APPROVED

RELEASED

MINUTES
SELECT BOARD MEETING
Donn B. Griffin Room, Town Hall
732 Main Street, Harwich, MA
Executive Session 5:00 P.M.
Regular Meeting 6:00 P.M.
Monday, March 10, 2025

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

ALSO PARTICIPATING: Joseph Powers, Town Administrator and Meggan Eldredge, Assistant Town Administrator.

I. CALL TO ORDER

Mr. Handler called the meeting of the Harwich Select Board to order on Monday, March 10, 2025 at 5:00PM noting that they would be entering into Executive Session and returning to Open Session no earlier than 6:00PM.

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

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

II. EXECUTIVE SESSION

A. Pursuant to MGL c.30A 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 and reported that while in Executive Session a decision was made.

III. PLEDGE OF ALLEGIANCE

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

Mr. Howell commented that last week, there were two separate and distinct conversations about the Great Sand Lakes area. He noted that in the first instance there is a Petition Article and no one can take a Petition Article off Town Meeting. Residents will always have the right to vote on that. Secondly, there was the Select Board sponsored Article which was more complex. It dealt with the borrowing and there were questions about how it fit in with the Capital Plan. Mr. Howell noted that there were a number of questions and it was not voted to be placed. That is not necessarily a permanent action. He noted that there is a potential for a reconsideration vote to be taken and that will only happen after the Board has the discussion for the open items that have not been addressed. He suggested that before anyone jumps the gun, they let it play out. He explained that it was a technical vote last week. Enough members were concerned about the magnitude of the borrowing that had to be done before accepting State money to the Town. He noted that that conversation will happen and no one will be denied the opportunity to have a conversation.

IV. STAFF COMMENTS/ANNOUNCEMENTS - No comments or announcements.

V. WEEKLY BRIEFING

Mr. Powers gave a Phase 3 sewer extension update noting March 10 through March 21. The work continues on Contract 2-W and he noted the roads involved and road closures.

Mr. Handler noted that the Board will not be discussing the draft policy on animals this evening.

VI. PUBLIC COMMENTS/ANNOUNCEMENTS

Mr. Handler noted that there is a 3 minute time limit for each person speaking. It is preferable to wait for an Agenda item to make comments but if someone doesn't want to wait they can speak during Public Comment. Mr. Handler noted that Old Business C. will not be discussed, nothing is ready to present to the Board.

Dave Sword of 150 Clear Water Drive was participating remotely. He commented that his family moved to the Cape full time 15 years ago. At that time, one could see to the bottom of Bucks Pond in 10-15 feet of water. Mr. Swords commented that since that time the quality of the water has deteriorated and it's just "not right". He also commented that he can't imagine anyone in town would want to be associated with having a body of water deteriorate to the point where it was unusable. Mr. Sword commented that he is hopeful that steps can be taken to mitigate all the ponds in Harwich. He noted that GHD is going to present tonight and he asked if the Board would be willing to share what it is it they need to understand and what questions the Board feels it needs to have answered in order to have the Article placed on the Warrant for the upcoming Town Meeting.

Elaine Shovlin noted that the Town held a well attended Public Hearing on this but the majority of the folks were from the Pond Association. She commented that the majority of the homes involved in Phase 3A are north of 6A. Only a handful of those people attended. Ms. Shovlin noted how she shared the information with neighbors who knew nothing about it. She requested that, in the future, when there is going to be a public hearing, that the Board have better communication with the majority of the residents involved in Phase 3A. She noted that they are the most involved and the least informed.

Mr. Handler took Old Business, item A, out of order.

VII. CONSENT AGENDA

A. Approve the Select Board Meeting Minutes for February 24, 2025

Mr. Piekarski moved to approve the Select Board Meeting Minutes for February 24, 2025. Seconded by Mr. Howell.

Mr. Handler referred to page 23, last line, spelling correction of LeBlanc.

Mr. Piekarski referred to page 34 of the Agenda, page 26 of the Minutes, paragraph starting with his name. He noted that after the completion of the second sentence, full time equivalent there, should be language pertaining to Dr. Millen. It refers to her response but not that it is her speaking at the moment in time.

Mr. Handler noted that those two edits will be included in the Minutes.

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

B. Vote to approve the following committee appointments as recommended by the Interview Committee:

1. George Forester, Treasure Chest Committee, term to expire June 30, 2027
2. John McCaffrey, Golf Committee, term to expire June 30, 2025
3. Karen Marotta, Traffic Safety Committee, term to expire June 30, 2027

Mr. Piekarski moved to approve the committee appointments as recommended by the Interview Committee, as presented. Seconded by Mr. MacAskill.

Mr. Handler thanked the volunteers.

Vote: 5:0 in favor. Motion carried.

VIII. PUBLIC HEARING & PRESENTATIONS

A. Presentation by GHD, Inc. on Phase 3A Wastewater project

Jeff Gregg and Mark Drainville from GHD were present.
Mr. Gregg gave a slide presentation on the Phase 3 Sewer Project and began with a Project Introduction and brief history to date. He continued to a map of the Phase 3 service area noting the originally identified service area as well as possible additions to the area for bid alternates. He continued with a general layout of the pump station site development and described the

location and structure of each. Mr. Gregg noted the pumping station components and showed a cross section of a pump. He continued with Preliminary Collection System Information and gave general information regarding the system itself and specific information regarding the parameters and quantity of various components. Mr. Gregg described the Gravity Sewer Considerations noting property conditions, road/pumping station conditions and well as considerations specific to Phase 3. He noted challenges such as multiple gas mains and storm water drains on Queen Anne Road. Mr. Gregg continued to Cost Impacts including construction cost impacts, bidding climate and other cost impacts. He noted several impacts that were not conditions in previous projects. He explained challenges in the bidding process and why the State Revolving Funds (SRF) are competitive this year. Mr. Gregg also noted State requirements that will add potential cost. He showed a slide with the Mid-Design Cost Summary and a breakdown of the design cost which he explained in detail. Mr. Gregg noted the Intended Schedule, where they were and where they could go. He noted each step in the process and the expected time frame for each. Mr. Gregg concluded the presentation.

Mr. Howell referred to the original Comprehensive Wastewater Management Plan (CWMP). He noted that two phases had been finished and that they were predicated on salt water embayments as required by the Department of Environmental Protection (DEP). Mr. Howell noted that the original estimate was approximately $300-$350 million. He asked Mr. Gregg is he knew what the Town has already spent. He also asked how many phases will complete the project.

Mr. Gregg replied that he can only speak to Phase 3 which, with design is approximately $40 million. Phase 1 and Phase 2 have been completed and they are presently in the middle of Phase 3.

Mr. Drainville replied that there are approximately 6 Phases in West Harwich. Staying with Phases identified in the CWMP, the Great Sand Lakes would be an additional one.

Mr. Howell commented that he is setting a context for further discussion so everyone will know the pros and cons and the numbers. There is an obligation to go out to those Phases. He asked for an estimate of what the remaining Phases would cost.

Mr. Drainville replied that he does not have the cost of that at this point. He referred to the number Mr. Howell quoted earlier from the CWMP and noted that the extent of the sewering is not changing but the cost will go up due to inflation.

Mr. Howell commented that the scope is changing, the original 40 year time period has been radically compressed. He explained that Harwich does a town wide betterment for every single Phase that the Town funds. It is not the people who are getting sewered who get charged, it is the town at large that pays for each sewer phase. Mr. Howell commented that he wanted everybody to know where the outer limits for all this were. He commented that originally the fresh water ponds weren't part of what the DEP's were mandating and he asked if that was correct.

Mr. Drainville replied that the DEP has mandated the saltwater estuaries.

Mr. Howell responded that the DEP has approved this as the Intended Use Plan (IUP) which is a document, is not just accepting money, you have to actually submit a form to State with the Intended Use and the DEP has to agree that it is part of what their plan would encompass. They have to say yes and the Town has to then borrow money for the project in order to be able to get reimbursed. He asked if that is correct.

Mr. Drainville replied, that is correct.

Ms. Kavanagh noted the 77 estimated grinder pumps and more may be needed in certain areas. She asked if that is accurate.

