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, April 28, 2025

APPROVED

RELEASED

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

ALSO PARTICIPATING: Joseph Powers, Town Administrator

I. CALL TO ORDER

Mr. Handler called the meeting of the Harwich Select Board to order at 5:00PM noting that they would be entering into Executive Session and returning 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

B. Pursuant to G.L. c. 30A, sec. 21(a)(2) to conduct strategy sessions in preparation for negotiations with non-union personnel and to conduct contract negotiations with non-union personnel: Town Administrator

Mr. Handler called the Select Board meeting for April 28, 2025 back to order noting that while in Executive Session, action was taken on Item B.

Mr. Handler read a statement for the record: The Harwich Select Board announces that it has reached a mutual agreement with Joseph Powers that the last day as Town Administrator will be June 30, 2025, the end of his current contract. On behalf of the Town, the Select Board, we would like to thank Mr. Powers for his dedicated service, his many contributions to the Town as Town Administrator. Mr. Powers looks forward to shepherding the town through an Annual Town Meeting and the remainder of this fiscal year. He offers his appreciation to the Board, the Department heads, Town employees and countless volunteers that serve the community who he is honored to have worked with during his time in Harwich. This is the only public statement either the Board or Mr. Powers will make on this matter as additional public commentary will only distract from joint efforts to ensure continuity of service and a smooth transition. The Board will discuss publicly its plans for a new Town Administrator search in the near future.

III. PLEDGE OF ALLEGIANCE

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

IV. STAFF COMMENTS/ANNOUNCEMENTS

A. Memorial Day Ceremony – Monday, May 26, 2025, at 9:30 am Brooks Park

Maureen Donahue, Chair of the Board of Water/Wastewater Commissioners noted that Jason Trepanier, Superintendent was unable to attend. She noted that there is a level of interest in a statement made in the project evaluation form submitted as part of the application for funding for the Phase 3A Sewer Project. She asked if, through the Chair to the engineer, she could get clarification on a specific statement, which she read.

Mr. Howell noted as a point of order that Public Comment was not designed to debate. This is on the Agenda later on.

Mr. Handler noted that they have allowed this exact interaction in the past during Staff Comments.

Marc Drainville of GHD responded, noting that the application for funding provides an opportunity to comment on impacts on drinking water and fresh water systems. He noted that the conditions Ms. Donahue alluded to referred to septic systems which are always a concern with drinking water and fresh waters. He emphasized that Phase 3A is being done for fresh water quality issues and drinking water is not a driver. He explained the point system regarding the application and commented that what Ms. Donahue eluded to was 1 of 540 points. He emphasized that if drinking water quality was an issue, which it is not, the Town would not be sewering two miles away from the wells.

Emily Mitchell, Town Clerk gave updates regarding the Annual Town Election including ballots and the voting by mail application deadline. All information is on the Town's website.

V. WEEKLY BRIEFING

Mr. Powers gave an update on Phase 3A work from April 28-May 9, noting areas where work is being done and traffic detours.

VI. PUBLIC COMMENTS/ANNOUNCEMENTS

Mr. Handler noted that the Great Sand Lakes project, which is under 9C, is an Agenda item for the Board to have a discussion on whether or not the Board feels it wants to change its position. There will be no public input at that Agenda item. This is the opportunity, under Comments/Announcements, for anyone who would like to speak on that topic.

Ann Frechette of East Harwich and the Great Sand lakes Association noted that she had three specific asks. First, that the Board provide accurate information to voters about the connection between the Great Sand Lakes Sewer Extension Project and the drinking water wells. She quoted from the town's application to the State Revolving Fund. Second, she asked that the Board provide accurate information about the cost of the project. She asked for details of what is included in the $35 million. She noted that she has put in two public record requests and she feels it is important to see construction costs. She noted that of the $600,000 Harwich received in ARPA Funds, only $200,000 has been spent. Her third ask was that the Board vote in support of Article 20 stating her reasons.

Mr. Handler noted the information regarding the Memorial Day services. Mr. Howell will be the Board's representative at the Proclamation.

Valerie Bell of the Harwich Energy and Climate Action Committee referred to New Business B. and clarified that when she was previously before the Board, she was mainly asking the Board to apply for the Grant that would help the Committee create the road map, to let the Town apply to become a Climate Leader.

Mr. Handler responded that Ms. Bell will have an opportunity , under the Agenda item, to clarify that.

Deborah Ennis of the Climate Action Network noted that she and other members of her group support Ms. Bell's proposal to apply for the money to help Harwich move forward towards addressing the effects of climate change. She encouraged the Board to take the next steps towards Climate Leader.

