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 10, 2025

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

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 10, 2025 at 5:00PM noting that they would be entering into Executive Session and returning to Open Session no earlier than 6:00PM.

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

Vote: 4:0 in favor by roll call vote. Motion carried.

Mr. Piekarski was not present for the vote.

II. EXECUTIVE SESSION

A. 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.

Mr. Handler called the Select Board meeting back to order at 6:00PM reporting that while in Executive Sesson no action was taken.

III. PLEDGE OF ALLEGIANCE

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

IV. STAFF COMMENTS/ANNOUNCEMENTS

Kevin Considine, Chief of Police announced the Annual Police Polar Plunge, Saturday, March 15th, 11:00AM at Red River Beach. He noted the newest Academy class from the Falmouth Academy will be joining them. Chief Considine announced that yesterday was Katie Varley, his

Administrative Assistant's, last day with the Department. He noted her years of service and commented on her commendable work and great character. Chief Considine thanked Ms.Varley for her time with Harwich.

V. WEEKLY BRIEFING

Mr. Powers gave an update on the Phase 3 Wastewater Sewer Extension Project noting where the work is being done at present, the two week look ahead and that the work will continue during the Monday holiday.

VI. PUBLIC COMMENTS/ANNOUNCEMENTS

Ann Frechette, representing the Great Lakes Association was present.

Mr. Handler requested that she hold her comments until they get to that Agenda Item, as is the Select Board's policy.

Ms. Frechette commented that in an email exchange she was told that she could not present during the Agenda item discussion.

Mr. Handler replied that he had seen her first email and had replied that because her slides did not make the Agenda Packet to be available to the public, she could present but not include the slide presentation. In response to her question, he replied that she could present the verbal presentation.

Ms. Frechette commented that she would like to speak about financing the construction of sewers along Queen Anne Road which has been designated as Phase 3 of the Sewer Construction Project. She outlined why she feels this is an important time and an important project. She noted protecting water quality in the Sand Lakes area. She also commented that the drinking water wells, which are south of the Great Sand Lakes, could be affected. Ms. Frechette noted that Harwich is already paying and underusing wastewater flow to the Chatham Treatment Plant. She also noted that originally the Comprehensive Wastewater Management Plan (CWMP) had the Great Sand Lakes as Phase 8 and that Alum Treatments may to considered. Ms. Frechette commented that Alum Treatments are not effective, noting examples of unsuccessful treatments. She noted the amount allocated to Harwich by the State Revolving Fund for the Queen Anne Sewer Extension. She noted that it requires the Town to put together an Appropriations Budget to accept the Revolving Fund monies and that she has created a Town Warrant Citizens Petition to ask the Town to accept the monies offered. Ms. Frechette noted that Massachusetts Statutes for surface water quality specifically says that existing uses must, under all circumstances, be protected. She emphasized that it is a State statute which is enforceable through State Court. She called on the Select Board and Town Administration to take this very seriously and present a Warrant Article that does what it needs to do for the Great Sand Lakes neighborhood.

VII. CONSENT AGENDA

A. Approve the Select Board Meeting Minutes for January 27, 2025

Mr. Piekarski moved to approve the Select Board Meeting Minutes for January 27, 2025. Seconded by Mr. Howell.

Vote: 5:0 in favor. Motion carried.

VIII. JOINT MEETING WITH THE SELECT BOARD AND FINANCE COMMITTEE

A. Comprehensive discussion on the Fiscal Year 2026 Budget

Finance Committee members present: Peter Hughes, Chair, Bob MacCready, Vice Chair, Mark Kelleher, Clerk, Scott Norum, Mark Ameres and Michele Gallucci

Mr. Hughes called the meeting of the Harwich Finance Committee to order.

Mr. Handler noted that Mr. Hughes had requested a couple of specific things. Mr. Handler noted that it is not up to him to unilaterally determine whether or not those are appropriate. He will bring them before the Board to weigh in. He noted that the Finance Committee had asked to hold their own meeting or meetings with Department heads in the absence of the typical Saturday meeting.

Mr. Hughes responded that the Finance Committee doesn't usually ask approval to hold those meetings. The Finance Committee does its own thing per the Charter. He noted that they have historically done the Saturday meeting for most Departments but the Finance Committee sets its own schedule for other folks that need to come in and see the Finance Committee on Warrant Articles, Budget or whatever they need.

Mr. Handler noted that he asked that question based on a comment in an email from Mr. Hughes.

Mr. Hughes commented that so far he knows the Select Board's plan to be to have a follow up meeting next Tuesday, February 18, to have Police, Fire, DPW and some Enhancement of Services requests come in and that it will be a joint meeting with the Finance Committee. He understands that the Select Board was unable to get together on a Saturday any time soon. At the Finance Committee's next meeting, they will figure out a schedule to have the Departments in for discussion.

Mr. Handler asked for Board member comments about the Board meetings with the Department heads.

Mr. Piekarski commented that he does not have an issue with it.

Mr. Howell commented that not only does he not have an issue with it but by both the Charter and State Law, the Finance Committee is given the authority to delve into the finances of the

Town in order to give recommendations to Town Meeting and they have always had an absolute right to ask relevant questions about finances to the Department heads.

Ms. Kavanagh asked that after the Select Board and Finance Committee have their meetings with Police, Fire DPW etc. that there are no follow up questions, that they are not being asked to come in on a weekend. She is fine with the Department heads going to regular Finance Committee meetings.

Mr. Hughes responded that he is hoping to move the time of those meetings to 4:30-5:00PM to give the Department heads a chance to come in at the end of a work day. He wants to make it as convenient as possible for anyone the Finance Committee wants to talk to noting that the Finance Committee also can have an issue getting a quorum.

Mr. MacAskill deferred to the Town Administrator noting that these are employees of the Town, controlled by contract by the Town Administrator. He does not believe that the Finance Committee has a right to direct the employees to come in on a Saturday.

Mr. Hughes replied that he is unsure if they would do a Saturday but if they did, they would invite the Department heads and ask them to pick the time that works for them. Mr. Hughes commented that the Finance Committee does not usually have a separate Saturday meeting from the Select Board. It has always been a joint meeting.

Mr. Powers asked if next Tuesday's meeting is meant to be joint.

Mr. Handler replied that, in his mind, next Tuesday's meeting was not meant to be joint.

Mr. Hughes noted that that is not the email that he received. The Finance Committee could attend, they want to hear the same information. He noted that he believes the 18th has been posted as a joint meeting.

Mr Handler asked Mr Powers if there was a problem with it being a joint meeting.

Mr. Powers replied, not at all and that he would recommend it.

Mr. Handler noted that the Finance Committee had mentioned a date of February 27th to hold their Public Hearing on the FY26 Operating Budget. He noted that the Select Board has until the fourth Tuesday of the month, which is the 24th, to provide the FY26 Budget to the FinCom.

Mr. Hughes replied that the Select Board will give the Budget to the Finance Committee that day or night and the Finance Committee will conduct that Public Hearing. He noted that the Charter requires that the Finance Committee hold one meeting or as many as necessary. The Hearing on the 27th will satisfy the requirement of an initial Hearing. He stated that the material for the Hearing has been submitted and it will be advertised this week.

Mr. Handler commented that he wanted to be sure that the Public Hearing is posted.

Mr. Powers will check with staff.

Mr. Hughes noted that it will be posted or advertised in the Chronicle on Wednesday and Wednesday. He noted that the Hearing is scheduled for 6:00PM in the Small Meeting Room.

Mr. Powers stated that to his left was Ed Spellman, Interim Finance Director/Town Accountant. He and Mr. Spellman are prepared to go through all the documents included in the packet. He noted one addition to the packet with the last item referred to as the Legal Debt Margin. He also noted that it was page 116 of a prior year's Annual Comprehensive Financial Report. Mr. Powers listed the documents included in the packet. He began the discussion with the Draft Department Operating Budgets, Appendix B noting that it is substantially what he had spoken to on February 3rd in his Budget Message. He referred to Appendix B, page 4 noting specific changes and explaining those changes in detail. Mr. Powers noted that what Article 4 gets to in the Warrant is the Operating Budget and Other Costs. He noted that the total for FY26 is $47,635,469 which is a 4.2% increase, year over year for Article 4. Mr. Powers referred to a 22 page report which is the FY2026 Operating Budgets for each of the Departments, noting the information in the report and corresponding pages in the Budget. The net effect of the Wage Adjustment is not yet reflected in the report.

Mr. Hughes asked if the 2% is factored into the Draft Summary Budget.

Mr. Powers replied that the 2% Wage Adjustment is in the Appendix B, Line 151, all the way over to the right. At this point Mr. Powers noted that he will yield, as this is meant to initiate conversation between the two Boards, on what can be seen baked within those materials.

No Select Board members had any comments or questions.

