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, March 3, 2025

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

MEMBER PARTICIPATING REMOTELY: Michael MacAskill

ALSO PARTICIPATING: Joseph Powers, Town Administrator

I. CALL TO ORDER

Mr. Handler called the meeting of the Harwich Select Board to order on Monday, March 3, 2025 at 5:00PM 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. 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 or contract negotiations with 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 reporting that while in Executive Session no action was taken.

III. PLEDGE OF ALLEGIANCE

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

IV. STAFF COMMENTS/ANNOUNCEMENTS

Kara Mewhinney, Director of Cultural Affairs noted all the March and April programs, workshops and events. She also noted 10 summer concerts. All information is on the website.

A. Update on water quality from Jason Trepanier, Water & Wastewater Superintendent

Jason Trepanier read the following statement:
The Harwich Water Department and the Board of Water and Wastewater Commissioners want to assure the residents that our public drinking water remains safe, high quality and well protected. Providing excellent drinking water and safeguarding our water resources is not only a long standing priority, they are a core mission of the Harwich Water Department. At last week's Select Board meeting a presentation was given in support of funding a sewer project that one of the primary justifications being the protection of your drinking water supply. While Wastewater Management does play a role in maintaining water quality, it is important to provide accurate context regarding the current condition of our water supply and the effectiveness of the proposed sewer. During the presentation a Zone 2 recharge area map was displayed, correctly identifying broader region that contributes to our wells over time. However, the proposed sewer location falls on the outermost limits of our Zone 2 meaning any potential impact on water quality would be significantly diluted or delayed. If nitrate levels near our wells were a concern, a more logical approach would be to prioritize sewer closer to the drinking water source rather than at its outer edges. The proposed Great Sand Lakes Sewer Project is located up gradient from the Chatham Road and Depot Road well fields. Neither of these well fields detected nitrite in the most recent sampling round and nitrate levels ranging from 0.1 parts per million to 2.3 parts per million, well below the maximum contaminant level of 10 parts per million of nitrate and 1 part per million of nitrite. These results confirm that our water supply remains within natural background levels with no indication of human cause contamination. Sewer expansion should be considered as part of a comprehensive water resource strategy, one that balances environmental protection with effective infrastructure planning. Future decision making should be based on sound science, targeted solution and a clear understanding of where sewering will have the greatest impact. Residents should rest assured that our drinking water is continuously monitored and meets all State and Federal safety standards. The Harwich Water Department remains committed on regularly testing and proactive management to ensure safe drinking water for all residents. On our webpage you can find our Consumer to Conference Report (CCR) with all our sampling results. We encourage the community to stay informed and engaged on these important issues.

Mr. Handler thanked Mr. Trepanier for the information. He noted that with staff comments, the Board is able to ask questions.

Mr. MacAskill thanked Mr. Trepanier for reading that statement into the record.

V. WEEKLY BRIEFING

Mr. Powers gave an update on the Harwich Phase 3 Sewer Extension Project, noting the two week look ahead, where the contract continues and the traffic impacts. All information can be found on the website.

VI. PUBLIC COMMENTS/ANNOUNCEMENTS

Bernadette Waystack, Chair of the Harwich Cultural Council noted that as of June, the Council will have 3 vacancies. She also thanked the Voter Information Committee for interviewing her on Channel 18 as well as the Community Center for their volunteer fair where Council members had a table. Ms. Waystack commented that traditionally the meeting time has been 4:00PM and that time can be change to accommodate more people. She encouraged anyone interested to fill out an activity form and consider being appointed to the Council.

Robert Clinton, Web Developer for the Great Sand Lakes Association website gave the website information and noted that it has information about the water quality going back to 1999 as well as information leading up to the sewer construction plan in 2022 to prioritize Queen Anne Road sewers along the north of the Great Sand Lakes neighborhood. He noted that Dan Pelletier can be seen speaking on the importance of the project for Harwich. As registered Town of Harwich voters, he and his partner Christine Odiaga encourage everyone who votes in Harwich to look at the website and consider all perspectives on the issue.

Katherine Frazier of Clear Water Drive and President of the Great Sand Lakes Association expressed support for a Town sponsored Warrant Article to be placed on the ballot for Town Meeting that would finance the sewer project along Queen Anne Road. She noted that the Association represents 313 households who have lived in the neighborhoods for decades. Ms. Frazier noted that they have an ongoing standing interest in maintaining the quality of the ponds. She encouraged the Board to take the situation seriously, reconsider their decision from last week and instead protect all the ponds as well as all of the waterways to the south of their neighborhood, from further degradation. If action isn't taken now while there is funding available for assistance, it seems unlikely the sewers will be installed any time in the foreseeable future.

Ann Frechette from East Harwich and the Great Sand Lakes neighborhood stated for the record that there was a very important meeting on this day at 1:00 hosted by the State Revolving Fund about all of the projects that were put on the draft Intended Use Plan (IUP) for 2025. She noted that she attended that meeting and did not see any Harwich Select Board members, Town Administrator or Water/Wastewater Commissioners members participating via Zoom. She expressed concern because the Great Sand Lakes is on the draft IUP and they did not have Town representation at that meeting. She noted that there was also discussion about future funding through the State Revolving Fund, there were representatives from other Cape towns but no one from Harwich to argue for a reconsideration of a rule. She expressed her disappointment that they were not adequately represented at the Town level at that meeting, given its importance for water management going forward. Ms. Frechette referred to last week's meeting when Select Board member MacAskill called out through Zoom that Harwich's water is "award winning" . She commented that she hopes to hear what awards the water has won because that was a claim made at a Select Board meeting. She commented that ironically, in the same meeting, a citizen spoke about the revocation of the single use plastics bill because last year there was a water quality crisis. She commented that Mr. Trepanier's statement did not include discussion of PFAS and she asked him for information about water quality testing for PFAS and protections in place in the watershed. She noted what PFAS are and that other towns are applying for grants to protect their citizens from. She noted how much expertise was in the room and called on the Select Board to answer the rest of the questions citizens might have about water quality besides nitrate levels. She called on the Select Board to take the issue of water quality seriously and to advance a Warrant Article on the Town Meeting Ballot to fund the sewers in the Great Sand Lakes neighborhood. She noted that the website has information on previous hearings regarding funding that project. Ms. Frechette commented that they were shocked at the last meeting to find out that the Select Board was voting against it.

Patrick Otton of East Harwich commented that on March 6th, Harwich will be having a sale of 6 parcels of land deemed of low value. He asked how the criteria of low value is defined. He asked that the Select Board review the impetus to sell property of low value.

VII. CONSENT AGENDA

Mr. Piekarski asked if any members had issue with anything on items A and B on the Consent Agenda.

Ms. Kavanagh noted a misspelling and for clarification under her statement, which she read. She noted that her statement was about health services and she feels her statement needs more clarification.

A. Approve the Select Board Meeting Minutes from February 18, 2025

B. Approve the resignation of Ralph Smith as the Council on Aging Representative on the Community Center Facilities Committee effective immediately

Mr. Piekarski moved to approve Item A. the Select Board Meeting Minutes from February 18, 2025 with the amendments presented by Ms. Kavanagh on page 12 regarding spelling, on page 13 regarding language in the Health Services and Item B. Approve the resignation of Ralph Smith as the Council on Aging Representative on the Community Center Facilities Committee effective immediately. Seconded by Mr. Howell.

Mr. Handler thanked Ralph Smith for his time, effort and hard work helping the Town of Harwich.

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

VIII. 2025 ANNUAL TOWN MEETING

Mr. Handler took item B. out of order.

A. Draft 2025 Annual Town Meeting Warrant; Votes may be taken

Mr. Powers noted that the Select Board's packet includes a tally sheet that identifies known Articles for consideration for placement by the Board. They have been broken out by type of Article. They will then discuss the Board's preferences on numbering the Articles. He noted that he is prepared to speak to any of the highlighted Articles on the tally sheet. In some instances, the Select Board voted to place but did not take action pending more information which he may be able to provided.

Mr. Handler asked if the Board wanted to vote to accept and adopt Annual Allocation Cultural Council or move down the list.

Mr. Powers noted that the estimated cost is presented and he can speak to them individually. He noted that they are dollar amounts that have carried over year over year. He noted that the first one is the Annual Supplemental Contribution for the Cultural Council and the dollar amount is $4,000, the funding is anticipated and available from Free Cash.

Mr. Howell moved to vote to accept and adopt the Annual Allocation for the Cultural Council as specified by the Town Administrator. Seconded by Ms. Kavanagh.

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

Mr. Powers noted that next is Defray the Expenses of the Chase Library and Harwichport Library. The estimated cost is $20,000 and the available funding source is from Free Cash. He noted the benefits to the Town if the Town supports these private libraries.

Mr. Howell moved to vote to accept and adopt the Defray Expenses of the Chase Library and the Harwichport Library at a cost of $20,000. Seconded by Ms. Kavanagh.

Mr. Piekarski expressed concern about the use of Free Cash and his interpretation of using free Cash for non reoccurring expenses. He commented that he understands the thought process but he is unsure that in future years that he would support the use of Free Cash for this purpose.

Mr. Howell commented that he agrees with Mr. Piekarski. In point of fact, the Human Services money used to be in an Article and got pulled into the Budget but he is unsure if they have the capacity in the Budget to do all of these at this point. Some have been pulled in as part of the cost of operation.

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

Mr. Powers noted that next is a list of Financial Articles and noted that the packet includes the Monotony Regional School District Budget. The dollar amounts comport to the latest presentations on Thursday evening to the Finance Committee as part of the Budget discussion.

Monomoy and Cape Tech had previously presented to the Select Board and the dollar amounts reflect what is anticipated to be the overall requests of the Districts.

Mr. Handler added that both Mr. Carpenter and Mr. MacMillen mentioned at the FinCom meeting that there may be a slight adjustment but nothing significant.

No motion was made.

Mr. Howell commented, its not that he likes negotiating through Select Board meetings but while this is outstanding, he wanted to point out that the Select Board had a great interest in meeting with the Town of Chatham, they have appointed a sub committee and he thinks it is premature for the Select Board to land on supporting this Budget without having a longer term view to what that relationship looks like.

Mr. MacAskill commented that the Board members agree that there were a lot of questions in the last Budget presentation that couldn't be answered. There is no positive motion from him as they are not there yet.

Mr. Handler noted that they are waiting for a lot of information that this Board has asked for. Next is the Cape Cod Regional Tech School.

Mr. Powers noted that the dollar amounts are comport with what Mr. Sanborn presented last week.

Mr. Howell asked Mr. Piekarski, through the Chair, if he had gotten the information that he had requested from Mr. Sanborn.

Mr. Piekarski replied that he had gotten information in bits and pieces. He noted that he and Mr. Sanborn had a communication dialogue back and forth via email. Mr. Piekarski noted that he has to follow up with Mr. Sunburn, he does not yet have all the information he had requested.

Mr. Howell commented that he agrees with Mr. MacAskill and he is not prepared to make a vote tonight.

Mr. Handler noted that next is Transfer from Special Purpose Stabilization Fund.

Mr. Powers noted that Larry Ballantine, Chair of the Harwich Affordable Housing Trust (HAHT) was present. This Article is meant to support a request coming from the Trust. He noted that he does not yet have a dollar amount. He noted that the only transactions of Special Purpose Stabilization Funds to date are in support of Budget Articles. The general question is, is it necessary to do a transaction by this to have it go straight to the Trust or is there another mechanism. He noted that there is still a question for counsel as to how that gets presented to the Board as an Article. They still need to know the purpose and the dollar amount.