Mr. MacAskill noted that the Agenda item doesn't cover the specific ask and requested that the Chair bring this item back the week after Town Meeting rather than have people stay for something the board will be unable to talk about.

Mr. Handler responded that it is a point well taken but he believes there is a deadline to this and if they wait, they may miss the deadline.

Mr. MacAskill replied that if it's not on the Agenda properly, he didn't see that the Board could discuss it.

Ms. Kavanagh noted that applying for the Grant is part of the certification which would cover them under the Agenda item.

Mr. Howell noted that in the Minutes that the Board will be approving for April 15th, he had made one very specific ask, a matrix that showed where the stretch code is now and what the responsibilities were building under it.

Ms. Bell noted that the State has that matrix on their website.

Mr. Howell responded that what he had asked for was a slide that showed what is currently required if the enhanced stretch code was accepted. He noted that in order to do the Grant, you're implicitly going to be accepting.....

Ms. Bell interjected, no.

Mr. Howell asked if they can walk away from it after the Grant. She started to explain what the road map is.

Mr. Handler noted that they are still in Public Comment and at the end of Public Comment, he will move this Agenda item up.

Charles Gruszka of 6 Teaberry Ave. had comments relative to item 9.C., Article 9, the Monomoy Middle School Siding Project. He asked if he should hold his comments until it comes up on the Agenda to which Mr. Handler replied, yes.

Brian Phillips, 374 Orleans Rd. North. Chatham commented that he is running for Select Board in Chatham and noted his priorities and asked if anyone had friends in Chatham to ask them to vote for him.

Andrew Gottlieb representing the Association to Preserve Cape Cod participated remotely. He asked that the Board reconsider their vote and support Article 20. He noted that Harwich's application beat out dozens of other projects state wide. He noted the positive effects of the Project in detail. He noted that it may not solve all the problems of the Great Sand Lakes but it goes a long way towards solving the problem of nutrient loading. He noted that that is the cheapest time for the Town to do this project for the taxpayers of the community. Mr. Gottlieb assured the Board that the funding for this project is secure. He explained the loan process and noted that on the $31 million construction estimate, it approaches $8 million that would come off the funding obligation that the town's taxpayers will be anticipated to cover by being paid for by proceeds from the Cape & Islands Water Protection Trust. He noted that the Board will have the ability to walk into Town Meeting next week knowing they have a voted on allocation of funding from the Cape & Islands Trust and that they qualify for the State Revolving Fund (SRF) funding.

VII. CONSENT AGENDA

A. Approve the following Select Board Meeting Minutes:

1. January 30, 2025
2. February 6, 2025
3. April 7, 2025
4. April 14, 2025

B. Accept a gift in the amount of $3,500 from Jan Kalicki for the purchase, installation and care of a memorial bench at a mutual agreeable location

C. Vote to approve the committee appointment of Janet Siviski as recommended by the Interview Committee to the Board of Health, term to expire June 30, 2026

Mr. Piekarski moved to accept the Consent Agenda as presented. Seconded by Mr. Howell.

Ms. Kavanagh referred to page 3 of the April 7th Minutes and noted a word change of conversation to conservation.

Mr. MacAskill noted that he doesn't see any information in his packet related to item C.

Mr. Handler responded that the information is on pages 58 or 59 in the packet.

Mr. Handler thanked Ms. Siviski for stepping up and being part of the Committee. He also thanked Ms. Kalicki for the nice donation for the bench.

Mr. Powers noted for the record that the name is Yan Kalicki.

Mr. MacAskill noted that he was looking for the application and the packet has the recommendation from the Interview Committee. He asked that the Interview Committee give the Board members an overview noting that the packet should contain the application.

Mr. Howell apologized, noting that it was included with the Committee's consideration. He gave an overview of Ms. Siviski's qualifications. He also noted that she was asked if she could commit to the third Tuesday of each month which she can do.

Vote: 5:0 in favor. Motion carried.

Mr. Handler went to item New Business Item B.

VIII. NEW BUSINESS

A. Discussion on the Finance Director interviews; votes may be taken

Karen Shanley participated remotely.

Mr. Handler noted that the Board has interviewed four candidates. He thanked them for taking time to sit with the Board for 35-60 Minutes. He noted that they were all qualified and enthusiastic about working for the Town of Harwich. He asked Board members if they have had ample time to review the extra information they have received and if there is an opportunity to move forward tonight and possibly narrow down the number of candidates.

Mr. Piekarski noted that he is ready to move forward. He commented that each of the four candidates brought a different strength. He noted that there were two candidates that stood above the field and had experience, having done the job in other communities. He is open to discussing either of those candidates this evening.

Mr. MacAskill thanked all the Applicants, commenting that they were qualified and did a fantastic job. He noted that he is ready to move on and has picked two that he thinks stood out.

