MINUTES
SELECT BOARD MEETING
Donn B. Griffin Room, Town Hall
732 Main Street, Harwich, MA
Executive Session 5:15 P.M.
Regular Meeting 6:00 P.M.
Monday, May 19, 2025

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 on Monday, May 19, 2025 at 5:15PM noting that they would be entering into Executive Session and returning no earlier than 6:00PM.

Mr. Piekarski noted which of the items in the Executive Session he would be reading into his motion.

Mr. Piekarski moved to enter into Executive Session and read item A. Seconded by Mr. Howell.

Vote: 4:0 in favor by roll call vote. Motion carried. (Mr. MacAskill was not present for the vote.)

Mr. Piekarski read Item 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: Finance Director. Seconded by Mr. Howell.

Vote: 4:0 in favor by roll call vote. Motion carried.

Ms. Kavanagh moved to enter into Executive Session 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: Acting Town Administrator.

No second to the motion.

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: Finance Director & Acting Town Administrator

Mr. Handler called the Select Board meeting back to order noting that while in Executive Session no actions were taken.

III. PLEDGE OF ALLEGIANCE

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

Mr. Handler stated that the Board will not be taking up New Business Item G.Discussion and possible vote to refer a proposed development at 606 Route 28 to the Cape Cod Commission as a Development of Regional Impact. He commented that he tried to alert everybody and apologized top anyone who came to the meeting for that discussion.

IV. STAFF COMMENTS/ANNOUNCEMENTS

A. Annual Town Election, Tuesday, May 20, 2025, at the Harwich Community Center

Emily Mitchell announced that the Annual Town Election is May 20th and gave details regarding poll hours.

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

Mr. Howell welcomed all town citizens to attend the Memorial Day Ceremony on Monday, May 26, 2025, at 9:30 am, at Brooks Park near the gazebo.

V. WEEKLY BRIEFING

Mr. Powers gave the Phase 3 Sewer Extension update and a two week look ahead, noting areas of work.

VI. PUBLIC COMMENTS/ANNOUNCEMENTS

Marjorie Piest of 1188 Orleans Road commented that she had advocated for seniors regarding the beach stickers at the last Select Board meeting. She requested an update and asked who she should contact, if not the Select Board.

Mr. Handler noted that at the end of last week's meeting, the Town Administrator took the opportunity to explain everything about the stickers. He suggested that Ms. Piest view last week's meeting and then contact him directly.

Bernadette Waystack, Chair of the Harwich Cultural Council noted that on June 12th from 4:00-6:00PM they will be holding a reception for this year's grant recipients and gave the details of the event. She also noted that there will be three openings on the Council in June and encouraged interested parties to apply.

Ed McManus, representing the Lower Cape Kiwanis Club, noted that the mens choir is doing a benefit for the Kiwanis Scholarship Fund. He noted details of the event.

VII. CONSENT AGENDA

A. Approve Select Board Meeting Minutes from May 12, 2025

Mr. Piekarski moved to approve the Select Board Meeting Minutes from May 12, 2025 as printed. Seconded by Mr. MacAskill.

Vote: 4:0:1 in favor by roll call vote with Mr. Howell abstained.

VIII. NEW BUSINESS

A. Vote to affirm the Town Administrator's recommendation of Stephanie Sykes to the position of Natural Resource Director, effective June 1, 2025

Mr. MacAskill moved to affirm the Town Administrator's recommendation of Stephanie Sykes to the position of Natural Resource Director, effective June 1, 2025. Seconded by Mr. Howell.

Mr. Howell noted that he had reviewed all the individual resumes and that Ms. Sykes is clearly qualified. He welcomed her as a great addition to the town.

Vote: 5:0 in favor. Motion carried.

Mr. Powers introduced Ms. Sykes and commented that she is very qualified and he is excited to have her join the team.

B. Vote to approve the annual Harwich Police Department Reappointments

Mr. MacAskill moved to approve the annual Harwich Police Department Reappointments as presented. Seconded by Ms. Kavanagh.

