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APPROVED

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 31, 2025

RELEASED

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

MEMBER PARTICIPATING REMOTELY: Michael MacAskill, Vice Chair

ALSO PARTICIPATING: Joseph Powers, Town Administrator and Ed Spellman, Interim Finance Director

I. CALL TO ORDER

Mr. Handler called the meeting of the Harwich Select Board to order on Monday, March 31, 2025 at 5:00PM noting that the Board would be entering into Executive Session and returning no earlier than 6:00PM.

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

Vote: 3:0 in favor by roll call vote. Motion carried.

Mr. Piekarski was not present for this vote.

II. EXECUTIVE SESSION

A. Executive session pursuant to the provisions of G.L. c.30A, §21(a)(3) to discuss potential litigation by the Town if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares; Christopher Wise v. Harwich Planning Board, Barnstable Superior Court C.A. NO. 2172CV00239

B. Pursuant to MGL c.30A section 21 (a)(3) to discuss strategy with respect to collective bargaining for all town unions and non-union personnel and 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 actions or decisions were made.

III. PLEDGE OF ALLEGIANCE

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

Mr. Handler noted that Mr. MacAskill will be participating remotely.

IV. STAFF COMMENTS/ANNOUNCEMENTS

Ashley Symmington, Director of Youth and Family Services described new programs and gave dates, times and places of each.

Carolyn Carey, Community Center Director listed and described the April events and programs.

V. WEEKLY BRIEFING

Mr. Powers gave an update on the Phase 3 Sewer Extension for East Harwich Project 2 West, noting the present location of the work, traffic closures and a two week projection to start Project 1-E.

VI. PUBLIC COMMENTS/ANNOUNCEMENTS

Matt Sutphin suggested that the Board delete an item from the Agenda, specifically the collection of \$10,000 from somebody who wants to use the Walther Road property as a private beach. He gave his reasons for his request and asked that the Board wait until the Conservation Commission makes a decision.

Ryan Edwards, Harwich resident and father of three young children, expressed his disappointment in the School Administrator's decision to cut the Integrated Preschool Program from 4 sessions to 3 sessions. He noted an email from Melissa Maguire dated December 6th to select Preschool families explaining that all Preschool classes will be in Chatham next year. Mr. Edwards read part of the letter aloud. He noted that the decision that Ms. Maguire stated had not been approved by the Monomoy School Committee and the discussion was on the Agenda for the Dec. 12th School Committee meeting. He noted that a number of Harwich parents in opposition to the change were present and some voiced their opinions during Public Comments. Mr. Edwards noted that during the FY26 Preschool configuration recommendation presentation, Ms. Maguire noted a number of scenarios, which he listed. He noted that the scenarios included 13 Students with Disabilities (SWD). He noted that the School Committee pointed out to Ms. Maguire inconsistencies in the numbers which lead the School Committee to not make any recommendations during that meeting. He noted that the issue was on the Agenda for the January 9th School Committee meeting and the Harwich parents were present. He noted that Melissa Maguire presented a Revised Integrated Preschool recommendation which he described. He noted that she showed a slide with the historical trends of the Integrated Preschool Program noting an estimate of 28 SWD students operating year in the Integrated Preschool Program. However her plan for the FY25-FY26 Revised Program only leaves room for 21 SWD students.

He noted that after she spoke, a new Integrated Preschool Program was proposed by Administration with the funding included in the Draft Budget. He noted a question from a School Committee member asking why this hadn't been brought up before and Dr. Carpenter's reply which included concerns over space at Harwich Elementary and the YMCA accommodating more families. Mr. Edwards spoke at the School Committee meeting and requested that they keep the Integrated Preschool Program in Harwich in the Budget as a placeholder. He also sent the School Committee a letter making the same request and giving a detailed explanation for the request. He noted that since that meeting there has not been an update on the number of SWD students or what Plan was included in the Budget and what that Program would actually look like. He expressed the frustration of the Harwich parents that the Harwich Integrated Preschool is being cut from 4 to 3, noting the parents' assumptions for the changes. Mr. Edwards asked that the Select Board vote to approve the revised Harwich assessment for the Monomoy Regional School District Budget that was voted on by the School Committee on Thursday, March 27th except that funding is added for 0.5 full time teacher positions to the Harwich assessment to restore the Integrated Preschool Budget back to 4 sessions.

Ann Frechette, of East Harwich and the Great Sand Lakes Association thanked the Board for Placing the Great Sand Lakes and asked that they support the Article. She commented that she would like to see the Board show more effort to seek out the information they need and she made suggestions. She also commented on the opinion that there is no connection between the pond water and drinking water and she referred to the Pond and Lake Atlas for information that shows the connection. Ms. Frechette referred to Martha Donovan's statements at the last meeting about her comments being speculation. Ms. Frechette commented that she is worried that other people speaking in opposition may suggest that Ms. Donovan suggested a less expensive alternative. Ms. Frechette emphasized that Ms. Donovan did not make a proposal or do any research, it was speculation. She requested that the Select Board seek authoritative answers to any questions.

VII. CONSENT AGENDA

A. Approve the Select Board Meeting Minutes from March 17, 2025

Mr. Piekarski moved to approve the Select Board Meeting Minutes from March 17, 2025 as printed. Seconded by Mr. Howell.

Vote: 4:0:1 in favor by roll call vote with Ms. Kavanagh abstained. Motion carried.

B. Accept a gift in the amount of \$10,000 from Timothy Ritchie for the purposes of rebuilding the stairs to access Jenkins Beach on Walther Road

Mr. Piekarski moved to accept a gift in the amount of \$10,000 from Timothy Ritchie for the purposes of rebuilding the stairs to access Jenkins Beach on Walther Road. Seconded by Mr. MacAskill.

Mr. Handler read the letter aloud which was included in the packet.