Mr. Howell commented that it's not always what the candidates themselves possess as strengths, it's also about what the town needs to fill its own perceived weaknesses. He commented that all four candidates were smart and capable and that it will boil down to what the town needs at the moment. He noted that the Board had set up a construct with a Finance Director that reports to a Board. He noted that each candidate was asked if they had experience with working for a five member Board and that was a separator for him. He also commented that it is important to find somebody who can create another pillar and work within the context of what the Town Administrator is saying so the Board can get vital information and confirm that it isn't filtered. He noted that he also has two people in mind but it in no way diminishes the other two because they all had skill sets.

Ms. Kavanagh commented that all the candidates were strong and well qualified. She also has her top two.

Mr. Handler noted that he is ready to move forward as well. He will ask each member for their two candidates, see how it works out and then have more discussion.

Mr. MacAskill stated, Brittany Iacaponi and Jennifer Mince.

Ms. Kavanagh stated, Meghan Green and Brittany Iacaponi.

Mr. Howell stated, Brittany Iacaponi and Jennifer Mince.

Mr. Piekarski stated, Brittany Iacaponi and Jennifer Mince.

Mr. Handler stated, Brittany Iacaponi and Jennifer Mince.

Mr. Handler stated that Meghan and Samantha did a fantastic job with their interviews and presented well and added that the Town is looking for some specifics.

Mr. Howell expressed a deep sense of gratitude to Meghan for operating in the environment she has operated in, in the last year. She has been outstanding, she is bright and intelligent and he feels that at some point in time, she will run a finance department somewhere. He noted that in large measure, she has kept it together for the town.

Mr. Handler asked for comments from the Board regarding Brittany Iacaponi and Jennifer Mince.

Mr. Piekarski commented that both candidates have strengths. Ms. Iacaponi has spent 10+ years as a Finance Director and Ms. Mince has been doing the job in a neighboring community on an interim basis since April 2023. He commented that he has reservations on both of them as well. If he had to choose one it would be Ms. Iacaponi.

Ms. Kavanagh commented that Ms. Iacaponi did a good job in terms of the questions regarding policies and procedures that she is currently dealing with, how she would take Harwich's role and what she would do in the first three months. Ms. Iacaponi had extensive dealings with the Finance Committee and has extensive experience with Municipal Debt. She also noted that she is open to conversation about the other candidate.

Mr. Howell commented that it is not 100% asset and 0% liability with either candidate. He commented that Ms. Mince, if they're looking for a self-starting manager, tried to close the deal at the end of the interview which he said was very impressive. He also noted that they are not hiring someone in this position for the entertainment value. They are hiring somebody in a field that generally doesn't have a lot of personality. He is looking for the numbers, the predictions, the availability of information on demand in any way the Board wants it configured His gut feeling is that Ms. Iacaponi is in a better position to provide that kind of information and she would be his first choice.

Mr. MacAskill commented that Ms. Iacaponi would be his first choice based on what the Board went out for in experience, on paper and actual experience. He commented that Ms. Mince is a very close second but he is for Ms. Iacaponi.

Mr. Handler commented that he had nothing to add, the Board members covered the comments.

Mr. Howell moved to enter into negotiations with Brittany Iacaponi with the goal of hiring her as the Town's Finance Director. Seconded by Mr. MacAskill.

Vote: 5:0 in favor. Motion carried.

B. Discussion on the Climate Leader Community Certification for Harwich; votes may be taken

Ms. Bell noted that she had sent an email to Mr. Handler with a pdf that speaks directly to Mr. Howell's question.

Mr. Howell pointed out to Ms. Bell that that is not the way government works. It should have been in a packet that the public could see, so the Board could have a discussion about it. He noted that that is why he asked for it as a slide. He had not asked for a pdf, he asked for a slide that would give a breakdown of what the cost was for each one of those. He noted that its in the Minutes.

Ms. Bell responded that she thought Mr. Howell wanted something to compare the specialized code with the stretch code.

Mr. Howell replied that they were looking to see what the additional expense would be.

Ms. Bell noted that that would be very hypothetical. She commented that she is assuming that the upfront cost would be more than not having the specialized stretch code. There is not a document out there that would have the specifics because of the variables. She did offer to look and see what's out there.

Mr. Howell noted that when they are building under the enhanced stretch code, its part of the occupancy certificate, they look at your appliances also, so there has to be a base level difference in the appliances themselves which would be consequential to whether you would get a certificate of occupancy or not.

Ms. Bell replied that they would be using heat pumps versus regular, etc.

Mr. Howell noted that all of that is an expense and that is what he was looking for.