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

C. Discussion and vote on the proposed kitchen rental rates at 204 Sisson Road

Mr. Powers referred to the material presented by the Director of Cultural Affairs and offered to answer questions about the proposed rate structure.

Ms. Kavanagh moved to approve the proposed kitchen rental rates at 204 Sisson Road. Seconded by Mr. MacAskill.

Mr. Piekarski referred to the Facility Use Policy and asked if it is a policy that the Select Board needs to approve.

Mr. Powers replied that it would have to be from the Board. He deferred to the Director for presentation of that. He noted that the Board is only asked to approve the rates at this time but the Use Policy is something the Board would have to do.

Kara Mewhinney, Director of Cultural Affairs noted that she is asking that the Board to approve the Use Policy because the language in it has adjusted a bit pertaining to just the kitchen. She explained that it is the Town's Facility Use Policy with kitchen contingencies included, which she explained. She noted that it has been reviewed by KP Law.

Mr. Piekarski noted that the Agenda notes the fees but not the policy. He asked that Ms. Mewhinney explain the rates in more detail.

Ms. Mewhinney explained the differences in rates in detail. She also explained what the limited use of the facility would include.

Mr. Piekarski asked for comparable fees at other Cape towns which Ms. Mewhinney provided in detail. She also explained why they are charging the proposed rates.

Ms. Mewhinney continued answering questions from Mr. Piekarski by describing the class instruction and the hourly rate in detail.

Mr. Piekarski commented that the monthly rental and class instruction is a little low compared to other towns' rates. He expressed concern about insurance and noted that the town may require additional insurance.

Ms. Mewhinney responded that the current Facility Use Policy uses language regarding insurance. She noted that everyone who comes on site has to offer the town a certificate of liability.

Mr. Piekarski suggested that when the Board entertains the policy itself, they entertain removing the word "may".

Mr. Howell asked exactly what portion of the cafeteria and the kitchen would be included in the rental.

Ms. Mewhinney replied that it is just the kitchen. They may use the cafeteria for class purposes if it is available.

Ms. Kavanagh commented that she is in agreement with the rates and appreciated the proposal.

Mr. MacAskill expressed concern regarding the unlimited monthly rate and asked for an explanation of how that amount was determined.

Ms. Mewhinney explained the calculations in detail. She also noted that the rates can be adjusted if they are taken advantage of.

Mr. MacAskill commented that, with that said, he would support the rate structure.

Mr. Handler commended Ms. Mewhinney for her efforts to continually create new things at the Cultural Center. He is happy with all the work she has done and he is happy to support the proposed rates.

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

Mr. Powers noted that the policy in the packet will be presented next week for a first reading.

D. Discussion on the Housing Committee charge; votes may be taken

Mr. MacAskill referred to a previous meeting regarding Pine Oaks IV that got him looking at what the Housing Committee is doing. He commented that in review, it appears to have turned more into a complaining session about people with second homes, developments. He noted that in his opinion, they are not working on anything besides affordable hosing. He noted specific comments from the Housing Committee Chair while representing that they were speaking for the Housing Committee. He feels the Board needs to look at the Chair, the Committee and the charge. He recommended pausing the meetings. He noted that the town has a Housing Coordinator as well as a Housing Trust that is doing great work. There is also a Housing Committee that has done some great work but does not have a charge with specific tasks for them to work on. He commented that they are working affordable housing and not housing alternatives and that is not what the charge says. He suggested that the Board pause the Committee meetings, review the charge and come up with a charge with specific tasks for them to do in corporation with the Housing Trust.

Mr. Howell commented that there are moving pieces that were not there at the beginning. He feels the Committees are bumping into each other because they have a redundant charge on some things. He asked if the Board had an appetite to look into a charge that actually advocates for the development of year round housing opportunities, recognizing that what they are defining as a need has transcended the 40,60,80% and is including 120% AMI which the Trust cannot deal with, with their current charge. He feels that is where the problem area is. He commented that they could have something complimentary to rather than competing for what they are trying to do with housing.

Mr. Piekarski commented on having the Housing Advocate opine on the effectiveness and the structure that they would find useful and whether or not there is redundancy. He is not inclined to halt the meetings at this point. He would like the Housing Coordinator to work with the members of the Housing Committee to see if the scope of work needs to be updated, streamlined or consolidated.