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Mr. Howell noted that the Board had decided to follow a matter of process, the Board referred the matter to the regulatory body to examine the issues which have to do with the environment which this has impact on. He commented that it is extremely precipitous to take a gift to build something that has not or may not be approved. He commented that if there is an approval in the future, he would be happy to accept the money.

Ms. Kavanagh agreed with Mr. Howell's comment and also prefers to wait for a decision.

Mr. MacAskill commented that he has no problem accepting the gift which they cannot use if the project doesn't move forward. He thanked the Ritchies for their very generous gift, noting that if the Board cannot use the money, they will give it back.

Mr. Piekarski commented that he appreciates the Ritchie's offer but he feels the Board should wait for the process to play out.

Mr. Handler noted that he spoke to Conservation and the process is that there needs to be money spent for engineering and a site plan review, before it gets to Conservation. He commented that he was unsure if the Town of Harwich should have to front the bill for the necessary work prior to going to Conservation. If the project doesn't move forward, the Town is out the money. Mr. Handler noted that Mr. and Mrs. Ritchie have donated this money to begin the process. He noted that if the Board is going to move forward with this process, there will be money that needs to be spent.

Ms. Kavanagh noted her appreciation for the generous gift but that she wouldn't accept it until they hear from Conservation. She noted that if they are going to talk about what needs to be spent to get to Conservation, she would also want reassurance that the Ritchies understood that they are talking about a site plan and not stairs.

Mr. Howell commented that either way the Board does this, they should send them a letter of gratitude for making the offer.

Richard Waystack participated remotely and noted that during previous discussions about the stairs, the Board had questions about how they would finance the stairs. He noted that the Town has always financed beach stairs in the past. He commented that the spirit of the Richies was to pay for the stairs and he feels they would still be willing to make that donation, when and if the stairs are approved by ConsCom.

Mr. Piekarski offered to see if the Ritchie's intent is to contribute in a general sense but as he reads the letter, the gift is for the stairs themselves.

Mr. Handler offered to contact the Ritchies and let them know what the Board discussed. He will also go to ConCom to confirm the process and bring it back in the next couple of weeks for further discussion.

Mr. MacAskill removed his second.

Mr. Piekarski removed his motion.

VIII. 2025 ANNUAL TOWN MEETING

A. Monomoy Discussion

1. Fiscal Year 2026 Budget

Scott Carpenter, Superintendent of the Monomoy Regional School District and Michael MacMillan, Business Manager for the Monomoy Regional School District were present. Mr. MacMillan noted that since he and Dr. Carpenter presented to the Select Board, there was a meeting of the Regional District School Committee as well as the Regional District Finance Subcommittee. Subsequently the School Committee approved a Revised Budget. Mr. MacMillan presented the Revised Budget with a new Budget figure noting that it is a 5.87% increase from the FY25 Budget and 0.86% lower than the previous Budget increase. He noted the new Harwich Assessment and Chatham Assessment. He showed a graph of the Revised Budget increase by assessment category. Mr. MacMillan showed a slide with what was removed from the previous Budget for a total reduction of \$400,418, noting that none of the reductions were staffing related.

Dr. Carpenter referred to the decrease in enrollment and increase in needs. He noted that the next slide is a comparison of 2011 and where they are today. He described the decrease in enrollment for each town and the increase of students who speak a language other than English. Dr. Carpenter noted that another change since 2011 is the number of families experiencing economic challenges. A category not used in 2011 but is used now is High Needs. He explained and noted that for both school, the number of students with significant needs is close to 50%.

Dr. Carpenter presented a slide regarding the Monomoy Integrated Preschool at Harwich Elementary. He noted that to him it would be great if they could get to a place that was Universal Preschool, where the towns are paying for Preschool for every child. He noted the benefits to a quality experience for young children and that what is offered at Harwich Elementary is an Integrated preschool model which explained in detail. He also explained how class size is determined by the number of students with disabilities and the State Mandate regarding peers which is essentially a 1:1 ratio. A classroom with 7 students with specials needs could have an addition 7 + 1 students. He explained that they expect the number of 13 students with special needs to grow and by how much. He also explained why they are reducing the Integrated Preschool to 3 sections. Dr. Carpenter explained that the number of peers is driven by the number of students with special needs, not by the number of sections offered.

Ms. Kavanagh asked what putting the 0.5 back in would do.

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Mr. MacMillan replied that the cost would be approximately \$61,700 for half Full Time Equivalent (FTE).

Mr. Piekarski commented that he appreciated the School Administration and School Committee taking the time to go through the exercise of making reductions. He noted that the effort allows Harwich to present a solid Budget to Town Meeting. Mr. Piekarski suggested that there were also things Harwich could do to help with next year's Budget.

Mr. Howell commented that he echoed Mr. Piekarski's comments. He also commented to the Chair that when something comes in, more than an email is necessary because the public doesn't know what they are talking about. He noted that when they get information, he expects it to go into a packet for the meeting it is relative to, so anybody from the public has an opportunity to look it over.

Mr. Handler asked if Mr. Howell was referring to the Budget.

Mr. Howell replied that it is just in general. It's something they do a lot. He would like any back up material that the Board gets to be part of the packet.

Mr. Handler noted that the email that Mr. Howell referred to was received by the Board members on Friday after business hours.

Mr. Powers noted that there was an updated packet published that day.

Mr. MacAskill asked what is left in the Excess and Deficiency (E&D) Account.

Mr. MacMillan replied that their E&D was certified at the end of 2024 at just under \$2.4 million. They have budgeted \$1 million for FY26 which leaves \$1.4 million.

Mr. MacAskill asked if there had been discussions to add money from the E&D account into this Budget.

Mr. MacMillan noted that there is always discussion about how much of their E&D they use to offset the Budget. He explained how they determine the amount that they use and how it affects future assessments.