Mr. Hughes pointed out that he and Mr. Handler had previously discussed 204 Sisson Road. On June 24, 2024 at a joint meeting, the Finance Committee presented the topic of doing a five year look at the 204 financially. The Finance Committee submitted a report in August of 2024 and have heard nothing since. The Finance Committee has informed the Select Board that, in their opinion, that 204, the building, should be in the Operating Budget, not just the Cultural Center Director but the building itself. He noted that the financial data they received was through Mr. Handler and that there were some holes in the data. Mr. Hughes stated that there were at least four years where there were no electric bills, no gas bills, no telephone bills that are indicated as being paid from that Revolving Fund. He commented that he does not think that it is something that is acceptable, they should understand where that information is and why it might have been credited to something else. The Finance Committee, in their recommendations going forward, are looking to move those expense items into the Budget because a Revolving Fund is meant to fund fluctuating events, things that are project and activity specific, not a building. He noted that the Finance Committee has not heard from the Select Board on this. As of this afternoon, the FinCom got an opinion from the Department of Revenue (DOR) that says those expenses are not appropriate in a Revolving Account. He stated that the Finance Committee expects to see the numbers cleaned up, get a full accounting of what was paid for all that time in this building by specific item and then correct the accounting that the Town is using for that building. He commented that as he understands it, well over 90% of what goes on in that building is funded by the rents for the studios. There is a sufficient track record of consistency, those units are rented under contract agreement. The studios are fully booked and there is a waiting list.

Mr. Handler responded that he and Mr. Hughes have had the conversation multiple times and that this is exactly where he wants this to be discussed. He commented that he would also like to find out if there are missing numbers.

Mr. Hughes commented that his concern is that each year the Revolving Funs balance is rolled into the next year and if they speculate on the numbers, the Town could run into a situation where the Town is running a deficit on the Revolving Account during that period of time. The FinCom's report includes guesstimates based on trends and he noted that it has been five months and they have not received a response.

Mr. Handler responded that the Select Board replied and said they had the FinCom's report and thanked the Committee for doing the report. He asked Board members for input.

Mr. Piekarski asked why the 204 is set up as it is today. He noted that the Finance Committee recommended that it be in the Operating Budget and he asked why, historically, it has not been there.

Mr. Powers commented that it has been his statement since he has been in his position that that is a policy matter for the Select Board. Various Boards as constituted previously, had discussed that and opted to continue with the Revolving Fund mechanism. He noted comparisons in Appendix B related to General Government and that in theory a new department could be added in MUNIS as 204 Sisson Road. His hope is that out of this presentation and discussion tonight, the Board consider those matters and give guidance. He commented that he looks forward to getting the DOR information that Mr. Hughes had noted. Mr. Powers noted that he, the Finance Director and Counsel will respond to the DOR if need be. He reminded the Board that they have had auditors that are recognized by the Commonwealth, auditing those funds. Since the 204 is a public building, where it should appear is a policy directive from the Select Board.

Mr. Piekarski commented that it would be his preference to have 204 Sisson as part of the Operating Budget.

Ms. Kavanagh referred to the Report that the Board received in August and remembered commenting back that the Board looks forward to other buildings in Town being assessed in a similar manner. She is open to the discussion of whether or not they will change the way 204 is funded. She also noted that she remembers the utility question coming up before and she thought the utilities were being handled by the DPW. She added that if there is something in the fund not accounted for, they should look at it and that there are other buildings in town that they should also be analyzing in the same manner.

Mr. Hughes commented that the intent is not to study the other buildings, the intent started out being to put a bow around 204 and moralize what it is. One question would be why is it different from the Community Center.

Mr. Howell commented to not conflate whether or not the Select Board is supporting the artists in the building with a mechanism for accounting for the financing of it because he's not and he's pretty sure the Finance Committee isn't either. He noted that he has made it clear for seven years that he is no big fan of Revolving Funds. Mr. Howell commented that it disturbs him to see a government that may be run eventually on all Revolving Funds everywhere. He noted that there isn't any difference between the Community Center on the barebones stuff, what it cost to light it, heat it etc. and the only Revolving Fund costs that are recognized are within programs that are in there. He does not understand why there is a horrible resistance, Harwich is a line item budget community in this State and the taxpayers get the right to see how things are going. He added that they keep insisting on dying on this hill that it's got to remain to be the Revolving Fund and he would like to see what it looks like. He noted that it has been a policy thought from the Board, it's not something Administration thought up. Mr. Howell stated that there is no reason why at least a portion of that building shouldn't be reflected in a regular budget item in the budget book as an appropriation with direct funds going to it. He commented that it's more clear, more forthcoming and it's not gong to change who is in the building. Mr. Howell noted that he doesn't like any of the Revolving Funds. They can be audited but it doesn't say specifically on a line item basis, this appropriate for this thing the town meeting voted for when they approved the Budget, you can't get to that level with Revolving Funds. The only way to get to that is to make 204 part of the regular budget.

Mr. MacAskill commented that he is willing to do anything to get the Finance Committee to stop talking about 204 Sisson Road. He commented that it is interesting that Town Meeting, year after year supports the initiatives inside of that but the Finance Committee won't let it go. He noted for clarification purposes, Mr. Hughes mentioned in his opening statement that utilities etc. weren't being paid out of the Revolving Fund.

Mr. Hughes responded that he said there is a five year period of time, in the data the Finance Committee was given, where there was no information that said those were paid by the Revolving Fund, not that the DPW paid for them or somebody else paid for them. He noted that they must have been paid for because the building was operating, the information just doesn't show up.

Mr. MacAskill asked if there was a time that the utilities were being paid for out of the Revolving Fund.

Mr. Hughes replied, yes, the last couple years.

Mr. MacAskill commented that he would like to see what it would actually look like on paper. He added that he has no problem with the expenses being paid out of there, to a previous statement. He does find it funny that the 204 is the only building that several members of the Finance Committee are solely focused on. He commented that if they are going to scrutinize this building, they should look at the rest of them. Mr. MacAskill commented that whether it's a joint effort or not, the Finance Committee dives deeper into the reports. He suggested that FinCom do an assessment on all the Town buildings.

Mr. Hughes replied that if it is something the Select Board wants them to do, the Finance Committee could entertain it. He noted that he was the one who initiated this on June 24th and talked about trying to wrap it up and summarize it for exactly that purpose, that people keep talking about it. The Select Board wanted FinCom to do it and they did. They got the information from Mr. Handler. Mr. Hughes noted that if the Select Board is going to change it into the Budget, there will have to be some reconciliation of the Revolving Account as it exists and get to a point where going forward, the Revolving Account is focused on program specific activities

Mr. MacAskill commented that they are looking at the 2026 Budget and if they are going to ask the Interim Finance Director to audit back through as part of this process, he will absolutely not support that right now. Possibly in June or July when there is someone in place. To the Select Board he commented that they have enough audits going on right now and enough catch-ups they are trying to do. Mr. MacAskill commented on the level of detail that Mr. Hughes is talking about and referred to when Mr. Hughes was in favor of indirect costs. He noted that there are a lot of indirect costs that the DPW do, that they don't back bill to different departments and he gave examples. He asked if that is the level of detail that Mr. Hughes is looking for.

Mr. Hughes replied that for a level of detail, make it the same as the Community Center. He noted that he doesn't want to know what the DPW is doing at 204. He would want to know whatever they have to pay out. That is what they're looking for. They don't need the interdepartmental numbers.

Mr. Handler commented that the conversation was helpful to drill down what the Finance Committee suggests should be in the Budget versus the Revolving Fund. He commented that what he heard was that this Board would entertain a change in policy.

Mr. Howell commented that he agreed with Mr. MacAskill, if that winds up being the goal. He doesn't want to get into interdepartmental transfers. He would agree if the Board has some sort of goal, that they're got to get off the drug of the Revolving Funds. He noted that most of government should operate on Direct Appropriations and some of this has to do with things like the activities in the Community Center. Those can stay as Revolving Funds without changing the building or evicting anybody. He reiterated that there is nothing in what he is saying that has any implication at all to the artists or the people who are there. This has everything to do with what it costs to operate the building. It should be plugged into the budget along with every other budget item. Every other building is factored in and he asked, why is this the outlier?

Richard Waystack was present. He thanked Mr. Spellman for restoring the $400,000 for the Overlay Budget for the Expense. He noted that there is a Revenue of $400,000 coming out of the Overlay Surplus. The Assessor's Office will not know that until they get through their abatement period and that number has changed over the years. They will not now that number for sure for another month or two.

Mr. Powers responded that they have not covered that document yet however he would agree with the previous speaker, there were a number of funds that were forecasted. It doesn't mean they will hold but it is why he gives his budget in February, the Select Board looks at it with or without amendment, the Finance Committee does their Hearings and before the Warrant gets set, the numbers are finalized.

Mr. Handler commented that regarding 204, he heard his Board as well as the Finance Committee loud and clear, he will work with Mr. Powers tomorrow to see how the Select Board can begin moving forward and taking the steps to get those items in the Budget.

