

RELEASED

APPROVED

**MINUTES
SELECT BOARD
HARWICH TOWN HALL
732 MAIN STREET, HARWICH MA
TUESDAY, SEPTEMBER 8, 2026
6:00 P.M.**

RECEIVED
TOWN CLERK
HARWICH, MA

2026 SEP 15 A 8:40

MEMBERS PARTICIPATING: Chair Peter Piekarski, Vice Chair Mark Kelleher, Clerk Jeffrey Handler, Member Anita Doucette & Member Don Howell

ALSO PARTICIPATING: Town Administrator Jay McGrail, Assistant Town Administrator Jim Mulcahy, Finance Director Jennifer Mince & Executive Assistant Jennifer Clarke

CALL TO ORDER IN OPEN SESSION

Mr. Piekarski called the meeting to order in open session.

PLEDGE OF ALLEGIANCE

Mr. Piekarski invited everyone to join in the Pledge of Allegiance.

COMMENTS/ANNOUNCEMENTS

A. Public

Richard Waystack was present and wanted to recognize a woman who was a 90-year-old resident of Harwich and had long served the community in many ways including working with the Elder Services of Cape Cod, was a member of the Council on Aging Board of Directors and was also a long-term volunteer of the front desk at the Harwich Council on Aging. Joanne Lepore was an outstanding volunteer and incredible person who passed away a few weeks ago. Mr. Waystack recognized the staff of the Harwich Council on Aging that were a large part of Ms. Lepore's life and stayed with her during her last days and moments.

B. Staff

On behalf of the Harwich Charter Commission, Richard Waystack was present and announced that at their regular meeting on August 27th, the Charter Commission took a formal vote to approve the final draft of the Charter of the Town of Harwich. The vote was unanimous and was taken after 56 meetings of the commission. The draft has been sent to the state for final review of legalities. There will be a public hearing held on October 22nd in the Griffin Room at Town Hall. The updated charter will be on a ballot next spring for the entire community to vote on. The Charter Commission is looking forward to the next steps on this 2-year journey. The final draft can be found on the Town of Harwich website.

TOWN ADMINISTRATOR'S REPORT

Mr. McGrail wanted to bring an idea to the Board's attention, and to get feedback from both the Board and residents. We've been looking at the possibility of relocating the Health Department from Town Hall to the Cultural Affairs Building at 204 Sisson Road. As the Board may recall, in

our most recent RFP cycle for artist space at that building, we intentionally held back a section rather than leasing it out, with the idea of preserving it for future municipal use and this is the area where the Health Department would go. The space would give the department real room to grow including more room for records storage, for staff that will support some of the regional endeavors we are involved in, and potentially for programming that just isn't possible in their current footprint at Town Hall. There's also something nice about the location itself: with the community garden on site and the farmers market held there each Thursday during the summer, the Health Department already has a table there that connects with residents, so this move would build on a presence they've already established in that space. Mr. McGrail recognized that this means one more department moving outside the more centralized setup we currently have at Town Hall, and Mr. McGrail doesn't take that lightly. That said, a lot of what residents' need from the Health Department is handled online at this point, and for anyone who needs to visit in person, 204 Sisson Road is just a short distance from Town Hall — not a real inconvenience. Rather than discuss this tonight, Mr. McGrail wanted to give the Board and residents some time to think it over.

Mr. McGrail had the privilege last week to speak to the Harwich Republican Town Committee. With the help of Finance Director Jen Mince, he was able to report on the Popular Annual Financial Report that she put together this past summer along with updates on the ongoing sewer work in the town and recent 40B project. He appreciated the opportunity to speak to the group and hoped to be invited to do the same with the Democratic Town Committee.

Mr. McGrail reported that Harwich has been awarded four PurpleAir Flex air quality sensors through the Massachusetts Department of Environmental Protection's Air Sensor Grant Program. The sensors come to the Town at no cost and will be installed at outdoor locations with electricity and wi-fi access, where they'll measure fine particulate matter in the air for at least one year. Once activated, the sensors' readings will be publicly viewable on PurpleAir's online map, giving residents access to real-time, local air quality information. He has accepted the grant agreement on the Town's behalf and wanted to thank the Health Director Carrie Schoener and the Health Department for their work in securing this grant for Harwich.