Mr. MacAskill noted that he would like to hear more about the 3 sessions versus 4 sessions and what next year will look like if there are more special needs students and only 3 sessions. He noted that many parents are extremely concerned and are unable to get answers. He also referred to the two positions that were previously funded by grants and are now in this Budget cycle and allegedly were never discussed during their Budget process. He asked, what is going

on with this program, how and are these decisions made, why were they made and what happens when the number of special needs students goes from 13 to 25?

Dr. Carpenter responded that E&D was increased from \$800,000 to \$1 million. Regarding having more students than anticipated, they have the same risk every year with kindergarten. He noted that in the last 12 years, there have only been a year or two when they had a sudden need that had to be filled midyear and he explained what they do in that circumstance.

Mr. MacAskill noted the parents' concerns about communication and commented that the hopes they have Dr. Carpenter's commitment to reach out to those affected by this, who have sent lengthy emails and to get to the bottom of this so they feel that they will get the information that they have a right to know.

Ms. Kavanagh thanked Dr. Carpenter, Mr. MacMillan and the School Committee for going through the Budget, noting her previous comment that the Select Board had been a bit late in their request. She referred to an article in the newspaper that indicated that she was looking for 0.5% to 1%. She stated that it was an inaccurate statement, she had said that if there was any way they could get to 0.5% to 1.0%, it would be a great sign of a good faith effort. She feels that they have done that. Ms. Kavanagh acknowledged that all these elements ultimately affect teachers and students. She commented that she would not be on the Board for future conversations but that overall, both towns need to evaluate as they go forward. She commented that any show of good faith should be appreciated by both towns and that she hopes it helps the Select Board in their conversations moving forward.

Mr. Handler referred to the School Committee meeting last Thursday and commented that it was positive and that he had received thoughtful and honest questions from the Committee. He thanked the School Committee, Dr. Carpenter and Mr. MacMillan for being there. He felt that the School Committee understands Harwich's struggle with the Budget. He noted that this School Budget is the only element that the Select Board has any influence over and that the funding formula is the elephant in the room. He also noted that the School Committee feels the same pressures as Harwich. Mr. Handler noted that there will be a public meeting on April 8th at 2:00PM in the Griffin Room and recommended that anybody who is interested in the Budget, the kids and the school system to be part of the meeting and hear first hand how each side feels. He noted that he and Mr. Piekarski will be part of that meeting.

Mr. Piekarski referred to the screen with the reduction of \$400,418 and that approximately 77% of that is Harwich and the balance to Chatham.

Mr. MacMillan replied that because of the way the assessment works and that there are more items on the list for Harwich Elementary School, Harwich has a bigger savings proportionately than Chatham.

Ms. Kavanagh moved to accept and adopt the Monomoy Regional School District Budget as presented. Seconded by Mr. Howell.

Mr. MacAskill reiterated that he would like more information and clarification on the Preschool Program as that may have a direct result in the Budget that they are about to vote.

Ms. Kavanagh removed her second.

Mr. Howell did not remove his second and questioned why.

Mr. Handler explained that Mr. MacAskill would like to hear more information about the Integrated Preschool from a Budget standpoint which is the next item on the Agenda.

Mr. Howell replied that he would only change the motion at Town Meeting. He commented that they are all at the point that they need to be at and questioned why they wouldn't accept and adopt.

Ms. Kavanagh noted that the Select Board can revise the Budget and that she is keeping her motion.

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

2. Harwich Integrated Preschool for Fiscal Year 2026

Mr. Handler invited anyone in the public who would like to speak on this subject to do so.

Ryan Edwards noted the historical trends that Melissa Maguire presented on January 9th for the 2024-2025 school year that noted a number of 34 SWD students. He also noted past years numbers as presented by Ms. Maguire. He asked for an explanation of the discrepancy.

Dr. Carpenter replied that the numbers mentioned are the end of the year numbers and he was unsure if Ms. Maguire presented October 1st numbers. He noted that how many students they can have, depends on at what point they are in the year. He noted State mandates for reporting annual enrollment and that what he had presented were end of the year numbers.

Mr. Edwards noted that Ms. Maguire presented the number of students as 34 for the 2024-2025 school year.

Dr. Carpenter replied that he cannot speak to what the number is.

Mr. Edwards noted that the average number of SWD students was 28 and that there is currently an estimate of SWD students for next year. He stated that the Integrated Preschool Program is a rolling enrollment program which he explained and noted that the enrollment number could

increase from now until June of 2026. Mr. Edwards commented that he has heard about the 1:1 ratio, the 49 to 51% and referred to the historical trend slide. He noted the number of SWD students and the number of community friends, commenting that the School District has always added more community friends. He also referred to the discussion about an increase after Covid. He noted that there is the same number in 2023 and 2024 as there was in 2016 and 2017. He suggested that the numbers fluctuate each year and that they should not chalk it up to just Covid. Mr. Edwards referred to the 0.5 FTE and asked, when that 0.5 position was cut for the Integrated Preschool, were there also instructional assistants that were cut? He noted that they're not included in any of the presentations.

Mr. MacMillan replied that they evaluate their instructional assistant need across the District year to year. He noted that there may be a reduction in one area but an increase somewhere else. He referred to his comment about the cost of 0.5% FTE and noted that he hadn't yet worked out the exact impact.

Dr. Carpenter noted that the instructional assistants are largely dictated by the children with special needs, which he explained.

Mr. Maguire noted that the Team Chair position for the Preschool is shared with the Chatham Elementary School at a 50/50 split. He noted that he asked Melissa Maguire, if they're reducing the number of Integrated Preschool because of a decrease in enrollment, are they are also planning on reducing Harwich's share of the Team Chair position. He noted that her answer was no, not at this moment. He asked for the reasoning behind that.