Ms. Kavanagh suggested that the Board have a joint meeting with the Trust and the Housing Committee to give them an opportunity to talk to the Board about what they have been working on and who they have been working with. She commented that it would be a good time for the Board to tell the Committees what they would like to see. She does not think the Board should pause the meetings until they have that conversation.

Mr. Howell suggested that the Housing Coordinator be included in that conversation.

Mr. Handler suggested that they have that discussion with the new Select Board and possibly adjust the liaison list.

Elizabeth Harder, Chair of the Housing Committee apologized for what happened at the Zoning Board meeting and offered an explanation. She commented that her problem is that there are a lot of residents in North Harwich that have valid problems with Pine Oaks that need to be discussed. She noted that the Committee helps with affordable housing when asked to by the Trust. She noted other projects the Committee has been working on for attainable housing which is their focus. She agreed that it would be great to have a meeting.

E. Vote to approve the following new 2025 Annual Common Victualler License: Sea Street Sweets, LLC, d/b/a Mochinut, 537 Route 28

Mr. Piekarski moved to approve the following new 2025 Annual Common Victualler License: Sea Street Sweets, LLC, d/b/a Mochinut, 537 Route 28. Seconded by Mr. MacAskill.

Vote: 5:0 in favor. Motion carried.

F. Discussion and possible vote to execute the owner's authorization form for a tent permit application submitted by The Harwich Children's Fund for an event to be held at 75 Oak Street; tent to be set up on July 14, 2025, through July 18,2025

Mr. MacAskill moved to vote to approve and execute the owner's authorization form for a tent permit application submitted by The Harwich Children's Fund for an event to be held at 75 Oak Street; tent to be set up on July 14, 2025, through July 18,2025 and to have the Town Administrator sign on behalf of the Select Board. Seconded by Mr. Howell.

Mr. Powers noted that this is before the Board as it is a new location for Circus Smirkus which is on Town property. He noted that he has not been authorized by the Select Board to fill out the document. He endorses the Board authorizing him to sign on their behalf or directing the Chair or anyone else to sign.

Angie Raneo Chilaka expressed her appreciation for the Board, Town Administrator and everyone who supported them. She noted a fund raiser they had which was very successful and that he profits go to the children in this community.

Mr. Howell recognized the sponsoring organization for the circus, noting that the Harwich Children's Fund does remarkable work and he thanked them for everything they do.

Mr. Piekarski asked for details of where the tents will be set up which Ms. Chilaka answered in detail. He also asked if there is an alternate plan if the grounds are soaked.

Ms. Chilaka replied that there are no other plans once the contract has been signed. She explained their efforts to not damage the fields.

Vote: 5:0 in favor. Motion carried.

G. Discussion and possible vote to refer a proposed development at 606 Route 28 to the Cape Cod Commission as a Development of Regional Impact

IX. OLD BUSINESS

A. Discussion on the Town Administrator Search; votes may be taken

Mr. Piekarski suggested that the Board reach out to some consultants to come before the Board, with the new Board members present and outline their processes to the Board.

Mr. Howell agreed with Mr. Piekarski and added that with 40% of the Board missing, they cannot have a productive discussion about the Town Administrator search. He commented that he feels strongly about the UMass Donahue Institute not being the Board's primary source, stating his reasons. He added that he feels the Board would be best served listening to offers from some of the other search firms.

Ms. Kavanagh commented that it belongs in front of the new Board, in terms of how they will proceed. She added that having the previous process, which included having a committee, is helpful as well.

Mr. MacAskill agreed that it belongs in front of the new Board.

Mr. Handler stated that they will wait until the new Board is constituted however they should begin reaching out to the search firms, not including UMass Donahue Institute at this time.

Mr. Powers made a correction that the UMass Boston Deacons do not acknowledge the Donahue Institute, they acknowledge the Collins Center.

B. Discussion on Acting Town Administrator; votes may be taken

Mr. Howell prefers to wait for the new Board.

Mr. Piekarski agreed with Mr. Howell and would also like to reach out to the search firms prior to the discussion.