Mr. Gregg replied that that is correct. He noted that there are areas on Queen Anne where additional grinder pumps will be needed and explained the reasons why. He commented that the number, based on Phase 3, was somewhere in the order of 10%. It depends on the topography of that neighborhood. The Town also has the option of doing low pressure sewers if there are too many grinder pumps in one stretch. He noted the analysis process they go through to determine the numbers, which has not been completed.

Mr. Piekarski asked what the timeframe is on the decisions regarding flow and capacity?

Mr. Gregg replied that they have looked at the flow on a preliminary basis and it appears to be within the allowance. He will need to confirm that internally. He noted that some of that will depend on how many houses they extend out to. Numbers are different if they do bid alternates or not do bid alternates. He commented that because its close, he hesitated to give a firm standing. He noted that the intent is to have the 90% design completed in June. They are presently gearing up to have their next review and he expects to have all the septic records within the next month or so.

Mr. Piekarski noted Phase 3A and that a lot of people assumed it was the properties abutting the Great Sand Lakes and it is not. He asked if it was designed to clean up the ponds and if that was the sole purpose.

Mr. Gregg replied that it was identified in the CWMP for surface water quality for the ponds. He explained that based on the Massachusetts estuaries watershed mapping, most of the watershed to the ponds is north of the ponds. He noted that it is primarily phosphorus that is the limiting nutrient for pond water quality although nitrogen is also a nutrient of concern.

Mr. Piekarski asked if the ponds will become healthier when the project is complete.

Mr. Gregg replied that when the project is complete, a large portion of the source of nutrients coming into those ponds will be removed. The timing of that improvement is dependent on many factors which he described. He noted that they have identified and met with DPW to talk about what the provisions are for stormwater which is why they carried the dollar value. He added that it would be appropriated. He noted that a lot of it is replacing the existing structures but there are several new systems the DPW asked to look at. Mr. Gregg also noted that anything they have to relocate on Queen Anne to accommodate sewers would be part of the project and already built in. He noted that stormwater is more for water quality than major storm events.

Mr. Handler asked for clarification of the term water quality.

Mr. Gregg replied that it is surface water pond quality. He noted that this is all to make improvements for the pond water.

Mr. Piekarski commented that once the project is completed, it will be roughly a couple of years before the ponds see relief.

Mr. Gregg responded that it will be several years and explained why.

Mr. Piekarski asked if it would make sense to do all the properties immediately abutting the ponds on the southern side.

Mr. Gregg responded that there are properties that are immediately adjacent and then it gets in to a much larger project. There would be conversations about how far they go and they would have to get infrastructure to those properties.

Mr. Piekarski commented that it would make sense to do some of those properties to include the quality of the pond water.

Mr. Gregg noted that there would be benefit to picking up all the properties that are within 300 feet of the ponds. He also noted that it would put them over the town allocation.

Mr. MacAskill noted that they are sitting on $70 million that the Town has been approved for but hasn't borrowed for Phase 3 and Route 28. The Town is also adding this $35 million and the other $25 million that will be added for Capital Projects in FY27 and FY28. He asked Mr. Powers if there have been any predictions on what the cost to the taxpayer will be and if not can they do that.

Mr. Powers replied yes to the last and no, not to the out years. He explained that the tax analysis is based on the Warrant they're working on. This project would factor in if it's in the Warrant. That analysis has not been done in the out years however, he can get projections.

Mr. MacAskill asked what the current rate is for hookups on Phase 2, commenting that it is still a relatively low number. He hopes to give people a reasonable expectation of how long it will be before the ponds show improvement.

Mr. Gregg responded that he does not have that number.

Mr. MacAkill referred to GHD's flow estimates and asked how many houses are targeted for hooking up to this system if it is built. He also asked how deep a conversation they've had with Chatham because the way he is reading that section of the IMA is not the way it's been told to the public. He noted that Chatham has not agreed. The Chatham Select Board will enter into negotiations with the Harwich Select Board and either agree or not agree.

Mr. Gregg responded that it is currently around 270. Regarding Chatham, both Mr. Gregg and Mr. Drainville commented that that was their understanding also.

Mr. Powers noted that there has been no discussion of the Chatham IMA Board which is 3 representatives from Chatham and 2 from Harwich since this Board and its colleagues in Chatham adopted an amendment in 2021.

Mr. MacAskill asked if there is a place they can obtain data on how long it would take that water to flow through and stop interrupting those ponds. He also asked if there is something else that needs to be done to clean those ponds.

Mr. Gregg replied that the properties are still relatively close to the ponds. He doesn't have the information but will look to see if there was information that was done before that may identify that timeframe. Regarding cleaning up the ponds, Mr. Gregg responded that he is not an expert on the ponds. He does know that there are some different means to deal with pond water quality but those would be treatment instead of source removal. It would be the town's decision to do treatment in conjunction to source removal.

Mr. Drainville noted that there is an alum treatment as well as other chemical treatments.

Mr. MacAskill noted the increased cost of the project and asked if it could get to $40-$45 million.

Mr. Gregg replied that their bid projects are based on the Phase 3 project and they inflate that value. He commented that they have a good handle on those prices but there are unknowns that he cannot speak to. Mr. Gregg noted that they carry a contingency for that reason. He commented that as they feel they are hovering around $31 million with the wastewater piece and if the town has Chapter 90 funds they use for the stormwater piece to balance that, then the town may be looking again at doing bid alternates. He noted possible scenarios of that and that it is tough for them to gauge the bidding climate because bidders in the past have been local and there is now the potential of getting bidders from further away which impacts the costs.

Mr. MacAskill referred to the $1 million they put into the numbers on drainage and asked if they think it is enough.

Mr. Gregg responded that he doesn't want to answer that questions without talking to the DPW and ensuring that they have a full understanding of what they are looking for and where GHD would put the facilities. There are limitations, they had an estimate and rounded up to $1 million as a place holder until they can have further conversations.

Mr. MacAskill encouraged those conversations but also noted that the physical count doesn't seem to scratch the surface.

Mr. Gregg explained that the difference is whether they are designing something for a large storm or for mitigating and managing the first flush of stormwater.

Ms. Kavanagh noted Mr. Gregg's reference to gas and sewer lines, especially in the roundabout and asked if they have a plan that tells them the placement of all the utilities.

Mr. Gregg responded with an explanation of how they obtain that information, have it put into a drawing and base their plan on that information. In terms of the rotary, most of the gas work goes south and he noted where they would drill to stay out of a major lane. They are still investigating and reaching out to utilities to see if they'd be open to what GHD plans to do.

Ms. Kavanagh asked if there is benefit to looking at how the water is flowing north of Queen Anne and the properties along the ponds. She also asked if there is a way to reduce it and have a similar impact in terms of the number of houses they are trying to sewer.

Mr. Gregg responded that they haven't been taxed with analyzing each individual property's "load" to the pond relative to that. They work from the properties that were originally identified and expand from that. He noted some larger properties that were left off because of the density.

Ms. Kavanagh commented that she had asked because this scenario is slightly different because they're identifying phosphorous versus nitrogen although there will be some nitrogen relief.

Mr. Gregg noted that the extremities on Queen Anne aren't directly above the ponds. This could be pared down to stay directly above the ponds as well. He noted that they can leave the sewers at an elevation if the town were to extend them in the future however they could add to the costs. He commented that it is a balancing act.

Mr. Piekarski referred to Mr. Gregg's comment that they haven't analyzed the loads per property that contribute to the ponds and asked if that will be part of the process.

Mr. Gregg replied that at this point they have identified a service area. They have not done that analysis. Their task was to design the collection system to serve that. They always design for expansion knowing that there is always that potential that someone will change their mind and want to connect. He noted that with additions, there are more user fees to help offset the cost.

Mr. Piekarski verified with Mr. MacAskill that his request was for the cost per thousand. He noted that his preference is that they continue to call this Phase 3A and not the Great Sand Lake project because it's a misnomer and confusing to a lot of people in town.