Mr. MacMillan replied that often the teachers are working at more than 100% traveling between the two buildings and although there may be a small reduction in the number of programs, that person is still dealing with a number of issues which he noted. He also noted that some positions are shared which also makes it complicated. They do evaluate every year and if necessary, they will make an adjustment.

Mr. Edwards referred to the subject of the Mental Health Coordinator.

Mr. MacMillan responded that they had 2 positions, one previously funded by the Federal Government which is now in the General Fund. The other position was Board Certified Behavior Analyst (BCBA) which was previously funded as a contracted service under another Grant. He noted the struggle to get these legally required services. They weren't able to get contract services but they found a person who was willing to be hired into that position and he explained how they funded the position. He noted that in the end, they were able to fill that position and provide the services. Mr. MacMillan also noted that they are estimating the number of students they will have next year which is what is driving all these decisions.

Ms. Kavanagh referred to the shared position, understanding that it can't be reduced by a percentage of a person and also noted the possible increase in students. She commented that if

there is an increase, that person would be ready to take on more students. She asked if that was a correct statement.

Dr. Carpenter replied that they would have to flex if the number got over 21 but they know who might be in the pipeline through the calendar year. He noted that from January to the end of June next year is the window of uncertainty. They are anticipating, based on what they have seen in the past, that they will be fine with the 3 sections.

Ms. Kavanagh asked about being down to 2 programs for Integrated Preschool.

Dr. Carpenter noted that they have 3 sections and if it goes up to 21, they could add 7 students to each section. At present, 25 students with disabilities are spread amongst 4 classrooms. With the estimate of 13 special needs students next year they felt they could reduce by one classroom.

Ms. Kavanagh commented that looking at both Harwich and Chatham and students with disabilities increasing over time and the number of students who have been identified on the horizon, she expressed concern that Dr. Carpenter and Mr. MacMillan said that they hoped the number wouldn't get over 21 but the numbers tell a different story.

Dr. Carpenter replied that they hadn't adjusted staffing since the FY24 number with 34 special needs students. He commented that it is time to adjust down on staffing but feels they should be safe.

Mr. MacMillan commented that Pre-K is a subset of kindergarten and they are seeing a decline in kindergarten. He noted why the special education numbers are increasing in Pre-K.

Mr. Edwards thanked Dr. Carpenter and Mr. MacMillan for answering his questions.

Mr. MacAskill commented that the number of families facing economic challenges is something they all need to keep in mind when they are voting all the projects, the Budgets and where they will go next year. He noted that the likelihood of the formula for assessments changing for next year's Budget cycle is, in his opinion, slim and none. He noted that it was nice to hear Mr. MacMillan's and Dr. Carpenter's answers to Mr. Edward's questions about the 13 and his comment that they can find the money. He hopes that they find the money if these vulnerable children show up at a much higher number than they are projecting.

Dr. Carpenter acknowledged the angst of the 30 families who've enjoyed the preschool program at no cost to them. If they only have 13 students with disabilities, there will be disruption there and he went to the slides to show some options. Mr. Carpenter stated that when the discussion of the Pre-K was to keep it at Harwich, he told the School Committee that there was a free classroom in Chatham and that they'd hoped to have a Preschool there. He noted that they plan on putting the Pups Pre-K Program in Chatham and that it didn't affect Harwich's assessment at all. He described the program in detail including its goals and that it could be an option. The

other option and program that does exist at Harwich Elementary School is the YMCA Program. He noted the lack of child care for families with 3-4 year olds and an absence of infant/toddler care. He commented that in 2019, they were looking for a partner that could go from cradle to heading into kindergarten and they chose the YMCA. He noted the benefits to the YMCA's program. He noted that as of last week, there are 30 families on the waiting list to get into the YMCA Program at Harwich Elementary School.

Mr. MacMillan noted, regarding revenue, that they have received just over \$17,000 in rental from the YMCA and of that \$14,000 is used to offset Harwich's assessments by \$13,265. He noted that for School Choice they use the total enrollment number at that school rather than school choice numbers to determine how the revenue is split and how that benefits Harwich.

Mr. Piekarski asked if they rent any other spaces within the buildings to any other entities. Mr. Piekarski also asked if the contract with the YMCA is year to year. He asked if there was a plan to increase their utilization of the school

Mr. MacMillan replied that there are no others that are renting out space for a significant amount of time. If there is a one off rental, the money goes to the Building Revolving Account. Mr. MacMillan replied that they have had either 3 or 5 year contracts. They are about to go out to bid again. The YMCA has the use of 3 rooms and there is no plan to increase that amount.

Mr. Piekarski asked if the State gives any direct funding for the Integrated Preschool Program.

Mr. MacMillan replied yes, they are part of the Chapter 70 and he explained what is involved in submitting an application and the process to apply for funds.

Mr. Piekarski asked if there was any consideration to applying the rental income directly to Harwich Elementary School.

Mr. MacMillan replied that they have not, noting the assessment formula and that it is not a big ticket item. He also noted that the net impact to the Harwich assessment is not significant.

Dr. Carpenter noted that two of the positions that have been mentioned are the curriculum folks and the Restorative Justice positions. He referred to the Restorative Justice position and the good that has come from having it. He noted that a lot of the professional development cuts mean that it will have to come from in-house now.

Mr. MacMillan showed a slide, Funds that reduce the Budget. He referred to a comment made by Mr. Howell last week regarding Sources and Uses. He gave a description of where the money goes from, what it can be used for and how the amounts are determined. These are the funds that help to reduce the assessments. He noted that they have increased their use of E&D and that if they don't keep it at \$1 million next year, the assessment will go up \$200,000.

Mr. Howell noted that the reason he mentioned it was for the public to understand that they are good this year because they cherry picked some things that can't be replicated in subsequent years. He commented that it is a concern that they would be at a higher plateau and then add more money into the equation because of inflation and other things. He noted that it's more than just this year, it's much more next year.