Larry Ballantine noted that his read of the Annual 2021 Town Meeting where this was voted on, is that it was to transfer 25% of the Stabilization Fund to the HAHT. He also noted that per the Town By-law, the HAHT supports low to moderate income housing. He noted that he and Ms. Kavanagh have discussed whether or not they could use some of this money to support market rate housing. He noted that the Town needs both but he doesn't see a way the HAHT can do that the way the By-law is written and the way the Special Stabilization Fund is set up. He suggested that the Board take up, as quick as this Town Meeting, if they can transfer some money into a housing fund for market rate housing. Mr. Ballantine commented that he would not be against the 25% being reduced to 20% and put 5% into market rate housing. He reiterated that the Town needs housing of all kinds. Mr. Ballantine commented that Meghan Green has been fantastic about giving him stats on the HAHT's revenue and funds every six months. She has also provided any information that he has requested. Mr. Ballantine noted that the HAHT presently has approximately $1 million in Trust Funds and $2.1 million in Stabilization. He commented that at the HAHT's last meeting they gave initial approval for what John Carey is calling the West Harwich Square. The HAHT has initially committed $150,000 for site plans and the initial funding loan process. Mr. Carey's total request to the HAHT is $1.8 million of a total project cost the he has estimated to be $10 million. Mr. Ballantine noted that from that, the Town will get 10 affordable apartments out of 40 which allows the Town to count 40 towards the SHI list. The cost is approximately $80,000 per apartment which is reasonable compared to other projects. Mr. Ballantine noted that he initially wanted to transfer $1.5 million and leave some in reserve. He commented that he could sit with that but he would not want to reduce it any further. They have more commitments for the next couple of years that are very valuable to the Town of Harwich. Mr. Ballantine stated that this request is to put this Warrant Article in place for the $1.5 million to transfer from the Stabilization Fund to the HAHT.

Ms. Kavanagh commented that she supports Mr. Ballantine and the transfer of the $1.5 million from the Stabilization Fund to the HAHT. She agreed that, as he said, there are some things the Board needs to address in terms of if they can reduce it to 20% going forward. She commented that it is a conversation that the Board should continue to have. The HAHT is limited to Affordable Housing and there is a great need for work force as well. Ms. Kavanagh noted that the Board talked about other ways to create housing and she sees that as a possibility down the road. She commented that she would leave that to the Board to decide.

Mr. Howell commented that he and Mr. Ballantine have talked about this is the past, the agreement that was filed for the Trust document is a fiduciary document in the Registry of Deeds. The way it is written, it is more constraining than the Stabilization Fund was. He noted that when John Giorgio came in about the Stabilization, he said the Town could get to 100% of area median income (AMI). Currently, the HAHT cannot. He suggested that the HAHT look at how they can modify the agreement. Mr. Howell noted that if they put the money in there, the HAHT will still be restricted until they can come up to a mechanism to bring it up to 100%. Mr. Howell noted that with market rate housing, it's not that they are targeting or trying to build Harwichville with $2 million houses, it's predicated on something modest like 120% AMI. He commented that the HAHT can't get there right now. The rules of the money going into the Stabilization Fund are somewhat different than what the HAHT could actually disperse from if they got a hold of it. He suggested that the HAHT may want to advocate for taking the money but also figure out what kind of changes they need to be able to come up with something that would be meaningful to the HAHT to pursue.

Mr. Ballantine commented that the HAHT was talking more about 120% which is a little bit above. He noted that the Trust can do some at 100% if their average is 80%. It gives them a little flexibility but still ties their hands, especially with those that are just above the threshold.

Mr. Howell commented that he brings that up only because it's a self inflicted wound. He stated that we adopted our Housing Trust document tethering it to what is now the Executive Office and that means being tethered to what their requirements are and the caps. He commented that the HAHT could have defined it in terms of the AMIs that they were trying to gain objectives to. He suggested that the HAHT look into what other people were successful at achieving in text. Mr. Howell commented that the public needs to understand that there is a huge chasm, a rental provider cannot keep someone if they start making over the threshold of the units. He noted that they haven't been able to address that notch out, time keeps ticking. He commented that he would hate to see people think the only solution is to move off Cape.

Mr. Ballantine commented that they need to be as creative as possible which is something they discuss at each of the HAHT meetings.

Mr. Piekarski commented that all too often, the middle income folks are the ones who get left behind. He is glad to hear the conversation and agreed that this is where they need to put some focus.

Mr. MacAskill noted that the HAHT has $1 million in the fund now and they have applied for another $500,00 from CPC.

Mr. Ballantine noted that the HAHT has asked for $500,000 from CPC. Last year the HAHT committed $150,000 to a rental assistance program and the CPC request is to replenish that.

Mr. MacAskill asked Mr. Ballantine, how much the HAHT has in the bank and how much do they anticipate using this year and next from the $1.5 million?

Mr. Ballantine replied that the HAHT has committed out of that money for the rest of this year for just over $300,000 to complete Five Bells Neck property development. The HAHT is looking forward to progressing with the 456 Queen Anne Road property and does not anticipate out of pocket expenses to continue. However he is unsure of that and is keeping money in reserve.

Mr. MacAskill noted that Mr. Ballantine is asking the Town to take $1.5 million from one Stabilization Fund and put into the Trust and he asked, in anticipation of what?

Mr. Ballantine noted that the purpose of the HAHT was to create a fund to allow the HAHT to move ahead if an opportunity presented itself, to have a reserve so they can take action. They have ideas being presented to them and need the reserve to act if needed.

Mr. MacAskill commented that looking at how much money the Trust has for those cases and that it is in a Special Stabilization Fund for housing and collecting interest, if something else comes along for the Town related to housing, the Town would be giving the HAHT 2/3rds of the money in that Stabilization Fund with nothing on the horizon. He noted that Pine Oaks IV makes him nervous and he was going to ask the Select Board Chair to put on an Agenda, a conversation with the Trust to see where the Trust was with that project. Mr. MacAskill commented that given the ability to have a Special Town Meeting to transfer this money, it doesn't seem that the HAHT needs it at this point. It is earmarked for housing, he does not see why it needs to be moved.

Mr. Ballantine commented that the HAHT is in general support of Pine Oaks 4 because it is hard for them to not support housing. He noted that that project has not been brought into the projection of money the HAHT may spend. Mr. Ballantine commented that moving money from the Stabilization Fund to the HAHT does allow the Trust to collect interest in the Trust Fund. He noted that if the money stayed in the Stabilization Fund it would be interest that would be transferrable to the Trust.

Mr. MacAskill commented on a great presentation and phenomenal job by the HAHT this year and last year, the projects being put forward are thoughtful, spread out and of size that is not creating detriments to the Town as well as repurposing old buildings.

Mr. Handler summarized, the HAHT has $1 million in the account and $2 million in the HAHTs Stabilization Fund, the requests are for $1.5 million to transfer at Town Meeting and $500,000 from CPC. He also mentioned the $150,000 to replenish the Rental Assistance Program and asked if that was in addition to the $500,000 from CPC.

Mr. Ballantine replied that it is in addition to.

Mr. Handler noted that the total is $5.1 million and the HAHT is committed for the rest of this year for $300,000 which leaves $4.8 million in the accounts. He asked if the HAHT is always around $4.5 million.

Mr. Ballantine replied that he was unsure of the amount but that it hadn't been that high in the past.

Mr. Handler asked what the balance is for the Stabilization Fund.

Mr. Powers replied that it is just over $2 million as of December 31, 2024.

Mr. Howell offered insight into the HAHT before Mr. Ballantine joined, noting that they did aggregate in the Trust, something between $1.2 and $1.3 million and spent around $800,000 for the Marceline property which brought it immediately back down again. He commented that the high water mark has never been higher than it is now because there is always a project of some sort to take a dispersement.

Elizabeth Harder, participating remotely, commented that Provincetown has a Year Round Market Rate Rental Housing Trust. She noted the exact wording of the purpose of the Trust, that it is a separate fund and can be used for any AMI. She suggested that Harwich could create a similar Trust to work in conjunction with the HAHT.

Mr. Handler commented to Mr. Ballantine that he would like to see the request a little less than the $1.5 million.

Mr. Ballantine agreed that it should be at least that, the Stabilization Fund locks it away where it is now, he would rather see it locked away in a Trust in case something does come up so they can fulfill the original commitment. If something were to present itself, the Trust could move ahead. He noted that if they don't do this and something were to come up, they would have to go back to Town Meeting. The Trust was created primarily to avoid that situation.

Mr. Handler asked what the largest sum of money is that the Trust distributed at any one time.

Mr. Ballantine replied, $870,000 for 456 Queen Anne Road.

Noreen Donoghue clarified the amount the Trust has and what it is requesting, totaling $3 million. The $2 million in the Stabilization Fund is not available to the HAHT.

Mr. Powers stated, this is the Stabilization Fund.

Mr. Howell commented that he would love to be able to disperse it all if he could because it is so important to him. The whole point is to be able to jump on opportunities. He expressed concern that the HAHT is taking it out of a fund that was not encumbered for the same amount. He commented that until the HAHT resolves the fundamental problem of how do you get it back out at something higher than 80%, the HAHT will not be able to achieve the goals that they want to achieve with it. The money will go in with that restriction and it can't be changed. Mr. Howell commented that the HAHT has a nest egg that it can draw on that the Town probably should commit to adding to as they go forward for stabilization purposes.

Mr. Ballantine responded that there are two different items, the Town still has a great need for affordable housing and they need market rate. He commented that he wouldn't want to tie one down to the other.

Mr. Howell asked if the HAHT could do with $1 million rather than the $1.5 million.

Mr. Ballantine replied that he would rather keep it going and noted that the Stabilization Fund will go next year as well, it comes from the short term rental taxes and is not static. Mr. Ballantine commented that if they do something soon, they can build the fund up going forward.

Richard Waystack commented that if that money were not available when 456 Queen Anne Road became available for sale, the Town could not have purchased that property. He noted that there are two major parcels in this community that will go up for sale in the next two years and if that money is not available, the Town will not have an opportunity to buy it. He noted that the HAHT has done the only affordable housing that has occurred in this Town in the last few years. Mr. Waystack urged the Select Board to give the HAHT the $1.5 that they need to take advantage when the market provides it, that he and the Town are able to purchase those properties through the HAHT.

Ms. Kavanagh stated that she is willing to make a motion to put in the $1.5 million.

Noreen Donoghue added that when the HAHT contributes in the form of affordable housing it goes to a project that is probably 1/4 affordable and 3/4 market rate so it helps to build housing for the workforce as well. Those developers would be unable to create the 3/4 workforce or market rate if they didn't get the assistance on the affordable housing side.

Mr. Howell asked if the vote to take the money out of the Stabilization Fund at Town Meeting is a simple majority.

Mr. Powers replied that it is a simple majority. It was changed after the HAHT was established. Special Purpose Stabilization Funds are not a straight majority or simple majority. It was reduced from 2/3 to a simple majority by legislation and signed by Governor Healey two years ago.

Ms. Kavanagh moved to accept and adopt the Article to transfer from the Special Purpose Stabilization Fund for Affordable Housing to the General Fund $1.5 million. Seconded by Mr. Howell.

Mr. MacAskill commented to previous speakers that the information is not so clear. On affordable projects of size, it's 20% affordable, 80% market rate. He noted one project that has been put informally before the Board, if they took the time to read the performer he would ask, affordable to who on the rental? He commented that he liked what Ms. Harder said and he thinks the HAHT needs to explore the changing of the documents. Mr. MacAskill added that if his math is correct, after this Town Meeting the Trust will have $1.6 million in its account. To a previous, previous speaker, that's an awful lot of money to buy a large tract of land and what will the Town do with that large tract of land? He commented that it's a lot of money to have with only

$300,000 committed this year. He suggested they need further conversation and he will vote no on this. Regarding affordable versus market rate, he noted that market rate is not affordable to most people that work on Cape Cod.