Mr. McGrail updated the Board that we've engaged Weston & Sampson Engineers to conduct an independent peer review of the Notice of Intent filed for the Wychmere Beach Club Hotel and Site Improvements Project, which is before the Conservation Commission. Their review will focus on the application's conformity with state and local wetlands bylaw requirements, including a look at the stormwater management plan, and will result in a written peer-review memorandum along with attendance at up to two virtual meetings with the applicant and Commission staff and one virtual Conservation Commission hearing. The budget for this work is not to exceed \$11,250, and Weston & Sampson expects to complete their review memo by September 25, with the public hearing anticipated for September 29. The \$11,250 is paid by Wychmere and is held in a special account for this purpose.

A. Weekly Briefing

Mr. McGrail reviewed the Phase 3 and Phase 3A sewer updates as provided in the packet.

CONSENT AGENDA

A. Approve Select Board Meeting Minutes from August 24, 2026

- B. Vote to accept a gift to the Community Center in the amount of \$250 from Christopher Senie to be used to benefit the Community Center and that a thank you letter be sent to Mr. Senie on behalf of the Select Board
- C. Vote to approve the Assistant Town Administrator's recommendation to grant permission by NSTAR Electric Company d/b/a Eversource Energy to install 35' +/- of 1-3" conduit and one (1) new handhole for underground service
- D. Vote to accept the resignation of Anthony Dimauro from the Housing Committee effective immediately

Mr. Piekarski requested to remove item C from the initial consent agenda vote.

Mr. Handler moved to approve consent agenda items a, b and d as printed, 2nd by Mr. Howell and approved 5-0-0.

Mr. Howell asked about a future agenda item to work on re-populating the Housing Committee. Mr. Piekarski agreed that it would be brought back as a future agenda items.

Mr. Piekarski noted that several months ago, the Select Board had requested to see movement on the double poles in Harwich. At this point, he would be voting against consent agenda item c. He feels that Eversource needs to act on the requests that are before them, before the Select Board continues to support their endeavors.

Mr. Kelleher believes that Verizon owns and sets up the poles and what we may find is that Eversource is good at moving their electrical lines, but that it is likely Verizon and Comcast lines that stay on the old poles.

Mr. Handler moved to approve consent agenda item c, 2nd by Ms. Doucette and denied 1-4-0 (Kelleher in favor).

PRESENTATIONS

- A. Presentation by the Finance Director Jennifer Mince: preview of the Town's new financial transparency portal – Open Finance

Finance Director Jennifer Mince was present. When she came to Harwich, there was a promise of making Harwich's finances more transparent. Ms. Mince provided a walk through the town's new financial transparency portal called Open Finance. This is a product that is a module of Munis and is a public read only window into how the town raises, collects and spends money. The goal is to make the town's finances easy to understand and available to every resident. Ms. Mince reviewed examples of the search options on the portal.

Mr. Handler asked if there are permissions that can be set up in the portal. Ms. Mince responded that there are, and that she cannot hide something from viewing, but she can stop at a certain point of how far someone can dig.

Mr. Howell noted that this is the most information the board has ever received and asked if the information would be in real time. Ms. Mince responded that her could would be to keep it at a minimum of 2-4 weeks in the arrears. Mr. McGrail added that it is linked to Munis and is not stale information.

Ms. Mince briefly talked about departments completing their monthly revenue and expenditure reports.

Mr. Kelleher asked if the portal is live now. Ms. Mince responded it is not. Mr. Kelleher asked how the portal would be found. Ms. Mince responded that it would be linked to the Town of Harwich website as well as social media.

Mr. Piekarski asked if the portal has been tested to be sure that multiple people can be on the site at the same time. Ms. Mince responded that she would confirm that many people can be on it at once without issue.

Mr. Piekarski asked when this would be available. Ms. Mince responded soon. Mr. Piekarski thinks that this is great information and would be interested to see how many people utilize it, wondering if it would create more questions. Ms. Mince responded that it may create more informed questions.

NEW BUSINESS

- A. Discussion/vote on special permit application for a road race for Second Summer Cycle, for an event to be held on September 13, 2026, from 9:30 a.m. – 12:30 p.m., event to be held on various roads in Harwich

David Troutman was present and briefly reviewed the ride request.