Mr. Powers noted that if that is the Board's wish, it should be indicated as unanimous consent or a motion.

Mr. Piekarski commented that he is comfortable with unanimous consent because he wants to see what it looks like.

Mr. Handler stated that the Select Board has unanimous consent.

Mr. Powers asked for more specifics. What he heard was to put it into the Operating Budget.

Mr. Piekarski responded that he would like to see what the impact would be on the Budget that Mr. Powers just presented.

Mr. Handler added, with electric, gas.

Ms. Kavanagh requested a breakdown on what the operating costs are whether or not it is moved out of Revolving Funds and put into a Budget.

Mr. Powers commented that they have the organizational and object codes for gas, electric and other utilities that can be broken down for all purposes and that they will then be able to analyze whether they have that specifically. Mr. Powers noted that all the utility bills come to

Administration for processing. Administration relies on the organizational and object codes from the other Departments and if that's incorrect, it's a function of what has been done in the past. It is neither a nefarious or willful scheme. Mr. Powers commented that he thinks he can run the reports generally tomorrow, to get the initial data. He clarified that if the Board is looking for operational costs such as utilities for buildings, Administration knows how they have that coded and they can run that. He will meet with other Departments, especially DPW, to see if there are other costs that he has missed.

Mr. Howell commented that somebody is paying the utilities. It's just properly allocating those items to see where it is, and pull it out from where it was, except for the Revolving Fund which he stated, he is not in favor of at all.

Mr. Hughes commented that the Revolving Fund balances, rolling forward year after year are impacted by that and they should have been charged to the Revolving Fund. Mr. Hughes suggested, on the list that Administration would have, when they were given the information about the Revolving Fund expenses they were itemized, there were ten things on the list. Whatever that list is, is what Administration would want to use.

Mr. Howell commented that they are trying to get to the point where both of the bookends are here. He is unsure if he is interested in pulling apart this year's Budget within a few weeks and reconstituting it but he is all in on changing how the Town operates as the future goes on. He wants to see what this looks like in front of the Board. Mr. Howell commented that in order to get to what Mr. Hughes is talking about, somewhere in the Budget they would have to recognize some funds that were realized, if it is put in the real Budget. He also noted that those things have to be allocated towards that, which is no small endeavor while the Board is in the middle of all kinds of other stuff rolling in towards Town Meeting. He commented that he is all for doing this in a coherent way when they have time to do it. If the Select Board can get to a policy statement that says that's the way they're going to be doing this in the future, he'd be a lot happier.

Mr. Piekarski commented to Mr. Powers that he had mentioned creating a Department. He asked if that Department already exists in the Budget.

Mr. Powers replied no and referred to Appendix B, Department 698, page 4, Cultural Affairs, Salaries and Wages of the Director, Expenses related to the Director and the programming. He explained that it is not the same as a Budget for the building. He noted other programs that operate through that building. Mr. Powers commented that he has been saying there is a building that has an address, he refers to that building by that address and not a Cultural Center because there is no Cultural Center in the Budget. There is a Revolving Fund that talks about the building. His predecessors would reference a building that didn't exist, there is no Cultural

Center per se for the Town of Harwich other than, there is 204 Sisson Road which is the predominant house for Cultural Affairs programming.

Mr. Piekarski asked Mr. Powers what Department he needs to create.

Mr. Powers referred to page 2 of Appendix B noting that there are existing Departments that are expense level only and he gave examples noting thaePublic Building Repairs $2,000 as a catchall. He explained the 100 series of Departments and that the DOR recognizes those numbers universally as general government. Mr. Powers noted that Cultural Affairs is in the 600's. A building is general government and a program could be other things.

Mr. Piekarski noted that Mr. Powers would be creating Department 184 which would be the 204 Sisson Road building because 182 and 183 are the Expenses that FinCom referred to.

Mr. Powers replied no, he is not looking to do anything but what the Budget shows right now because for 6 years he can speak to every line, every line in MUNIS and every line in the Revolving Funds. However, if the Executive Office of the Town, listening to the Agents of Town Meeting wants that level of detail, he and Mr. Spellman can do that. But to the exercise about gas, electric, water, alarm, cable and/or internet, he would argue that they don't necessarily capture that everywhere. That is what the Accounting Department has been using in MUNIS and how it has been coded. Mr. Powers commented that what the Board and Committee are talking about is something he heard years ago about program based budgeting versus line item based budgeting. It comes down to what they capture and how they parse it, it's all data. He questioned if every Department, when submitting the materials for coding, have done the proper coding. Mr. Powers added that they are talking about the building formally known as the Cultural Center. Before he arrived there was a Capital Report that had Capital items for that and Revolving Fund items. On the Capital Plan there was a subsidy that went to the building. That is a conversation he has had and he asked if they really want that subsidy to be there because it is a missing link. He summarized that if the Board wants a Department, it will come in a 100 series because its general government, it is not specific programming. He and Mr. Spellmen can run the requested reports and start parsing that. It shouldn't be injurious to the overall process unless as they talk about Town meeting, the Board asks for more asks than just prioritizing. Mr. Powers noted that he and Mr. Spellman can modify Appendix B and put that in the explanation for Article 4. Under the Articles that are already being contemplated, they can talk about the spending caps in the Revolving Fund and also have an Article that reduces the allocations of the purpose of the Revolving Fund. He noted that from his perspective, that they all understand, whether from Town Meeting, Select Board Executive or Administration, they have the same goal of getting to an informed Town Meeting on May 5th.

Mr. Piekarski referred to Page 7 in the MUNIS Report, noting that line items 180, 181are those expenses.

Mr. Powers replied, for Alboro House yes, for old Rec yes, for public building repair no. He thinks that when they run the reports they will start tying to some of these line items, but not completely. Mr. Powers noted that he had said before, if the Board wants to have a Department it could be Utilities so everyone can see it in the same book, same page at the same time.

Mr. Piekarski commented that looking at the overall scope, he does not think it is a huge lift and he would like to look at the numbers.

Mr. Hughes commented that it would be approximately $185,000 when they're done.

Mr. Handler noted that Mr. Powers is going to put together some information that he can share with the Board so they can have more conversation about this particular item.

Mr. Powers stated for the record that he asked Mr. Spellman if there was anything he needed to correct. The answer was no, he and Mr. Spellman can do the requested reporting.

Mr. Powers asked for questions on the Operating Budget.

Scott Norum of the Finance Committee referred to the comment about the Wage Budget for 2026 saying that it was on line 151. He asked if it was already included in the total but has not been distributed to the individual Departments.

Mr. Powers replied yes.

Mr. Norum asked if it is on the Administration line 29 and if that is how they make the total true without being fully distributed across Departments.

Mr. Powers stated, to correct the record, in last week's version, it was simply in 151. We have the approximate calculation, you break into the Excel spreadsheet, you add 2%. He noted that on page 1of Appendix B, he and Accounting thought they could put it in the Select Board's Budget so that Budget would balloon exorbitantly. They thought about putting into FinCom's Budget but it's already ballooned. They decided to put it in with Administration and they know right now that that is a wage adjustment of 2% for personnel in Town.

Mr. Norum asked if it is reasonable in terms of the recently completed collective bargaining agreements.

Mr. Powers replied that this was not done in any way, shape or form relative to either past, present or future collective bargaining negotiations. This is a dollar amount that the Board felt was a number that Mr. Powers could sustain. He emphasized that this is unrelated to any specific negotiations that are occurring.

Mr. Hughes asked if there are seven collective bargaining units.

Mr. Powers replied that there are eight and they are in negotiations with all eight. All eight bargaining agreements expire with the fiscal year and generally speaking, the Town is in negotiations with all eight and the Town is interested in three year agreements.

Mr. MacCready noted that the $800,000 difference that he gets, was not in last week's Appendix B and is essentially one of the only differences. He requested that as they keep generating new versions of Appendix B., the changes could be communicated in some fashion. He explained the process the FinCom goes through and commented that it would be helpful to know what changes were made.

Mr. Powers replied that the dollar amount was in Appendix B last week, under line 151.

Mr. MacCready commented that it was not in the Salaries and Wages column that it is in this week which is why it showed as an $800,000 difference.

Mr. Powers noted that the dollar amount reference was in Appendix B last week, it was in line 151, the subtotal for Departmental Budgets. That number has not changed week over week. He did add it in the Administration line so its further brought out. Mr. Powers expects the next changes will be to Appendix B but noted that they are operating out of MUNIS and versioning the Budget is not what they usually do. He noted the Charter requirements which say the Administrator shall, no later than the second Tuesday in February, present to the Select Board, the Budget. He is doing that tonight, finally and officially, building on his message from last week. He commented that he doesn't want to give any false hope that he and Mr. Spellman can accomplish the versioning that is asked but they will endeavor to make sure they track everything.

Mr. MacCready noted that there is no line 151 in last week's Appendix B.