Mr. Howell commented that the Trust can decide what that mix is, it doesn't have to accept 80/20, that's a hostile 40B.

Mr. Powers noted that last week the Select Board placed an Article that reads; transfer from the Special Purpose Stabilization Fund for Affordable Housing to the General Fund. Specifically what he heard this evening was a request for those to be transferred from the Special Purpose Fund to the HAHT Fund. He suggested that what the Board may want to include is the change in title, placing that specific Article and the dollar amount as they were saying.

Mr. Handler noted that it is moved and seconded with the change in language.

Mr. Piekarski commented that he would like to see the vote of the CPC before he decides his vote and for that reason he will vote against tonight. He thinks that $1 million is more appropriate at this time.

Mr. Handler asked if the Board would want to continue with the vote with the potential that it may not move.

Mr. Powers noted that technically they have to vote.

Ms. Kavanagh asked Mr. Ballantine if he preferred that she removed her motion.

Mr. Ballantine replied that he has explained what the Trust is set up for, they are trying to get the funds to do that, they have what is called a Special Purpose Stabilization Fund because it was a intended to go to the HAHT. He commented that he has made his case and it doesn't make sense for him to stay in a fund that at this point, can't be transferred anywhere else anyway.

Mr. Powers noted that the comments from the previous speaker are incorrect. He stated that there were two funds that were set up, one for all matters Wastewater. One would argue that the only place we could go would be the Wastewater Operations Department and that's not the case. It supports anything to do with Wastewater. Similarly, this Special Purpose Fund was established for anything related to Affordable Housing, it was not specifically for the Trust itself. That was never in the motions or the Articles and the Town, the Select Board could contemplate in the future an Article that supports Affordable Housing. The request would be as the original Article read, that you'd be looking for a transfer from the Special Purpose to the General Fund and then the purpose would be whatever the Article got to. Mr. Powers noted that the value statement that Mr. Ballantine made is one he would not challenge and it stands on its own.

Mr. Howell noted that that was an excellent argument in support of aggregating the cell tower money so the Board could use it at the same time as funding this request because they'd have the money. As they look down the road, they're getting money from that lease and the Town could elect, through the Select Board, to sponsor a project that is not being sponsored by the HAHT and that money keeps rolling in every year because its a lease payment that's due. He commented that he is confident that the Board will be able to replenish its ability to spend money on affordable housing as well as the HAHT.

Ms. Kavanagh commented, that is why she thinks it is important to put it in the Trust's care because if something does come up, they have the ability to move forward. She feels the money belongs in the Trust's Stabilization Fund and that is where she would like to see it go. She stated that her motion stands.

Mr. Howell stated that his second stands.

Vote: 3:2 in favor by roll call vote. Motion carried.

Mr. Powers commented that this is an Article that has not yet been reviewed by counsel but it is straightforward forward and he is comfortable with the language. It is a request from the Historical District Historical Commission (HDHC) for funds to be made available for the purpose in the Article which will be explained by the next speaker.

Mary Maslowski, Chair of the HDHC apologized if information was not communicated correctly and explained the vote at the HDHC's last meeting. She noted that they originally had the intention of having the $25,000 specifically earmarked for structural engineering. The HDHC then changed that to be Administrative Funds so they could have funds for anything staff could not provide. The actual vote was to have the $25,000 for Administrative Funds.

Mr. Powers noted that under Article 4 there is a Department for Expenses for HDHC. He suggested that the Board could contemplate doing an Article for the purposes that the Commission is looking for or discuss it within the Operating Budget. There is a mechanism under Article 4 to add more funds. He added that it could be funded through Raise and Appropriate, this Article as a stand alone or Free Cash.

Mr. Howell noted that he also may have been misread. He had objected to the additional six months on the demo delay, not that he disagreed with it but that it didn't go afar enough. He commented that he is in support of both things, the HDHC operates without any tools and whatever information they get from people, the HDHC has to assume is true and a lot of people don't agree with that premise. He commented that he would rather see it go in the Budget, it won't be compromised at that point. If it's augmented by the $25,000, it's a one item. He added that at Town Meeting, they spend $60 million worth of expenses in about 30 seconds but if there is an Article for $25,000, it could be a half hour discussion.

Ms. Maslowski noted that it was started with the intention of looking at structural reports and she doesn't know how feasible it is for them to hire someone to do a full structural engineering report which is how the discussion morphed into the HDHC having a little more flexibility with that money to fund a better way to spend it and still support the projects that are before them. Regarding the 6 months, she stated for the record what what the HDHC has found, when talking about a demo delay By-law, as many probably know, they have looked at redoing that demo delay By-law as far back as 2020 when COVID hit. They had postponed a new draft on a couple of occasions, a couple of Town Meetings because of timing. She noted that the former Town Planner, Jon Idman had concerns about some of the sections. Adding 6 months to the demo delay was where the Board thought they could make some headway this time around. The thought process behind it is, because the demo delay is the only tool they have in their tool shed is, by giving them an extra 6 months, can put pressure on people to cooperate with the HDHC.

Mr. Powers noted that the demo delay is an upcoming discussion. He noted, from an Administrative aspect, there are problems with giving a dollar amount of that nature to a Committee, which he explained. Administration's recommendation is that the Town can procure structural analysis, vendors, etc. but compel the applicant to pay the cost. He also noted that the Town generally has funds for that type of work in Other Professional Services. Or they could add to the Budget He commented that they typically don't do that outside of Finance Committee which has a line item for Reserve Fund Transfers.

Ms. Maslowski noted that the issue came up with the church, the most the HDHC can do is a 12 month demo delay. People can wait them out and knock it down. The issue was, if the HDHC would do their own structural engineering report. She commented that she, as an individual, does not think it is practical for the HDHC to recommission another report at additional expense to the Town when they can look at the report they have and decide if its valid or not. She noted that members of the Board did not feel the church was ready for full demolition and voted against. She foresees them, in the future, asking for a second opinion from the Town Engineer.

Mr. Powers noted that there is a general concept of $25,000 for Administrative purposes and he argued that Administrative purposes should not be for a Committee. To the most recent example from the previous speaker, the Town was implicated in that process meaning, the Town was a party to the discussions. In that instance, when he was asked if the Town was going to pay for a structural analysis, the answer was no, not unless the Select Board directed him to procure that structural analysis. He noted that they had an Article that had an original purpose which is changing and they are now talking potentially about Administrative Budgets which would be most appropriate under Article 4.

Mr. Howell commented that nobody wants to create a piggy bank for every Town Board. He added that he would be reticent to make this into a bureaucratic endeavor, the folks closest to the decision making are the Committee itself. It's a regulatory body and should be able to recommend or not recommend whether or not they want to verify something. Mr. Howell commented that the point of Mass General Laws establishing Committees was that it wasn't enough to have a technocrat sitting in Town Hall say yes or no, it was based on citizen participation. He would like to keep it that way by allocating funds directly to the HDHC.

Ms. Maslowski explained that is it similar to what Ms. Flynn provides to Planning Board, when there is a good valid staff report that has been reviewed by staff, that gives the HDHC direction where they need it. The HDHC has those few opportunities where they may need an assist from time to time. She noted that Mr. Doane did make the suggestion as part of that original meeting with the Baptist Church in West Harwich and it morphed slightly by their next meeting.

Ms. Kavanagh commented that she thinks it's important that the HDHC has some funds set aside through whatever Budget line item. She also noted that it's important that whatever analysis is done, it is done on the HDHCs timeline. She feels the HDHC should be in charge of when that work gets done. She noted that she would be in favor of making that motion.

Mr. Powers noted that this has not been placed and it as not been vetted by counsel because its straight forward.

Matt Sutphin of Harwich commented that he is in support of funds being available for anybody to question the tearing down of a house. He commented that 18 months is not a long period of time and explained his reasons.

Mr. Howell noted a point of order. That is not what this Article is about, that is another discussion.

Mr. Howell moved to support the request of the HDHC for $25,000 for Administrative use in ascertaining the validity of requests and place it in the Budget for the use directly of the HDHC. Seconded by Ms. Kavanagh.

Mr. MacAskill noted that Select Board member included in the motion to put it in the Budget. He asked if it is going to be in Article 4, the Operating Budget.

Mr. Howell replied, yes, that is what the motion is.

Mr. MacAskill asked Ms. Maslowski how many times over the last 5 years, other than the Baptist Church, this has come up?

Ms. Maslowski replied that any time the HDHC voted a demo delay, which is half dozen the last two years, there was a structural report questioned by the members as being fully accurate.

Mr. MacAskill commented that this could go further than $25,000 if the HDHC is going to challenge all the reports.

Mr. Piekarski commented that conceptually he agrees with this. He is inclined to support putting this in the Budget but wants to see what the Budget looks like before he agrees to this. He commented that it is a tight Budget and everything has an impact.

Mr. Handler commented that he agreed with Mr. Piekarski. He is also for giving the HDHC more teeth but unsure how to do that. He gave an example using the church, of the HDHC getting another opinion that says the church should not be torn down and asked Ms. Maslowski what they can do other than imposing a 12 month demo delay.

Ms. Maslowski replied that the most the HDHC can do is the 12 month demo delay. The argument is for not necessarily commissioning a second, but to look at what is before them and see if it as above board as they would like it to be. The most they could do with the church was suggest that if there was a way to preserve the staple or front facade, they could come back to the Board and possibly remove the demo delay She gave another example where during a demo delay, the house involved was purchased and moved.

Mr. Handler asked if the HDHC would be seeking confirmation of what the applicant is giving them versus finding out the applicants information is not truthful and honest.

Ms. Maslowski explained that if she doesn't see what she needs to see in an engineering report, she would then request for an assist from staff , VHB or an architect.

Mr. Handler commented that he would prefer that the taxpayers don't pay for an outside opinion.

Ms. Maslowski responded that they are volunteers and there are times they need an assist with technical points.

Mr. Howell noted a major difference between the one project before the HDHC and other people's houses. He noted that the Town has based their contract requirements on certain things, including whether or not that building should be preserved and there is no way for the Town to ascertain whether it should be maintained or torn down unless there is a mechanism for the HDHC to challenge the order or engineering report they receive. The difference is that for a moment the Town will be in possession of that building and they need to be able to make an informed decision. The only way to do that is if somebody, such as the HDHC has the ability to stop the process and check things themselves. He noted it's not just public opinion but also whether or not they're in conformance with the Town's requirements.

Mr. Handler responded that in that case, he would support the Town being part of getting a second engineering report. For someone's residents, he would not support the Town paying for that.

Ms. Maslowski noted that their end result is still only the 12 month delay, hopefully 18 months after Town Meeting. There is value to having something done on behalf the Town and with the Town's best interest at the forefront.

Mr. Powers noted that none of what they have discussed is what would happen. He commented that they are talking about $25,000 to a Committee that does not have the authority or the ability to procure. He suggested that if the Board wants to add it to the Budget, it should be added somewhere that Administration has control over it. If the conversation is about augmenting the Operating Budget to add $25,000 for services to support the HDHC, that is one thing. The Board can give the money to the Committee under the Operating Budget but the Board cannot give them the ability to do procurement.

Ms. Kavanagh added for clarification that the Church is a different situation, it is a situation that HDHC finds themselves in because the Select Board made a decision, in an agreement, in a P&S with a certain type of structural report that specifically said the person had not been inside. In her opinion, this has been put on the HDHC. She noted that this is an unusual circumstance that involves the Town, it's not every time there is a demo delay before them.

