash Certifications over the last decade including Free Cash as a percentage of the Budget. He noted the Town's 2006 policy on Stabilization Funds and Free Cash and that now the recommendation from the State is that Free Cash stand alone and be 5-7% of the Budget. He stated that right now, the Town has very strong reserves for Stabilization and when combined with Free Cash it is at 15%.

Mr. Piekarski referred to the Town's policy to combine the Stabilization Fund and Free Cash in 2005. He suggested that the Board look at and update that policy.

Mr. Howell noted for the public, we have money, its sitting in the account, we're saying we're not going to put more in a couple of these things. He asked if it is just sitting there or is it earning something?

Mr. Powers replied that it is in an investment account. Mr. Spellman will be able to speak to what fund it is in and its percentages.

Mr. Howell commented that he wanted the public to know that those funds are growing on their own.

Mr. Powers noted that they are getting credit from the S&P Bond Market for having very strong reserves and that is what they are referring to. He continued his presentation with the Potential

Use of Free Cash in FY26 which he described in detail. He emphasized that they do not and will not use Free Cash to balance the Operating Budgets. There will be some Free Cash money available for the Appropriating Articles giving an example of the Affluent Recharge Study.

Mr. MacAskill noted that the Affluent may or may not come back.

Mr. Powers responded that the engineering firm suggested that it is time to start studying that. The Board will see a draft Article on the 18th.

Mr. MacAskill suggested that this may be a good time to check with Chatham to see if they have any idea where their affluent is coming up . If it's coming up in the Sound, it is more than likely that Harwich is never going to get it back.

Mr. Powers will follow up with GHD because they are helping Chatham with that as well.

Jeff Lang of Riverside Drive was present. He asked why there is never a conversation about reducing excise tax by $1.4 million a year or doing something that isn't adding expenses. He suggested, as an example, reducing the hotel tax. He commented on why he disagrees with excise tax and that he doesn't know anyone who voted for it. He added that the Town continues to operate with excess money that they find a way to spend as compared to reducing the burden on the citizens.

Mr. Powers continued his presentation with Anticipated Expenditures or Uses in FY26. He noted Recap Expenses as well as State Assessments and Overlay, which he described in detail. Mr. Powers noted the Uses (Expenditures) and Article 4 (Appendix B). He noted the Departmental Operating Budgets, Debt Service and Semi-Fixed/Fixed Costs which he described in detail and gave examples of such as health insurance premiums. He noted that the Budget reflects Level Service Programming with no Enhancements.

Mr. Piekarski requested a five year look back on the increases for health insurance and property.

Mr. Powers replied that his concern in the past was that Cape Cod Municipal Health Group had years when their reserves were so robust that they offered 0% increase in health insurance rates. There was a year when the Town was given a choice of a holiday and Harwich opted to not have that holiday. When the rates went up the next year, Harwich didn't feel it was much as other towns. Mr. Powers will get the information that Mr. Piekarski requested.

Richard Waystack participated remotely and noted that regarding the Overlay Account, the Budget shows for a reduction of close to $150,000. He expressed concern with that reduction, that they have two Articles in Town Meeting, Affordable Housing and Hero's Act for Veterans, both which will draw funds from the Overlay Account. He noted that if the Board of Assessors doesn't need those funds, the funds are directed back to the Town. He asked why there is a reduction from the Overlay Account.

Mr. Powers replied that he was told that it was a conversation between Assessing and Finance. He noted that that is where Overlay as an Expense comes in however, they were also budgeting the Overlay contribution, rather than being $400,000 also being $250,000. He and Mr. Spellman will go over that again to be sure it is captured correctly.

Mr. Waystack replied thank you and the Board of Assessors will address that at their next meeting.

Mr. Powers continued with a slide on Educational Assessments. He noted that Article 5 is the Monomoy Regional School District Assessment and Article 6 is the Cape Cod Regional Technical High School. He noted the increases, year over year which he explained. He continued with Proposed Enhancement of Services explaining that they would be looking to balance out, as an example, personnel costs to support an Enhancement of Service, there would have to be a commensurate reduction in Personnel costs somewhere. He emphasized that right now they have a balanced Budget and a Budget that provides the services that everyone is expecting. These requests are not included in the Preliminary Budget. Every Enhancement is personnel driven and will require collective bargaining negotiations between the Town and the relevant Associations.

Mr. Howell commented that he and Mr. Piekarski collaborated in the discussion about offsetting. Mr. Howell noted that he did anticipates that it would be salary to salary because there's a different dynamic going on. The other expenses don't have as many things associated with it like steps increases, contract language and health care. It would have to be something that is dynamically the same as what we're offsetting.

Mr. MacAskill requested a 5 year look back on IT, everything included.

Mr. Powers replied to Mr. Piekarski's question, the Enhancements are salary and benefits. Some were just s straight potential salary and he commented that Administration and Finance need to go back and ask, if this position were created, what do we anticipate the fringe benefits to be as well? He added that the IT Director has offered a commensurate cut, it would be Barnstable County IT. He is unsure if that is a true offset.