Mr. Piekarski noted that his bigger concern is about the ongoing road construction. Mr. Troutman responded that he spoke with Lt. Goshgarian and is under the impression that most of the paving occurs on Fridays. He knows that the road conditions are not ideal, but it is what they are dealing with. This is a rain or shine event.

Mr. Handler moved to approve a special permit application for a road race for Second Summer Cycle, for an event to be held on September 13, 2026, from 9:30 a.m. – 12:30 p.m., event to be held on various roads in Harwich, 2nd by Mr. Howell and approved 5-0-0.

- A. Discussion/Vote to authorize the Chair to sign the Declaration of Restrictive Covenant's for Local Action Units for 203 Bank Street

Mr. Handler moved to authorize the Chair to sign the Declaration of Restrictive Covenant's for Local Action Units for 203 Bank Street, 2nd by Mr. Howell and approved 5-0-0.

- B. Discussion/Vote on eliminating the Building Department Technology Fee

Mr. McGrail reported that this has been a hot topic item since the Building Department fees were increased in January. The technology fee was instituted around the time when the town brought OpenGov on. Staff believes the rationale was to cover the cost of the program, which has since been covered. At this point, Mr. McGrail recommends the fee be eliminated.

Mr. Handler moved to eliminate the Building Department technology fee, 2nd by Mr. Howell and approved 5-0-0.

C. Discussion/Vote on a draft letter of opposition regarding Massachusetts Ready Act

Mr. Handler moved to draft a letter of opposition regarding the Massachusetts Ready Act, 2nd by Mr. Howell.

Mr. McGrail briefly walked the board through the Massachusetts Ready Act, which supports the environmental bond bill and touches Harwich through the Clean Water Trust and the State Revolving Funds, which are being used for sewerage. In the draft letter, The Board noted its support for the bond bill's broader investments, including the Municipal Vulnerability Preparedness program and the Clean Water Trust, but raised concern that Section 108 would condition municipal grant eligibility on lowering local environmental standards to the state minimum, while Section 60 would eliminate local wetlands and wastewater permitting authority for a broad category of housing, overriding the Town's Comprehensive Wastewater Management Plan.

Conservation Administrator Amy Usowski was present remotely and echoed Mr. McGrail's comments. If the board were to send a letter, she suggested the one labeled draft # 2 in the packet.

Mr. Howell said that the Clean Waters Board sent a letter of opposition. He feels that the draft # 2 letter is too polite.

Mr. Handler said that he had met with staff and read both bills. He asked if the Select Board supports the bill in its entirety, because after his reading on it, he does not. His opinion is that the bill cuts out public hearings and public appeal. Mr. Handler also takes issue with the 3.5 billion dollar borrowing request. This is one more example of local control being challenged and then lost and now is where we can go back to our regional government and show that the Cape needs to be treated differently than elsewhere in the Commonwealth.

Ms. Doucette asked if any other towns are sending a letter. Mr. McGrail responded that the Yarmouth Select Board voted to send a letter saying that they support the Massachusetts Municipal Association's statement, which is similar to what Harwich is proposing.

Mr. McGrail said that he understands where Mr. Handler is coming from, but that we have 30 million dollars in loan borrowing right now. The letter was trying to say that Harwich does not support the bill, but that we need the funding.

Mr. Kelleher doesn't see how it would benefit Harwich to take a negative view of this and more importantly, we should be utilizing our county government. Mr. Kelleher would like to see Senator Cyr come before the Board to explain his position. He would be in favor of sending the letter, with some adjustments.

Mr. Piekarski said that he has issues with the entire bill, but that there are some components that are not that bad. The letter should try to highlight the most egregious issues. What he is hearing is that there is a potential to modify the letter and bring it back. Mr. McGrail said that he would revise the letter and bring it back for next week.

Mr. Howell noted that it has been a while since Senator Cyr and Representative Luddy have been before the Select Board and this might be the right time to have them come in to discuss this disturbing trend.

Mr. Handler said that he would like to hear feedback from Senator Cyr and Representative Luddy before drafting an updated letter.

Mr. Handler withdrew this motion and Mr. Howell withdrew his 2nd.