Mr. Howell commented that he is not an expert in sewers but he is conversant with government process and taxes. If this does get on the Warrant, whether the Select Board vote to approve it or not so everyone can vote in it, there are still open issues. He noted that previously sewer projects were either on or not on the Capital Plan and the entirety of their existence is about balances, spikes and valleys so tax payers can know what to expect in their tax bill. Mr. Howell noted that he has spoken with the head of the Association to Preserve Cape Cod and their feeling is that the SRF is at a high water mark now and may not be available at 0% or at reducing principal as it has been. He wants people to understand that when it's approved, it is not in their tax bill for a few years. Mr. Howell noted that the Town can take care of what they have for the first 2 phases but he would like to get it out to the public that the way they finance things is not by area, that everybody pays for everything. He asked that Mr Gregg and Mr. Drainville come up with some sort of estimate with the understanding that it may change because of circumstances. He is looking to have an informed discussion at Town Meeting so it satisfies some of the requirements of what would have happened if it had been on a Capital Plan. He noted that he can supply numbers for the 3 phases that have been approved but he is unable to calculate what is still not done and how much it would be priced at with todays money in todays contract environment. Mr. Howell explained that the Select Board votes on whether or not something is on a Warrant and the public votes on it. The Select Board also gives an opinion of whether or not they think it's a wise idea. They can't offer an opinion unless they have an idea of the magnitude of what has yet to be experienced. He requested that within the next few weeks he get an idea of what this will look like and over what period of time, when it's all finished.

Mr. Drainville replied that the Town has roughly 20 years to achieve 75% compliance and another 20 years to achieve the balance. He noted that they can put that together at a schedule with the costs. It will be in today's dollars and they have a draft of that.

Mr. Handler thanked Mr. Gregg and Mr. Drainville and commented that all Board members are concerned about the cost of the project. He commented on the importance of the health of the ponds and asked if this will take care of the problem. He added that if they borrow this kind of money and find out that there is still a problem after 4,5,6 years, he would rather explore alternate ways of treating the pond and getting it healthy. He noted that it may not be their area of expertise but stated for the record that he thinks that looking at potential alternatives, if Mr. Gregg and Mr. Drainville think there's a 50/50 chance, gives them information to think this through. Mr. Handler noted that the pond is fed from underground.

Mr. Gregg replied that he believes it's ground water, that they are kettle ponds. He stated that he is not an expert on the ponds in this area.

Mr. Handler emphasized the importance of educating and informing the voters of Harwich so if it is on the Warrant for Town Meeting, they understand what is happening and that they will all be paying for it in the future.

Mr. Howell asked if there will be a second portion of this conversation relative to the Warrant.

Mr. Handler replied that Draft 2025 Annual Town Meeting Warrant is on the Agenda as they've had for the last 2-3 weeks. He noted that this is not it for this conversation.

Martha Donovan, Chair of the Capital Outlay Committee asked to address Mr. Powers. She asked for the total amount that the town could take out in debt according to the State.

Mr. Powers replied that it is in the $200 million range if not the $300 million range.

Ms. Donovan commented that it is important that the tax payers hear that the topic is debt capacity. It's not just issuing the debt but it's also how much debt capacity the town can take on. She stated that the debt issued to date is $45 million. The town has also committed projects but not yet issued the debt of $75 million for a total of $130 million. She noted that if approved at Town Meeting, approximately another $5 million. This project is roughly another $35 million which brings them to $175 million. She noted that the committed numbers are not final and may come down but the Town is getting closer to the debt capacity. She noted that the five year Capital Plan is a $50 million ask and $30 million of that would be debt. That brings the $175 million to $205 million. She noted that the Town has to be strategic about how they plan it out and how they pay for it and the forecast for the sewer project is an important part of making this decision. Ms. Donovan suggested that the Town needs to think about debt capacity and what can be afforded in town. She asked the Board to consider how these projects are added on and where they fit into the scheme of things.

Anne Howe of East Harwich noted that she had been on a previous sewer committee and her understanding was that its not just the pond, its the ecology around pond and the water which is part of a larger system. She commented that GHD is doing a great job as engineers doing utilities and serving the sewer goal. She noted that Depot Street runs next to Bucks Pond and Depot Street is where well 17 is located. Ms. Howe commented that they can run out of money but not drinking water. She suggested that it be expanded to not just the pond and the surface but also the water system being impacted. She noted that the ecological area was designed to support the critical surface and also the water flow. She suggested that it needs a little bit of valuation added to the water systems protection against the constraints of budget.

Mr. Drainville noted that the intent of this project is a surface water quality.

David Sword participated remotely and asked GHD if it is fair to say that the ponds around Great Sand Lakes will continue to deteriorate if sewering is not done. He also asked, in addition to sewering, what other actions could be taken to mitigate nitrogen and phosphates. Mr. Sword asked the Board if any of them have had either formal or informal discussions with the Board of Health or Conservation about mitigating the deterioration of the ponds other than just sewering.

Mr. Gregg replied that it is hard to project further degradation now in that what they are seeing now is from more development in Harwich and on Cape Cod. Water quality issues are related to the expansion of population on the Cape. He commented that if sewage is the problem in the area they are talking about sewering, they would be removing that source. He explained that the source would't change unless the demographic of the area changed. Mr. Gregg noted that if there is accumulative damage to the water body, that is outside of his realm of expertise, he is just a Wastewater Engineer.

Mr. Handler responded to Mr. Sword's questions and commented that he has had some preliminary discussions with Administration and through Administration to other direct reports of Administration.

Mr. Sword commented that when a town is facing a problem, there is never just one solution, it' usually multiple solutions. He noted that sewering will help mitigate part of the problem but not the entire problem. He suggested that there may be other actions they could all be taking that could help improve the quality of the ponds.

Mr. Howell noted that he has had extensive contact with Andrew Gottlieb of the Association to Preserve Cape Cod. He noted that if a project is on a draft IUP, the project that had been described and approved, is the project that is on there. They can't switch projects and use that money. He also noted that if the town doesn't use the money within the timeframe of the draft approval, they forfeit their place on the draft plan. Mr. Howell noted that this plan is showing up as part of the State's obligation and if the Town doesn't act on this plan, the money goes away until something else happens. He noted that there is no alternative where you can fund it using some of this money.

Ann Freshette of East Harwich and the Great Sand Lakes Neighborhood noted to the neighbor north of Queen Anne Road that all the public hearings they had for the sewer project to date are hosted in the GSLA website. She noted that she had 4 questions for GHD. #1. Why were the Cape and Island Funds not mentioned as part of the presentation? She commented that if Harwich has State Revolving Funds they also have access to 25% loan forgiveness.

Mr. Gregg replied to #1. The reason GHD does not include the Cape and Islands Funds is because they are trying to capture the value that the town would have to appropriate in order to move the project forward. He noted that those Funds come when the project is completed but the town still has to appropriate the total amount regardless of getting those funds.

Mr. Frechette commented that she appreciated the clarification because as the conversation proceeded, there was a conflate, a mixing up of the answer Mr. Gregg gave of the cost of the appropriation with the project cost. She added that if the town is going to get a rebate, as example, of $8.8 million, she thinks its important to communicate to the taxpayers and not just paper that over.

Mr. Howell noted that he is a representative to the Clean Waters Board and the Board made 2 revisions to the mechanism to reimburse. They hired an actuarial and blew by their assumptions initially. He noted that the IUP State Revolving Fund is locked in.That is not the case with the Clean Waters Fund at the County because its derivative of rooms' taxes which are somewhat volatile and they reserve the right to change them. He commented that right now, the Town is only getting a certain amount of money per year on principal forgiveness and they are not entirely certain that actuarily, that's supportable given how many towns have to do how many phases. Mr. Howell noted that Harwich was one of 4 or 5 towns that had significant progress and everybody is starting to do that now. The capacity of that fund is subject to change, based on the Fund having the capacity to give everybody money. It is not a guarantee of any sort, it's just a hope.