Mr. Powers referred to the Debt Overview and the Statement of Indebtedness. He noted that they have shown what is currently on record with the Division of Local Services on Indebtedness. He also referred to the next page, Fiscal Year 2026 Projected Principal and Interest Payments excluded from Proposition 2 1/2 also known as the Aggregate Debt Service. Mr. Powers noted that that is referred to as the Debt Service Detail and the $3.43 million figure is what will also be found in Appendix B, lines 152 and 153, Debt Service Principal and Interest. The Legal Debt Limit is not in this packet but will be in next week's packet. He noted all documents included in the packet and the data on each.

Mr. Spellman described the Statement of Indebtedness and its purpose. He went through each page noting all the data included in each and explaining all in detail.

Mr. Howell asked Mr. Spellman to repeat the not borrowed but authorized number so the public can hear it.

Mr. Spellman stated that the authorized and unissued amount at June 30, 2024 is $73,095,533.

Mr. Howell noted that that is the number that has yet to reach anybody's tax bill.

Mr. Piekarski asked if there is an option to have a column that talks about the retirement date of these particular items.

Mr. Spellman responded that he can get that information. It is not required by this report.

Mr. Piekarski commented that he pulled a debt schedule which he will send to the Board for discussion.

Mr. MacCready asked Mr. Spellman to describe debt that is inside the debt limit and debt that is outside the debt limit for the residents and taxpayers to understand.

Mr. Spellman replied with the descriptions and gave examples of debt inside and outside the debt limit.

Mr. Powers also noted the Legal Debt Limit Margin and what is within that margin. He noted that most of the Town's construction projects are inside the limit. He gave an example of what could be on the outside of the limit. Mr. Powers went on to the Legal Debt Limit Margin and went through each column and the data in each. He noted Equalized Valuation and that it is a determining factor in the legal limit and outside the legal limit. He summarized that as of September 30, 2024, the Town has issued $48 million in debt. The town has on the books, $73 million unissued and the largest part of that delta is the $54 million for Phase 3. He commented that it is his driving philosophy and desire to not make that issued number go up by the higher unissued number. He noted that the numbers look big but the Town is no where near the limits and what is issued versus unissued may never be realized or certainly not to the full extent.

Mr. Spellman noted page 116 of the Town's Annual Comprehensive Report and explained the columns and data in detail.

Mr. Norum asked if the Debt Service on projects both within and outside Proposition 2 1/2 are included in the Operating Budget.

Mr. Powers replied, not necessarily in Appendix B. He noted that Appendix B includes the 3.4 million that is excluded from Prop 2 1/2. Other Articles such as Water and Wastewater, include debt payments that are there. Appendix B supports Article 4-general government, it does not support enterprise government.

Mr. Norum asked in the general government budget, if there is Debt Service for projects both within and outside Proposition 2 1/2.

Mr. Spellman replied that the majority of the Town's debt in the General Fund of $3.8 million is excluded for Prop 2 1/2. Generally the Water Debt Service is paid by the Water Enterprise Fund. It is in the Water budget and that debt is not exempted, its being paid by the rate pays of the Water Enterprise Fund.

Mr. Norum noted that the Debt Service Schedule has a total of $3.4 million and says at the top, excluded from Prop 2 1/2. He interpreted that to mean that it only includes the Debt Service on projects outside of Proposition 2 1/2, but it includes projects that fit within 2 1/2 as well what didn't have an exclusion when they were voted on.

Mr. Spellman replied that that Debt Service for the various purposes listed is excluded from Prop 2 1/2.

Mr. Norum noted that there are none that are within 2 1/2 in the General Budget since it ties out on Appendix B.

Mr. Spellman replied, that is in the General Fund Budget, correct.

Mr. Howell commented for taxpayers to understand. To what the previous speaker was just saying, everyone needs to understand that when you do vote a major capital project like the sewers, it is outside Prop 2 1/2 because you're authorizing something to happen that wasn't within the confines of that. Also, regardless of what you're talking about in terms of debt forgiveness, that's interest mostly. They're not going to forgive the entire project. He asked Mr. Spellman if that was correct.

Mr. Spellman started to reply, this current project, Harwich Phase 3.

Mr. Howell inserted, all of the phases.

Mr. Spellman continued that out of the $41.9 million, the Clean Water Trust is going to forgive $2.2 million of principal.

Mr. Howell commented that he wanted everyone to hear that it is a no interest loan but you're not getting the sewer project for free over time, that they're going to shove back to reimburse us for stuff. It is money and it is principal but the taxpayers need to know that they are going outside of Prop 2 1/2. That's why their tax bills are going up each year because at Town Meeting they agreed to do that and to borrow for a major project.

Mr. Spellman noted that this is adding on top of the average tax bill that can go up by 2 1/2 percent plus new growth each year.

Mr. Howell commented that he is trying to get the public to understand that there are a whole bunch of variables that are going on here but the bottom line is, big projects get approved at a Town Meeting outside of Prop 2 1/2 to be borrowed by the public at such time as we put out a bond and it goes by the State, which you have to ask for, and it certainly isn't 100% of the project.

Mr. Spellman noted that there is an application process and what the exact numbers are based on.

Mr. Howell commented that there is nothing nefarious going on, he just wanted people to make sure everybody understood because up until the last ten years, the Town wasn't borrowing with this kind of magnitude from different phases of sewering, that in the dollars ten years ago, not constant dollars, was already estimated about $300-$350 million.

Mr. Powers referred to the reference about all the phases.

Mr. Howell responded that eventually they will be asked to implement the Comprehensive Wastewater Management Plan and there are numerous phases in that. It has been stretched out so it will be more digestible but nonetheless there is a pretty heavy debt load that most towns on Cape have to incur from the State Revolving Fund but eventually you're borrowing money and you still have to pay back the majority of the principal. He noted that the public is engaged in a series of borrowings that started about ten years ago and are going to continue on for the foreseeable future.

Mr. Hughes commented, it's not a gift or a grant, it's a loan.

Mr. Powers continued to the Sources and Uses document, specifically the estimated Local Receipts. He noted what the document is meant to demonstrate and noted that the numbers may change. Mr Powers also noted that Article 4 will show the dollar amount that is shown as subtotal Article 4 and there is also a table that is meant to give evidence to the various sources the Town uses. He noted that this gets to the true fact that the Town of Harwich is essentially a Municipal Corporation that has expenses and revenues of $83 million.

Mr. MacAskill asked if the Town of Harwich has a forecasting policy.

Mr. Powers replied that there are several policies that get into forecasting such as Free Cash. He is not aware of a policy that says forecasting per se but he will look.

Mr. MacAskill commented that he would like to see one if they have one. He referred to Other Funding Sources and asked if that is underneath Sources and Uses.

Mr. Powers replied that Other Revenue is beyond the levy limit. Other Sources of funding that they will be relying upon this year would be the Special Purpose Stabilization Funds. Regarding the overlay Surplus, they are forecasting for no increase whatsoever and should that number change in the negative, they will account for it. If the number should change in the positive they would rely upon that or make changes in other uses. He also noted Indirect Costs as it relates to Wastewater Operations and Indirect Costs that relate to Water, revenues that come in and subsidies that go out.

Mr. Piekarski referred to Other Sources of Funding and the 60% increase. He asked where they will see that detail.

Mr. Powers replied that as they are working through the Articles, first in Article 4, there is a list of different things relied on. It will appear in any other Articles they are relying upon. He will draw it out and have a table that can be incorporated into the overall document that ties back to the Other Sources.

Mr. Piekarski commented that the Local Receipts for FY26 are about 94% of the Actuals of 2024 and asked if that is correct.

Mr. Spellman responded and explained the process he used to arrive at those numbers.

Mr. Piekarski asked when the schools will be in.

Mr. Powers replied that he believes it will be the 24th but he will confirm.

Ms. Kavanagh asked if they had done the Article sweep from the past Articles.

Mr. Powers replied that they hadn't done the sweep but he is tracking that and it will be part of the Board's discussion with the Articles as well.

Mr. Hughes referred to the first line on Levy Limit and 2 1/2% increase, going across it ends up being 3.48%. He asked for clarification.

Mr. Spellman replied that percent changes going for year over year. He explained the process he uses to get to those numbers.

Mr. Hughes noted that the new growth has to get added into it. That is what is not clear.

Mr. Norum referred to the revenue assumption for Local Receipts and noted that there is a State guidance that says they should budget 90% of recent actual receipts. On the Monomoy Assessment Growth of 7.5%, he asked if they get something from the school that gives the high rate of increase before they come with a presentation.

Mr. Powers replied that there is a public document that is their Budget and they derive from that. He and Mr. Spellman took the prerogative of changing the number to reflect the 6.5% health insurance rather than the 10%. Regarding the State guidance on the 90%, Mr. Powers noted that there is also state guidance on Free Cash. The delta between what was budgeted for FY24 of $15.4 million and actually receiving $18.5 million is what causes Free Cash. Administration and Finance are relying upon State guidance that says that Free Cash has a positive effect on the Town's credit rating. They're at 94% because Administration and Finance are trying to do a forecast that is more accurate so there is less Free Cash. If they want to reduce Free Cash, that would be a policy discussion.