Mr. MacMillan responded that the general message is that the cost of education is getting higher, noting that it affects everything, the level of services, inflation, etc. To relieve that pressure, they have drawn on the E&D funds as much as they can but it is not necessarily a long term solution.

Mr. Howell noted that this has to be an ongoing discussion. It could be a respite rather than a solution.

Mr. MacMillan continued the presentation with Debt which is primarily the Middle School Debt Project. The slide showed a short list of the major debt projects in the next 5-10 years, some are district wide, some are Chatham and some are the Harwich Elementary School. He also noted Significant Capital Projects not expected to require debt. Mr. MacMillan continued to the Middle School Restoration Project slide which gave detail and showed exactly how it will be funded. He noted that prepared Debt Schedules were included in the packet and explained the information in detail. The next slide showed the estimated tax impact to the average family noting that the figures could change as they are based on current rates and evaluations.

Mr. MacAskill asked what the average house value is the was used in the calculations.

Mr. Spellman replied that the number is \$968,829.

Mr. MacAskill referred to the restoration projects, Phase 1 and Phase 2 and asked for clarification on the totals which Mr. MacMillan explained.

Mr. Handler noted that when the Town of Harwich voted to authorize the first \$2.5 million, the split was different. He asked if Harwich will get the benefit of the current split for the first \$2.5 million.

Mr. MacMilan replied no. He noted that the packet also includes a summary of the Budget Assessment and the Debt Schedules.

Mr. Piekarski noted that the numbers will escalate and the \$78 per year for each taxpayer is then added onto by other projects and becomes real money that impacts people who are really struggling. He acknowledged that they are all trying to balance things to help people stay in their homes. He also noted the total of the five year projection and how much would be assessed to Harwich. Mr. Piekarski asked if the voucher programs that both communities offer are accepted at the YMCA.

Dr. Carpenter replied that the vouchers are accepted at the YMCA.

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

Mr. Powers noted he is joined by the Interim Finance Director/Town Accountant Ed Spellman. He noted what Articles the Board has already voted and which they had questions on. He noted that the Town Clerk had advised him that Article 37 was inadvertently omitted from the present Warrant. He asked that when the Board votes to close that the Motion allows staff to correct any scrivener's reviews.

Mr. Howell added, and to explicitly restore.

Mr. Handler referred to Article 4 and that the Board had questions for Mr. Spellman.

Mr. MacAskill referred to local receipts and the increases that are being projected. He had spoken with Eric Kinshurf about it who was going to relay his questions to Mr. Spellman and Mr. Powers.

Mr. Powers noted that Article 4 has a total of \$48,127,931 and that a portion of the funding for that is predicated on \$17,414,500 for estimated local receipts. Mr. Kinshurf and Mr. Spellman had done an analysis of the estimated local receipts.

Mr. Spellman noted he the had submitted to the Board, a summary of how the calculations were made for various taxes. He explained the process he had done for the analysis and that he used the information to make projections for FY26. He noted the payments the Town has received as well as what will be received through June 2025. Mr. Spellman noted adjustments the could be made which would reduce the total of the estimated local receipts from \$17.4 million to \$16,950,000. That number is 10% less than the actual number for FY2024. He noted that if they were to run short in any one line, funds in the other lines could cover the shortfalls.

Mr. MacAskill noted that he is not seeing the Sources and Uses Table with the estimated local receipts under Sources and Uses. He referred to an email that was sent to the Board and noted 6 months of actuals, noting that it should read 07/01/24 through 12/31/24.

Mr. Spellman responded and explained the information in the different columns that Mr. MacAskill was referring to in detail.

Mr. MacAskill asked questions about the local options meals tax and the spreadsheet, which Mr. Spellman answered in detail.

Mr. MacAskill noted that he had heard two numbers for Mr. Spellman's recommendation, \$100,000 reduction and \$350,000 reduction.

Mr. Spellman replied that he and Mr. Kinsherf had worked on the numbers and had various scenarios for their conclusions.

Mr. MacAskill asked Mr. Spellman what a comfortable number would be that the Board could reduce this number by. He explained why he is not comfortable with the rates as presented and that he cannot support it.

Mr. Piekarski noted that the reduction of local receipts by \$450,000 is essentially 90% of the 2024 actuals and puts the Budget out of balance.

Mr. Powers replied that it possibly could. He noted that the table that the Board is looking at shows the estimated funding sources. If any of those forecasts didn't hold true, the Town would seek other funding sources to continue to balance its Budget. He commented that if the Board wants to reduce any of the subtotal number local receipts or taxes but doesn't identify any other sources, they will not have a balanced Budget. He commented that if they are looking to have the \$17.4 million to \$16 something, he would look to have the offset be taxes. He noted what the Board has for a Budget which is what the Article shows and what Appendix B shows. He suggested how the motion could be crafted so the Board wouldn't have to specify all of the funding sources. Mr. Powers noted that the Board could modify any numbers in the funding source table but asked if they were looking to amend the Budget.

Mr. Piekarski commented that if they don't, they are telling the town's people that that their total in the Operating Budget Sources is different than Sources and Uses.

Mr. Powers replied that if the Board goes with the table that is being outlined, what they are telling the Commonwealth first, is that the Board has an Operating Budget that's balanced based on the forecasts they have at the time. He noted that if anything happens, the Town has the ability to have a special meeting in the fall to react to what may be potential shortages.

Mr. Piekarski asked Mr. Spellman, if he decreased the \$400,000 from the local receipts, what the total number percentage of the 2024 number would be. He also referred to the Free Cash of \$500,000 that's in the Sources and asked Mr. Powers what it is earmarked for.

Mr. Powers replied that it is earmarked for the contribution that the Board chooses to make to Other Post Employment Benefits (OPEB).