Ms. Bell commented that she will try to get something but suggested the Board look at the pdf from the State which points out where the differences are between the stretch code and the specialized stretch code. Ms. Bell clarified that it is a process to become a Climate Leader Community and one of the steps in that process is to create a road map which she described. She noted that an expert from the State will walk them through the steps of creating the road map which will help the town qualify to be a Climate Leader Community . She noted that the next step would be to pass that specialized stretch code and move on. Ms. Bell noted that as the Board sits down with Department heads and people interested in this project, Harwich may decide this is not for them. She emphasized that the Board is not obligating the town to anything by getting this consultant to come and help the Board and, whoever they want to participate, do the road map. She noted that the application needs to be in by July 25th. She also noted that it is no cost to the town.

Mr. Howell noted that he voted for the original Green Communities but there was a lot more information. He asked how much this consultant will cost.

Ms. Bell replied nothing, it is funded by the State.

Mr. Howell noted that he was talking about the intern.

Ms. Bell noted that the intern is a whole separate thing and it has nothing to do with Climate Leader. She noted that the Grant will put the town in a good position to either move forward or not.

Mr. Handler noted that the cost of the intern is between $2,500 and $5,000 and the Board is looking for a little relief because the cost has changed over the last month.

Ms. Bell emphasized that the intern program has absolutely nothing to do with Climate Leader.

Mr. Handler noted that Ms. Bell is asking the Board to vote to see if the town would support having an intern.

Mr. Handler noted that Ms. Bell is advocating something and the Board is in government. He noted that Mr Handler got the link but the other Board members did not and neither did anyone in the public.

Ms. Kavanagh noted that what Ms. Bell is talking about is what she talked about two weeks ago, putting in the grant application to get the person from the State to come to sit and develop the road map to put information together and Harwich has the ability to say no. She referred to the question on a slide about what the existing code is to the more complex code noting that she believes the new code has the more advanced requirements and still isn't truly in effect. She noted that that kind of matrix isn't developable at this point.

Ms. Bell noted that her understanding is that Harwich is still struggling to fulfill its requirements of the regular stretch code. Ms. Bell noted that what they have now is the stretch code that they are obligated to use, that was once considered the opt in.

Mr. Powers referred to the document that reads DOER, Municipal Decarbonization Planning Assistance and that the Board should be aware that on page three of this application in the packet, it talks about the background, the purpose and the eligibility. He noted the specifics under eligibilities, noting what Harwich already has or does. He also noted that they had an act five years ago and he suggested that all parties be mindful of that explicit commitment. The guidance they'd be seeking starts out with the town absolutely committing to that in 25 years. He stated that he is not saying what he thinks about that personally. He is talking about, as the town's agent who is authorized to apply for grants, if the Select Board wants to pursue this grant he can complete this tomorrow. He added that there are more obligations that go with that.

Ms. Bell responded that if the town goes forward to be a Climate Leader, they absolutely have to commit to all six of what Mr. Powers just read.

Ms. Kavanagh reiterated that this is just to get the guidance to create a road map.

Mr. Powers continued and commented that he feels it's dangerous for all parties to sit here tonight and say there's nothing to it. He commented that there is something significant to it. He commented that if the Board wants to go for the grant he can do that but he thinks they do a disservice if they don't put out all the obligations especially a week before Town Meeting when there could be questions about where the town is on their commitment to 2050. He suggested that there needs to be a broader conversation beyond this evening on the stretch code presently and on the future obligations because they are a Green Community in good standing but not meeting all of their requirements.

Ms. Kavanagh commented on what they are talking about applying for, for the grant, with the understanding that if they do decide to go forward, they would need full information.

Mr. Handler noted that the email Ms. Bell sent to him, he forwarded to the Board on the 8th. He noted that this vote is probably not going to happen tonight. There is more information and thought that the Board needs to put into this. He will bring it back after Town Meeting.

Mr. Howell commented that he is committed to this but in his time being involved government, grants are contracts and they are contractually obligating. He would like to know, even for the first phase, what is it that the State is asking them to commit to. He commented that there has to be some commitment.

Ms. Bell responded that what the State is saying is that if the town applies for the grant, it is interested in becoming a Climate Leader.

Mr. Howell noted that there has got to be a Grant document that has parameters about how you apply for it and what they expect.

Ms. Bell replied that it's all in the packet and it does not say that the town is obligated to anything. She noted a May14th meeting and introduction to Climate Leader Communities.

John Carey of East Harwich noted the ten units of housing he just built, noting the cost and that $40,000 of that is related to the stretch code which is a higher level energy code than Barnstable has. He noted that as the town talks about affordable housing, if they increase this to a higher energy rating, it gets extremely expensive.