Mr. Hughes commented that hopefully next week at the joint meeting, they can carve out five minutes to say what the plan is going forward. For instance, the Select Board gives the Finance Committee a Budget by the 24th, FinCom will have a hearing on the 27th and start reviewing things. He believes the Select Board and FinCom should get together once or twice after that to see where they are, if they have to shave something to move something.

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Mr. Handler agreed that it was a good idea and he will make a note.

Mr. Hughes replied that he and Mr. Handler can coordinate a time.

Mr. Hughes adjourned the Finance Committee meeting.

Mr. Piekarski requested that Mr. Spellman provide the Revenue and Expense Reports, the Q2 FY25 actuals versus Q2 FY24 actuals.

Mr. Handler asked that Mr. Spellman send the information to all Board members.

IX. NEW BUSINESS

A. Discussion on 2025 Annual Town Meeting

Mr. Powers noted that the Board will be hearing from the resident who is interested in this issue, he will be presenting information on a Zoning By-law and then have a conversation about the Great Sand Lakes Project. He noted that the Agenda says Phase 3, it is recognized as Phase 3A.

1. Potential Tree Bylaw

Patrick Otton of East Harwich was present and distributed a document to each Board member. He asked whether or not the Select Board would represent the Town and take this By-law on as their own initiative. He explained the value of trees to the environment and the community as well as the human connection to trees. He asked that the Tree Preservation By-law be Town initiated, noting its intent to protect trees and how it will accomplish that as well as what the By-law does not accomplish. Mr. Otton noted that the Board members have the actual By-law format before them in the appendix and offered to answer questions or take comments.

Mr. Handler confirmed that the ask from Mr. Otton is that the Tree Preservation By-law be Town initiated and not a Citizen's Petition.

Mr. Otton replied yes, that is accurately stated.

Ms. Kavanagh commented that Mr. Otton is looking for the Select Board and FinCom and any other Boards and Commissions to take on and support this Tree Preservation B-law and asked if he had gone to various Boards.

Mr. Otton replied that he has not yet but that is his intention.

Ms. Kavanagh reiterated that this is the setback, the tree yard and if you're not building anything at all and there is a tree on the property you want to take down, you are not subject to this.

Mr. Otton replied, that is correct. Trees can be taken down in the setback area as well.

Ms. Kavanagh noted for the public's understanding that Mr. Otton's priority here is to try and protect trees, to create a natural buffer and to work with the zoning setbacks and have this be in play, there would only be a review if necessary as part of building.

Mr. Otton stated that it is not be binding if you were not building.

Mr. Handler commented that there is a driveway in Mr. Otton's schematic which is part of the shaded area. He asked, if that was a densely populated area of trees, would there be mitigation to that? Would there be a fee from the homeowner to create a driveway to their home?

Mr. Otto replied that it would either be a fee or to plant the equivalent of half the diameter of the tree removed.

Mr. Handler noted that the fee could be paid to a fund for the Town that could go through a Town Meeting vote, to have trees planted throughout the Town in public areas.

Mr. Handler asked if Mashpee, the Town that has this in place, uses their Town Planner as the person who oversees this.

Mr. Otton replied, yes that is who they use.

Mr. Handler asked if the Board wants this By-law to be Town initiated. He asked if they can have a consensus on this or if the Board needs a vote.

Mr. MacAskill stated that with no positive motion, it is no action.

2. Zoning related Articles

Mr. Powers noted that the topic of Zoning related Articles is derived from Town Counsel. He referred to documents in the packet entitled 760 CMR Executive Office of Housing and Livable Communities, (EOHLC) and 760 CMR 71.0 Protected Use Accessory Dwelling Units (ADU). He noted that those went into effect on February 2, 2025. He noted that the net effect of the legislation on the Town's Accessory Dwelling Unit By-law sections is that they are now moot. He referred to a four page document in the packet, provided by Counsel that talks about the areas in the Town By-law that were impacted by the new State Law and that are being recommended for deletion or amendment. He noted that if the Board wishes this to go through the process, the Select Board must vote to send it to the Planning Board. That begins a formal regulated process where Mr. Powers and the Director of Planning and Community Development will shepherd this to the Planning Board. TheTown Clerk will work it through the process, if it gets on the Warrant and is voted at Town Meeting. He stated that the ask this evening specifically, is for the

Select Board to take this topic and refer it through Administrator to the Planning Board for their review and consideration. It does not constitute support by the Select Board, that will potentially come at a later date.

Ms. Kavanagh moved that the Select Board send the Zoning related Articles for Accessory Dwelling Units (ADU) to the Planning Board for review according to the new State Laws. Seconded by Mr. Howell.

Mr. Howell asked if the intent here is to broadly just do ADUs. He pointed out that in the past, that if they're Affordable restricted ADUs, that's a whole different outcome. They haven't had anybody step forward to do that because an awful lot of people are reticent to put a restriction on a property that they have to convey if they sold the house. He asked if this is just generically ADUs. He stated that he is in support of that because the Town needs more lower class and middle class housing that's full time. He wants everyone to know that it's not that narrow swath, it actually is by right within the buildings as prescribed.

Ms. Kavanagh commented that what she is trying to understand with the new Legislation is that with all the work that the various towns tried to put forward to get exactly that or at least workforce housing, they are now taking a step back. However it is in the Town's Zoning By-laws and it needs to be cleaned up.

Vote: 5:0 in favor. Motion carried.

3. Great Sand Lakes/Phase 3 Wastewater Construction

Mr. Powers noted that the packet includes a document with the headline Proposed Warrant Article. It is not the Town's Article, it is the Article that was referenced briefly under Public Comment. He referred to the document from the Department of Environmental Protection (DEP) labeled the Draft 2025 Intended Use Plan for the Clean Water State Revolving Fund and it was issued on January 30, 2025. He referred to the Town's existing Comprehensive Wastewater Management Plan (CWMP) noting that theTown voted at a Special Town Meeting in October of 2022, to revisit the CWMP. During that time frame, the Mass DEP was reevaluating their regulations regarding Wastewater, Sewer, Septic and particularized that discussion to Cape Cod. New DEP regulations went into effect in January of 2024. The engineering firm, GHD will be presenting later this year, on a future iteration of a Watershed Management Plan which will dovetail with the new regulations. Mr. Powers noted that GHD was directed by the Select Board and supported by Administration through funds through the Barnstable County ARPA to do design work on a proposed Phase 3A or the Harwich Great Sand Lakes Sewer Extension Project. The preliminary numbers provided by GHD show a project that is estimated at $31,130,000. The Town's application for contemplation of State Revolving Fund Support and Clean Water Trust (CWT). Mr. Powers stated that in the draft Warrant that the Select Board will be reviewing on February 24th, there is an Article that has to be reviewed by Legal and Bond Counsel that will seek the proper appropriation of Town Meeting and the authorization to go forward on this project. He noted that the folks in Town have availed themselves of their right to petition an Article. He commented that what the Board will hear is a presentation from the folks that are impacted by the Great Sand Lakes Project. He noted that the Town has an Article and it will be in the Warrant.

Ann Frechette, representing the Great Sand Lakes Association noted that she has put together a Citizen petition Article. She commented again that if the Article that the Town puts together does the job that the Association wants to see, she will withdraw her Petition and let the Town's Article be what is presented at Town Meeting. She commented that they do want to take their rights as citizens to make sure that the voters of this Town know that there was an allocation and that the Association would like for the town to accept that allocation. Ms. Flechette read for the record: The Article reads to see if the Town will vote to accept funds allocated in the Massachusetts Clean Water State Revolving Fund Intended Use Plan 2025 for the purpose of sewer line construction along Queen Anne Road in East Harwich. The explanation is that the Town of Harwich submitted an application to the State Revolving Fund for the purpose of constructing sewer lines along Queen Anne Road in East Harwich as Phase 3A of the Sewer Construction Plan. The Draft Intended Use Plan published by the State Revolving Fund (SRF) includes a funding amount of $31,130,000 for Harwich for the project. Acceptance of the funds will help offset expenditures related to Phase 3A. Prioritizing the construction of sewers along Queen Anne Road relates to the presence of Town wells for drinking water to the south of the proposed sewer lines, protection of the water quality in Bucks and John Joseph Ponds and efficient use of unused sewer flow allocation that Harwich pays to the Town of Chatham for Wastewater treatment. She stated that the Association is going forward with this and they look forward to seeing what the Town puts together as well.