Mr. Spellman replied to Mr. Piekarski's question, it is 92% of what was collected for FY24. He also noted that the reduction of the Monomoy School Budget would also help bring the Budget back into balance with a slight decrease in the local receipt for the meals tax.

Mr. Piekarski asked Mr. MacAskill if he had any thought on the Budget being presented “out of Budget” or thoughts on where the \$450,000 might come from within the Article 4 proposed Budget.

Mr. MacAskill commented that he doesn't think the Board should go to Town Meeting and be out of balance. He noted other questions that he has regarding Free Cash. He would prefer to go in balanced. He commented that the Board could pick a number lower than what Mr. Spellman shared but they should be close to it.

Mr. Powers stated that they cannot go forward without a balanced Budget.

Mr. Piekarski suggested what could be done, noting the reduction in the School Budget, to accomplish a balanced Budget tonight and asked for Mr. Spellman's response.

Mr. Powers noted that they don't articulate funding sources for any other Articles in that same manner. He noted that Administration and Finance are relying on a lot of sources and uses.

Mr. Piekarski noted that they are not willfully spending the savings from the School Department Budget but this is why they had the conversation with the School Committee and School Administration.

Mr. Handler asked Board members if they are conformable with Mr. Powers suggestion of leaving the Budget the way it is, have the \$300,000 in savings and if they need to, they can amend on a special Town Meeting.

Mr. Powers noted that what they don't have yet, are the motions that are going to be made specifically for all these Budgets. If anything changes the forecast in the table they are working with, that would change the motion, which is what they would change in the presentation on the floor of Town meeting.

Mr. Howell commented that they have experienced a hundred year incident over the last 5 to 10 years. He asked what the local receipts were in FY21.

Mr. Powers noted that in FY21, Town Meeting was postponed 4 1/2 months and the Town was experiencing far greater local receipts than anticipated. They also had one of the higher levels of Free Cash that year.

Mr. Howell commented that if they are going to worry about not hitting the number, they's have to start anticipating what was analogous, that couldn't have been planned on, that should have been an hit.

Mr. Powers noted, that this why they have stockpiled very healthy reserves which he described. He stated that he is not suggesting that they use those reserves. They are used at a special Town

Meeting because something happened drastically to the forecasts. He also noted that the other option is to cut.

Ms. Kavanagh moved to approve the Town Operating Budget as presented. Seconded by Mr. Handler.

Mr. Howell commented that he doesn't understand at all. They are accepting and adopting this number, subject to a motion change.

Ms. Kavanagh replied that she is making the same motion they have made in past years when they had the same conversations about the Budget being what it is at the moment. Anything could change.

Mr. Howell commented that that was express placing Article 4 with an accept and adopt recommendation.

Mr. Handler removed his second.

Ms. Kavanagh removed her motion.

Ms. Kavanagh moved to accept and adopt the Town Operating Budget of \$48,127,931 as presented. Seconded by Mr. Handler.

Mr. MacAskill commented that they have had no discussion about the Finance Committee's desire to go from \$50,000 to \$125,000 in the Reserve Fund where they haven't spent the \$50,000 in at last 10 years. He stated that it is a part of the Budget that he doesn't support. He noted that having a balanced Budget tonight doesn't mean a lot to him knowing that they are going to Town Meeting with the possibility of an adjustment because of inaccuracies, just to get something closed.

Mr. Piekarski commented that he shares Mr. MacAskill's concerns about the local receipts and he is unsure why they don't move the \$300,000 now, when they can, from one line to the other

Mr. Powers noted that the Board can vote the motion as presented and support \$48,127,931. They can then take another vote and give direction on how the Board wants the sources to be. He asked that they separate them and explained why. He urged the Board to accept and adopt their Budget of \$48,127,931.

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

Mr. Piekarski moved to reduce the local receipt line item within the funding source for Article 4 by \$309,000 and increase the taxes line within the funding sources of Article 4 by \$309,000. Seconded by Ms. Kavanagh.

Mr. MacAskill noted that Overlay Surplus is \$200,000 this year and he asked if that is accurate.

Mr. Powers replied that it is accurate at this time as a vote of the Board of Assessors.

Mr. MacAskill asked if there has been further conversation with the Board of Assessors by Administration to see if there is an additional \$200,000 to alleviate some of the pressure on this Budget.

Mr. Powers replied, not at this time but they could do that if needed.

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

Mr. Powers asked the Board to reconsider the vote on Article 4. They had a funding source changed and they have the dollar amount. He commented that he is concerned that this Board doesn't support unanimously its own Budget.

Mr. Howell moved to rescind the prior action. Seconded by Ms. Kavanagh.

Mr. Piekarski confirmed that the motion is on the Operating Budget of \$48,127,931.

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

Ms. Kavanagh moved to accept and adopt the Town Operating Budget of \$48,127,931 as presented. Seconded by Mr. Handler.

Mr. Piekarski clarified that the motion is for Article 4 to have a total Operating Budget of \$48,127,931.

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

Mr. Powers noted that Article 9, the Monomoy Middle School Project has been placed, accepted and adopted.

Mr. Handler noted that Article 9 had only been placed.

Mr. Handler moved to indefinitely postpone Article 9 as presented. Seconded by Mr. MacAskill.

Mr. Handler commented that he wants to wait and see what happens at the April 8th meeting.

Mr. Powers explained that the Moderator will ask for a positive motion on Town Meeting floor. He also explained why the Finance Committee uses NRPFI-No Recommendation Pending Further Information.

Mr. MacAskill noted that there was a Committee that studied the window replacement and mold and that no one from that Committee has been before this Board to explain the findings. He asked if the Board would request that the Harwich representatives come before the Executive body and give the taxpayers another platform to understand what is going on and to explain this project.

Mr. Howell and Ms. Kavanagh noted that the two representatives have been present at meetings but have not spoken to the issue.