Ms. Frechette commented that she hopes the taxpayers in Harwich look into that fund for answers to that question because she thinks it important to clarify that information. Question #2. She referred to the Build America Buy America Act (BABA) and commented that her understanding is that the Act affects federally funded projects. She noted that this is a State funded project and if Harwich does qualify for the BABA, there is a waiver system and if the cost is going to be more than 25%, the Town would qualify for a waiver. She commented that similar to the lack of information about the Cape and Island Funds, there is a conflation of possible costs.

Mr. Gregg replied that BABA is a requirement of an SRF and an SRF is funded by the federal government. The funds are dispersed by the States. He noted that it is very explicit on what is required top get STF funds. He noted that BABA is one of the requirements and the town was able to get a waiver for Phase 3. He noted that the waivers are much more difficult to get now and there is a long process to get those waivers. Mr. Gregg noted that they can't presume that they are going to get a waiver, to do that would be putting the project at risk.

Ms. Frechette commented that question #3 involves the ongoing concern about the wells. She noted that whenever GHD answers this question they respond with, the intent of this project is to protect surface water quality. If the Town constructs the sewers, will it remove any potential contaminants to the wells and protect the wells that are in the watersheds to the south of the sewers?

Mr. Drainville replied that if they were wanting to protect the wells, they would go closer to the wells. He noted that these are at the far end of the area that has any impact on the wells. He commented that there are no known water quality issues at the wells. There are no known water quality issues that the sewering would be addressing.

Mr. Handler confirmed with Mr. Drainville that he was saying that if the Town was to sewer in order to protect the wells, this would not be where they would sewer. They would go closer to the wells.

Ms. Frechette commented that there was already a lot of Select Board discussion about the re-phasing of this stretch of sewer, Phase 8 to Phase 3A. She commented that the logic that was there when the decision was made has not revisited. She commented that the neighbors started having meetings. She noted that one of the original reasons was unused sewer capacity that the town was already paying for. She asked, what happened to that unused sewer capacity? She commented that Dan Pelletier had told them that there was no other place that could potentially be sewered without the investment in a wastewater treatment plant. She commented that there is no wastewater treatment plant that it could go to. She questioned the logic of this process and whether it makes sense from the perspective of unused sewer flows, to do this project next.

Mr. Gregg noted that the Phase 3A area was one of the areas identified as part of the Inter Municipal Agreement (IMA) with Chatham, as a potential area that could send flow to Chatham. It still needs Chatham's approval to send it there because the original intent in those discussions was to deal with East Harwich. The flow value that was provided by the previous consultant, approximately 300,000 was used to establish the IMA with Chatham. Mr. Gregg noted that they are now looking at what they have sewered in Phases 2 and 3 and what the volume of flow is. He noted that this is flow that could go to Chatham and currently fit under that cap. The decisions regarding using that capacity and how much that is, is not what GHD does. His understanding is that the town buys capacity and pays for the flow they send to Chatham.

Ms. Frechette asked if there is some other neighborhood that is queued up to access that excess flow capacity.

Mr. MacAskill responded that whether it is or isn't, the questions from the Board tonight are unrelated to that. He commented that they haven't said no to the project yet but Ms. Frechette keeps using flow is the be all end all because the town has it. Mr. MacAskill noted that they haven't recognized the flow from Phase 2 to Phase 3, only projections. He commented to Ms. Frechette that she can focus on that and throw scares out about the wells but if she talks to the Water and Water/Wastewater Commissioners, Harwich has great water, award winning water. Just because the town has this flow, doesn't mean they have to use it right now and there is nobody else queued up.

Patrick Otton of East Harwich noted that his understanding of the underwater aquifer is that it flows one foot per day and he asked for clarification. He asked the question to know how quickly the ponds will be clean. He noted that the State is telling Harwich what they have to do and they've established the maximum daily load (MDL). He asked for GHD's calculations of the daily load of nitrogen when they are allocating per house and selecting which houses are or are not sewered.

Mr. Drainville replied that this project is primarily addressing phosphorus. Phases 2 and 3 address nitrogen.

Mr. Gregg noted that the focus of Phase 3A is fresh water and that would be phosphorous.

Mr. Handler noted that fresh water ponds are affected by phosphorous and if the ponds are the focus of Phase 3A, it's the phosphorus that they are chasing, not nitrogen.

Mr. Gregg noted that the distinction for coastal estuaries is that nitrogen is the limiting nutrient primarily so all the Massachusetts estuaries projects are based on the predicate that you want to remove nitrogen. That means you're removing other things but the target is nitrogen. Anything that is in the wastewater is getting sewered and going to the wastewater treatment plant and being treated to the requirements of that facility. In this case, the focus would be to target phosphorous because phosphorus tends to be the limiting nutrient in fresh water bodies. When GHD does their load analysis for MEP, there is a calculation that MEP has worked through and that is the basis that gets applied to properties in coastal embayments for nitrogen management. Mr. Gregg noted that there is not a similar calculation for phosphorous because phosphorous gets caught up in the soils and after the soils are saturated it might move but moves at a different pace. The rule of thumb has been that they try to target things that are within 300 feet of freshwater ponds because that is what gets to the ponds fairly quickly. Mr. Gregg noted that GHD was not tasked with doing a study to find out if phosphorus might migrate through water bodies. There was a study done previously but he did not have that information.

Mr. Otton asked how GHD decides and choses which houses will be sewered.

Mr. Handler noted that Mr. Gregg had answered that question when he said that they did the calculation for the area in question.

Mr. Otton commented that Mr. Gregg said he didn't do density studies or go to the houses around the pond to figure out what their phosphorous contributions are. He asked what the calculations is to pick a house.

Mr. Handler asked Mr. Gregg why he picked the houses north of the ponds instead of south.

Mr. Gregg replied that those are the ones that were identified in the CWMP that was developed in 2016.

Mr. Otton commented that there are far cheaper solutions for both nitrogen and phosphorous remediation than sewering, suggesting that they talk to Massachusetts Septic System Alternative Testing Systems.

Ron Lindholm noted that he has lived on Bucks Pond his whole life, seen the streams that feed the pond and had a well that was fed by the underground water sources for the pond. He commented that separating the sewering as having nothing to do with drinking water and calling it surface pond water, marginalizes the problem. He suggested that it would behoove the town to have someone definitively say if it in any way, is a danger to the drinking water in the town.

Mr. Handler replied that the town has had multiple experts say exactly that. He noted that this Board is first and foremost taking the town's drinking water with the utmost level of concern. He noted that the drinking water is tested and is award winning drinking water. The information is on the Water Department's website under awards. Mr. Handler stated that he would prefer that the public does not speak about potential effects to the town's drinking water with the 3A project. He noted that if that was the case, this Board would have a different opinion and a different approach. He emphasized that it has nothing to do with drinking water and he noted that he would appreciate it if people stopped spreading that narrative effective immediately.

Mr. Howell stated that the town drinking water comes from the aquifer of really deep wells. The town has skewed towards only approving developments that hook up to town water for probably 30 years.

Mr. MacAskill asked the Chair to remind the audience that they shouldn't speak in this room unless the Chair recognizes them. It's all being picked up and quite distracting.

Mr. Handler thanked Mr. MacAskill for that comment. He thanked Mr. Drainville and Mr. Gregg for their time.

Mr. Handler took new Business B out of order.

B. Public Hearing – Vote to approve a Chapter 138, Section 12 all alcohol liquor license transfer for B&N Company, LLC d/b/a Dive, Dine & Drink, 986 Route 28

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

Mr. Handler read the Public Hearing Notice as published.

Vote: 5:0 in favor. Motion carried.

Mr. Powers noted the action before the Board and that staff is recommending that the Board continue the Hearing. The application is not complete. The applicant has been working with staff to get to this event however staff has been reviewing, not only the proposed transfer from one entity to another but also other property related matters which he noted in detail. He noted that he participated with staff to get to this point however the applicant and the property owner were advised that it may need to be continued.

Mr. Handler commented that he has noticed work being done in the parking lot and asked if that has been approved.

Mr. Powers replied that it doesn't impact upon the transfer per se but it does impact upon the readiness of the property. He noted that the property owner was advised that if they were going to impact upon the surface and the driveway, that permits would be required as well as storm water and other analyses that have not been applied for. He noted that the salient reason for this transfer is because of the question on occupancy.