Mr. MacAskill suggested that the requester should vet if there are contract services available rather than hiring another employee.

Mr. Powers continued with Other Considerations, Appendix C-FY 2026 to FY 2030 Capital Outlay Plan and Debt and Indebtedness which he described in detail. Mr. Spellman will speak to these in more detail.

Mr. Howell pointed out that the Town hasn't had a general operating override since 2005 and at that, it failed and they wound up coming back for a little bit more than half of that. He commented that when people are seeing some of their tax bills go up dramatically, a lot of it has to do with Capital Outlay's projects that were voted as many as two or three years ago. By the time it is borrowed, its a distant memory to a lot of people. He emphasized that that is something he would like to continue to be more transparent about; what do they have that is not borrowed but is an obligation we agreed to do it, when we're going to contract for it and we're going to start paying for it and it's going to be in a bill. That would have been done at a Town Meeting, it's not that the Board assessed that. He feels the public needs to generally know that so as they go into the next Town Meeting, they'll know what are they on the hook for already that hasn't been actually showing up on a tax bill yet.

Mr. Powers replied that Mr. Spellman will be able to speak to any indebtedness next week. He noted that there is a standard form that gets filed by every Municipality known as the DE1, its a Statement of Indebtedness. He noted what it includes and that he will share it next week. Mr. Powers noted that Hilltop Financials, Financial Advisors, supply a comprehensive/book that shows all the Town's obligations, debt and how the Town breaks it out over the years. They are also helping with the 20, 30 and 40 year notes.

Mr. Howell assured everyone in the public that the Select Board has been paying attention to that and knows that it has not been billed yet as opposed to it coming out as a surprise to everyone. He emphasized that he needs the public to continue to pay attention to these reports because this is real money that they have agreed to borrow for, even if they haven't borrowed it yet. The Town has a whole bunch of other sewer projects that were mandated to do by the State. It's important that everybody pay attention to the context when they're approving other things because there's real money and its going to be flowing out and its going to go to everybody's tax bill for things that have already happened that the Select Board knows about but the public may not be fully aware of.

Mr. Powers continued the presentation with the Capital Outlay Plan noting that it includes a Five Year Plan in Appendix C. He noted the total for the FY26 Capital Plan which includes 17 projects from 10 Departments. Each project is funded from a distinct funding source which he listed.

Mr. Howell commented that it is comforting to know what the Special Purpose Fund is now so it can be tied to the fees and everybody understands where it's going.

Mr. Powers continued with a side from the Division of Local Services showing a Statement of Indebtedness with current reported data as of October 1, 2024. He noted the comparison between FY2023 and FY2024 and that 2024 included the debt related to Phase 3. He also noted how much the Town of Harwich is authorized to borrow in 2025 and 2026. He commented that this is what the Town's Statement of Indebtedness looks like to the Commonwealth of Massachusetts and the Department of Revenue as of October 1, 2024. What they will see next week is how all of that breaks out. Mr. Powers continued with the steps from Preliminary to Final and what they include. He also noted FY26 Sources and Uses and stated that what he is working on now is a balanced Budget. It is meant to evince that the Town has a balanced Budget and ample funds to pay for everything the Board is looking at if all things remain static as presented. He summarized that this is preliminary, it will get to final when all numbers are finalized and he and Mr. Spellman refine it. Mr. Powers' final slide showed theTown's Strengths, Weaknesses, Opportunities and Threats (SWOT) which he described. Mr. Powers stated that his Budget Message is; Keep calm and mind the SWOT. He recognized what the Board had requested, the General Policy statement that the Board desires a Level Service Budget that helps maintain the Town's AAA Bond Rating and is within the Proposition 2 1/2 limits without the need for a general override for Fiscal Year 2026. He noted that everything he has presented thus far meets the Select Board's General Policy Statement. He stated that while the Town has strong reserves and a stable outlook in terms of finances locally and expects a relatively stable local economy over the coming months, we need to be wary of future effects should the State and/or National economic outlooks begin to erode as early as middle Fiscal Year 2026. Present variable and some fixed and semi-fixed costs for Fiscal Year 2026 can be classified as potential weaknesses. The outlook for FY2026 appears solid with the potential for less stability in FY2027. Mr. Powers continued the presentation with Next Steps including upcoming meetings, discussions with Departments, hearings with the Finance Committee and Town Meeting on Monday, May 5, 2025. He cautioned that given where they are in the Budget process and all of the accounting, they presently have available reports in the MUNIS format. He and Mr. Spellman can speak to those reports and eventually reposition those through Microsoft Excel. He also noted that he has a Draft Town Meeting Warrant currently with two petitioned articles. The deadline for other petitioned article is noon on February 14th. The Draft Warrant will be substantially complete, anything last minute will be given to the Board in raw format and then be added to the overall Warrant. That was the conclusion of the presentation.

Note: Not all slides showed all the information that was noted. All the information was included in the packet.