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

Mr. MacAskill clarified that his statement was also a request.

Mr. Handler requested that Mr. Powers review the new State Statute with respect to Article 54 and Revolving Funds.

Mr. Powers read Article 54 which was drafted and prepared prior to January 25, 2025 when Governor Healey signed the Municipal Empowerment Act which he explained in detail. He noted that Article 54 as presented by Administration, is not recommending any changes. He stated that unless the Board wants to make changes, it is not necessary to go before Town Meeting.

Mr. Handler confirmed that the Board could vote to withdraw.

Mr. MacAskill noted that there are still questions about whether or not the Board could adjust one of the Revolving Funds. It is his understanding that it is not the recommendation of the Town Administrator or the Finance team to do so at this time but to commit to working on that for the next Budget cycle. He asked Mr. Powers to explain why it is not recommended to adjust that Revolving Fund at this time.

Mr. Powers noted that it is Article 8 that would amend Chapter 8 by deleting one of the funds.

Mr. MacAskill clarified that he is speaking to Article 54, specific to the request to adjust the Revolving Fund at 204 Sisson Road.

Mr. Powers replied that there was a motions discussion with various parties that centered on amending Chapter 8 to change language. The language change Article is Article 53 and the only thing being changed is to delete the Golf Receipts Reserved infrastructure. The Board's previous discussion was that if they wanted to modify the elements of that Revolving Fund for 204 Sisson Road, separate and distinct from the funding authorization, did they want to change anything in Chapter 8 of the General By-laws that would change the revenue sources or the uses sources as it related to a request from Finance Committee to them put some of those into the Operating

Budget. He noted that Administration and Finance have concerns about that mechanically and counsel also raised concerns. Mr. Powers noted that if the Board is trying not to do any harm to those programs, there is a timing gap between when Town Meeting votes something and when it goes into effect July 1st. He commented that for this evening, if the Board wants to change any elements of a Revolving Fund, he recommended they rely on present Article 53. If the Board does not changing any of the elements the question for Article 54 is what spending limits the Board wants for FY26.

Mr. Handler clarified that if the Board doesn't change the spending limit, Article 54 is unnecessary under the new law.

Mr. Howell commented that, following that logic, they will never be able to change this. It will always end up bumping up against the Attorney General's approval every year.

Mr. Powers noted that spending limits do not go to the Attorney General.

Mr. Howell responded that he meant that if the Board wanted to do that which they were discussing and change the funding over to regular general funds, every year they will bump up against the Attorney General's approval.

Mr. Powers respectfully disagreed with Mr. Howell's comment. He noted that Administration and Finance didn't have the benefit of time. The request was made a year ago by the Finance Committee, the Board heard that and the Board did what they did, which is their right. The question was brought up again on February 3rd of 2025 and the Town didn't take any action. The concern now is, if legal, Administration and Finance miss something or are inarticulate on the language changes, it would cause problems for this year. He emphasized that he does not need Revolving Funds per se, but he recognized their value as a financial management tool under Chapter 44 Section 53 E and 1/2. The Town does not rely upon that for the Operating Budget. He noted that for him, in the 2025 Annual Town Meeting, it should be done under Article 53 not Article 54 but if they do it there are concerns.

Mr. Handler commented that he and other Board members are committed to reviewing the Revolving Funds so that by the next Annual Town Meeting, they will be in a better position. He also noted that he does not want to do harm to any of the Departments

Mr. MacAskill asked Mr. Powers to explain why the Board would withdraw and not rescind their motion to place Article 54.

Mr. Powers explained the difference but also that parliamentary, they have the same effect.

Mr. MacAskill moved to withdraw Article 54 from the Annual Town Meeting Warrant 2025. Seconded by Ms. Kavanagh.

Mr. Piekarski asked Mr. Powers for an overview of what the Board needs to do to change the Revolving Funds in the future.

Mr. Powers explained the process as well as suggesting that the Board give guidance starting immediately after Town Meeting.

Mr. Piekarski noted why he would vote against the motion and emphasized that he wants the Board to start working on the Revolving Funds issue, noting what he feels should be accomplished. He noted that his intent is not to eliminate the funds but to reduce the spending limit.

Mr. Howell noted that he would be voting against the motion because he feels the public should see the information.

Mr. Powers noted that they now have to give a report on the status of Revolving Funds at Town Meeting, which can be done ahead of Article 53. The information can be available to the public.

Vote: 3:2 in favor by roll call vote with Mr. Piekarski and Mr. Howell opposed. Motion carried.

Mr. Powers asked the Board for any questions about the Levy Limit that Mr. Spellman could answer.

Mr. Howell commented that he was hearing that the Town is close to bumping up against the Levy Limit.

Mr. Spellman responded by explaining what the Levy Limit is, how it is determined and that Harwich is within \$100,000 of the Levy Limit.

Mr. Powers commented that, how close they get to the Levy Limit is a policy decision of the Select Board. He suggested that it is something critical for the Board to discuss after the Annual Town Meeting in May.

Mr. Piekarski commented that he is not comfortable being over 99% close to the Levy Limit. He would like to see the Board set expectations and ground rules to avoid being that close every year, noting that it can cause a problem if something unexpected happens.

Mr. Spellman noted that Free Cash and the Stabilization fund are the Town's rainy day funds.

C. Vote to close the 2025 Annual Town Meeting Warrant

Mr. Howell moved to close the 2025 Annual Town Meeting Warrant with the addition of Article 37 and any scrivener corrections that need to be made that are discovered after this vote. Seconded by Ms. Kavanagh.

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Mr. Handler noted the language he would like to add to Article 20, pond water quality in place of water quality.

Mr. Powers responded that the wording is from the Town's CWMP. It does not, in any way, tie to drinking water quality, its pond water quality. He noted that it is not a scrivener's error, it is an important thing for everyone to be aware of.