Ms. Maslowski asked, if she sees something on an Agenda that is concerning, procedurally, is she reaching out to Administration staff to ask for an assist before the meeting?

Mr. Powers continued that they are talking about a $25,000 augmentation for administrative purposes for a Committee, a specific scenario which is not how the bureaucrats look at it. He noted that he is looking at the FY26 Budget having an additional $25,000 to support analyses for the Town that may benefit the HDHC however that $25,000 is not automatically a vendor, its not sitting on the shelf waiting. What they are talking about is Administrative expenses that relate to demolition delay.

Ms. Maslowski replied that it is more than demo delay. Mr. Doane is interested in the HDHC looking at a Preservation Award Annually for people.

Mr. Powers noted that there is a Petitioned Article that talks about the Historic Preservation Award. That wouldn't be an Administrative cost. It's a bigger problem if they're talking about $25,000 for Administrative cost and they can't define it. If the Board is looking to assist a Committee that does not have direct staff, there has to be a vendor. If the Board wants to keep it under HDHC, their stated goal of streamlining has been circumvented. If the Board as a majority wants to add $25,000 more to the Budget, the most sensible place to put it is under staff that does the Procurement.

Mr. Howell commented that there is a major logic problem with that. He noted his experiences and commented that no one ever gave him money to look to see if he wanted to spend it on a contract. He noted that it is driven by specs or by requests and the Board is not in a position to actually know what that request would be without the HDHC expressing that. If the Board puts the $25,000 in an Administrative area, he sees this becoming a bureaucratic thing where it would take months to come to an agreement between the Committee and an organization. He thinks the model is the HAHT who has the ability to not go through procurement. They do go through procurement but it is at their request. He suggested that the funding source should be with the HDHC and the request should be to the contracting office to do something to make that happen.

Ms. Maslowski noted that the Commission can't act except as an entire Commission at a meeting and they are not a contacting authority for the Town. From the practical standpoint, anything the HDHC asks to be done has to get funneled through Administration.

Mr. Howell commented that there is no way the contracting office can define what it is the HDHC wants to have happen so it has to start with the HDHC in the first place. The funding is vetted there and the HDHC knows it doesn't have the authority under 30B to be able to procure anything, He would still feel more comfortable with the money tethered to the HDHCs recommendation as the Housing Trust has.

Ms. Maslowski argued that as the Chair creating the Agenda, she can see if something is coming before the HDHC and they need more information. It is not different than what the Town Planner does for the Planning Board.

Mr. Howell responded that the HDHC would have to ask for that rather than being able to say, by vote of our Committee, we are not requesting an RFP because that is our position.

Ms. Maslowski noted the they wouldn't ever get to an RFP because its $25,000. She noted that the HDHC's ask would not rise to the level of a procurement.

Mr. Howell commented that there's a difference between the bureaucracy that's populating the offices in Town Hall day in and day out and the actual regulatory body that would need to take an action here. He commented that there is no way he can contemplate a contracting officer saying, I think I should put out something today for a demolition delay. That will never happen.

Ms. Maslowski disagreed and commented that subject to the opinion of counsel, as a Chair preparing the Agenda for a monthly meeting, she could ask for some advice from staff or an engineer that may have to go through Administration for that to get accomplished.

Mr. Howell commented that that is different from approval because if the money stays vested here, she would be asking for them to release some money for the HDHC. Mr. Howell stated that he is not changing the motion.

Ms. Kavanagh commented that she understands that it makes more sense to put it in the line item but in terms of dedicating the money, she asked if it was better secluded in its own Article.

Mr. Powers replied that there are pros and cons to both. This started in the format that Administration was aware of, we now understand that that has changed completely. He noted that they are using a nebulous term of Administrative Expenses and if it is not staff related, its procurement.

Ms. Kavanagh asked if the $25,000 can be dedicated under Community Development with an HDHC sub-line.

Mr. Powers replied, technically yes but it's under Community Development. He noted that he is the Contracting Officer.

Ms. Kavanagh commented that the cleanest way to put it forward is for Ms. Maslowski to be able to put in writing what the HDHC needs from Administration.

Ms. Maslowski noted that they aren't talking about $25,000 worth of procurement in the first place. It will be three quotes to have a few hours of somebody's time to look at a report and draft a memo. The HDHC feels they can fix a slight problem by having funds available to them.

Mr. Handler asked if they had a bank of funds.

Ms. Maslowski noted that she has been Chair since 2017 and she learned that they had money in an account when the HDHC paid for chairs in the small hearing room. They have money for advertising and publication.

Mr. Howell explained that if it goes in an Article and it's not spent, unless the Board sweeps it, it stays there. If it's in the Budget and doesn't get used, it goes to Free Cash the next year.

Mr. Powers stated that he would support those facts. He commented, not withstanding Administration's recommendation, if the Board is looking to put the $25,000 in a line item that the Town can rely upon with guidance from the HDHC, that would not be their nominal advertising line item.

Mr. Handler clarified that it is the HDHCs Budget for them, it is not in The Budget.

Mr. Howell withdrew his motion. Ms. Kavanagh withdrew her second.

Mr. Howell moved to place, accept and adopt an Article that would fund for the purposes outlined by the HDHC $25,000 relative to Administrative Expenses so-called. Seconded by Ms. Kavanagh.

Mr. MacAskill asked how the Conservation Commission deals with legal issues. Do they have their own budget or do they use an Administrative line item budget?

Mr. Powers replied that Conservation asks for legal services that have to be approved by Administration. The funding for that could come from Conservation and/or Administration. It still comes through Administration.

Mr. MacAskill commented that they are overcomplicating this.

Vote: 2:3 against by roll call vote with Mr. Piekarski, Mr. MacAskill and Mr. Handler voting against. The motion is rejected.

Mr. Powers noted that the next item was originally called G7 which is; Amend the General By-law Chapter 131 relative to demolition delay. It appears in the packet under Governance.

Ms. Maslowski noted that the HDHC has looked for years to make positive changes to the demo delay By-law. She explained that a 12 month delay is the maximum they can impose, does not give applicants incentive to work with the HDHC and falls into a contractor's regular permitting. The Board is hopeful that adding six months will provide more incentive for applicants to work with the HDHC on what is being replaced. She gave examples.The only other tool they have with the demo delay is the timeframe and the ability to remove that timeframe if applicants are willing to do something different with what it coming before the HDHC. Ms. Maslowski noted the successes they have had working with applicants.

Mr. Powers commented that the note in the Select Board's tracking sheet indicates that there was a vote to not place. If they are looking to place they would first have to reconsider.

Mr. Howell moved to reconsider the previous vote. Seconded by Ms. Kavanagh.

Vote: 4:1 in favor by roll call vote with Mr. MacAskill voting against. Motion carried.

Ms. Kavanagh moved to place, accept and adopt the General By-law Chapter 131 relative to demolition delay to change it to 18 months versus one year. Seconded by Mr. Howell.

Vote: 4:1 in favor by roll call vote with Mr. MacAskill voting against.

Mr. Powers noted that it will be shared with counsel and he doesn't expect any changes.

Mr. Powers noted that next is, Fund prior year's unpaid bills. This has not yet gone to counsel but staff has gotten information regarding unpaid bills left over from the prior fiscal year. There are 3 bills that need to be paid for from prior years and this will require a 9/10s vote.

Ms. Kavanagh moved to place, accept and adopt, fund prior years unpaid bills in the amount of $1,045. Seconded by Mr. Piekarski.

Mr. Piekarski asked why the Town is still buying the Globe.

Mr. Powers replied that it is to use the Globe for job advertisements or legal advertisements. He does not believe it is a subscription but he can do more research.

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

Mr. Powers noted that next is item F-15 which is, rescind Article 19 from the 2024 Annual Town Meeting. This request came from the Finance Director who'd been in consultation with the Board of Water/Wastewater Commissioners. Mr. Powers recommends the language which has been vetted by Finance but not yet by counsel. Administration supports the adoption of this Article.

Noreen Donoghue, Board of Water/Wastewater Commissioners requested a change in the amount stated in this Article, in the amount they would like to transfer from their retained earnings. The amount of $400,000 referenced in the explanation of this Article and in the next Article, should be changed to $600,000. She noted that the amount has been confirmed and an email had gone to Ed Spellman and Meggan Eldredge late that afternoon.

Mr. Powers stated that he had no objection.

Ms. Kavanagh moved to place, accept and adopt the rescinding of Article 19 as voted at the 2024 Annual Town Meeting. Seconded by Mr. Howell.

Mr. Piekarski noted that there is a subsequent Article to approve the $600,000.

Mr. Powers noted that the purpose of this Article F-15 is to rescind the borrowing. There is a companion Article that has not yet been finalized that will then be Retained Earnings for the purpose.

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

Ms. Donoghue explained that $600,000 is the amount the Commissioners would like to transfer from their Retained Earnings for painting the Pleasant Lake water tank.

Ms. Kavanagh moved to place, accept and adopt the transfer of funds from Wastewater Retained Earnings for the Pleasant Lake Avenue Water Tank Paining Project in the amount of $600,000. Seconded by Mr. Howell.

Mr. Piekarski asked how the request went from $1.2 million to $600,000.

Ms. Donoghue replied that by doing some investigation, they were able to find a method that was less costly than a traditional painting. She gave a brief history of the original quote and funding to date. This project will be bid in the spring and completed in the fall. She noted that any funds that aren't used will go back to the Enterprise Fund.

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

Mr. Powers noted that that is the conclusion of outstanding Financial Articles. Progressing to Governance, the last Article is the Annual Departmental Revolving Funds Authorizations. It has been placed by the Select Board but not yet reviewed by counsel.

Mr. Piekarski noted that the Select Board had requested a summary of what had been spent from these accounts over the last two years. He also requested the sources of the Revenue for these accounts.

Mr. Handler noted that the Select Board will be discussing 204 Sisson on March 17th, not all of the Revolving Funds.

Mr. Powers replied that the meeting on the 17th could include all Revolving Funds, he will discuss it with the Finance Director.

Mr. Howell referred to the membership fees for the Golf Course and that the Revolving Fund for the Golf Course is for the Pro Shop. He asked if the golf infrastructure fund had ever been a Revolving Fund. He understood it to be a Special Purpose Fund in the Budget.

Mr. Powers replied that it has always been there and his earlier recommendation was to take it off. The second one listed has been there since its inception. He noted that it does not meet the definition of a strict Revolving Fund under the statute. That would be a different Article.

Mr. Howell questioned why they would keep this Article, the Revolving Fund needs money going into it, the membership fees go into a Special Purpose Fund. He is unsure what they would use this for and he would like legal counsel to look into excising that from the entire discussion.

Mr. Powers replied that he has had that conversation with legal and with finance. He has no issue about creating an amendment Article that would strike that. What they have now is an annual requirement to set the spending authorization limits.

Mr. Howell commented that a Revolving Fund revolves, there is income going into it and expenses coming out of it and he is unsure what the Infrastructure Fund would be fueled by.

Mr. Handler noted Mr. Piekarski questions, how are they funded and what are the expenses of each one?

Mr. Howell commented that he has never seen funds going in or coming out and doesn't see the point of listing it in a recap.

Mr. Powers responded that the Select Board has had this Revolving Fund chart for several years.

Mr. Handler suggested to Mr. Powers that they remove it and free up $140,000. Mr. Handler noted that the petitioned Articles are included in the discussion as they are automatically placed. The Board could accept and adopt, or give an opinion.

Mr. Handler noted that the first is Petition Article regarding the application of fertilizer.

Mr. Howell asked for clarification if the Board can move to accept and adopt and then reject.