Mr. Howell commented that he is a representative for the Clean Waters for the County Board and he had a conversation with Christy Sanatori. He noted that Mr. Powers did put in for an Intended Use Plan (IUP). Mr. Howell explained that with an IUP, it is not that you submit it and you get money. It makes you eligible as an eligible property or project. He noted that the IUP has been accepted but it isn't as if the town sends them a bill and the State gives them the money. It's money that the Town is accepting, money it is requesting as part of the State's no interest program for SRF funding. He commented that Ms. Frechette has it sounding as if you vote to accept funds. You're really voting to request funds under the IUP. He commented that in the best case, you get money from the County that's allocated through the Rooms Taxes in the State through the SRF. It's more like it has to be an approved project and the Town has gotten to that point but you have to be able to have more project there. You flush it out with an actual real project that has parameters and then submit to the State prior to June 30th. Mr. Howell noted that there are cycles to this. He commented that if they vote for this, there has to be a follow-on action of some sort or you don't get the money.

Ms. Frechette commented that she is confused as to whether that was a rhetorical question or an actual real question to her. She noted that if it was an actual question to her, yes she does understand the process.

Mr. Howell responded that that is not what she is asking for. He added for the record that the statement doesn't get you to where they need to get, to actually be as an eligible project with the State.

Mr. MacAskill asked Mr. Powers if there is a cost estimate of the total project.

Mr. Powers replied that at present, the application number is the cost for sewer construction only. It does not include any funds for storm water. Storm water would be a separate discussion.

Mr. MacAskil asked if there will be an estimate for the storm water.

Mr. Powers replied that the DPW and GHD are working on that separate and distinct storm water cost.

Mr. MacAskill asked Mr. Howell if the Clean Water Trust is similar to CPC where if the Town doesn't use the money in a certain amount of time, they lose it.

Mr. Howell replied no but you're competing with all 15 towns, there is a rank order and everybody has to submit. His point is that you have to submit it and you're competing with other people. He noted that harwich has already passed the major threshold. He asked if this has an Intended use Plan associated with it and if it is an appropriation. Because it's fresh water as opposed to salt water payments, they said yes and it went through the whole process. The next thing is that the Town ends up designing it out because they are only giving money to real projects, you can't have a place holder there. You have to go and approve a project and then submit it to the County and then line up in the queue with the other 14 towns to compete for what your allocable number is. He noted that there is a specific percentage but it is limited to a couple of things including how much money is that tax generating.

Mr. MacAskill asked Mr. Powers if any conversation has started with GHD and the Town of Chatham on whether or not they would accept this.

Mr. Powers replied, no, not anything formal and official. This is not yet a voted and approved project of the town.

Mr. MacAskill commented that it would be pertinent to get Chatham's permission to send it there before the Select Board goes through all these steps.

Mr. Powers responded that they have had preliminary conversations and he can get the IMA Group together to follow up on that. He commented that one wouldn't necessarily see the connection between Wastewater and Education but there are two distinct agreements out there that are often talked to in the same vein.

Mr. MacAskill referred to the debt and that the Town has $70 million worth of projects that the Town hasn't seen the tax increase for yet. He asked where this would land with that $70 million.

Mr. Powers replied that the Article that would typically come forward as an authorization to borrow, $31,130,000 would be added to the authorization should that Article pass. Beyond that it is also that the Town sets aside a sum of money to pay the loan costs up front. The Deposit is more than likely going with 2% but that is still in flux. The Article would also contemplate a separate debt exclusion. That is what the Town is creating for an Article and not necessarily what the Petitioned Article gets to. It doesn't have the same language so it is not going to have the same effect.

Mr. MacAskill commented that it is a tall ask asking the small Town of Harwich to borrow $100 million all at once and have either hit their tax bill. He would like to know what that is going cost.

Ms. Kavanagh clarified that the February 14th date was for turning in the Petition.

Mr. Piekarski asked Mr. Powers how many properties this impacts.

Mr. Powers replied, in the order of 150 more or less.

Mr. Handler noted that he did some math and the first two Phases resulted in roughly $63,000 per home when looking at the amount of homes that were sewered for the cost. This is around $180,000 per home which is around triple the cost for this area. Mr. Handler commented that he would like to see a lot more information as to how this is going to shake out and how the taxpayers will be affected in a short window of time, if the Town borrows this kind of money.

Ann Frechette commented that she would like to revise the number that the Town Administrator just mentioned. She stated that the Great Sand Lakes Association has 280 members who are south of Queen Anne Road. Not all those households will be hooked up to the sewer system but they are the households that will be affected because the water flows from north to south.

Mr. Powers noted that they are all looking at the prospect of two Articles on the same Warrant, a Citizen Petition and the Town's Article. He stated that he will leave it to the Board's counsel to tell them the effects of one versus the other.

B. Discussion on the Monomoy Regional School Agreement; Vote to authorize the Chair to request a Joint Meeting with the Chatham Select Board

Mr. Handler commented that many people feel that the current Monomoy Regional School System Agreement is unsustainable financially for the Town of Harwich. In addition, the Monomoy Regional Middle School repair project has gone from $2.5 million to over $10 million. He noted that Ms. Kavanagh met with Chatham, Administration and Finance in August.

What came out of that was the idea to have more conversation. He commented that he believes they are a little late to begin to discuss the agreement as it sits as a whole. He does not feel that would be a productive use of time. Mr, Handler asked if the Select Board felt comfortable enough to have him reach out to have two of the Harwich Select Board members meet with two of the Chatham Select Board members, with Administration, School and Finance and request that the formula to fund that Middle School project be amended. At this time the formula stands at 76% to the Harwich voters. He asked for the Board's support for him to reach out, have a conversation, present a draft and request that they amend the formula to fund that project.

Mr. MacAskill commented that he has been asking for this for a long time. He commented that 76% is a tall ask for Harwich to pay for the work needed at the Middle School. Mr. MacAskill stated that he would support this and cautioned that two members of the Board will be a subcommittee so it will have to be a posted meeting. He suggested the full Board or just two members. The only way he would agree to amending the agreement this year would be if they agree to get back to the table as soon as possible to start looking at amendments to the Regional Agreement.

Mr. Howell commented that before the Board goes any further, they have to be able to clearly state that this is not a raid on the educational quality, they don't want anything cut down. He noted that there are two interrelated percentages, one is the 76% that Harwich fronts compared to the Town of Chatham. The other is what used to be a percentage of the Town Budget. He noted that they are graduating roughly the same number of people as Harwich did by itself twenty years ago. Now the acceleration cost of the operation of the school is starting to approach the cost of operating the town itself. He noted that his concern is that to the extent that that becomes a tall ask and takes money away from the Town's endeavors to operate as a Town, there's going to be angst and he doesn't want to see that occurring and getting to the point of continuing overrides. He commented that there has to be a more durable way of approaching this and saner heads have to prevail. He noted that they are here, they want to see the quality of the education as high as possible and since Harwich is the biggest donor to that, they need to keep the Harwich taxpayers engaged in this and have them want to continue to have the highest possible education. If it starts creating a problem where they can't operate the Town efficiently, there will be overrides and everybody will start pointing fingers. He feels the time to do this is now for next year's Annual Town Meeting. Mr. Howell stated that he is all in on doing this.

Mr. Piekarski noted that the emphasis is that this isn't sustainable. The Board needs to be proactive and have the conversation with Chatham in a productive environment and try to come to terms that are agreeable to both sides. He noted that the Agreement is up for review every five years and he doesn't think they are being unrealistic to ask for it to happen now. He noted other ways the Agreement could be amended. He has no problem with a member or two members of this Board meeting with the Town of Chatham Officials to begin this discussion. It is in the best interest of the school and the students who attend the school.

Ms. Kavanagh commented that she has no problem with conversation but she would first like to see the Middle School Building Renovation Committee come up with their report. She would also like to see a discussion on trying to figure out how to amend any agreement, start at the School Committee level to discuss Capital and the overall agreement and then come to this Select Board. She also suggested a joint meeting. Ms. Kavanagh asked for the Agenda, are they talking about the overall Agreement or Capital projects because it is not defined in terms of Capital.

Mr. Handler responded that the overall Agreement encompasses how renovations will be handled. He is looking to have a conversation that is the best and most efficient use of time. He noted what they do and don't know about the condition of building and also that the air quality is causing our kids and teachers to be sick. He noted that he would like to see that data because that would change the way he thinks about this. Mr. Handler noted that there will be two requests of this Select Board shortly. One is the budget for the school and the second is going to be to fund this Capital request.

Ms. Kavanagh commented that that is fine as long as it is generic enough.

Martha Donovan, Chair of the Capital Outlay Committee stated that she is here as a taxpayer. She commented that there are two levers, the Capital and the Operating Budget and that they need to be pulling on both of those. She noted that both are out of control. Ms. Donovan commented that she does not feel they should move forward with the Capital Plan if they can't get some kind of relief. Her concern is that they are losing students and the demographics are changing, more in Chatham than in Harwich. She commented on the risk assessment and cautioned abut putting money into the Capital, 76% now and possibly increasing. She feels that Harwich needs to clearly state the they won't fix the schools under this agreement. In her opinion, it is getting to be too much.