Scott Norum of the Finance Committee was present. He commented regarding Revenue and referring to page 19, that there is a 14% increase from 2025-2026 in Other Sources. As he understands it the major component in Other Sources is local receipts. He asked how the 14% increase jives with the desire to have a 10% or 15% margin of error from one year to the next. He also noted that breathing room is also mentioned in the Department of Local Services as a guideline that something like 90% of the prior actuals should be budgeted. Mr. Norum commented that it is not for analysis now but an observation since the Select Board and Finance Committee will be meeting next week. He also observed, on Expenses, a 2% increase in wages as a base underlining assumption for the salary budget for 2026. He noted that with the major departments total salary and wage increase from 2025 to 2026, he sees some surprisingly low rates of increase. He noted - .3% for Highways. 1.2% for Golf and 1.4% for Building and commented that he would like to understand better how they reconcile a 2% increase for people at the same grade and then all the stop increases and things that go into the grand total increase in salary and wages and how they seem to be a little bit lower than he would have expected. Mr.

Norum commented that those are observations he would like more information on going forward.

Mr. Powers replied that he will discuss Mr. Norum's observation regarding the Revenue tomorrow with Mr. Spellman. He noted that on Expenses, he had failed to mention that there is a draft Appendix B in the packet. Finance and Administration did not have time but looking at the bottom line total for Departmental Budgets, that's where the 2% is factored in. It has not yet been rolled into all the Departments. The percentages that Mr. Norum referred to will change.

Mr. Norum commented that the Finance Committee had a couple meetings discussing the Revolving Funds in general and the Cultural Affairs Revolving Fund in particular and the idea that some of the activity in the Cultural Affairs Budget in the Revolving Fund was recurring regular Revenue and Expense, namely building operations on the expense side and rental income for the rooms on the revenue side. There was a proposal from Finance that that be moved into the Operating Budget. He commented that he assumed it had been considered but not accepted for FY26.

Mr. Powers replied that that is a policy matter from the watchdog on the Legislative side to the Executive Officers of the Town. It was not incorporated into the Town Administrator's Budget, it doesn't mean it wouldn't. That is meant to be a future discussion if the Board and the Finance Committee want to have that. He also noted that he took out the slide that talked about Revolving Funds because Revolving Funds are not relied upon for the Operating Budget, it's not the Sources that are used. However, there are draft Articles in the Warrant that talk about the spending caps and the Uses. That could be where that discussion is placed.

Mr. Howell commented that it is not pejorative but generally if you are standing up there as a member of FinCom and making these requests, it really has to be done by the posted meeting of the entire FinCom in combination with talking to the Select Board, some sort of joint meeting or as a communique because no one member speaks for either Board. Saying that what he'd like to see in the future is a good way of putting it but he reminded Mr. Norum that the Select Board members don't act on their own and the FinCom members don't act on their own.

Mr. Norum responded and asked that the Board accept those as a citizen's observations.

Mr. Handler commented that Mr. Powers did a fantastic job, well done.

Mr. Powers responded that it takes a team and he thanked everybody in the Administration Department as well as everybody in the Finance team.

Mr. Piekarski thanked Mr. Powers for the presentation and commented that he assumes that like most financial institutions, this SWOT analysis will get buried somewhere on a shelf and never be seen again. He commented that the 14% concerns him and he hopes they'll have a better understanding. Mr. Piekarski commented that he sees the general rationale as far as history however as outlined in the SWOT, he thinks it is a true threat and he hopes they can achieve it if the number remains. He commented that the 90% figure of previous Actuals is more comforting but overall when they see more detail they will be able to have greater discussions on what makes sense for the Board, whether its the Cultural building or other things that can be processed and included in the actual Operating Budget or financed a different fashion. He added that he appreciates the information and looks forward to future discussions.

Mr. Powers stated that any references to revenue and balances are unaudited and ongoing review.

Mr. Howell commented that as opposed to the previous Finance Director who provided the Board with the cliff notes for the Budget, that people hire the Board to be able to actually dig deep down because percentages are built from smaller numbers up to the point where you have a total that everybody can understand. The Board needs to be able to understand everything that's underneath those summary figures. He anticipates that the Board will have something that's more than a quarter of an inch worth paper which is what they got last year. He added that FinCom can also look forward to having much more detailed things to make their own decisions about the assumptions that were made and about what the reality is for prior fiscal year, current fiscal year and be able to understand where the numbers came from. Both the Select Board and FinCom will have the ability to dig down on behalf of the public so both Boards will be sure themselves where they are at.

Mr. MacAskill thanked Mr. Powers for a great job and commented that it's good to have these numbers early and he looks forward to more detail.

B. Discussion on the process of Citizens Petitions for the 2025 Annual Town Meeting

Mr. Handler noted that he asked Emily Mitchell to present tonight to give the public a good understanding of Citizens' Petitions.