Ms. Kavanagh commented that there is a new code that Harwich and other towns are not currently enforcing and a lot of this is playing into that.

Mr. MacAskill commented for the record that he thinks it is important that the "experts from the State" that they keep hearing about, all get together. He noted that as they just heard from the developer and the Barnstable County Delegates and their "housing crisis that we're in", they ought to talk to the folks that have the 40B laws. He commented that all that is being done is they're building projects and moving more people into the community with very little of it being affordable while increasing the building costs. Mr. MacAskill stated for the record that he is totally against being a Climate Leader.He added that he would not sign his name to something he completely disagrees with and that this town cannot afford.

Ms. Kavanagh commented that the construction codes are separate from these experts in terms of energy and consulting.

Mr. Powers commented that he is trying to convey that all these programs, opportunities and goals are out there. The question for the Board is does the Town of Harwich want to be a community Climate Leader as the State defines it. They don't know what that is going to cost the Town. This town has been a Green Community and that may be the next step.

Ms. Kavanagh commented that they need the road map to figure out what they do and don't want. She suggested that they find out the information and figure it out.

Ms. Donahue asked, if Harwich does not go forward, do they still have access to the funds that were managed by the Green Communities Program?

Mr. Powers replied that the answer is yes unless the State changes the program.

C. Vote to approve the Assistant Town Administrator's recommendation to grant permission by NSTAR ELECTRIC d/b/a EVERSOURCE ENERGY to install one (1) Push-Brace, 33/4PB, which will be attached to existing Pole 4, on the southerly side of Northern Avenue at the southwestern intersection with Lincoln Avenue

Mr. Piekarski moved to approve Item C. as presented. Seconded by Mr. Howell.

Ms. Kavanagh noted that both Ms Eldredge and Eversource noted that something was done on a property owner's property and there were discussions happening. She wanted to be sure that property owner has been satisfied.

Mr. Powers replied that staff is recommending this because of that situation.

Vote: 5:0 in favor.

D. Vote to approve the Assistant Town Administrator's recommendation to grant permission by NSTAR ELECTRIC d/b/a EVERSOURCE ENERGY to place one (1) JO pole, P.19 on the northerly side of Gilbert Lane to the point +/- 30' southwesterly from existing pole, P16 on the corner of Lothrop and Gilbert Lane

Mr. Piekarski moved to approve Item D. as presented. Seconded by Mr. Howell.

Mr. Howell asked if the town has any double poles that are waiting for the Board to request of Eversource to do a post.

Mr. Powers replied, generally no. He explained the process to remove poles and noted that both utility providers are aware of the town's requests.

Vote: 5:0 in favor. Motion carried.

E. Discussion and possible vote to approve the 2025 Long Pond Bass Tournaments

Mr. MacAskill moved to vote to approve the 2025 Long Pond Bass Tournaments as presented. Seconded by Mr. Howell.

Mr. MacAskill recommended to the Recreation & Youth Committee to study or talk to the State on what affects this has on the small mouth as they're spawning.

Mr. Powers noted that he will talk to staff.

Mr. Piekarski requested a more legible copy in the packet. He asked if the Recreation & Youth Committee had voted on the tournament.

Mr. Powers noted that this came to his staff from Rec but he was unsure if the Committee voted it.

Mr. MacAskill noted that Rec & Youth vote on it first and it then send it to the Select Board.

Patrick Otton participated remotely and commented that Long Pond is a public recreational area with public access and to have bass fishermen in 2000 lb boats with 250 lb motors could be a dangerous situation. He noted that rowers are in much smaller boats going at much slower speeds and suggested putting out a cautionary recommendation regarding speed limits.

Vote: 5:0 in favor. Motion carried.

F. Vote to approve a Special Permit application for an event for W. Patrick Lentell/Second Summer Cycle, Inc., to be held on September 14, 2025, from 8:30 a.m. – 11:30 a.m., for a cycling event that will ride through the Town of Harwich

Mr. MacAskill moved to approve a Special Permit application for an event for W. Patrick Lentell/Second Summer Cycle, Inc., to be held on September 14, 2025, from 8:30 a.m. – 11:30 a.m., for a cycling event that will ride through the Town of Harwich. Seconded by Ms. Kavanagh.

Mr. Piekarski asked if this event closes roads or limits access. He is not in favor of closing roads down and would like more information.

Mr. Handler tabled this item for more information to be provided.

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

Mr. Handler asked Mr. Powers to get more information about the event.

G. Vote to approve the following new 2025 seasonal Common Victualler license:
1. Schoolhouse Ice Cream & Yogurt, 749 Route 28

Mr. Piekarski moved to approve the following new 2025 seasonal Common Victualler license:
1. Schoolhouse Ice Cream & Yogurt, 749 Route 28. Seconded by Mr. MacAskill.