Mr. Piekarski noted that the establishment has been closed during this process and that the Town requires establishments to notify the Board about closures. He asked if this is the typical process or if the Board was notified in advance.

Mr. Powers replied it's typical in that the Town became aware of the property potentially closing down in late January. This is an annual license and was renewed through the renewal process in November for January. At that time the proposed new owner was talking with Community Development and Health on potentially developing the property, separate and distinct from the restaurant use. An application came through Administration shortly after that which became a scenario where Administration knew Castaways was looking to transfer which is why the Town would not invoke the nonuse rule. However the complexities going on in that space, impact upon this.

Mr. Piekarski asked what the typical timeline would be for the process of transferring. He also asked if Mr. Powers had a recommendation for the continuance date.

Mr. Powers replied that it is typically a 6-8 week period of when the Town is aware that an establishment has closed down for some reason and they then get a straight forward transfer application. Mr. Powers suggested continuing the hearing until the Select Board's first meeting in April.

Attorney Sam Aykanian, representing the applicant, participated remotely. He noted that his staff has been working with Administration's staff and his staff was under the impression that they had a completed application ready to be voted on. He noted that the applicant wishes to increase the seating capacity of the restaurant based on outdoor expansion of a deck. His client had decided that they should first get the license signed as is with 66 seats. They planned to file with the Alcoholic Beverages Control Commission (ABCC) a modification or revision of that license which would have eventually had to have been approved by this Board for the increase. He asked that their requirements be expanded upon so they are not wasting everyone's time in April.

Mr. Powers referred to the Licensing Authority Certification and specifically what it is requesting. He noted that part of the standard operating procedure for every municipality is for staff to review the application and give any guidance and direction to Administration to then advise the Board. He noted that the applicant, operating through Cape Architecture provided a proposed restaurant occupancy load plan, drawing title occupancy plan to the Building Commissioner and reviewed. The Building Commissioner's review indicates that occupancy is 76. He noted that that is the discrepancy and it needs to be rectified. Either the application changes it to reflect the 76 occupancy or something else changes. However, the applicant and property owner came before the town and the discussion was on the entire property. The applicant was advised that if they wanted to singly do a change of manager transfer, that they would want to get their occupancy load confirmed and that has not occurred. Further, they talked about impacting upon the property by tearing up the driveway and the parking lot and if they were to do that it would trigger another set of reviews and plans. He noted that that is a side issue that, he noted on behalf of staff, is very alarming. However, occupancy in the application before the Board tonight does not match occupancy that staff has reviewed.

Mr. Howell confirmed that Mr. Powers was recommending April 7th for the continuation.

Mr. MacAskill noted that a representative was present.

Attorney Aykanian commented that it is probably a miscommunication and they will work it out. He noted that his staff has been dealing with the town's principal clerk in this matter and he thought they were simpatico on this. He noted that this was a complete surprise to him and he will talk to Nicole and the property owner and circle back in April.

Mr. Howell moved to continue the Public Hearing to Aril 7, 2025 no earlier than 6:00PM. Seconded by Ms. Kavanagh.

Vote: 5:0 in favor. Motion carried.

Mr. Handler took 2025 Annual Town Meeting item B. out of order.

IX. 2025 ANNUAL TOWN MEETING

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

Mr. Powers noted that the tracking sheet is in the Board's packet. Numbering should be taking effect next week. He noted what the tracking sheet includes and that most are Capital Outlay or other financial matters. The Capital Outlay Committee (COC) will be meeting later this week for their discussion on funding generally.

Mr. Howell referred to an earlier discussion, not for a resolution tonight but to at least lift the position about even placing for Great Sand Lakes, to just reconsider it and leave it at that so that if the Board has any more questions next week, they can answer them.

Mr. Handler moved to reconsider last week's vote on the Great Sand Lakes Article vote from 2 weeks ago. Seconded by Mr. Howell.

Mr. Powers noted that the Board did not vote last week on the Town's Article.

Mr. Handler noted that it was 2 weeks ago. Mr. Powers was not present at the meeting.

Mr. Howell noted that he made a motion to not place and it was turned down.

Mr. Piekarski commented that he does not believe reconsideration is the right term, they would want to rescind the vote. Reconsideration has to happen the same evening.

Mr. Powers commented that the Board has its own rules and regulations, it relies on Robert's Rules of Order per se. He noted that they are talking about what is under the financial Articles F-17 Phase 3A Construction Project. He noted that if the Board votes to rescind the previous vote, it brings it back before the Board. If the Board votes to reconsider it brings it back before the Board. Both require a member from there prevailing side and both require a straight majority vote.

Mr. Howell clarified that he is not anticipating taking a second action. As a good faith show, they can say they are removing the Board's specification that they are not placing it, just leaving it as an open item right now.

Mr. Powers noted that if the Board is not reconsidering for another action, they are rescinding the vote.

Mr. Howell removed his second. Mr. Handler removed his motion.

Mr. Handler moved rescind the decision not to place on the Greg Sand Lakes Article from two weeks ago. Seconded by Mr. Howell.

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

Mr. Howell noted that they are still not done. The Board has to make decisions on all these Articles but they close out the Warrant and go to the printer sometime in late March. They have removed the specter of it not being considered at all.

Mr. Piekarski commented that if the COC is going to meet later this week, he would prefer to wait until they have their discussion.

Mr. Handler asked if there was anything the Board could discuss to help the COC have a better more thoughtful discussion.

Mr. Piekarski referred to the bulkhead replacement, the Board has heard commentary that it may not be required and it is currently in the Plan. The Harwich Elementary School is proposing a

$20,000 Capital Project for smoke detectors which is not on the Plan. He also questioned why the Board would not include a $35 million dollar sewer project on the Capital Plan.

Mr. Powers responded that the Bulkhead Article is related to design and permitting. The Town can get away with the present bulkhead for the next few years. However, it does not obviate the need for design and permitting. He argued that the $770,000 should remain but the construct project in the out years could be pushed out. He urged that the bulkhead Article remain in the Plan. Regarding the smoke detectors, Mr. Powers noted that the School District did not have the smoke detectors on their Plan. They were formulating this after the Select Board had the joint meeting with the Finance Committee. He noted that it can be further discussed and added to the Plan and adhere to the process. Mr. Powers noted that the funding for that will still be part of the town's assessment under Article 5. The funding will not be in the typical Capital Articles. He also noted that the watershed, WMP, is Phase 3A. There is not a dollar amount because there was no discussion. He noted that the Board had a presentation on the Capital Outlay Plan, met jointly with the Finance Committee and changes after the fact should go through the Board discussion first.

Mr. Handler added the potential Monomoy Regional Middle School Project which will be an assessment as well.

Mr. Powers stated that that is not a Capital Project for the Town of Harwich or the Town of Chatham. These are projects that the Town of Harwich is 100% responsible for. He noted that the Board will have an Article next week that impacts upon each Town's assessment.

Mr. Piekarski commented that he does not believe it's up to our Committee to vote up or down this project but it should be information that's out there to be part of the deliberation.

Mr. Powers commented that if the Board is meeting on Friday with Capital Outlay, they should have that information.

Martha Donovan, Chair of the Capital Outlay Committee noted that the COC does not typically review any of the Capital items for Monomoy. Her concern is that if the Board wanted them to, they certainly could but at this late stage they don't have enough information. She thinks the Board would be better served by hearing from the 6 people from Harwich who sat on that Committee.

Mr. Piekarski agreed and noted that he is not looking for the COC to evaluate it, he thinks they need that information for their deliberation.

Mr. Howell commented that whether its sewers or the assessment, somebody in house has to pay the tax bill. He would like to be sure that, within the context of what the COC does get to look at, that they understand what's going on.

Ms. Donovan noted that the bid $250 million State Level Capacity number, the way the rating agencies look at you, they do not look through to Monomoy. They look at Monomoy separately. She noted that the only way Monomoy can pay for their debt is through the full faith and credit of 75% of Harwich and 25% of Chatham. She noted that it comes at the taxpayers through debt servicing.