Emily Mitchell, Town Clerk was present. She noted that her memo outlined the statutory guidance that is provided to the Town and to the Select Board as they put together the Select Board's Warrant. The caveat to that is the concept of Citizen's Petitions which gives voters in a community the right to petition the Select Board to have a particular topic included on the Warrant. She noted the requirements, deadlines for filing petitions, the citizens' process and Town's process. Once all the information is verified, from that point on the Petition is required to be placed in the Select Board's Warrant exactly as it was submitted to the Board. It cannot be amended and it cannot be withdrawn.

Mr. Handler asked, if a citizen would like to formally present a Citizen's Petition is there a mechanism for them to come before the Board to seek information or partnership so it would become the Board's Article and not the Citizen's Petition or Article?

Ms. Mitchell replied that it is not required under the statute. It would be a policy decision of the Board to decide how they wanted to handle that presentation.

Mr. Handler clarified his question. If he got a phone call from a citizen who wanted to put forth a petition, what would the Board's role be at that point in time?

Ms. Mitchell responded that it would be up to the Board. There is nothing in the statute or Town By-laws that require the Board to hear input from that citizen. The next statute would be the Open Meeting Law which would give the Chair the option to decide what topics will be placed on a Board's Agenda. Absent a Select Board policy, it would largely be at the discretion of the Chair.

Mr. Powers noted, from an Administration standpoint, completely separate and distinct from the Town Clerk, he has always encouraged people that if there is a topic they want to have at Town Meeting, they may first try to have an audience through the Select Board. If they are not satisfied, if there is no recourse or discussion, they can compel that it be on by using the mechanism of the Citizen's Petition. He noted that the Town can offer the form but if a petitioner wants to offer their own mechanism, they don't need to fill out any paperwork whatsoever. They need to articulate what it is they want to have on and they need to demonstrate that they have the signatures. Generally speaking, he feels it would benefit all parties if they had the understanding that first, anyone can seek an audience with the Board and through the Board to talk about it and if they're not satisfied, Massachusetts' Constitution gives them to right to petition. Mr. Powers noted that when he is writing the Warrant, he has to copy the petition verbatim and try to capture exactly how it is as it was presented. Meaning, when it is duplicated, whatever was presented has to go before the Town Meeting as is the process under the Massachusetts Constitution.

Mr. MacAskill asked Ms. Mitchell if there were any initiatives that she was aware of, that anyone has tried to increase the amount of signatures needed on a petition and then the amount of times a petition can be heard and lost and then continued to be brought back every year. In his opinion. it s reducing the numbers that come to Town Meeting because of conversations that last long on the same topic.

Ms. Mitchell replied that there is no initiative that she s aware of and she believes those particular numbers have been entrenched in the statute for a long time. She is not aware of any particular effort to change or in ease them.

Mr. Howell started with the more restrictive one, if it goes into a Special whereas with the ten signatures, you're in. If it has a cost associated with it in a Special, the Finance Committee can actually take it off ultimately because the Finance Committee has the right to cost it out. In an Annual, the Finance Committee can't take it off, nobody can. Mr. Howell also noted that yes, they can come in and talk to the Board but the expiration dates for things to happen don't coincide. The people who wanted to do the Petition Article have to have it in within a couple of weeks, basically. The Select Board doesn't close their Warrant until later so if somebody allowed the Select Board to do it, conceivably the Select Board can take its own off without any ramifications. If it goes through the Petition, the Select Board cannot take it off. The fact is, there are two different deadlines.

Mr. Handler confirmed with Ms. Mitchell that it is the petitioner's responsibility to do the public engagement.

Ms. Mitchell noted that on the second page of her memo, she noted the process and the lifecycle of the Petitioned Article from the moment its filed and placed to when it is voted upon at Town Meeting and potentially enacted. Her last bullet point mentions that if an Article is favorably voted, it is treated like any non-petitioned Article, which she explained. She emphasized that it is contingent on the Article being lawful and possible. She noted that someone can petition something through this process that is outside the scope of the authority of Town Meeting and then it wouldn't be enacted.

Patrick Otton of East Harwich was present and noted that he is again submitting Citizen's Petitions. He asked if the Board would like to consider on their Agenda for Monday, looking at a potential petition that the Board would like to take on?

Mr. Handler suggested that Mr. Otton to email that to him.. He will be doing Agenda prep on Wednesday afternoon.

Mr. Otton asked if there were any other requirements that a citizen submitting a petition needs to do or is required to do from the time of the expiration date of the second Friday in February and Town Meeting to carry the petition forward?

Ms. Mitchell replied that there is nothing that the petitioner is required to do. She commented that commonly petitioners will try and do some sort of public outreach to articulate what they have petitioned or to gain support for their petitioned article. In the past the Town Moderator has offered to work with petitioners to help them craft proper motions that are within the scope of the Warrant and what Town Meeting can accomplish. Those are voluntary activities, not mandatory.

Mr. Otton confirmed that there is no requirement that public hearings have to be held for petitions.