- D. Discussion/Vote: Letter to State Legislation regarding the 2026 Annual Town Meeting Articles 31, Home Rule Petition for Fertilizer Reduction Bylaw and Article 32, Home Rule Petition on SGAR Rodenticide Restriction

Mr. Handler said that the Board received an email today from Town Clerk Emily Mitchell about the articles that were sent to the Attorney General's Office. Mr. Piekarski responded that the town provided the Attorney General's Office an opportunity to respond to the petitions and there is nothing preventing us from moving forward at this time. The Attorney General's opinion on these articles is on hold until they go through the State Representative's Office and ultimately the Commonwealth.

Mr. Handler moved to send a letter to the State Legislation regarding the 2026 Annual Town Meeting Articles 31, Home Rule Petition for Fertilizer Reduction Bylaw and Article 32, Home Rule Petition on SGAR Rodenticide Restriction, 2nd by Mr. Howell and approved 5-0-0.

- E. Discussion/Vote: Designation of Hearing Officer for Show Cause Hearings – Liquor/Entertainment License Violations

For the past number of years, the Select Board had elected to have the Town Administrator being the Hearing Officer for show cause hearing relating to liquor/entertainment license violations. The discussion tonight is if the Select Board wants to keep on that path or reinstate the Select Board to be the Hearing Officers.

Mr. Handler feels that since the Select Board is the licensing authority, that they should be the 5 who are conducting the hearing. He would have liked to have had the opportunity to ask questions during some of the hearings. Mr. Handler feels that there needs to be a more concise clear cut schedule of consequences. Mr. Piekarski agreed that the board can create some kind of template for violation consequences.

Mr. Kelleher commented that he does not know much about the liquor license laws and that the Town Administrator is more familiar. He likes the idea of the Town Administrator being the Hearing Officer and then the Select Board would be involved with the penalty phase and can bring in subjective judgement.

Ms. Doucette feels that if the system is not broken, we don't need to fix it and would like the Town Administrator to remain as the Hearing Officer.

Mr. Howell does not want to weaken the authority of the Town Administrator and that we are at the point of having a better definition of who does what. He said that there was a recent show cause hearing for Ember that was very well structured. With the way that the hearings are happening now, there is nothing that would preclude a board member from coming in and asking questions. Mr. Howell said that he would be open to discussing what the proper penalties are for violations. He would like to leave the process the way that it is now.

Mr. Piekarski feels that there could be pros and cons to both options. His conclusion had to do with seeing personalities getting involved when you have a repeat offender before the board and issues from the past come up in the judgement process. Mr. Piekarski leans in the direction of having a designated hearing officer with that person having a clear eye and listening to the facts and then making a recommendation to the Select Board that they can act on. The board can act in agreement or disagreement with the Hearing Officer's recommendation. When show cause hearings come before the board, Mr. Piekarski will have no interest in relitigating the hearing at the board level. The hearing will be conducted and recommendations brought before. The business entity that was accused of a violation can come before the board and make an opening statement and then the Select Board will deliberate on the Hearing Officer's recommendation.

Mr. McGrail feels that the most recent hearing went very well. He listened to the issues during the hearing and tried to resolve them. From an operational standpoint, it is very difficult to put these hearings together given the number of people that need to be brought together for the hearing.

Mr. Handler said that when he attended one of the last hearings, Town Counsel did most of the work. At this point, Mr. Handler thinks that he would always go with the recommendation of the Town Administrator. The Select Board could come up with a template, which might make it easier for the Select Board to come to a determination.

The consensus of the Select Board was to leave the process as it is now, with the Select Board designating a Hearing Officer. The board can create a template that outlines the infractions and proposed penalties.

SELECT BOARD MEMBER REPORT

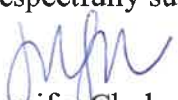
Mr. Handler held his officer hours this morning, where 3-4 people showed up. For a future agenda item, Mr. Handler asked for the Select Board to have a thoughtful discussion on naming a building in Harwich after Allin Thompson.

CORRESPONDENCE

ADJOURNMENT

Mr. Howell moved to adjourn the regular meeting of the Select Board at 7:50 p.m., 2nd by Mr. Handler and approved 5-0-0.

Respectfully submitted,


Jennifer Clarke

Executive Assistant