Mr. Powers replied that the Petitioned Articles are, automatically placed. The question is whether or not the Board is recommending acceptance and adoption of the Article. He noted that they could contemplate a Select Board vote that says to reject, not support or indefinitely postpone. The Board is not bound by accepting and adopting.

Mr. Howell moved not to support the Petition Article for application of fertilizer. Seconded by Mr. MacAskill.

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

Mr. MacAskill moved to not accept and adopt the Petitioned Article for Home Rule pesticides. Seconded by Mr. Piekarski.

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

Mr. Howell moved to accept and adopt the Proposed Article for the Charter Commission at an estimated cost of $125,000. Seconded by Ms. Kavanagh.

Mr. Piekarski asked where the extra $50,000 is coming from.

Mr. Handler noted that when the petitioner was before the Board, she mentioned a fund that has $75,000. He believes the petitioner's explanation was that this request is really only $50,000.

Mr. Howell noted that the petitioner is asking for $125,000 and the motion would have to identify from what source.

Mr. Handler commented that he is unsure of what happens to the $75,000 if $50,000 goes to this.

Mr. MacAskill commented that the $50,000 is a prior Article and unless the Board brings it forward to reappropriate, it doesn't exist. The petitioner suggested that it is money that may be available. This is an ask of $125,000 from Town Meeting.

Ms. Kavanagh removed her second to get more information.

Mr. Handler noted that there is a motion with no second.

Mr. Piekarski suggested that the Board have another discussion on this. The Article is moving forward and he would like a better understanding of where the money is coming from. He understands the petitioner's thoughts on the $75,000 but doesn't understand the rest of the funding source.

Mr. MacAskill noted that there is no funding source or any understanding to the Select Board or the Town of what the $125,000 would be used for. The process could take 1-2 years and there has been no demonstration that they need any money yet. He commented that he is inclined to reject this and let it be argued at Town Meeting with an amendment to Article 4 and let Town Meeting decide if they want to add $125,000 to Article 4.

Mr. Howell disagreed noting that it is difficult enough talking about the Budget, without having to add amendments, on Town meeting floor. Mr. Howell commented that the fact that there is even a Charter Commission petition on the ballot means that there are nearly 2,000 people who are clearly not exactly endorsing the way the government has been operating. The Commission has the right to ask for this money. He noted that there was an assistance the last time there was a Commission. The mechanism for money is not amending the general Budget on Town Meeting floor in real time.

Mr. MacAskill noted in response to Mr. Howell's comment about nearly 2000 people, no one knows, and will not know until Town Meeting floor, what they were presented with. He commented that people signed because they were tired of being harassed. He noted to Mr. Howell that nearly 2000 people, is not exactly true. People are only endorsing this because Mr. Howell's friend has pushed this Article.

Mr. Piekarski noted as a point of clarification, as presented by the Town Clerk, with or without appropriation the sum of $5,000 needs to be allocated to the Charter Commission within 20 days of the election, should it pass. He would prefer the funding source be identified incase this passes the election.

Mr. Handler noted that there is no motion.

Mr. MacAskill commented that he would like to understand how they will get from required $5,000 to $125,000 ask when they couldn't get any professional service to say there was anything wrong with the Charter.

Mr. Handler noted that next is, Rescind Article 2 from the 2022 Special Town Meeting. Legal has chosen to not opine on this at this point because it is in Executive Session.

Mr. Piekarski moved to not support, place or recommend Petition Article to Rescind Article 2 from the 2022 Special Town Meeting.

Mr. Powers gave an explanation of the Petition.

Seconded by Mr. MacAskill.

Mr. Howell commented that he is unsure if this is legal because of counsel's opinion. He feels there needs to be pressure in this area because it's the West Harwich Baptist Church. He knows that if passed, it doesn't have any real effect but he is not supporting the rejection outright.

Mr. MacAskill noted that the Town negotiated in good faith, this is an ask, Town counsel won't weigh in, its going through its course anyway and a discussion about political pressure should never play into a legally binding agreement.

Ms. Kavanagh noted that she understands legal's opinion but she is the one who said it was a non-responsive bid to the RFP and she thinks an open discussion at Town Meeting is warranted.

Vote: 3:2 in favor by roll call vote with Mr. Howell and Ms. Kavanagh voting against. Motion carried.

Mr. Handler noted that next is, Petition Article; Accept funds for Great Sand Lakes sewer extension.

Mr. MacAskill corrected a statement made during Public Comment/ Announcement. The statement was that the Select Board voted no to putting this on the Warrant. The Board did not vote to take any action and may have voted no at that point pending further information. He noted that GHD will be coming before the Board to answer the Board's questions to formalize the project and understand the cost of the project before they vote to put it on a Town Meeting Warrant. He asked if he is correct.

Mr. Handler responded yes but with respect to the Article that the Town will be putting forward, not to this Petitioned Article.

Mr. MacAskill moved to reject the Petition Article relating to Great Sand Lakes. Seconded by Mr. Piekarski.

Mr. Howell noted that the draft Intended Use Plan (IUP), goes to the State for review to then be put on a draft IUP. The Town has to make a formal request and the second Article should be for the Town to request a borrowing or other mechanism to be able to go forward. This Article does not say that the Board is not supporting from this point forward, it's just not the right mechanism. He emphasized that the Board needs an Article to replace the petition.

Mr. Handler agreed that he would like to see the Board's Article move forward to Town Meeting. He stated that what is important to him is that the voters all over Harwich, have all the necessary information, prior to their vote for potentially $31 million. He is interested in the full transparency of exactly what the Board's Article, if accepted and adopted, all means.

Mr. Powers noted that counsel has said that this Article as written, if adopted, does not compel the Town to do anything. The Town had, under F-17 the required language, which the Board voted last week to not place and will have to vote to reconsider. That is the mechanism by which the Town would do the project.

Mr. MacAskill referred to the comment referring to the project costing $31 million. They don't know what this project will cost the taxpayers and it is unknown if Chatham will accept said wastewater to Chatham. He noted a question to GHD; Is this going to actually clean up the ponds? He commented that this will stop what is going into the ponds but cleaning up the ponds will be a separate cost.

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

Mr. Handler noted that the next Petition is to hire a tree warden.

Mr. MacAskill moved to reject the Petitioned Article to hire a tree warden. Seconded by Mr. Piekarski.

Mr. MacAskill argued that it is a Budget item in a year that every line item matters, the DPW Director does an excellent job and when he needs an arborist he hires one. Arguments made by the petitioner are one sided with no basis of facts.

Mr. Piekarski added that counsel opined that this is non-binding.

Vote: 3:2 in favor by roll call vote with Mr. Howell and Ms. Kavanagh voting against. Motion carried.

Mr. Handler noted that next is the tree preservation By-law.

Mr. Piekarski moved to reject the Petition Article tree preservation By-law. Seconded by Mr. MacAskill.

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

Mr. Handler noted that he does not have the Ban the Ban and asked that it be brought back next week.

Mr. Powers noted that they are waiting to get language from the petitioner on P-8, Ban the Ban. He was unsure of the status on P-9. He noted that there will be a number of Articles coming to the Board next week for adoption. The goal is for them to go before the Board and then to the Finance Committee for their recommendations and to finalize the Warrant within the month of March.

Mr. Handler commented that he thinks the Board will have to modify the Article regarding electronic voting at Town Meeting to determine if they are looking for leasing or purchasing. He asked how it would be presented.

Mr. Powers described the different ways the Article could be presented and suggested that the Board could give him guidance now.

Mr. Piekarski liked the option to see if Town Meeting approves the use of Electronic voting at Town Meeting and authorizes the appropriation for acquisition.

All other Board members greed with that option.

Mr. Powers commented that next week, the Board will get other Articles which he noted. He also asked how the Board would like the numbering to occur in the Warrant, noting what they have done in the past.

Mr. MacAskil noted that he liked the Town Administrator's approach last year of chronological.

Mr. Howell commented that anything fundamental that is a Petition Article shouldn't be spread out. He advocated to have those Articles early in the Meeting when the most people are at the meeting.

Ms. Kavanagh commented that she thought it worked well last year and she is okay with the Petition Articles in the first half of the meeting.

Mr. Piekarski suggested that Mr. Powers bring back a recommendation next week for the Board.

Mr. MacAskill explained why last week, he had expressed opposition to accepting and adopting elected officials' salaries. He asked if there was a reason they couldn't accept and adopt tonight with last year's number with the understanding that that is what they are looking at.

Mr. Powers commented that the Article for elected officials' salaries will reflect the appropriate number for FY26 which is the equivalent of the By-law table. He will bring it back next week.

Mr. Handler noted that whatever is not in the packet will be brought back next week. He noted that the directive is for the Town Administrator to bring back a recommendation on Article placement next week.

B. Update from the Town Clerk & Town Moderator on a 2025 Annual Town Meeting Article for voting clickers

Michael Ford, Town Moderator noted that last year, at the Annual Town Meeting, under Article 50 to raise and appropriate or transfer from available funds, money to provide the option of electronic voting, the Town Meeting took this action: That the Town Meeting vote to direct the Town Moderator and the Town Clerk to investigate the feasibility of using electronic voting at Town Meeting and present their findings, including any draft Articles, to the Select Board and the Finance Committee prior to the next Annual Town Meeting.
Mr. Ford noted that he and Town Clerk Mitchell have done some investigation. He has been in contact with the Town Moderators of the towns of Orleans and Chatham who both have electronic voting. He noted that Ms. Mitchell has been in touch with the Town Clerks of those towns. Mr. Ford noted that his intention is to report what they have heard, what their findings are and make a recommendation that the Article appear in the Warrant again so the voters can vote it up or down this time. He commented that he believes they have enough information although they need to meet with the Finance Committee and give them a similar presentation. They have a number that can go in the motion that would get them through next May's Town Meeting. Mr. Ford reviewed his conversations with the two Moderators noting that Orleans has had electronic voting since 2021. He described the circumstances of the first meeting during COVID and that there was a quick lesson before the meeting on how to use the clickers. He noted how many people attended and that somehow it all worked. He commented that the clickers were an immense help. Taking a standing count in a parking lot would have been logistically difficult if not impossible. He explained how people talked at the meeting, there were runners with microphones and the lot was split into sections. Mr Ford commented that he does not think, logistically, that they could have pulled off that Town Meeting without electronic voting. He noted that Orleans has used electronic voting ever since then. He explained that the clickers are not used on every Article, but on Articles where the Moderator perceives that there is going to be a problem being able to call an oral vote. He added that the electronic voting can be used on every Article. It is more difficult to use the electronic voting if the Article can be called because of the time involved in electronic voting. In an oral vote the Moderator can dispose of the yays and nays and move on. He suggested that the way to expedite Town Meeting with electronic voting is to use it judiciously which is how Town Moderator Little has done it since Orleans started using clickers. He noted that on standing votes, the way Mr. Little has done it, saves a lot of time. Mr. Ford noted what borrowing Articles require and commented on how it has been a huge time saver for Orleans at large meetings. Mr. Ford noted that he also spoke with Mr. Litchfield, Town Moderator in Chatham where they have had electronic voting for four years. He commented that Mr. Litchfield feels it is an extremely useful tool to expedite the meeting, especially at large meetings. He uses the electronic voting 50-60% of the time and uses it when he feels he won't be able to call the question. Mr. Ford noted that neither Town, in their By-law nor their vote, requires the Moderator to use it on any Article, it is the Moderator's call as to when to use it. Both Towns use it rather than taking a standing count. He noted that Mr. Litchfield also commented that it is a very accurate count. Mr. Ford noted that another benefit to

having electronic voting is to give a level of privacy to the voters. He has heard that some people are not used to standing up and having other people see how they are voting. Mr. Ford noted that many people, who are not used to a standing vote, have come to Harwich in the last ten years and the Town wants them to participate in our government. He feels that electronic voting is a way to make them feel more comfortable voting. He feels the electronic voting should be put before the voters, give them an opportunity to vote it and give the Town officials direction as to how it should be done. He noted that Ms. Mitchell got into the more technical aspects about costs.