Ms. Mitchell responded that, with the caveat that that would not apply to Petition Zoning By-law amendments which do require certain Public Hearings, nothing in the statute governing petitions require those hearings. She emphasized that there is no requirement for public outreach under the statute so any of the actions that Mr. Otton listed are not required.

Mr. Otton asked how else you would have a public hearing. What do you do?

Ms. Mitchell replied that she doesn't think she could answer that.

Mr. Powers asked Mr. Otton if there was a specific example that he would like to refer back to.

Mr. Otton responded that at last year's Town Meeting, citizen's petitions were voted no because public hearings were not done. He feels that he held public sessions and Town Meeting itself is a public hearing. To say that there was no public hearing and that negates a citizen's petition was confounding to him.

Ms. Mitchell responded that in her opinion they are talking about two different things. She is speaking to the legal requirements surrounding the petition process. There then is the question of what is enough to compel voters to vote in favor of something or not and that is a question best answered by the voters themselves.

Mr. Howell commented to Mr. Otton that there is a bit more of this. He stated that you (Mr. Otton) don't and can't hold public hearings. Nothing that has been said seeds the authority of the Board to actually have public meetings that discuss the thing and in the extreme have a public hearing. Nothing prevents the Board from voting that the Board believes it should be indefinitely postponed. Then Town Meeting can determine how much vetting this has had and whether they agree to it or not. Mr. Howell commented that Mr. Otton can do what he is talking about with informational sessions or everything but he cannot compel the Board to do a public hearing. Furthermore, he can't compel the Board to say yes its on the Warrant and the Board has to agree to it because if the Board doesn't support it, they can vote to indefinitely postpone it as a recommended action by Town Meeting.

Mr. Otton asked if Mr. Powers would forward Ms. Luddy's notes about Home Rules. He also told Mr. Handler that he would send him an email. He asked for Ms. Mitchell's memo.

Ms. Mitchell noted that it is included in the packet but if Mr. Otton can't find it, she will email it to him.

C. Approve a new 2025 Common Victuallers license application for NYC Twisted Inc. d/b/a Twisted Pizza, 181 Route 137

(Taken out of order) Mr. MacAskill moved to approve a new 2025 Common Victuallers license application for NYC Twisted Inc.d/b/a Twisted Pizza, 181 Route 137 as presented. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

X. OLD BUSINESS

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

Mr. Powers noted that Leroy Moton for Magilla Entertainment was participating remotely.

Mr. Moton, Film Coordinator for Magilla Entertainment was present remotely.

Mr. Powers noted that the information is in the packet including a draft Film Location Agreement.

Mr. Handler referred to Mr. Moton's email with information. He asked Mr. Moton if he had anything to add before he turned the discussion over to the Board.

Mr. Moton noted that one of the Producers from the show, Amaka, is also attending the meeting remotely. He added that there are looking to shoot in the next week or so.

Amaka Ekeocha noted that since the last submission of the application, they have dates pending but wanted to wait and see about a Board approval before they set up new shoot dates for the episode they are working on. She noted that it is an ongoing process because the show is a renovation show. They can come back at any time to shoot the additional footage of the beach which is what they are hoping to set up. She noted that Mr. Moton had mentioned that their aim is to shoot one to two weeks from now, with the Board's approval.

Mr. Handler turned the conversation to the Board.

Mr. MacAskill asked why the Board still has an Appendix A. that is blank, there is no location. He understands the need to come back and forth and suggested Magilla could do that by noting some time between February 5th and February 28th at such and such a location and not have a time. At least the Board would then have some information. He commented that a blank piece of paper is not notifying the public of anything.

Mr. Handler asked Ms. Ekeocha if she would speak to the two locations noted, Red River Beach and Bank Street Beach.

Ms. Ekeocha replied that they are hoping to film at either Red River Beach or Bank Street Beach, whichever is acceptable for the B-roll footage that they need.

Mr. Howell commented that he is more interested in protecting the Town's brand. He asked if this would be something analogous to something that would be on HDTV or Bob Villa show, this Old House or whatever? He explained that he needs to hear that from Ms, Ekeocha because once the Board gives an agreement, Magilla is out there doing what they're doing and he just wants to make sure it is what she is saying it is.

Ms. Ekeocha replied that Mr. Howell referenced shows that Magilla Entertainment has shared the same network with for some time. Their show, Beachfront Bargain Hunt Renovation, aired on the HGTV Channel for a number of years. She explained the they are a real estate, family friendly, house hunting show. When it comes to the content , rating or accessibility to a certain demographic, it is broad. She added that they make positive, enjoyable programming, She noted that whenever they go to a new location, they are showing the real estate and the new life the buyers can have in the new home they are hoping to find. She emphasized that they don't disparage, speak negatively or portray an area in any negative light, that is not their aim.

Mr. Piekarski noted the lack of detail and commented that this is somewhat backwards for the Board; the applicant comes forward with all the details and then the Board decides if it approves or not approves. The concern is that the Board doesn't have a date or a specific location. He asked if this is a one time shoot.