Mr. Handler asked if it is the consensus of the Board is for him to reach out to Chatham and request a meeting to begin conversation.

Board members discussed which two members would be part of the conversation.

Mr. Handler asked Mr. Carpenter if he would answer a few quick questions.

Ms. Kavanagh asked Mr. Carpenter if he had a timeline on the Committee and when they expect to have all of their information.

Scott Carpenter, Monomoy School Superintendent commented that they are trying to get things together for any sort of Warrant Article with accurate numbers, for spring Town Meeting. He noted the testing that is going on that will help determine the work that needs to be done. He expects that in the next month and a half they will be able to come up with much tighter numbers.

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Mr. Handler asked, if all goes well, would the project would begin on or around June 21, 2025?

Mr. Carpenter replied that even that would be an extremely ambitious timeline. He thinks late summer or fall is possible if everything is in order.

Mr. Howell noted that this isn't a project dependent discussion. It has to do with the whole deal. He commented that he is not interested in having a conversation through the press to another town nor is he interested in one or two people approaching the Chatham Board and asking if they'd like to have a discussion because we need to have a discussion. Mr. Howell noted that within the large scope of this agreement the question is if this is a fair and equitable way of operating and is it sustainable in a way that you can count on getting support from both towns? He commented that it is a discussion that has to happen before it becomes a four alarm fire.

Mr. Handler commented that he views this as a mutual problem for both towns. There are so many variables and its not going to happen unless people begin to have a conversation.

C. Approve a Disclosure by Special Municipal Employee of Financial Interest in a Municipal Contract as required by G.L. c.268A, section 20(d) – Brendan J. Lowney, Harwich Historic District Historical Commission & Harwich Affordable Housing Trust Fund

Mr. MacAskill moved to approve a Disclosure by Special Municipal Employee of Financial Interest in a Municipal Contract as required by G.L. c.268A, section 20(d) – Brendan J. Lowney, as presented, as requested by him and to authorize the Chair to sign. Seconded by Mr. Howell.

Vote: 5:0 in favor. Motion carried.

X. OLD BUSINESS

A. Review of Draft Housing Production Plan

Mr. Handler distributed documents to the Board that are included in the packet. He noted a suggestion previously made by Mr. MacAskill which was, that instead of each Board members sending their additions or suggestions to the Chair of the Local Planning Committee (LCP), they bring them to a Select Board meeting to present it to Christine Flynn, Town Planner to then create another draft. He asked for each Board member's input.

Ms. Kavanagh noted that she was good with the original draft. She also referred to the previously approved Minutes noting that she had indicated that there were some comments made previously and the consultant came back explaining that certain numbers couldn't be revised because they flow with the Federal numbers, which is what they need to do. Ms. Kavanagh commented that she doesn't have any issues with fellow Board members edits or issues, she personally doesn't have anything specific.

Mr. Howell noted that he didn't put his comments in writing because he has voiced them three times in public meetings including at the joint meeting. Some of this has been captured but the road infrastructure has not and needs to be discussed. He noted that after the meeting, there was a report from the traffic consultant that there are a lot of roads that are failing. He would also have liked to see a comment about scattered site housing in smaller numbers because he has been talking about infill housing as articulated on page 314 of the packet. Mr. Howell noted that the Plan talks to the fact that all regulatory Boards have been addressed and talked to. That is simply not true. He commented that there may be an intent to do that and a lot of what he is saying could be fixed with time but at this point, these things have not happened. It is not the same going to the Health Director as going to the Board of Health.. He believes that he said at that meeting, to go to a posted meeting and have a discussion with the whole Committee. Absent this, at this point he is not willing to advance the Plan, there's a lot of good in it but also the State has increasingly rigged the game so that the money that's available, as a practical matter, has to be captured in projects that are 80-120 units which is out of character for Harwich. He added that Harwich never use to build that quantity of housing. The housing that was done integrated into the community. He commented that to start building large scale apartment complexes is anathema and although the State doesn't specifically say that is the momentum, they won't lend the town money for anything less than that. He commented that it is distressing and would like to articulate in a plan that Harwich's vision of doing this effectively is having all members of the community integrated with each other and everybody lives in housing that's part of that community and not an 80-10 unit new community. Mr. Howell noted that Harwich's roadways cannot handle that. The Plan gives a lot of insight into water and very little on the roadways.

Mr. MacAskill stated that he sent his notes to Mr. Handler. He noted that he laid it out page by page and comment by comment. Some of them were suggestions and others were corrections. His notes are included in the packet. Mr. MacAskill commented that solving for 10% is not an option at the way the State wants to go. Just building projects to get to that 10% shouldn't be an option for Harwich. He commented that regarding the Pine Oaks Project, every single Department head weighed in on the cost that would be associated to their Department. He commented that creating a new emergency by trying to solve one that was done by poor planning is nothing that he is going to sign his name to or support in any way shape or form. Mr. MacAskill also noted his comments related to the SHI List, that it is interesting that Harwich went from into the sixes to the fours yet nobody went to the Assessing Department and said they wanted to pay full taxes. He questioned how they would go down 2 1/2% on the SHI List. He commented that he would assume they are being honest and renting them affordable and if not, what's the mechanism to get to renegotiating? He noted that if the 2 1/2 % is added to the new projects that are being worked on, they are now in the sevens which is progress. And that progress is benefiting Harwich, not just creating infrastructure nightmares. Mr. MacAskill commented that he will answer questions and defend his statements but for him it's not getting to 10%. He implored everybody to look at what the actual costs are to the taxpayers by putting in the larger developments and to take their time and building thoughtful housing. Regarding tree clearing, he questioned if anyone had looked into what a large scale project would do for tree clearing. He noted that they are talking about many acres of asphalt with no thought at all other than to appease the State and solve a problem that was created by poor planning. He explained that 20% of the projects are local preference that have to be affordable and on a 250 unit project you get 200. Mr. MacAskill commented that he is willing to work with the Planner but without some of the changes he noted, he is a no and he will advocate against this plan. He added that the Local Planning Committee (LPC) did an outstanding job and there is a ton of information in the Plan but it should at least hold hands with the Local Comprehensive Plan (LCP). There are too many contradictions and the facts and figures in the Housing Production Plan (HPP) are wrong. He also referred to the SHI List figures and questioned who is monitoring that.

Mr. Piekarski noted that Mr. Handler had said the Board could agree to send the changes to the Town Planner, get her input and bring it back to the Select Board. He would support that.

Mr. Handler commented that before he gives the Board's edits to the Town Planner, he would like to hear any objections to any of the edits.

Mr. Powers noted that he had an objection to the process. He is the Town Administrator and the Director of Planning and Community Development works for him and through him. He requested that the edits come to him so he can work with staff.

Mr. Handler asked the Board if there are any objections to moving this forward with the edits, through the Town Administrator to work with his direct reports, noting that it would be a waste of time to send it if the Board members were not happy with the edits.

Mr. Waystack commented that he heard the Chair of the LCP request that the Select Board write down their comments and submit them. He noted that Mr. MacAskill wrote down his comments. He noted that Mr. Howell had commented that they missed a few things and asked if he had written them down.

Mr. Howell responded that there are three sets of Minutes.

Mr. Waystack replied, that's the point. There have been requests from Committee Chairs to write down comments, as Mr. MacAskill and Mr. Piekarski did. He noted that they have a Committee that is working hard. They have asked members of the Board to take the time to present their edits so the LPC can move forward. He asked that the Board members put their comments down and submit them to the Town Planner and to the Chair.

Mr. Handler clarified that the members will submit their comments to him and he will bring them back next meeting and he will have a discussion as to the edits and if they sit well with the Board.

Mr. Howell commented, without specifically addressing Mr. Waystack's comments, Mr. MacAskill took the time to watch the joint meeting and Mr. Howell knows that he specifically said in front of their faces what is was that he was concerned about. It was in a meeting in real time. He noted that he took the time to go to the meeting, the entire Board didn't and he said what he said. He added that one of these things has nothing to do with the language, it has to do with the process, being able to make sure that everybody who should be part of the process is part of the process. He commented that he doesn't mean just selling them on it, he means receiving information that may indicate that they would like something changed or not. The process consumes time and there is no substitute for time other than more time. He noted that he has spend 25 years trying to build affordable hosing and he is not trying to be an obstructionist about this but the tone of what the Town is trying to build has dramatically changed in this Plan. It is not what they had originally been doing, it's more massive in scope. He commented that these are really big projects and will create big changes in wherever they are placed. Mr. Howell commented that that is a fact, it is anathema to what the Town had been doing.