Emily Mitchell, Town Clerk noted that she had done a deep dive on cost. She noted the two vendors who are leading the way with electronic voting at Town Meeting type events, Meridia and Option Technologies. She reached out to both for preliminary quotes. An overview of the information they provided is in the Board's packet. She noted that both vendors offer both a purchase model and a rental model and she explained each in detail. Ms. Mitchell noted that Harwich has a one person IT Department and a small staffed Harwich Channel Department. She and Mr. Ford agreed that in this preliminary stage, they do not think it would be possible for existing Town Departments and Town Staff to take on the additional responsibility of programming and running the click counts during the meeting. She noted that she and Mr. Ford did factor in the cost for the staff support provided by the vendor, in their cost assessment. Ms. Mitchell noted that the vendors are comparable in their cost, both for purchase and for rental. If the Town is interested in purchasing clickers, Harwich would use an 800 clicker size to account for an Annual Town Meeting attendance plus a few extra. She noted that the cost to purchase those clickers, for both vendors, was just over $31,000. Additional clickers can be purchased or rented for an individual meeting. The staff support to be provided by the vendor for a two night Annual Town Meeting, would cost approximately $8,000, $4,000 per night. She noted incidental costs related to overflow capacity which both vendors can provide but the cost would have to be determined further in the process. Ms. Mitchell also noted that there would be an increase cost to election worker staffing which she explained.

Mr. Ford commented that Orleans rents their clickers and Chatham purchased theirs. Chatham rented additional clickers for a large meeting. Orleans has rented since the first meeting at the beach parking lot. The outside staff comes in each time and Orleans' IT staff doesn't handle it. He also explained how Orleans handles an over flow situation. Mr. Ford noted that Chatham's IT Department handles the Electronic Voting but Orleans doesn't have that staff so the rental model has worked well for them. Mr. Ford noted that it cost $25,000 to $35,000 per year for Orleans to do Town Meetings.

Mr. Handler thanked Mr. Ford and Ms. Mitchell for the presentation. He asked Ms. Mitchell to explain the grid included in the packet showing the amount of times there was a counted vote versus a voice vote.

Ms. Mitchell explained that they did a look back over the last five years of Town Meetings in Harwich, both Annual and Special, to see how many votes were called by voice and if it varied as to the simple, 2/3rds majority or high quantum votes. They then noted how many votes were taken by standing count and explained how they were broken down. She noted that the per-event breakdown for the last five years showed the counted votes weren't as high in terms of the number percentage of votes taken at the event. If they were to just base use of the clickers as a direct comparison to voice versus counters votes from prior meetings, there are anywhere from zero to six votes, 65 to 70 total votes taken at a meeting. She commented that if the clickers were in place, the breakdown may look a bit different.

Mr. Handler commented for the public, that following that model, in 2024 they would have used the clickers twice, $8,000 a click. In 2023 there were 6 and in 2022 there were no standing votes so the clickers would not have been used.

Mr. Ford commented that five years ago the Legislature amended the borrowing statute on all votes that required a two thirds vote under the law and allowed the Moderator to be able to call a two thirds vote. Prior to that, if there was any opposition, by law there had to be a count. He noted that the Moderator has more flexibility now and he feels that change has decreased the number of standing counts. He noted that another thing that necessitates a standing count in Harwich is that the quantum of vote to move the questions and terminate debate, was raised from 2/3 to 3/4 in Harwich. He noted that the Moderator can't call that orally. Unless, by gentle coaxing, the Moderator can get people to vote unanimously or be quiet on the other side, you can't call it. He noted that in 2023, there were four standing counts just to move the question. Mr. Ford stated that their joint recommendation is that, based on discussions and investigation, they encourage the Select Board to put it in the Warrant and let the voters at Town Meeting give direction as to how they would like to proceed.

Mr. Handler asked for questions from the public.

Christina Wiseman asked the cost to rent the clickers.

Ms. Mitchell replied that one vendor gave a specific cost, the other said they would quote per meeting. The specific cost was $10.00 per clicker, per meeting. An 800 count would be $8,000 for the clickers plus the cost for staff support.

Mr. Handler noted that if they needed additional clickers, they could be rented.

Patrick Otton put the cost of the clickers in perspective, compared it to the Town Budget and noted a ratio $60.00 to 3 cents for this purchase.

Mr. Howell commented that sending this to Town Meeting would get him past his thought. He noted that part of the discussion wasn't about facilitating it being quicker, part of it had to do with what would be the outcome on certain major things such as the Budget if it was done with a clicker versus not a clicker. Mr. Howell asked, given the fact that these are electronic, and given the fact that 15 years ago everybody was operating on Windows 7, Ring Doorbells didn't exist and a lot of things that have changed in 15 years, what is the life cycle of the clickers and whether or not it would even be possible to augment the purchased ones with the new ones to the extent they were operating under a completely different design or software. He commented that he is leaning toward renting.

Ms. Mitchell replied that they did ask about warranty and anticipated life span. They did not ask how the system adjusts.

Mr. Howell commented that he is interested in how many times they have turned over their operating platform.

Ms. Mitchell replied that she would imagine that would be part of a longer conversation or when they get to an RFP (Request for Proposal) process and the type of negotiation and conversation.

Ms. Kavanagh thanked Ms. Mitchell and Mr. Ford for putting the information together and commented that if they were to go forward, leasing makes more sense based on the Town's IT Department's size etc. She also thinks it would be interesting to try it because if they are overall able to reduce the time for Town Meeting, they may get more people participating. She commented that she likes the idea.

Mr. Piekarski noted that Mr. Ford had said that folks can challenge the Moderator when he says he declares a vote. He asked if people could force him or ask him to use the clickers.

Mr. Ford replied that challenge is not available when the question is divided, in other words, taking a standing count or an electronic count, the statute doesn't apply to that. It isn't a right, it would be at the Moderator's discretion to do it at that point.

Mr. Piekarski asked, if they did a standing count even though they have the clickers and somebody wanted to challenge that, could they challenge?

Mr. Ford replied that he cannot see them doing a standing count if they had the clickers. But, they would not be able to challenge.

Mr. Piekarski asked if within the cost of the first year to purchase or rent the clickers, the first meeting would be included in the purchase cost.

Ms. Mitchell replied that it does say that for the purchase. She is unsure if the vendor would include free staff support if the clickers were rented. Ms. Mitchell noted that you can pay for staff support with a purchase and with the rentals.

Mr. Ford noted that Orleans has staff support for every Town Meeting and they had a pre-town Meeting for anyone who wanted to learn how to use clickers.

Mr. Handler commented that he would like to see this move to the Warrant to let voters decide. He noted that Ms. Mitchell and Mr. Ford gave them the education they need to make an informed vote. He thanked them for their time and all their work.

Mr. Ford noted that they will be making a similar stop with the Finance Committee.

C. Discussion on Article numbering for the Annual Town Meeting Warrant

Mr. Handler noted that the directive is for the Town Administrator to bring back a recommendation on Article placement next week.

IX. NEW BUSINESS

A. Approve a Change of Manager Application for BLM Restaurant Group, Inc. d/b/a Lanyard Bar & Grill, 429 Route 28. New Manager: Erin Kelley

Mr. Piekarski moved to Approve a Change of Manager Application for BLM Restaurant Group, Inc. d/b/a Lanyard Bar & Grill, 429 Route 28. New Manager: Erin Kelley. Seconded by Mr. Howell.

Mr. Handler noted that the Police Department has not objection to the liquor license change of management to M. Kelley.

Mr. Powers noted that no staff has issues, staff recommends.

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

X. OLD BUSINESS

A. Discussion on property modification at 23 Walther Road, South Harwich

Mr. Handler noted that the Board has requested that legal counsel weigh in and the opinion is in the packet. He commented that the Board needs to decide whether or not they would support the reinstallation of stairs.

Mr. MacAskill moved to support the reinstallation of stairs. Seconded by Mr. Piekarski.

Mr. Piekarski noted that the property was donated for passive recreation purposes, he explained why he disagreed with counsel's opinion and that he would support moving forward with this tonight.

Ms. Kavanagh commented that it belongs in front of Conservation, that is who has jurisdiction.

Mr. Howell agreed with Ms. Kavanagh's statement and gave his reasons.

Richard Waystack commented that within counsel's opinion is one pertinent fact and noted a history of the stairs. He asked the Board to go and look at Neil Road and the 100 feet of recently replaced seawall. Because of that seawall, the conditions of the coastal bank are immaterial. He suggested that the stairs have been replaced in the past and should be replaced again.

Mr. MacAskill noted that the Board has received many responses in favor of replacing the stairs. He asked who will pay for the stairs and out of what budget. Also who would be the applicant to the Conservation Commission noting that the Select Board can support but cannot order the Conservation Commission to do anything.

Matt Sutphin of Harwich distributed his script to Board members. He noted his passion for the land and Josephine Jenkins who he described. He read from the deed of the property she donated; That the bath house presently situated on the property be removed by the Town and that the property will forever be kept open and free of all structures of a permanent or temporary nature except for a bicycle parking rack. He noted that it was accepted by the Harwich Select Board in 1986. He commented that it is straight language and that the Select Board at the time gave Josephine Jenkins what she expected. He noted what the Town did to removed the stairs or build the bike rack. Mr. Sutphin read his statement: Mr. Chair, members of the Board, three or four months ago I listened to Selectman MacSkill rail against KP Law's opinion. The opinion rendered by KP Law, later endorsed by ConsCom did not support a rebuild of stairs at the beach at 23 Walther Road. Two weeks ago there was an attempt at a vote on this matter, the vote was split 2:2 with the Chairman postponing his vote pending his additional inquiry, presumably with ConsCom and legal. Tonight, buried on page 93 of the Agenda packet, coming out of nowhere, is a second opinion about the stairway. It is not Ms. Kwesell's re-evaluation of her original opinion as she states in it. Ms. Kwesell is not the original lawyer opining on the Walther Road property. it is rather an attempt to align with certain Board sentiment. How did this happen? Ms. Kwesell spent a good deal of time in her "second opinion" opining on the 30 year rule. For those who do not know, sometime back the State, as a matter of public policy, extinguished certain conditions and reservations in private contracts, such as the word forever. I know much of this as I have been hurt in the past by the 30 year rule. Ms. Kwesell then expounds on how the public is served by a public charitable trust. A public trust serves property handed over to a town rather than remaining in private hands. She goes at some length to support Josephine Jenkins' intentions in her deed to the Town. The word forever is not extinguished under a public charitable trust, thus the property has no time constraints. Yet amazingly, siting particular reservations in the deed of a gift to the Town, Ms. Kwesell comes up with what can be called a neither fish nor fowl position, a cut the baby in half conclusion. She clearly wants to confuse the issue before us by introducing the question of reservations within the public charitable trust. So what's up with this? Apparently it is an attempt to conflate two separate legal notions for the benefit of those not satisfied with the original opinion. The killer proclamation in Ms. Kwesell's opinion however, can be found in the last paragraph where she brings the 30 year rule inside the public charitable trust. Ms. Kwesell states that Josephine Jenkins did not expressly require the Town to remove the stairs as well as the boat house. So it can be argued that the stairs were contemplated as necessary and therefore can be replaced. Anything can be argued with could, should and woulds. Better the facts found in the deed. Mr. Sutphin's closing remark relates to the Harwich Board of Selectmen's policy development document in the Board's Agenda packet. The donor expressly prohibited any and all such structures, permanent and temporary with exception of a bike rack. Signed KP Law. He commented, if gifts are accepted by the Town of Harwich, then honor the gifts along with the expectation of the donor that they be honored. The Town owes Josephine Jenkins a bike rack.