Ms. Ekeocha replied that the entire episode is mainly being shot in the area of Brewster. Harwich happens to be a town where they had one location and it is a private residence. She noted that because they are in this neighborhood in Harwich, they want to establish a piece of it as part of the show and the beach is a lovely spot that they would like to include. The filming in Harwich for this episode would be a one time instance. She noted that the shoot of the beach would take up to an hour. If they come back for a future episode, they would begin the permitting procedure and seek approval. Now that they are aware of the process in Harwich they would approach it differently. She explained that they shoot in segments and because they never know what the stage is on the renovation and when they will want at to fly out a crew, they don't have concrete days until just before. She explained that B-roll is background footage and gave an example.

Mr. Handler asked Ms. Ekeocha if she had reached out to the Harwich Chamber of Commerce.

Ms. Ekeocha replied that she does not believe so. She noted that Mr. Moton had reached out directly to a few of the local personnel.

Mr. Moton noted that he had not spoken to anyone at the Chamber of Commerce.

Mr. Handler commented that it was not necessary to reach out to the Chamber of Commerce but that Cindy Williams is a great resource and typically has her hand in things like this. Mr. Handler asked if there would be any recognition of the Harwich beach on the TV program.

Ms. Ekeocha explained how they edit the episode and that they will overlay dialogue and show footage in reference to that place.

Mr. Handler asked what the Board is looking at for a fee that the Board would be charging.

Ms. Ekeocha replied that it is essentially up to what the Board's standard protocol is. She noted that their production budget is quite small. Depending on the cost of the permitting, she would have to defer to their accounting to be sure it's something they can accommodate.

Mr. Handler commented that he would entertain a motion with a dollar amount.

Mr. Piekarski moved to approve the Film Agreement between the Town of Harwich and Magilla Entertainment to shoot at either Red River Beach or Bank Street Beach between now and February 23, 2025 for the handsome sum of $250.00. Seconded by Mr. Howell.

Mr. Powers asked if the Board would like the timeframe of operation included in the motion.

Mr. Handler asked Ms. Ekeocha what time she expects to be shooting.

Ms. Ekeocha replied that they prefer to shoot all of their footage during the daylight hours.

The motion was amended to include between the hours of 8:00AM and 5:00PM. Amendment seconded.

Vote: 4:0 in favor. Motion carried.

Mr. MacAskill confirmed that the record shows that Mr. Piekarski said $250.00.

B. Discussion on schedule for the Budget Meeting

Mr. Handler noted that his interest in having this on the Agenda is to firm up the idea to not have a full Saturday meeting and to have certain Departments come before the Select Board to review their budgets. He suggested that the Board would discuss those dates and have someone from the Finance Committee available for that discussion.

Mr. Howell commented that he is looking at what the purpose of this is as opposed to the dates. He noted that if it doesn't happen by the first week of March there is no point at all because the Board will be locked in and be sending something out to get printed.

Mr. Handler clarified that Mr. Howell was referring to the Saturday, full day meeting.

Mr. Howell replied that if the elements are not done by the first week in March, there is no purpose to that meeting. He commented that the Departments can be incorporated along the way so the questions can occur in three Select Board meetings. He would agree to that but questioned, if it starts spilling into the middle of March what would they be doing other than window dressing?

Mr. MacAskill commented that he is comfortable having this on the Agenda every week until the Budget is closed. He noted that it is an ingoing process. The Board definitely needs to see the bigger budgets and budgets with changes. If FinCom wants to join, FinCom can join. He noted that the Select Board will be having Charter required meetings with FinCom and any questions based on what the Town Administrator has presented and will present, can be asked at that meeting and answered at the next meeting. Mr. MacAskill noted that the Board can call employees before them if needed. In his opinion. Monday night meetings are more than enough.

If the Board needs to meet with FinCom on a separate day, they can do that. He noted that the Town Administrator presents to the Select Board a Budget, they present it to FinCom, there will be questions that are raised and the Select Board can answer them on Monday nights without dragging people in for an all day Saturday event.

Mr. Handler asked Mr. Powers if they had an idea of what Departments the Board would be looking at in the near future.

Mr. Powers replied that generally speaking, the Board would know that Public Works, Police and Fire will be the larger budgets. He noted that this is separate and distinct from anybody in education. Mr. Powers noted that on February 10th, it is his intent with Mr. Spellman to give the Select Board the Budget, the corresponding documents that the Board can use to do a deeper dive from February 10th forward and the ancillary documents on Sources and Uses. Mr. Powers asked that the Board hold off on February 18th as the Select Board will hopefully have an expansive discussion on 50+ Articles in the Draft Warrant or he can swap that date.

Mr. Handler asked Mr. Powers what he is asking the Board to hold off on, is it having the Departments present?