Vote: 5:0 in favor. Motion carried.

IX. OLD BUSINESS

A. Discussion on 62 Route 28 Historic Preservation Restriction Agreement

Mr. Handler noted that the Board, several weeks ago in Executive Session, took an action but the action required counsel. Counsel has responded and the action has been taken. He noted that Ms. Kavanagh had done work on this and asked her for an update.

Ms. Kavanagh noted that this is to make the public aware that there is a restriction that the Board asked counsel to share with Davenport to have them review, preferably soon.

Ms. Howell noted that they do have the prospect of having a hole in the ground with no idea of what to do with it. They also have contract provisions that call for a historic restriction on the exterior of the building. He commented that he fully supports this action and sees no value to giving that to Mr. Davenport after he's demolished the building because they have to have a mutually agreed upon restriction. He commented that he thinks it's in everyone's best interest that Davenport and Company know what that restriction is going to look like upfront to avoid confusion of where it will end. He noted that the Board doesn't have to consummate the Purchase & Sale Agreement if the Board can't come up with the agreement on this.

Duncan Berry of West Harwich asked for clarification of the restriction.

Mr. Howell replied, the entire exterior of the building.

Mr. Berry commented that his reading is that it can't be moved or demolished.

Mr. Howell commented, preserved.

Mr. Barry noted that the town has a contradictory use versus the purpose of the language of the overlay district. He noted that he will be interested in following how this gets continued with Davenport's attorneys and their process. Mr. Barry commented that the primary concern is that Davenport revealed themselves to be incapable of following through with the language he read on the material tonight in the packet and the agreement. He noted that their architect is not capable of rendering what has been done. He noted that it is his understanding that because the building has been proposed for inclusion on the National Register, it therefore falls under the canopy of the Department of Interior Preservation guidelines as mentioned. He stated that he will go molding by molding to ensure that it is preserved and intact. He thinks Davenport will reveal that they are not capable of doing that. He noted that if Davenport raises the price on this, it wouldn't be good for them or the town.

John Carey of West Harwich asked if the Select Board has to vote to move the Preservation Restriction forward or if it had already been voted?

Mr. Handler replied that it had been voted.

Mr. Howell noted that the only thing up for debate was the timing for releasing that. He reiterated that it served no purpose in voting it saying that was what they were going to ask for in the end because they can't consummate the Purchase & Sale and transfer the title without this agreement being mutually agreed upon. He commented that its better that both parties know up front what's going to happen and what the Board will insist upon.

B. Discussion on the contracted Wastewater Management Consultant, Waterworks LLC; update and next steps; votes may be taken

Mr. Handler noted that this items is on the Agenda if there is anything the Board would like to discuss what the Wastewater Management Consultant could do for them in the future. His intent is to have it on the Agenda for an opportunity for discussion.

C. Discussion on Annual Town Meeting Warrant and all articles therein; including but not limited to:

* Article 9 - Monomoy Middle School Siding Project; presentation from Monomoy Superintendent, Business Manager and Harwich Co-Chair of the Monomoy Middle School Siding Project Building Committee

Ed McManus, Co-Chair of the Monomoy Regional School District Middle School Building Committee introduced the other members present, Craig Gabri and Mark Kelleher as well as Scott Carpenter, Superintendent. Mr. McManus gave a powerpoint presentation noting the restoration of the Middle School being done in two phases which he described. He showed slides of current conditions of the building and explained those in detail. He showed wet sheathing which led to fungal growth noting that it is dry rot but does not contribute to the air quality problems. They do not anticipate it necessitating a mold remediation project. He noted that the exterior repairs will help prevent needing interior repairs. Mr. McManus commented that if not done, it will eventually damage the interior surfaces and will become a significant health and air quality issue for teachers, staff and students. He noted that the Committee had researched options other than cedar shingles with three options, that he described, as possibilities. He noted that they are applying for a grant to pay part of the cost of the window installation. He showed slides of the options. He noted that if approved, they anticipate construction beginning in early 2026.

Dr. Carpenter noted the construction costs. He noted the process to be part of the Accelerated Repairs Program and the percentage the State will pay if they are accepted into the program. When the feasibility study is done, they will know if the $8.5 million estimate is close for the roof replacement.

Mr. McManus noted that the balance of the project, less what the State will pay, will be paid by the two towns under the existing formula. If the Agreement changes, so will the annual payments for each town. He showed estimated tax impact per household under the present Agreement, specifically $58 per year for the siding and $20 per year for Harwich residents. .

Ms. Kavanagh thanked the Committee for their work on the projects. She confirmed that the estimated cost per family would be adjusted depending on the Grant numbers.