Ms. Kavanagh stated for the public record, she has no problem with the stairs going back or not but she does want to acknowledge the gift. The gift was to the entire Town and ultimately, if the stairs are going to go back per Conservation and they at least attempt help protect the bank than that is what should happen to honor the gift. The gift was to the entire Town and she doesn't want to send a message that the Town will take your gift but do what they want with the gift in the end. She noted that she is not an attorney and she would not want to draft a deed of her own to protect my gift and have other people read into the deed. Her stand is that the attorneys are looking at and assessing that deed and she thinks its important that they remember that it is a gift to the entire Town of Harwich and this Board should be looking at it as such. There is a coastal bank and she understands private property rights. She wants people to know that if they are kind enough and generous enough to give the Town a gift, the Town should respect that gift. She commented that she hopes that Conservation can come to some conclusion that makes everybody happy.

Mr. Howell asked if what they are doing now sends it back to Conservation or not?

Mr. Handler responded that if the Board votes in favor to support, the Town will file an NOI with ConCom to do what anybody else would have to do in a situation where Conservation has the jurisdiction. The answer is yes.

Mr. Powers noted that NOI is Notice of Intent.

Mr. St. Thomas (first name inaudible) of 22 Walther Road noted that he was in residence in 1991 when hurricane Bob knocked the stairs down and the Town replaced the stairs right away. He commented that Mrs. Jenkins didn't say to remove the stairs, she said to remove the bath house that was on the property. He noted that wouldn't make sense to give the property with a deed that goes to the waters of Nantucket Sound for them require that the stairs not be replaced. He thinks a fair reading of the intent is that the stairs were part of the property and access to the beach was an important part of Mrs. Jenkins' charitable gift was making it for recreation for all the people in town. He noted that a lot of people in the area rely on the stairs, to be safe and protect the dune, the stairs are needed. He encouraged the Town to move ahead and preserve the dune and the safety of the use of it.

Mr. Sutphin commented that what was just heard is incorrect. The cabana that was on the property was attached to the stairs and the deed says all structures which would include the stairs.

Mr. Piekarski commented that he appreciated Mr. Sutphin's passion for this and he understands his interpretation of the deed. Mr. Piekarski noted that he has a different interpretation, Ms. Jenkins isn't here to clarify and those stairs were there until a year or two ago and that he is voting to move forward to replace the stairs.

Mr. Howell asked if there is anywhere in the roadways that is currently designated as no parking.

Bernadette Waystack noted that the street is half a mile long and it means that, unless you are able to walk or ride a bike, it is somewhat limited. But it is a Town beach and meant to be there for all the Town to enjoy.

Mr. Howell noted that if there are stairs, they are for everyone.

Mr. MacAskill asked if they were talking about four stairs.

Mr. Handler replied that he think its 10-12.

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

B. Review of Draft Housing Production Plan

Mr. Howell noted that it is listed as a final draft and it is not.

Christine Flynn, Director of Planning and Community Development and Joyce McIntyre, Chair of the Local Planning Committee were present.

Mr. MacAskill thanked Ms. McIntyre, Ms. Flynn and the entire Committee for taking the time to listen to his concerns. Mr. MacAskill commented that he thinks they have nailed it and expressed his thanks to them for reaching out to the public and how many people they have engaged. He had sent a list of a few last concerns, one being a correction on the tax rate.

Ms. Flynn noted that she had received confirmation from the Town Administrator that the tax rate is $5.91.

Mr. MacAskill asked if there would be a vote based on amendments or if they would be coming back with a final-final to vote. Mr. MacAskill continued with his second concern and read #218. He commented that in his mind, that statement needs to be removed noting that they work with everybody, not just with who they have worked with in the past. He thinks it should read, any and all developers who want to work with mixed income housing in line with local needs.

Ms. Flynn responded that they agree with that and she recommended striking area nonprofits noting the intent of the wording.

Mr. MacAskill replied that, any and all, is a broad definition and if they are willing to change that, he would support it 100%. He continued to #247 which he read and suggested what should be removed and why. He noted that the Select Board can change the Charge of any Board any time and revise the Housing Committee's Charge however they cannot change Trust documents.

Ms. Flynn responded that she has no objection to removing what was suggested and noted the intention of the wording.

Mr. MacAskill noted that the Housing Trust was voted at Town Meeting and there is no dispute of what the Housing Committee's Charge is. There is no conversation about merging the Housing Committee with the Housing Trust.

Mr. Handler stated for the record that he would support removing that wording.

Mr. Howell noted that the Board had that discussion in the past and decided not to merge them, they are disparate. The Housing Committee is advisory to the Board including all projects which may include 120% AMI and the Trust cannot do that.

Mr. MacAskill referred to #308 and asked for an explanation of the term cluster housing.

Ms. Flynn replied that the Town has an Open Space Cluster Housing By-law. The intention of cluster housing is to utilize land in subdivision development projects more efficiently to preserve open space and position the developed building envelopes in a way that its not eating up all of the open space. Some communities have incentivized adding some type of housing restriction within open space and housing cluster developments.

Mr. Howell commented that the intention of the By-law was to make everything more compact in order to aggregate green space and this is a new use of that. He commented that he would be more comfortable if this was the LCP (Local Comprehensive Plan) because the county will look at development of regional impact and hold the Town to what they're saying. He suggested language that says they will explore would be sufficient.

Ms. Flynn replied that they would refine that to consider inclusionary zoning options for open space or cluster development.

Ms. Kavanagh noted that they have some new hosing laws and that they will have to be referenced because that also includes some tiny housing. She asked if that was accurate.

Ms. Flynn replied that there are notes in the document that highlight what the Governor has recently advocated.

Mr. Howell commented that he had discussed the aggregate with Ms. Flynn. He commented that there were three and he was explicit. Mr. Howell noted that the Town has spent a lot of money on something that doesn't actually get them anywhere other than the State approving the HPP (Housing Production Plan) which is not a deliverable plan. He noted that he is inclined to support it but these three things should have had been included. He noted #1-prioritize scattered site housing and infill development close to services and transportation as the Town has successfully done for over 40 years. He noted what they had before smart growth. His concern is that this Administration seems to feel like, let's just approve 300 or 400 unit houses and call it a day. He commented that that is not a plan for Cape Cod. He noted that the Town should continue to do what they have been successful in doing. He does not want to see one village taking the hit for the whole Town. HJe noted the exception of the Marceline property and that it was done because of where it was. If something with density can't be built there, it couldn't be built anywhere, ever. #2 - Mr. Howell noted regarding Wastewater, his idea had to do with infrastructure in general. He read, in noting the importance of minimizing the impacts on the Town's infrastructure, particularly road but also water and wastewater, the Town is committed to identifying infrastructure deficiencies and making changes as appropriate. Mr. Howell noted that when they do projects, they can get grants for road improvements that they cannot otherwise secure and it needs to be on a case by case basis. He commented that he would hate for the infrastructure to be the constricting narrative that, we would love to but. #3- The State funding is skewed towards large scale rental housing for 40, 50, 80, 100 units. He commented that it doesn't have to be in the plans but that the game is rigged. He noted that Harwich had a HPP early in the game that was not like this, that the State has rigged it as State mandated affordable housing, they supply a template to be filled in by the Town.

Ms. Flynn replied that they are working with the consultant to incorporate those last comments. She had spoken with Karen Sunnarborg regarding the funding aspect and they agreed that the State funding for large rental housing skews to larger development projects. They are working language to address that better.

Mr. Howell commented that there are a lot of decisions being made now based on what the Executive Office, liberal communities or whatever is in the middle of that has rigged. You can't get that money or HUD (Department of Housing and Urban Development) money unless its for 80-100 units and its based on all Cape towns having to respond to something that may or may not destroy the character of their communities.

Ms. Flynn noted that the State had several funding programs , community housing initiatives to scale for smaller communities which she described. She noted that a lot of that funding is no longer available which makes it more challenging to do smaller scale developments.

Mr. Howell commented that he didn't expect the Plan to change, he noted the information for the discussion.

Ms. Flynn noted that there are disadvantages for rural and seasonal communities.

Mr. Howell noted that Ms. Flynn will need time to incorporate his suggestions because she hadn't gotten the language.

Ms. McIntyre commented that she appreciated Mr. Howell's comments and noted that there are sentences over and over again in the HHP regarding repurposing structures, village character, integrating housing into the community and not one village. She commented that she and the community agree with him, Ms. Flynn may get to the four words he is looking for but the ideas are there.

Mr. Howell noted that he parsed the language because there is a difference between infill and scatter site. He noted what they had done successfully in the past.

Mr. Handler asked if they can expect the final next week.

Ms. Flynn replied yes.

Mr. MacAskill noted that he is in 100% agreement with Mr. Howell's comments and wording that he suggested. He noted the value of Mr. Howell's input. Mr. MacAskill commented that solving to 10% is a mistake and seen in a project recently delivered to the Town as well as the cost to the Town. He suggested that they need to identify the projects that are in play and what the percentage may be and the projects that have fallen off the SHI (Subsidized Housing Inventory) list that are in current negotiations because they matter. He noted what the 1969 40B laws were written for, which had nothing to do with the Cape. He suggested that they need to identify in writing as a sentiment of the Board, what they see Harwich as, what's dropped off, what's come on and where Harwich is in percentage and explain that to the State. He noted that the HAHT is doing an amazing job and Harwich is moving forward to the 10% and if it's getting done to the non detriment of Harwich, that is what they should advocate for. Mr. MacAskill stated that he endorses Mr. Howell's comments and would like to incorporate them. He added what he wants to see the section related to the SHI list show. Where the Town is actually at versus what is on the table is very important to him. Given the comments, he will endorse this plan 100% if they can come back next week with a final draft.

Richard Waystack, Chairman of the Board of Assessors noted that the Board had discussed the SHI list and is taking up as study which will take them 2-3 months to finish. He noted what the study will include, in an effort to define exactly what the number is and to come up with a policy which they will recommend to the Select Board however we subsidize affordable housing in this community . He noted that it is a project with 3 people on a staff that cannot be accomplished in less than two months and will not be included in the HPP.

Mr. Howell noted that the SHI list includes deed restrictions. He explained that Pine Oaks 2 has a HUD contract that mandates they only rent under 50%. He had asked Ms. Flynn to find if that still counts because they are restricted, they cannot rent to anyone over 50% AMI.

Mr. Handler summarized the if the Board can get this next week, with those edits, they can hopefully move this forward in support.

Ms. Flynn noted, that in terms of the SHI list, they have project by project, the number of units and where they are in terms of expiration for affordability. The State has required all towns to respond to their biannual update of the State's SHI list. She noted that she is working with the Housing Advocate regarding the affordability restrictions relative to Pine Oaks that are still in existence even though the units expired in 2023. They are working on what has to be done to update those restrictions and to renegotiate with Pine Oaks, Davenport Realty or other potential projects.

Mr. Handler thanked Ms. Flynn and Ms. McIntyre for all their work and for staying current with this document.

C. Discussion on the Wastewater Management Consultant; Votes may be taken

Mr. Handler thanked Dan Pelletier of Waterworks Consulting for applying to the ad and noted that the Board needs to work on the clarity of exactly how Mr. Pelletier sees himself fitting into this role and who he would report to. Mr. Handler noted that he would like Mr. Pelletier to report solely to the Select Board. He asked Mr. Pelletier how he will work his way into this position.