Mr. Powers replied, as early as the 18th, correct, unless they can swap out the dates. Regarding the Budget, he is officially meeting his obligations under the Charter, next Monday, February 10th. The Charter says the Select Board has two weeks, with or without amendment, to get it to the Finance Committee. When he gives the Budget on February 10th, everyone will get it that night to satisfy those requirements. Mr. Powers stated that he is targeting February 18th on a Draft Warrant. If the Board would rather have Budget discussion items, use the 18th to start. He noted that one meeting should be dedicated to the 50+ Article Warrant. If the Board is not doing the Warrant on the 18th, they should do it on the 24th. If the Board is doing Department budgets on the 18th, don't do Department budgets on the 24th to have time for the Warrant.

Mr. Howell commented that he would prefer to swap them because the three big Departments deserve to be heard when there is a possibility of something changing, if the Board needs it to change. He noted that the Select Board is to closing the Warrant the next week so if the Board feels they want to take something off in the second week of March, that's fine.

Mr. Piekarski commented that he would potentially include all those who were requesting an Enhancement of Services and want to come before the Board to give their thoughts and opinions, understanding that the Budget doesn't include Enhancement of Services.

Mark Kelleher was present and speaking as a citizen. He commented that he has found the Saturday meetings to be invaluable for the public, participants and observers. He commented that for a lot of people to give up three nights to come and observe those meetings is a stretch. Mr. Kelleher noted that there are new members on the Board that will attend and he thinks it's important for them to get to know the Department heads and he asked that the Select Board consider a Saturday meeting.

Mr. Howell responded that the discussion the Select Board had boiled down to something quite different. He asked if Mr. Kelleher wants the whole Board to hear this or only parts of the Board because when the Select Board started going through the schedules, the Saturday became really difficult to have all five Select Board members together. He commented that it is an effort to get everybody together in the same place at the same time. If it's a Saturday, there may only be three Select Board members.

Mr. MacAskill commented that they have the Harwich Channel so people don't have to come to the meeting, they can watch it or go back and watch it. His recollection of those meetings is that nobody asked any questions. He noted that the Select Board posed five questions to the larger budgets and they presented the same thing that they had presented in writing. Mr. MacAskill commented that they can give each Department head the five questions they have been asked before and have the Department heads submit the answers. He noted that if the Finance Committee wants to have different Departments, they should work through the Chair and request them. Mr. MacAskill commented that it won't be many Monday nights, for 75% of the people who came before the Select Board, they handed the Select Board their Budget, answered the five prewritten questions and no one had any additional questions. He feels they were wasting people's time and many of the Department heads he has spoken to agreed. He added that if they need an additional meeting, they can have an additional meeting to get through it.

Mr. Handler noted that the consensus of the Board is to move the 18th from what the Board was discussing to be the Warrant and that would be the first go around with the DPW, Fire and Police.

Mr. Powers added, as well as Enhancement of Services that wouldn't have already been covered. He commented that the three Departments noted have Enhancement of Services. He also noted that it is school vacation week. For those who can't make it, the Board can have a conversation with them in the not too distant future.

Mr.. Handler confirmed that that is the pleasure of the Board.

XI. CONTRACTS

A. Discussion and vote to approve a Purchase and Sale Agreement with Nicholas G. Mitchell, Trustee of the 246 Queen Anne Road Realty Trust for the purchase of 246 Queen Anne Road in the amount of $800,010.00

Mr. MacAskill moved to approve a Purchase and Sale Agreement with Nicholas G. Mitchell, Trustee of the 246 Queen Anne Road Realty Trust for the purchase of 246 Queen Anne Road in the amount of $800,010.00. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

B. Discussion and vote to sign a Quitclaim Deed with the Estate of Lois A. Jones and the Town of Harwich to purchase 5 Sea Street Extension - added

Mr. Piekarski moved to sign a Quitclaim Deed with the Estate of Lois A. Jones and the Town of Harwich to purchase 5 Sea Street Extension. Seconded by Mr. MacAskill.

Mr. Piekarski noted that the amount should be included.

Mr. Howell added, and it's in settlement for all claims.

Mr. Piekarski confirmed that the wording, it's in settlement for all claims is added to his motion. Mr. MacAskill confirmed that it is included in his second.

Mr. Piekarski noted that the amount is $1,410,000 and added that to his motion. Seconded by Mr. MacAskill.

The motion reads; Mr. Piekarski moved to sign a Quitclaim Deed with the Estate of Lois A. Jones and the Town of Harwich to purchase 5 Sea Street Extension, in settlement for all claims and in the amount of $1,410,000. Seconded by Mr. MacAskill.

Vote: 4:0 in favor. Motion carried.

XII. SELECT BOARD REORGANIZATION

Mr. Handler stated that since Julie Kavanagh is not present, he would look to the Board to table this Agenda item. Mr. Handler emphasized that his adding this to the Agenda this evening is not an indication of him not wanting to perform the duties of the Chair, it's actually quite the opposite. Mr. Handler stated that he put the Reorganization on the Agenda this evening because when it came to the Board last week, one or two of the members said they weren't ready to make a vote or to have the discussion and that the Board would allow it to settle for a couple of weeks and then bring it back. He stated that it is not that he doesn't want to do the work required as the Chair, its that he brought it back because most of the members thought they were not ready to vote. He emphasized and stated that he will not be bringing this back to the Agenda through his own volition, he is perfectly happy doing the work and he is perfectly happy sitting here as the Chair of the Board. He stated that if any of the Board members would like to change the organization, he would leave it up to the members to request from Mr. Handler that it get put on the Agenda and he will be happy to put it on the Agenda. He asked to table this Agenda item indefinitely.