Margo Fenn of the LPC noted that after their joint meeting with the Select Board, the LPC did get in touch with some of the regulatory Boards including the Board of Health and was scheduled to meet with them the week the town meetings were cancelled due to the website issues. They have been in communication with Conservation and the Wastewater Board , they were given written comments which have been incorporated into the most recent draft. She noted that she is scheduled to talk to the Board of Health on February 20th. Ms. Fenn stated that they are following through on the Select Board's suggestions. She commented that she can understand all the Select Board's concerns and they are interested in seeing Mr. MacAskill's comments. She reminded everyone that whether they like the State or not, these are the rules they play under. In order for Harwich to access the money it needs to address this problem, Harwich needs this plan. They hope to get the corrections and changes made and get the Plan approved.

Joyce McIntyre, Chair of the LPC reminded the public and the Board that the HPP is given to the Committee by style, to be approved by the State and then the Commission. There is a certain format that is largely demographic, the HPP is largely a collection of information. She commented that she would take issue with the thought that the Plan is in support of large scale development. She stated for the record that it is not the intention of the Plan and it is not what the Committee has been working on. There is not support either intended or otherwise explicit in the HPP for high density, high volume development. She added that the numbers support the need for the gaps in affordable and attainable housing for working families. She stated that the HPP is intended by the convention the Committee has been given, that the Harwich specific stuff is in the Comprehensive Plan and in that is 175 pages of detail of a lot of what they are saying in terms of local challenges. She reiterated that the HPP is largely data driven and the Harwich specific stuff is in the Comprehensive Plan.

Mr. Piekarski noted that he does not plan on submitting any edits for Mr. Handler to submit to other folks. When the final Plan is put before the Select Board, he will vote up or down at that time.

Ms. Kavanagh commented that as the revisions are incorporated into the HPP, it would be helpful to see what was there and then what's proposed.

Ms. McIntyre replied that the best technology they have right now is restrictive and the better technologies to work with documents are not available to them as a Town. She also noted that with the feedback regarding the 10%, it would be helpful to have some of the specific objections.

Mr. Handler noted that he will get Mr. MacAskill's edits to Mr. Powers. Mr. Powers can send them to his direct reports and the Board will get a revised Plan at a future meeting. He noted that the LPC has done a lot of work and that a lot of residents have come out and gone to the LPC 's community engagements. He commented that he wants to make sure that the Select Board is not the impediment to the progress of getting the HPP over the finish line.

B. Discussion on Local Comprehensive Plan for May 2025 Annual Town Meeting

Mr. Handler referred to the discussion on the LCP for May 2025 Annual Town Meeting and asked for the Board's input on whether or not they are going to make it. He asked, at the pace they are going, if that document will make it to the Annual Town Meeting.

Ms. Kavanagh commented that she would like to see it make the Annual Town Meeting.

Mr. Handler commented that he expects to go through the same process with the LCP as they are with there HPP.

Mr. Howell commented that he is more interested in seeing it pass Town Meeting than seeing it get to Town Meeting. He commented that he doesn't think it is ready for this Town Meeting. He noted that they are at a point now where the public should be looking at a finished document, everybody's Board should have been talked to. He knows of three different Committees that weren't necessarily regulatory who felt they had something to offer and they were waiting for somebody to contact them. He commented that time is a valuable commodity and he has never seen anything relative. This is specific to Harwich, it could either be a help as a road map or it could be used as a bludgeon. He added that Dennis almost got a big box Lowes store out of it because their Plan talked about more robust development in their industrial park. He commented that the LCP means something, it says something to the Commission about developments of regional impact where they refer to the Plan to see what the Town's people want. He added that it has to be done right. He stated that many of these bodies are administering public Mass General laws that get them more involved with what can and what can't be done legally. He commented that he has never seen a regulatory By-law of any sort that passed when there is any kind of contention going on at the front table. He is hoping to see this get passed but does not see that in its current form, that this Town meeting is the place to do it. He does not feel there is enough time to fully discuss, there's a lot of other stuff going on at that Town meeting. He noted that things that fail and are brought back, have a higher hill to climb. It would be better if they could coalesce all the support so that there is nearly unanimous support from Town leaders or there is going to be a problem. He emphasized that its not just the citizens' buy in, its the governance buy in.

Mr. MacAskill commented that he hopes they can get it to Town Meeting this year and he hopes the Select Board will do everything they can to get it there. His edits on the LCP were very basic, the Committee has time to educate people and the Board can educate people.

Ed McManus noted that in addition to what was mentioned, he will also be meeting with the Energy Climate Committee and has already sent them the draft of the HPP so they will bet prepared to comment. He told Mr. Howell that if he has three other Committees that want to be contacted, he is more than happy to do that, he just needs to know who they are.

Mr. Howell responded that Mr. McManus hit two of them already. They will talk offline regarding the third.

Mr.McManus commented that it is close to three years work for the LPC and if they push it off another year, it'll be four years. He noted that the LPC has committed to doing the work including additional meetings and educating people.

Mr. Handler commented that if the Select Board's the sole arbiter of these two Plans, then the Board has to help them along.

XI. SELECT BOARD REORGANIZATION

Mr. Handler asked if any members were interested in a discussion on the Select Board reorganization.

Mr. MacAskill noted that Mr. Handler had said last week that he was interested in being Chair and why. He thinks Mr. Handler is doing a great job. Mr. MacAskill nominated Mr. Handler as Chair. Ms. Kavanagh seconded the nomination.

Mr. MacAskill noted that if any other Board members wants to be Chair, now is the time to explain why.

Mr. Howell noted that he has explained to Mr. MacAskill directly that he would be interested, it is basically for three or four months and he would want to be able to carry the Board through a cycle that Mr. Handler haas only been through once. He noted that the Board is taking something that used to be routinely rotated around and changing it into something that is a job interview. He stated that he disagrees with that process entirely, it should be spread around normally just as a regular course of business.

Mr. Handler asked Mr. Howell what he meant by that statement.

Mr. Howell responded that they are all capable members of the Board. He commented that all members of the Board are capable, normally it rotates around, it's not something that was ever contemplated to be routinely held by one or two people. Mr. Howell commented that it is not about Mr. Handler specifically, it's about the process in general. It has not worked that way in the last seven years.

Mr. Piekarski asked Mr. Handler for his thoughts on the role and responsibility of the Chair.

Mr. Handler responded that the role and responsibility would be to keep all other four members informed. He considers them all equals, he has no greater power than any other members. It is for the Chair to organize, do extra work, to try and draw the team together, to do what it takes to take care of the Town of Harwich. He feels that communication is his strong point and as long as he gets communication back to him, he can do anything the Board needs and wants.

Mr. Piekarski commented on the communication flow with the Town Administrator essentially going through the Chair and the Chair going through the Town Administrator and the Board going through there Chair to the Town Administrator and asked Mr. Handler if that was the communication flow that he agrees with.

Mr. Handler replied that he is unsure if it is for him to agree or disagree with, Town Administration will give him all necessary and pertinent information and his role is to disseminate it to the Board. If that is the way the Town Administrator feels is optimal for him, that would be his choice. Mr Handler commented that he gets information firsthand and he suggested that they would have to ask the Town Administrator why he thinks that is the best course of information flow.

Mr. Piekarski replied that he could but as far as information flow, it is more what the Board decides. He commented that the Chair gets the information firsthand and is unsure if that is the model that the Board should continue to use going forward.

Mr. Handler commented that if the Board feels it is not, then the Board should let him know. He would be happy, as the Chair, to have that conversation with the Town Administrator. He feels the Chair should take the information from Board members and have the conversations and make the Board the most efficient it could possibly be which he does not think they are at this point.

Vote: 4:0:1with Mr. Howell abstained. Motion carried.

Mr. MacAskill asked Mr. Howell if he had an interest in being Vice Chair.

Mr. Howell replied that he would rather be in the Interview Committee.

Mr. MacAskill asked Mr. Piekarski if he had an interest in being Vice Chair. Mr. MacAskill nominated Mr. Piekarski for Vice Chair.

Mr. Piekarski asked Mr. MacAskill if he had an interest in being Vice Chair.

Mr. MacAskill replied that he could do Vice Chair.

Mr. Piekarski nominated Mr. MacAskill as Vice Chair. Seconded by Mr. Handler.

Mr. Handler commented that he would have been happy with any of the three of them.

Vote: 4:1 in favor with Mr. Howell opposed. Motion carried.

Mr. MacAskill nominated Julie Kavanagh for the Interview Committee. Seconded by Mr. Handler.

Vote: 5:0 in favor. Motion carried.

Mr. MacAskill nominated Mr. Piekarski for Clerk. Seconded by Mr. Handler.

Vote: 4:1 in favor with Mr. Piekarski opposed. Motion carried.

XII. TOWN ADMINISTRATOR'S REPORT

Mr. Powers noted that the next meeting is Tuesday, February 18, 2025.

XIII. SELECT BOARD MEMBER REPORTS

No reports.

XIV. CORRESPONDENCE

XV. ADJOURNMENT

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

Respectfully submitted,

Judi Moldstad
Board Secretary