Mr. Powers noted that that is not how the Town goes to the bond market. He explained that the Town has a preliminary and an official statement which documents at least 150 pages. He noted that it includes debt that the Town is obligated through Cape Tech's expansion or new construction as well as projects with Monomoy.

Mr. Piekarski asked, regarding the debt schedule, that the Chair talk to the Town Administrator about a future Agenda item because it potentially will require the Town to purchase software to create a useful debt schedule.

Mr. Powers noted that it would be financial software including debt.

Mr. Powers referred to the financial Articles and that he can validate the numbers. He noted the Articles the Board had placed without taking action and that some are presented tonight, if the Board wants to take action.

Mr. Howell moved to accept and adopt the elected Officials' Salaries at the amount of $138,848.43. Seconded by Ms. Kavanagh.

Mr. MacAskill commented that he assumed that number would be modified after Town Meeting or after union negotiations.

Mr. Powers replied that depending on any action that the Town may take as an employer would cause that to happen. Should there be any changes in the overall salary structures, that would be included. The negotiations will dictate how that happens.

Mr. MacAskill commented that if the Warrant goes to print before that, it's a motion at Town Meeting.

Mr. Howell responded that the motion gets made off of this Article. It could be a different number if they make a motion.

Vote: 5:0 in favor. Motion carried.

Mr. Powers noted that the next Article is F-3 which is the current proposed Monomoy Regional School District Budget. He noted that the District is looking to create an Article which they have a place holder on for the Middle School Project, which is separate and distinct from this. It is his understanding that this number is expected to go froward.

Mr. Piekarski noted that the School Committee is meeting this week for the final Budget presentation. He asked if the Board would want to ask Administration to craft a letter to the Monomoy Regional School Committee and the Monomoy Regional Administration team to see if they could sharpen their pencil on the 10% operating increase of being assessed to the Town of Harwich.

Mr. MacAskill moved that the Town Administrator craft a letter to the Monomoy Regional School Committee and the Monomoy Regional Administration team to see if they could sharpen their pencil on the 10% operating increase of being assessed to the Town of Harwich. Seconded by Mr. Howell.

Mr. Piekarski noted that they have talked about it several times but not made a formal request. This puts the formal request before the Monomoy Regional School Committee and the Monomoy Regional Administration.

Mr. Handler noted that Mr. Powers would have to craft the letter in the next 24-48 hours and asked if the Board wants to approve the letter or if he can look at the letter.

Mr. Powers responded that he heard a motion to direct the Administrator to write to the district expressing the town's concerns and directing them to sharpen. Mr. Powers stated that if the motion were to pass, that's going to happen.

Vote: 5:0 in favor. Motion carried.

Mr. Powers noted that next is the Cape Cod Regional Technical School District Budget Assessment under F-4.

Mr. Howell moved to accept and adopt the Cape Cod Regional Technical School Regional Assessment at $2,116,618. Seconded by Mr. MacAskill.

Vote: 5:0 in favor. Motion carried.

Mr. Powers noted that next is a corrected Water Department Budget. He noted that both the Water Department and Wastewater have been vetted through the Board of Water/Wastewater Commissioners directly with Finance and Accounting and the Articles are ready to go.

Mr. Howell moved to accept and adopt the Water Department Budget in the amount of $4,940,416 as amended tonight. Seconded by Ms. Kavanagh.

Mr. MacAskill noted that the Town is in union negotiations with the employees and asked what salary number is included and at what percentage.

Mr. Powers replied that it is as all in Appendix B., it reflects 2% wage adjustment across the board.

Vote: 5:0 in favor. Motion carried.

Mr. Howell moved to accept and adopt the Wastewater Department Budget at $704,863. Seconded by Mr. MacAskill.

Vote: 5:0 in favor. Motion carried.

Mr. Powers noted that next is Fund Electronic Voting at Town Meeting. It was reviewed by counsel and understood that the Board is asking Town Meeting to do electronic voting and paying for it.

Mr. Howell moved to accept and adopt Fund Electronic Voting at Town Meeting in the amount of $35,000. Seconded by Ms. Kavanagh.

Mr. Piekarski asked for the source of available funds.

Mr. Powers stated that the funds will come from Free Cash and offered to write an explanation.

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

Mr. Howell moved to accept and adopt Fund for Prior Years Unpaid Bills in the amount of $1,250.91. Seconded by Ms. Kavanagh.

Vote: 5:0 in favor. Motion carried.

Mr. Powers explained that next is an Article that was generated by GHD. Given where the Town is with flow to Chatham, Harwich has to ensure they have the recharge coming back to town. The ask of the Article is to fund the research for the purpose and to be done by GHD in concert with the work they're doing on Phase 3. The funds could be from Free Cash or the Special Purpose Stabilization Fund for Wastewater.

Both Mr. MacAskill and Mr. Piekarski noted that they would prefer the SpecialPurpose Stabilization Fund for Wastewater.

Mr. Howell moved to accept and adopt Fund Site Research for Treated Wastewater Affluent Recharge in the amount of $150,000. Seconded by Mr. MacAskill.

Mr. Howell noted that the explanation would be changed to reflect the funding source.

Vote: 5:0 in favor. Motion carried.

Mr. Powers noted that next is Article G-5 from the presentation of the DPW Director and representatives from the Mass DOT. He expects is that the funds would be taken from Chapter 90.

Mr. Handler stated that Article G-5 is not in the packet.

Mr. Powers noted that next is Annual Departmental Revolving Funds Authorization. He referred to the memorandum that is in the packet and the Municipal Empowerment Act which was recently signed by the Governor. He noted that in the Act is a reference to Departmental Revolving Fund spending cap and noted Section 39. He explained that he has not changed the caps in that Article since 2021 and the present Article as presented, does not change the caps. Therefore, if the Board agrees with that, the Article is unnecessary. However if the Board discusses and changes the caps, then the new law doesn't take effect.

Mr. Howell noted how he feels about Revolving Funds in general and that if this is done, the Board won't be having a discussion at Town Meeting. The assumption will be that if the cap has no changes, there is no discussion, it just keeps riding along. He also noted that even if he voted against it, it still shows up in a Town Meeting Warrant for a vote.

Mr. Handler noted that the Board will be discussing the 204 Sisson Revolving within the next two weeks and suggested they hold off on this Article.

Mr. Powers added that he would like to change the explanation as it is no longer statutorily required.

Mr. Piekarski suggested that Mr. Powers hold off in the explanation in case the Board takes action to adjust them, it wouldn't be the Board's explanation.

Mr. MacAskill commented that despite members' reservations on Revolving Funds, with everything else that's going on he doesn't think the Board can do a deep dive into Revolving Funds at this time. He noted what has been done to discuss and deal with the subject over the past 5-10 years. Nothing has changed and he suggested that it be a priority or goal for next year if the majority of the Board agrees that there has been abuse and there needs to be change. He also commented that the Board should openly listen to the 204 Sisson Road information. Mr. MacAskill noted that a lot of Departments rely on the Revolving Fund and a lot of programs will be cancelled if this gets butchered on Town Meeting floor.

Mr. Howell noted for clarification that he is talking about leaving the Charter the way it has been and having people vote on it and there is no real compulsion to change into a new system where it just disappears.

Mr. MacAskill responded that he meant globally, not Mr. Howell's last statement.

Mr. Howell commented that he sees no need for this particular thing to happen, at least not right now because it says allow, not required.

Mr. Powers noted that next is G-8 with the Golf Infrastructure Fund which is not technically a Revolving Fund, it is a Receipts Reserve Fund. He noted that the propose of this Article is to correct what should not be in the Revolving Funds going forward, it would still require Town Meeting action if it were another source in an Article.

Mr. Howell commented that understanding that it is a Special Purpose Fund and not a Revolving Fund, he will make a motion.

Mr. Howell moved to place, accept and adopt Amend General By-law Chapter 8 Department Revolving Funds as they relate to the Golf Infrastructure Fund. Seconded by Mr. MacAskill.

Mr. Piekarski asked if the Board would put the spending limit to zero with the Plan.