Mr. Pelletier noted that while he was employed by the Town of Harwich he wasn't directed to champion Wastewater efforts but they fell into his lap. He commented that with this situation, it will be natural, noting the CWMP (Comprehensive Wastewater Management Plan), affluent recharge, rephrasing, financial models and public outreach. He commented that he would look to the Board for the level of involvement they want in the construction project and other ongoing projects and issues. Mr. Pelletier noted that he would contact GHD to get caught up and what he sees for the Town moving forward regarding the CWMP and open ongoing projects. He also noted the reporting and permitting component of the watershed management.

Mr. Piekarski asked Mr. Pelletier how he sees the interaction with the Select Board in this particular role.

Mr. Pelletier replied that he would come to the Board at periodic steps during the process and gave an example using the affluent recharge issue and noting what he sees as priorities and his responsibilities. He considers this an interactive process as the project warrants it.

Mr. Piekarski asked if Mr. Pelletier sees communication being preferable for him on line or in written reports.

Mr. Pelletier replied that on line would be the easiest for small updates. He would prefer to be before the Board for information heavy presentations to allow for a dialogue.

Ms. Kavanagh noted that the scope is expected to be an average of 4-8 hours per week. She asked with various pieces he'd be working on plus design support, how much he sees in terms of this role with GHD already underway.

Mr. Pelletier noted presently, with regard to Phase 3 it would be minimal. He is looking more to the future and gave examples of what he would do on his own and with GHD.

Ms. Kavanagh asked if Mr. Pelletier is assuming he will be aware of the technical review of proposed revisions to any changes by participating in any discussions.

Mr. Pelletier commented that the would be involved in proposing a different way to do things, siting examples. He would work with GHD as he did previously by helping with the implementation of the sewer program. Mr. Pelletier noted what has been accomplished since they started the project and the things in motion that he would like to see through, including a dialogue with Dennis.

Mr. MacAskill thanked Mr. Pelletier and commented on his knowledge of the Town and that his bid on this project was awesome because he has more knowledge than anybody.

Mr. Howell noted that he and Mr. Pelletier have had conversations relative to the Clean Water County Board and can think of no one better with knowledge of the Town of Harwich specifically and legal requirements of the State, that would be better than Mr. Pelletier.

Mr. Handler commented that Mr. Powers has done a great job with this project, Mr. Pelletier did a great job when he worked for Harwich and GHD is doing a fantastic job. The idea from the Select Board is to provide the best team possible for the homeowners to feel that people are looking out for them and their money. He asked the Board for ideas of what the next step would be.

Mr. Piekarski suggested they would enter into an agreement.

Mr. Handler asked if the Town does mileage with any other vendor.

Mr. Powers replied that the Board has not contemplated any other vendor relationship like this one.

Mr. Piekarski suggested they bring it back next week to iron out the thoughts and move forward.

Mr. Handler noted that they will bring it back next week for a discussion with the Board.

Mr. MacAskill asked what the Board's questions are commenting that he thinks they should move forward.

Mr. Piekarski commented that he would like more time to contemplate the mileage reimbursement and to go through the proposal before he is in agreement to support it.

Mr. MacAskill commented that they can get answers tonight and move on with this.

Mr. Piekarski moved to enter into an agreement with Waterwork Consulting, LLC regarding the current Waterwater Projects. Seconded by Howell.

Mr. Piekarski asked for the Board's thoughts on mileage or making an adjustment in the hourly rate.

Ms. Kavanagh noted that there was lodging also included and they don't normally do that.

Mr. Handler noted that he was interested in bringing this back for the Board to have more time to have that discussion.

Mr. Pelletier noted that regarding things being discussed, he modeled his proposal after a GZA contract. If the mileage or others are a sticking point, it can be removed. As he understands it, he would be signing a contract with the terms and conditions of the Town of Harwich that is not reimbursable to the Town of Harwich under their standard terms of contracts.

Mr. MacAskill commented that he would move to approve without those two obligations. There is no reason why the Board can't move forward with a contract tonight and be done with this subject.

Ms. Kavanagh suggested that Mr. Pelletier revise his document and they can take care of it next week.

Mr. Piekarski removed his motion in hopes of finalizing this next week.

Mr. Howell removed his second.

Mr. Handler noted that he will call Mr. Pelletier tomorrow for a discussion and this will come back next week with all the information the members are looking for.

Mr. MacAskill added a thank you to Mr. Pelletier for submitting the application and it will be great to come back for a final conclusion next week.

D. Discussion on draft policy on animals in the workplace; Votes may be taken

Mr. Handler noted that the Board is voting to work to adopt such a policy.

Ms. Kavanagh asked for a few more policies to consider.

Mr. Handler replied that he had done some research, the library has a policy and the language is similar to the language they have.

Mr. Howell commented that he would like the public to see the library's policy and gave his reasons.

Mr. MacAskill commented that the information provided by the library and what their policy is and what Ginny Hewitt saw from a response from the people from the library, is number one for him. He noted thaton social media, Patrick Otton specifically called out Mr. MacAskill for presenting this to the Board. He thanked the Chair for correcting the record and saying why it got to where it was. He noted that on a platform he doesn't totally agree with, it was 124 to 3 of people who don't believe that dogs should be part of public meetings. He commented that he thinks they should move forward with this and that outside of service animals, they need to adopt a policy.

Ashley Symington, Director of Youth and Family Services commented that she respects the need for policies and requested that the Board consider all aspects of dogs being involved in Town services. Her canine co-counselor is an integral pat of the services they provide in the Department of Youth and Family Services and she urged that they slow down a bit because as the policy reads, it would apply to all dogs.

Mr. Handler read from the draft as it refers to working animals.

Mr. Powers noted that there are two proper names that the will put on the record and they are Teddy and Fritz, who the Town Administrator recognizes as integral to the Town's programs. Teddy is the co-counselor for Youth and Family Services and anyone who knows Tom Clark, knows Fritz. He noted that whenever the Town is aware of canines for that purpose, the Town takes that seriously.

Patrick Otton noted that the had sent a letter to the Board which he did not read but noted the it stands for the record. He reiterated that Sky is a certified, trained, therapy dog and noted their visiting schedule as a therapy dog. He noted that other towns' libraries welcome Sky. He commented that Sky is a joyful dog. The incident two weeks ago was not meant to be critical or demeaning to the Board. He apologized to the Board, commented that he regrets his actions and suggested that it is he the Board should be punishing. Mr. Otton took full responsibility for his actions. He noted the effect this ban would have and asked the Board to talk to people at the places in Town that Sky visits. He asked that the Board be careful in their wording regarding what the proposed document will address. Mr. Otton noted that Sky is not a service dog but he is a working dog and visiting places like the Elementary School and the Community Center is the work they do together. He promised to not bring Sky to Town Meetings.

Matt Sutphin commented that they all know Sky and because of one event that no one saw the humor in, they are now legislating dogs out of Municipal buildings and he prefer they spend time on other things.

Mr. Handler responded to Mr. Sutphin that he takes offense by his position. They have spent all night legislating things that are important to other people in Town. He noted that Mr. Sutphin talks about things important to him. Mr. Handler stated that since Sky sat in the chair, he has had no less than 50-60 emails, phone calls and texts, making it clear that the line had been stepped over. He commented that it prompted many people to finally speak up. He commented that it is the Board's responsibility to listen to every single voter who voice a concern whether or not it is a concern to anyone else. He has learned that the majority of people feel that their interest is the interest of the majority of the public and that is not the case, it's the opposite. Mr. Handler noted that it is up to the Board to decipher all that in an open forum. He noted the number of people who made it clear where the public sits on this subject. Mr. Handler commented to Mr. Otton that he is unsure if they would be here today if Sky hadn't sat in the chair. However that is what started the snowball rolling down hill and it's now bigger than a snow ball. He commented that Sky is a great dog but questioned if he should be lying down in front of the doors. Mr. Handler commented that he doesn't care if Sky sat on his chair but there were comments about the cost of the chairs. He noted that the Board is a policy making Board and the public has spoken very clearly that they want a policy. The Board is going to vote to create a policy, if it fails, it fails but the Select Board did their job doing what the public has asked them to do. He commented that the motion can only be for a first reading. He commented that people over react in the short term and under react in the long term. He noted that the public comment was a big issue and the policy has been very successful.

Mr. MacAskill commented that despite the previous speakers' comments, he has received no less than 50 comments that the Town needs a policy. People are offended by dogs in their face at public meetings. The memo from the library speaks to itself and he referenced that the Harwich Old Timers social media vote of 140:3 about not having dogs in public meetings means that it is way beyond Sky. He commented that the policy given to the Board that referenced the school deciding or anyone else deciding, more than suits the Town. He noted that Patrick Otton's apology is his apology for Sky and for himself but this issue is beyond that. Mr. MacAskill commented that the Board needs a policy, he implored the Board to create a policy and he suggested that what they have been given is what the Board should support.

Mr. Handler commented on seeing a dog just today in Town Hall that made people uncomfortable.

Mr. Howell requested that the Library's policy be added to next week's packet.

Mr. MacAskilll noted that as long as the language supports the creation of a policy with all documents and statistics they have been presented with, he would support that. He offered to make a motion.

Mr. Handler noted that he would get the Library Trustees' language and put it in the packet for discussion next week.

XI. TOWN ADMINISTRATOR'S REPORT

Mr. Powers announced two appointments. He stated that Danielle Freiner, her husband Dave and adorable dog Bolo are off to a new adventure after Danielle working 6 years for Harwich. He expressed his personal and heartfelt thanks to Danielle. He and Danielle have gone through tornadoes, job changes and COVID. He commented that anybody who's worked with her knows the character of the person, the quality of the couple and commented that there is not enough he could say about her. All attending expressed their gratitude with a round of applause. Mr. Powers announced the Greta Montgomery has been recommended by Chief Considine to be the next assistant to the Chief. Mr. Powers noted that no one will replace Danielle Freiner but Jen Clarke from the Town Clerk's Office is going to be the new Executive Assistant to the Town Administrator.

XII. SELECT BOARD MEMBER REPORT

Mr. Piekarski asked if the Board wants to ask the Town Administrator to continue the conversation with the HDHC regarding the document review request made this evening.

Mr. Powers replied that he will do that without the Board.

Mr. Piekarski commented that he would like to get to the line item Budget requests for the Town. He also requested a discussion on the Capital requests in the Articles.

Mr. Powers noted that the Board will be discussing Capital Articles.

Mr. Piekarski suggested a discussion on a bike rack at the Walther beach.

Mr. Howell referred to a previous comment saying that there wasn't anyone interested in the discussion with the State and the SRF (State Revolving Fund) and stated that it made a categorically false impression to everybody He noted that the Clean Water Board, last week, discussed the issue of the restriction the State was trying to impose of a \$50 million cap. He stated that the Board unanimously voted to send a letter to DEP through Kristy Senatoria and the Commission, that all towns are objecting to the proposed rule change that is capping the IUP reimbursement to the \$50 million. He emphasized that the Board didn't need to be on that call. The Select Board is already on record as being unanimously opposed to that restriction.

Mr. Powers stated for the record that representatives of the Town were on the call.

Mr. Howell requested that next week's Agenda include a discussion on the potential for the HDHC to receive funding specifically for the review for the West Harwich Baptist Church.

Mr. MacAskill thanked Mr. Howell and Mr. Powers for correcting misinformation in a previous speaker's motion.

XIII. CORRESPONDENCE

XIV. ADJOURNMENT

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

Vote: 5:0 in favor by roll call vote. Motion carried. Meeting adjourned.

Respectfully submitted,

Judi Moldstad
Board Secretary