Mr. McManus noted that their choice of siding will also affect the numbers.

Ms. Kavanagh referred to the $11.5 estimated cost and asked if that was still the maximum cost. She also asked when the decision would be made regarding materials.

Dr. Carpenter replied that ultimately they would borrow at the end of both phases which, with the Grant, will be less than the total project.

Mr. McManus replied that they have slowed the architects from doing design work until the project is approved. He expects to have choices by the beginning of summer and be putting out to bid by August.

Dr. Carpenter described the plan to move classes to various rooms during construction for the least amount of interruption as possible.

Mr. Howell asked if there will be flashing associated with the windows. He also noted the sheathing and the unknown water migration. Mr. Howell commented on the different kinds of mold and that there is more than one type that is dangerous. It depends on what an individual test for being allergic to. He asked that they be mindful that they are still dealing with the health of the kids in the school.

Dr. Carpenter replied regarding their plans to adding flashing to the new windows.

Mr. McManus replied that because of the unknown water migration, they are carrying the cost of 100% of the sheathing.

Dr. Carpenter responded to the mold issue noting that for the last half of this year, they have testing every couple of weeks and deal with each situation. Often the mold outside of the building is higher than inside.

Mr. Howell commented that the testing is almost irrelevant noting that the amount of allergens is endless. He commented that the fact that there is visible mold means there is something in the air.

Mr. Piekarski noted that once they get the cost of the siding they will find the "lead dog" quickly. He asked when the decision is expected on the Green Schools Grant. He also asked the amount of the total contingency. Mr. Piekarski asked about the ADA compliance requirements throughout the building.

Dr. Carpenter replied that the application is due in two days and the decision is expected in June.

Mr. McManus replied, noting that the construction contingency is at 15% as well as a material inflation contingency of 0.75%. He expects the contingencies to come down as they get into the project.

Dr. Carpenter replied that the ADA compliance requirements will be tripped at some point, the siding project may not but the roof project will accomplish compliance. He also noted that there are not many ADA changes that need to be made. The cost of those requirements would be picked up with the project in the contingency.

Mr. McManus described what needs to be done to achieve compliance. In response to Mr. Piekarski's question, he replied that the doors are ADA compliant.

Dr. Carpenter added that the building has been reassessed to a more appropriate level and expects the roof project to trip the building assessment to ADA compliance.

Mr. Piekarski requested updates as the project moves forward.

Mr. McManus replied that the charge of the Building Committee is to advise the School Committee but he will give updates to the Select Board.

Mr. Handler asked if there are provisions for any interior work.

Dr. Carpenter replied that built into the window cost is the replacement of whatever is needed inside the windows also. Carpets and flooring have been done through part of the Capital Project year to year. In response to Mr. Handler's question he noted that the HVAC system is cleaned out annually and done room by room.

Ms. Kavanagh moved to reconsider the indefinite postponement that the Board previously voted, to reconsider the funding of the Middle School Siding Project. Seconded by Mr. Howell.

Mr. Howell commented on the unknown and requested that if something has to done, that they don't put down carpet for health reasons and for longevity.

Dr. Carpenter agreed noting that they have been moving carpeting and replacing it with tile flooring.

Vote: 5:0 in favor. Motion carried.

Mr. Howell moved to support, accept and adopt Article 9. Seconded by Ms. Kavanagh.

Mr. Piekarski requested a breakdown of the $11.5 million.

Dr. Carpenter replied that he will email that the next day.

Mr. Handler asked that they request from the contractor that is awarded the bid, software that shows money spent and overages for the Select Board to be able to access that information.

Mr. McManus explained the process for reviewing the contractors progress monthly. He also noted that with the High School Project, tax anticipation notes were released upon funding. In this case with two projects, they will roll this over in anticipation until they get to the final cost and then issue in a single bond.

Vote: 5:0 in favor. Motion carried.

Dr. Carpenter noted that there will be a public forum on April 29th at the Chatham Community Center at 5:00PM. He noted a question asked at the last public forum regarding moving back into the Sisson Road. He had responded that if they were still in the Sisson Road property, they would still be talking roof, windows and boilers. He also noted the advantages to the Chatham building.

Mr. Howell stated that they don't own the building.

Mr. Handler noted that these agenda items are not for public comment however he had asked Mr. Gruszka to hold his comments to this time.