Mr. Powers replied that if the Board did these as a stand alone and did the $140,000, it is rendered moot by the adoption of the By-law. He expressed concern about the Attorney General saying that can't get rid of it, then the funds can't be used. He recommended that they amend the By-law first.

Vote: 5:0 in favor. Motion carried.

Mr. Powers noted that G-9 and G-10 were inadvertently omitted previously. They are asks by the Boards of Assessors and the recommendation is to place, accept and adopt G-9 which is Property Tax Exemptions also known as the Hero Act.

Mr. MacAskill moved to place, accept and adopt G-9 MGL Chapter 59 Section 5 Clause 22 I and J, Section 23 Property Tax Exemptions also known as the Hero Act. Seconded by Mr. Howell.

Vote: 5:0 in favor. Motion carried.

Mr. Powers noted that next is Assessment of Local Taxes, Nation Guard Reservists.

Mr. Howell moved to place, accept and adopt MGL Chapter 59 Section 5 Clause 56 Assessment of Local Taxes Property Tax Exemptions. Seconded by Ms. Kavanagh.

Vote: 5:0 in favor. Motion carried.

Mr. Powers noted that next is P-8 Amend Chapter 125 of the General By-laws. He noted that it has been placed and the question is if the Board is going to take action to support to not.

Mr. MacAskill moved to accept and adopt Amend Charter 125 to Article 2 and Article 4 of previous Town Meeting votes. Seconded by Mr. Piekarski.

Mr. MacAskill commented that the past Articles have done nothing to save the Town of Harwich as presented on Town Meeting Floor. He noted that there was backlash after this was passed and he wholeheartedly supports this.

Mr. Howell commented that he had been in favor of this in the past but plastic containers are still supplied at Stop and Shop and the Town doesn't have a Department of plastic compliance and there is nothing to stop anyone from doing anything. He commented that he would abstain because he's torn and he suggested that restaurants use their compliance as marketing. He has a problem with the fact that it cannot be uniformly enforced.

Mr. Piekarski stated for the record that water is not better in a box regardless of what they print on it.

Mr. Handler commented that it's not better in a box or a metal container either.

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

Mr. Powers noted that MGL Chapter 43B Section 8 is what is going to be governing the Home Rule Statute process and the election of a Charter Commission. Should they be so elected, in a town of 12,000 within 20 days after an election, the Town Treasurer shall credit to the account of the Charter Commission $5,000 with or without appropriation. He noted that there is funding that comes with this Article.

Mr. MacAskill commented that he doesn't know where the number $125,000 came from and he believes that the last $75,000 that was never spent should go back to Town Meeting. He noted that he hopes they're not going to create a new Charter in a year. There will be another Town Meeting to go through before they get to any legal they might need and they've already had two professionals tell the Board there's not much wrong with the Charter. He commented that he cannot support a $125,000 ask with no reason why and no outlier plan.

Mr. Howell asked if they could have her (Sandra Hall) back to explain.

Mr. Piekarski commented that if the motion on Town Meeting is done appropriately it will identify that $75,000 as being some of the available funds. He noted that the reason he won't support the $125,000 is because they have the $75,000 available and if additional funds are needed, there will be another Town Meeting and he would support supplying them.

Ms. Kavanagh commented that she would like to hear what they intend to do with that money.

Mr. Powers noted that the intent of this is that if the Town desires a Charter Commission, they have funding immediately which is meant to be clerical and can help with future Articles.

Mr. Handler noted that he would reach out to Sandra Hall and ask if she would come to a Select Board meeting to give more details.

Mr. Powers noted that next is P-9 Establishing a Historic Preservation Award.

Mr. Howell moved to accept and adopt Petitioned Article Establishing a Historic Preservation Award. Seconded by Ms. Kavanagh.

Mr. Piekarski noted that it says zero cost and commented that the Board should have a figure so they can appropriate funds for it.

Mr. Howell noted that the Petition cannot be changed.

Vote: 5:0 in favor. Motion carried.

B. Presentation by the Department of Public Works Director and Massachusetts Department of Transportation (Mass DOT) on Safe Route to School Project Article

Lincoln Hooper, DPW Director was present to give the Board an update on the Mass DOT Safe Routes to School Project. He noted that they will need an Article to acquire the right of way necessary to construct the project. He introduced Amy Archer, Managing Engineer with PAR. Mr. Hopper gave an overview of how they got to this point. He noted that Mass DOT does everything except secure the right of way. He noted the Mass DOTs designs of a 5 foot sidewalk on Main Street, on Sisson Rd. and 8 foot on South in front of the school.

Ms. Archer gave a slide presentation and showed and described the Project Area that surrounds the Elementary School. She noted the conditions that prompted Mass DOT to initiate the project. She noted Project Needs and Goals-Safer Pedestrian Crossing as well as the Bicycle Infrastructure. Ms. Archer described the design on each street. She noted State requirements to make sure that the property owners understand what is being impacted on their property and why the project impacts those areas. It is then up to the town to acquire the temporary and permanent easements associated with that. She noted that the right of way includes one-feet taking which she explained. There are 9 permanent easements which she described. She noted that the rest of the project is temporary easements which she described.

Mr. Hooper noted that the reason for the temporary easements is the State's requirement of 5 feet beyond what they need for the project.

Ms. Archer noted the last component. They had submitted a Notice of Intent (NOI) to ConCom for the work within the buffer of wetland. They are on the ConCom Agenda in April. She gave an over view of the ultimate schedule with a complete date of spring of 2027.

Ms. Kavanagh asked how long it will take to move the utility pole.

Ms. Archer replied that often times they move the pole in advance.

Mr. Hooper noted that Mass DOT has bi-weekly meetings that improve communication and poles are being replaced quickly.

Mr. Piekarski asked how many trees would be cut down.

Ms. Archer replied that it will be under 5 within the public right of way. There are 2 beyond the public right of way that are not counting towards the Massachusetts Environmental Policy Act (MEPA) threshold and they are trying to mitigate those. The final plan will show new trees to replace the ones that are being removed.

Mr. Powers commented that Ms. Archer should anticipate some push back for taking down old trees and putting up new trees. He asked what for the duration of the project.

Ms. Archer relied that they are expecting it to go 10-12 months. She noted that some of the components cannot be done close to the winter so the plantings will thrive.

Mr. Hooper noted that Mass DOT typically awards these things for 3 year construction. The length of the project will depend on who they get for a contractor. He also noted that Mass DOT has a shut down from Memorial Day to Labor Day and he was unsure if he would advocate to do anything on those roads in the middle of summer.

Mr. Hooper noted that KP Law drafted the Article that gives the Select Board the authority to take and negotiate the easements. He noted that he had met with Craig Sheehan the Right of Way Compliance Officer from Mass DOT, who gave an estimate of about $200,000. Mr. Hooper is going to propose using Chapter 90 money to fund that gap. Mr. Hooper explained the he estimated $50,000 is for the mandated 2 appraisals per property for easements.

Mr. Handler thanked Ms. Archer and Mr. Hooper for their presentation.

Mr. Handler took Old Business, item B. out of order.

X. NEW BUSINESS

A. Vote to affirm the Town Administrator's recommendation of John Harker to the position of Harbormaster, effective March 31, 2025

Mr. MacAskill moved to affirm the Town Administrator's recommendation of John Harker to the position of Harbormaster, effective March 31, 2025. Seconded by Ms. Kavanagh.

Mr. Powers commented that Mr. Harker is a fantastic individual and gave a brief summary of his experience. He urged the Board to affirm the appointment.

Vote: 5:0 in favor. Motion carried.

B. Vote to approve the closure extension request for BLM Restaurant Group, Inc. d/b/a Lanyard Bar & Grill, closed until March 28, 2025

Mr. MacAskill moved to approve the closure extension request for BLM Restaurant Group, Inc. d/b/a Lanyard Bar & Grill to close until March 28, 2025 as presented. Seconded by Ms. Kavanagh.

Vote: 5:0 in favor. Motion carried.

Mr. Powers noted that the extension is to March 28th and Mr. Kelley noted that he hopes to open March 26th.