Mr. Howell commented that he would prefer to have it on the Agenda. The Board doesn't have to take an action and Mr. Handler doesn't have to table it. All he has to do is bring it back, if it doesn't get acted upon, it doesn't get acted upon.

Mr. Handler replied that he is 100% comfortable doing whatever the Board wants him to do.

Mr. Howell commented that he would like it at the bottom of the Agenda unless and until it becomes a moot point. He noted that it is not time sensitive and it doesn't have to be voted to table it because with the tabling, Mr. Handler would have to come back with a date certain.

Mr. MacAskill commented that he understand why Mr. Handler would want to table the Reorganization. They can reorganize the Board at every meeting from now until the end of the year if the Board choses to. He commented that he would not be willing to act on a Chair tonight noting that one person who wants to be Chair has reached out to him and explained why. Another one has shown interest and he has not spoken to that person. Mr. MacAskill noted that he was prepared to make a motion tonight not related to Chair but to organize the Board enough where they have a Vice Chair and two members of the Interview Committee and leave the Chairmanship open, in limbo until it comes back and the Board is willing to vote on it. He thinks that making a decision tonight to pick a temporary Vice Chair, a Clerk and two members of the Interview Committee would fulfill the Board's obligation to have each position filled until the Board reorganizes with a Chair. He commented that they do not have a Vice Chair now, they could go down the line and the Clerk could be the Vice Chair.

Mr. Howell commented that they do have a Vice Chair but he's filling another role.

Mr. MacAskill asked why not make a temporary Vice Chair and member of the Interview Committee or whatever it may be tonight, with the understanding that's not permanent?

Mr. Piekarski commented that he doesn't have a preference. If the Board wants to wait for Ms. Kavanagh to be back so she has a voice in what she could potentially denominated for, he is fine with that. If the Board wants to move tonight, he is fine with that as well.

Mr. Handler noted that the would rather have all five members present. He commented that he is happy to do whatever is required from the Chair until the Board Reorganizes after Town Meeting or sooner. He stated that it is important to him that the public understand that they are a fully functioning Board and that there is a person sitting in this seat who really wants to do the job. He cares that the public has the confidence that the Select Board is going to lead them from now through Town Meeting. Mr. Handler stated that the Select Board will wait until Ms. Kavanagh is back.

XIII. TOWN ADMINISTRATOR'S REPORT

Mr. Powers noted a contract for the Police Department and the funding source for two all terrain vehicles and the total cost.

XIV. SELECT BOARD MEMBER'S REPORT

Mr. MacAskill noted a request form a resident and he asked that the Chair and Town Administrator look into dogs being present in meetings and what the Town policy is. He commented that he has had complaints, not everybody is friendly with dogs and some are annoyed and afraid of dogs walking around during meetings. There was a complaint after the Conservation Public Hearing about a dog and added that if everybody decided to bring their dogs to meetings, he could only imagine what the meetings would look like. He noted that one particular dog wanders and it is making some people uncomfortable.

Mr. Handler replied the he will look into it.

Mr. Piekarski asked Mr. Powers if he knows what the balance is in the Article for the ATV's.

Mr. Powers replied that the original amount was $219,000. He does not have the balance but will get it.

Mr. Piekarski noted that the $250.00 was for a one time shoot, not for multiple days. He commented that they often see the Comcast/Xfinity notices come in saying that they are going to increase their rates or change channels. He asked if they share those notices with the public because he has heard complaints from people that channels have been dropped or not included in their previous package. He asked if it goes on the website.

Mr. Powers replied that it can, the understanding was that the same information was going to subscribers but that there is an obligation to tell theTown as well.

Mr. Howell noted that the Board got a response from the Animal Control Officer. He asked if they were still going to hold this meeting because the Officer has said she wanted some more time to be able to do it. It's not anybody's fault's, she just needs a little more time to make the arrangements that the Board already agreed to.

Mr. Powers advised the Board to take it under advisement. The Board cannot make a decision this evening because it's not posted. There is a hearing the has been scheduled and continued over to the date. If nothing else, there would be at least a Board member here to continue or to say that it's not going to happen going forward. The Board as a group should not be talking about the outcome of that Thursday and that includes whether or not to have it.

Mr. Piekarski noted that he will not be available on Thursday.

XV. CORRESPONDENCE

XVI. ADJOURNMENT

Mr. MacAskill moved to adjourn. Seconded by Mr. Howell. Motion carried. Meeting adjourned.

Respectfully submitted,

Judi Moldstad
Board Secretary