Charles Gruszka of Teaberry Ave. noted that he had attended Building Committee meetings and noted his background and experience with schools. His observation is that this was an outstanding Building Committee and their recommendations can be trusted. He commented that he believes the building restoration work needs to be done. Mr. Gurszka noted that there are high risks to students to doing the building projects at the current time with the existing funding formula. He noted his past experience with school renovations and that he is not convinced that the school is unusable for another year or so. He noted that this is the first of many big capital projects since regionalization. He noted that most people don't understand that debt is non-discretionary, once it is added to the Budget, it has to be paid. Mr. Gruszka noted that at this time the debt picked up by Harwich will be 77%, noting that it is a school program that is an asset to the entire community. He noted cuts to the Budget that were needs and will affect education, which he knows from personal experience. He suggested possibly putting off a project like this for a short period of time and providing an opportunity to try and go back and look at a more affordable way to distribute the cost. He commented that Chatham doesn't see or understand the problem and if the project goes through, there may be some motivation loss for the problem to be considered. He feels that this time next year, there will more significant cuts. He stated on behalf of the students that its great to improve their building but there is a risk about the educational, instructional component which is the heart of what makes this the district.

* Article 20 – Great Sand Lakes Wastewater Construction; with input from GHD, Inc.

Jeff Gregg and Marc Drainville of GHD were present.

Mr. Handler requested an update on the cost of the project as it is today.

Mr. Gregg referred to a table which was included in the packet, which included the costs since March and April. He noted the biggest changes between the two months which he explained in detail. He noted the proposed changes and that they have not yet done changed the design and rerun the cost estimate. He noted that from a capital perspective, the cost estimate will be less. Mr. Gregg continued explaining the items in the table, explaining each in detail. He also noted specific numbers that will change but could not yet calculate the exact numbers due to the unknowns. He noted that although the numbers may come down, GHD still recommends appropriating the $35 million, also due to the unknowns. He explained how GHD calculates estimates and the process they follow.

Ms. Kavanagh asked how many houses are impacted by the low pressure versus the gravity systems. She asked if the reduction in cost was because they won't have to dig as deep for the 84 properties.

Mr. Gregg replied that 84 properties would be served by low pressure which is approximately three times what it was before the proposed changes. The changes aren't reflected in the cost estimates because the decision was just made and they have not yet done the calculations. He noted what challenges they are facing with the changes which also impact the costs.

Mr. MacAskill commented that originally GHD had designed this as gravity and asked why. He also asked which of the two is easier to maintain.

Mr. Gregg replied that they were trying to maximize gravity. The operator's tend to like the gravity systems and there are fewer concerns from the community regarding grinder pump ownership. Mr. Gregg noted the pros and cons to both systems.

Mr. MacAskill asked how many grinder pumps were there before this change.

Mr. Gregg replied that it was approximately a third.

Mr. MacAskill commented that not worrying about what the cost of the grinder pumps will be is misleading to the general public. He noted that they are in the 25th hour in this and pivoting the project with no education.

Mr. Gregg explained that they adjusted what they were giving for their future allowance and only focusing on the low pressure ones, knowing that there are going to be more that would potentially be pumping to gravity.

Mr. MacAskill noted that his comment was referring to what the Board has to do to educate the public on what this will cost them. Based on Mr. Gregg's comments they are still thinking through several items and that there are still a lot of unknowns, is why he does not support this.

Mr. Gregg responded that they have a good handle on the utilities they have to work around. He explained the reason they made the change now, and that he feels the changes are in the best interest of the town.

Mr. Howell noted that Andrew Gottlieb wrote the legislation that enabled the whole process. He commented that it has gone past a tentative approval into a final approval on the Intended Use List which triggers the Rooms Tax allocation because the Town can't get anything from the County to buy down the principal unless there is an approved IUP. He noted that if the Board walks away from this, it's $7-8 million. He noted that he will know more tomorrow about what the overall Board is going to vote because that'll give the 25% and also a commitment. He noted that the Town is at the point of being on the list, he is not guessing that they might get that money. He understands there are variables but it is a fact that they are walking away from between $7-8 million total including the 0% and that it can't go above 2 something percent because that is also part of the contract.

Mr. Gregg noted that there is no guarantee they Town would get 0% but by being listed the town is eligible for 2% SRF.

Mr. Handler thanked Mr. Drainville and Mr. Gregg for bringing the information to the Board.

X. CONTRACTS

A. Discussion and vote to approve a contract extension with Robert B. Our Co., Inc. for catch basin replacement and installation, contract not to exceed $1,000,000

Mr. Handler noted that the Board needs more information before moving forward on this contract.

XI. TOWN ADMINISTRATOR'S REPORT

Mr. Powers noted that Town Meeting is next week. He and the team have prepped for the Board to have meetings every night of Town Meeting.

XII. SELECT BOARD MEMBER REPORT

XIII. CORRESPONDENCE

XIV. ADJOURNMENT

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

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

Respectfully submitted,

Judi Moldstad
Board Secretary