C. Approve a 2025 Special Permit for a one-day entertainment permit for Cape Farm Supply, 1601 Factory Road, event to be held on June 28, 2025, 3:00 p.m. to 11:00 p.m. Live/recorded music, amplification

Mr. Howell moved to approve a 2025 Special Permit for a one-day entertainment permit for Cape FarmSupply, 1601 Factory Road, event to be held on June 28, 2025, 3:00 p.m. to 11:00 p.m. Live/recorded music, amplification. Seconded by Ms. Kavanagh.

Vote: 5:0 in favor. Motion carried.

D. Vote to send a letter of support for the Fiscal Year 2025 Housing Rehab Program

Mr. MacAskill moved to send a letter of support for the Fiscal Year 2025 Housing Rehab Program. Seconded by Mr. Piekarski.

Brianna Powell, Housing Advocate shared how the funds from the FY22 and FY23 have helped Harwich residents, highlighting the Housing Rehab Program and describing each project in detail. She also noted how the funds helped the Childcare Assistance Program.

Vote: 5:0 in favor. Motion carried.

XI. OLD BUSINESS

A. Project list update presented by Meggan Eldredge, Assistant Town Administrator

Ms. Eldredge noted that the Select Board packet has a list of the projects that she is tracking. She noted that the list has decreased for 58 to 52 and gave the status of those remaining. The list also includes the current balances and completed projects. Ms. Eldredge noted and described 7 contracts, giving updates on each project. She noted projects that are on hold and gave the reasons. The list also included ongoing projects and one that has been withdrawn.

Mr. Powers noted that the withdrawn project was $37,000 of CPC funding and will go through the CPC process.

Mr. Piekarski referred to the Sand Pond Restroom Project and asked what happened to the money.

Ms. Eldredge replied that the project included the septic system that was installed. The money allotted is $84,000 and the 2 bids were over $100,000.

Mr. Piekarski referred to the ADA sidewalk project in Harwich Center and asked why there were Articles in 2019 and 2021 and neither one has been used.

Mr. Powers replied that 2019 was the initial $30,000 investment for engineering a specific area. In 2021 it was augmented with $50,000 to bring in other projects such as the library.

Mr. Piekarski commented that a contract has been awarded for the library repair and he asked for the scope of the repair and if the $80,000 is needed to complete the engineering work.

Mr. Powers replied and described specifically what the award included. The funds can be used either for additional design work, permitting or to support construction.

Ms. Eldredge noted that the $115,000 for the library sidewalk included some installation. She also noted that that the 2018 project for the Hinkley Pond remediation is CPC money. That plan is currently with the Department of Conservation and Recreation (DCR). The Conservation Administrator has been very frustrated with DCRs lack of response and is considering turning the money back and starting over.

B. Review of Draft Housing Production Plan; Votes may be taken

Christine Flynn, Town Planner and Director of Community Development noted that the second set of draft edits had been completed with the hopes that the Board will vote to approve the Housing Production Plan (HPP) and with the Board's permission, to submit the HPP to the Executive Office of Housing and Livable Communities. (EOHLC).

Mr. Howell commented that the section regarding scattered site housing had infill housing been revised. He noted that he can't put his hands around identifying infrastructure roadways. He noted that it is in the marked up version.

Ms. Flynn referred to page 6 at the bottom and read the section relative to the infrastructure roadways.

Mr. Howell commented that a lot of this is going to go up to the State and sit in a file cabinet because they prescribe what they want to see. He referred to the commercial and industrial uses noting that Harwich has a tiny commercial zoning area. He is hoping that they are not committing to retrofitting that to residential. Mr. Howell commented that the HPP, on page 8 under C., is calling for industrial uses that should be primary targets for residential conversions. He commented that that it been made into a mixed use area about 15 years ago and his concern is that the town doesn't have much of an industrial zone anyway.

Ms. Flynn replied that the industrial zone doesn't allow residential use. She noted that she should have crossed that out and she can remove that section. Regarding commercial uses, she commented that part of the Local Comprehensive Plan (LCP) is looking at land use and infrastructure issues relative to the roadways and town sewering, which she noted in detail.

Mr. Howell confirmed with Ms. Flynn that she was going to X out the industrial use.

Mr. MacAskill thanked Ms. Flynn for her time, patience and for listening to his revisions.

Ms. Flynn commented that she appreciated the input and is excited to submit a product that is endorsed and supported by the Board and she thanked the Select Board members for their time.

Mr. MacAskill referred to the SHI list and commented that it bothers him that there are properties that have fallen off and come off the town's percentages but are still paying the half taxes.

Ms. Flynn responded that she has reached out to the Assessing Department and the Director. She noted that Brianna Powell, Housing Advocate and the Chair of the Assessors will be having a joint meeting to evaluate the list. That data will be submitted to the Select Board for review.

Mr. MacAskill asked that the Chair track that because it's important to show what's coming on and staying on the list to show that the town hasn't gone backwards.

Mr. Howell commented that to the extent that at lease one of the large providers has something that came off its deeded restriction and the SHI list is based on that, they nonetheless have a contract with HUD that includes them not charging any more than 50% of Average Median Income (AMI). He asked that Ms. Flynn get in contact with the EOHLC. He commented that often in government you have to go to the people who receive a report to find out what they're looking to find. Mr. Howell commented that he needs for them to be challenged on this because if it is an automatic electronic interface that shows that title restriction has come off, that would take it off but that doesn't tell the whole story. He commented that they are not aware of the other situation so Ms. Flynn would need the documents and need to know what they need to see. But it has to get out of this building to do that.

Ms. Flynn replied that she will look into the level of restrictions on each project as well.

Mr. Howell commented on the importance of keeping the SHI list up to date because the SHI list is something the State counts on for progress to occur.

Ms. Kavanagh moved to approve the revised Housing Production Plan with the deletion of the industrial as noted. Seconded by Mr. MacAskill.

Mr. Piekarski thanked the Town employees who put time and effort into creating the HPP as well as the Local Planning Committee. He commented that the document today is better than it was when the Board first saw it. Mr. Piekarski commented that when there is not unity amongst them it is deemed to be as if the Board is trying not to support a particular item or project. That is not the case, he is pleased with the end result and he appreciates the effort from Select Board members MacAskill and Howell to continue to engage and make the enhancements to this document. He noted that he still has concerns about the Commonwealth of Massachusetts and what they do with this document but he is not looking to delay this any further and the Plan has his support.

Mr. Handler thanked the members of the LPC, Ms. Flynn and all the employees. He commented that it was a beneficial exercise for the Town of Harwich and he emphasized the community involvement. He noted that they could not have done it without the public's participation.

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

Mr. Powers noted New Business, item D. to be taken out of order.

C. Discussion on the Wastewater Management Consultant; Votes may be taken
D. Discussion on draft policy on animals in the workplace; Votes may be taken

XII. CONTRACTS

A. Approve a contract extension request from Partners Solutions General Contracting Corporation for seasonal comfort station cleaning in the amount of $57,575.20.

Mr. MacAskill moved to approve a a contract extension request from Partners Solutions General Contracting Corporation for seasonal comfort station cleaning in the amount of $57,575.20. Seconded by Mr. Howell.

Mr. Powers noted that staff recommends extending the option.

Voter: 5:0 in favor. Motion carried.

XIII. TOWN ADMINISTRATOR'S REPORT

Mr. Powers noted that last week he participated with the Towns Treasurer/Collector and Financial Consultant Eric Kinsherf and the Town's Attorney for matters of land of low value. The auction netted the Town $24,000 for the 6 parcels. He noted that it will be a straight forward process if needed in the future. He also noted that all 6 parcels were purchased by 2 different parties and one of those is the Harwich Conservation Trust (HCT). The other party acquired the parcels for the same purpose as the HCT. They are trending towards closings on April 7th.

XIV. SELECT BOARD MEMBER REPORT

Mr. Handler noted that Officer Brickley is the coach of the Nauset Hockey team who is in the State finals. He wished them good luck.

XV. CORRESPONDENCE

XVI. ADJOURNMENT

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

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

Respectfully submitted,

Judi Moldstad
Board Secretary