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

Mr. Powers distributed ten versions of the signature page for the Select Board members to sign.

IX. 2025 ANNUAL TOWN ELECTION

A. Accept the 2025 Annual Town Election Warrant; votes may be taken

Mr. Howell moved to accept the 2025 Annual Town Election Warrant. Seconded by Ms. Kavanagh.

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

B. Vote to close the 2025 Annual Town Election Warrant; votes may be taken

Mr. Piekarski moved to close the 2025 Annual Town Election Warrant. Seconded by Mr. Howell.

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

X. NEW BUSINESS

A. Fee waiver request from the Harwich Garden Club for a plant sale on May 24, 2025, at Doane Park

Ms. Kavanagh moved to approve the fee waiver request from the Harwich Garden Club for a plant sale on May 24, 2025, at Doane Park. Seconded by Mr. Howell.

Mr. Howell noted that there is no cost to the Town and also what the Garden Club does around Town with the proceeds.

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

Mr. MacAskill also commented on the Garden Club's great work around town.

B. Approve the following 2025 seasonal on-premise liquor license renewals:

1. Pelham on Earle Operating LLC, d/b/a Pelham on Earle, 30 Earle Road

2. Port Restaurant and Bar Inc, 541 Route 28
3. Ember Pizza Inc., d/b/a Ember, 600 Route 8
4. Saquatucket Snack Shack LLC, d/b/a Dockside, 715 Route 28, Unit A
5. Wychmere Harbor Functions Lp, d/b/a Wychmere Harbor Beach and Tennis Club, 23 Snow Inn Road
6. The Lucky Labrador, Inc., d/b/a Perks, 545 Route 28

Mr. Piekarski moved to approve the 2025 seasonal on-premise liquor license renewals as presented including any previous restrictions. Seconded by Mr. Howell

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

C. Approve the following 2025 Seasonal Innholder license renewal:

1. Allen Harbor Inn, 326 Lower County Road

Mr. Piekarski moved to approve the 2025 Seasonal Innholder license renewal as presented including any previous restrictions. Seconded by Mr. Howell.

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

D. Approve the following 2025 Common Victualler license renewal:

1. Wychmere Harbor Functions, LP, d/b/a Wychmere Harbor Club, 23 Snow Inn Road
2. Belmont Condominium Trust d/b/a The Beach, 1 Belmont Road
3. Saquatucket Snack Shack d/b/a Dockside Café Harwich Port, 715A Route 28
4. MT Group d/b/a Mad Minnow Bar & Kitchen, 554 Route 28
5. 554 Street Bar d/b/a 3 Monkeys, 554 Route 28

Mr. Piekarski moved to approve the 2025 Common Victualler license renewals as presented including any previous restrictions. Seconded by Mr. Howell.

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

E. Approve the following 2025 Seasonal Entertainment license renewals:

1. Wychmere Harbor Functions, d/b/a Wychmere Beach Club, 23 Snow Inn Road
Weekday
11:00 a.m. – 1:00 a.m. inside
11:00 a.m. – 10:00 p.m. outside
Dancing by patrons, dancing by live performers, live/recorded music (DJ, Band), amplification system
Sunday
11:00 a.m. – 1:00 a.m. inside
11:00 a.m. – 10:00 p.m. outside

Dancing by patrons, dancing by live performers, live/recorded music (DJ, Band), amplification system

2. Belmont Condominium Trust d/b/a The Beach, 1 Belmont Road

Weekday

7:00 p.m. – 10:30 p.m. inside

Dancing by patrons, dancing by live performers, live/recorded music

Mr. Piekarski moved to approve the 2025 Seasonal Entertainment license renewals as presented. Seconded by Mr. Howell.

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

Mr. Powers distributed items voted on the March 24th meeting for Board Members signatures.

XI. OLD BUSINESS

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

Mr. Handler noted that he sent a revised Wastewater Management Consultant contract for the Board to review and noted the changes from the previous contract.

Mr. Piekarski moved to enter into an agreement for Wastewater Management Consultant between the Town of Harwich and Waterworks Consulting, LLC, not to exceed \$50,000 Article 3 compensation. Seconded by Ms. Kavanagh.

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

B. Update and next steps on Finance Director Search; Votes may be taken

Mr. Powers stated that Karen Shanley's husband passed away unexpectedly. He expressed condolences of the Town and commented that Ms. Shanley conducted some of the interviews while her husband was being cared for. He recognized the Shanley's and their tremendous loss and expressed gratitude that Ms. Shanley did to get the Town to this point.

Mr. Handler noted that Mr. Piekarski's questions had been forwarded to Ms. Shanley, who acknowledged receipt. He suggested that the Board chose dates for interviews.

Mr. Howell commented that whatever questions they end up with finally, there are questions, the Consultant has done her job. From this point on, it is the Board.

Mr. Piekarski suggested that the Board meet regarding the questions, prior to the interviews.

Mr. Handler suggested that Board members email their available dates to him.

Mr. MacAskill requested that all the questions be sent to all the Board members.

XII. TOWN ADMINISTRATOR'S REPORT

Mr. Powers noted 3 personnel announcements and offered congratulations. He also announced 3 contracts.

XIII. SELECT BOARD MEMBER REPORT

Mr. Howell commented that he invited Andrew Gottlieb to a Select Board meeting and he asked that Mr. Handler schedule that on an Agenda.

Mr. MacASkill asked the Mr. Handler to consider having Harwich's representative on the Cape Cod Commission, Jacqueline Etsten, come before the Board to discuss the Wychmere Harbor Expansion.

XIV. CORRESPONDENCE

XV. ADJOURNMENT

Mr. Howell moved adjourn. Seconded by Ms. Kavanagh.

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

Respectfully submitted,

Judi Moldstad
Board Secretary

March 31, 2025