Mr. MacAskill had not comment at this time.

Ms. Kavanagh agreed it can be moved to the next Board but clarified that the current Assistant Town Administrator (ATA) is the Acting Town Administrator (TA) when the TA is out of town or otherwise unavailable. She noted that in the previous situation when the TA left, the current TA was in the position of Acting Town Administrator for 6 months. The current ATA has been in her position for 4+ years. She does not feel this Board should present a second set of standards as to how it previously operated and emphasized that they should be cautious.

Mr. MacAskill commented that Meggan Eldredge is not only a rock star employee, she is an amazing human. His "no comment at this time" is not not endorsing that Ms. Eldredge becomes the Acting Town Administrator. She has earned it but another Board will make the decision and he thinks that is a fair decision and it has been done in the past. He has the utmost confidence in Meggan Eldredge.

Margarita Heffernon asked the Board if anyone had asked Ms. Eldredge if she wanted the position of Acting TA.

Mr. Handler responded that one Board member did ask Ms. Eldredge that question. It was not a Board decision to go ask her that question.

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

Mr. Handler noted that Mr. Pelletier will attend a meeting once the new Board is constituted.

D. Update on Walther Road Stairs

Mr. Powers noted that the Conservation Administrator was not able to attend the meeting however he could read her update into the record.
To Joseph Powers, Town Administrator from Amy Usowski, Conservation Administrator, update on 23 Walther Road, dated May 15, 2025. I have been asked to provide an update/next steps on the potential for a new set of beach access stairs at the Town property of 23 Walther Road which is under the care and custody of the Conservation Commission. The Conservation Commission agreed with the first legal opinion given by Attorney Katherine Klein of KP Law. The Commission is aware that the second legal opinion was sought and given by Amy Kwessel of KP Law that contradicts what the first legal option stated. The Conservation Commission will have this topic on for discussion/possible vote at their meeting on May 21, 2025 which starts at 6:00PM and is in the Griffin Room. If the Commission agrees that installing a set of stairs is permissible according to the second legal opinion of the deed, then the next steps would be for the Town to have a certified site plan done by an engineer and/or surveyor that shows the property lines, topography, wetland resource areas and buffer zones and a detail of the proposed stairs. Then the Town would have to apply to the Conservative Commission with a Notice of Intent Application for the Commission to determine if the proposed project is approvable under the Massachusetts Wetlands Protection Act Act and Harwich Wetland Protection Act By-law and Regulations. These are the same filling requirements anyone else would have to abide by to do a similar project on their waterfront property.

Mr. Howell expressed concern that, depending on which lawyer you get at KP Law, you get a different opinion. He commented that it is embedded in the letter.

Matt Sutphin asked why the Board needed a second opinion. He asked why the Board didn't buy the first opinion and the Conservation Commission's acceptance of the first opinion.

Mr. Handler commented that he would have to go back to the meetings and documents to answer.

Mr. MacAskill stated that he did not agree with the interpretation of the language in the deed.

Mr. Sutphin commented that he thinks it's unfair to the town and to KP Law.

Mr. Piekarski commented that within the first paragraph or two of the first opinion, the attorney stated that it could be interpreted the opposite of what she opined.

Ms. Kavanagh stated for the record that she did not have a problem with the first opinion and Conservation agreeing with it and she had stated that at the meeting.

E. Update on the maintenance of Round Cove and Hawksnest Road

Mr. Powers noted that the update is included in the packet. He read the memo addressed to him from Lincoln Hooper, Director of Public Works. He read into the record: To Joseph Powers, Town Administrator from Lincoln Hooper, Director, dated May 14, 2025 regarding Round Cove and Hawk's Nest Road work. Monday, May 12th, Brian Albee and I met with you regarding the proposed work on Round Cove dirt portion (see attached) and Hawk's Nest Road. During the meeting you provided me with a letter dated January 26, 2025 to Bob Fratus and Elizabeth Debuke which outlined the Select Board's vote on what work would be done on those roads (see attached). You also requested that I notify Miss Debuke which I did in the attached email. On Monday, May 12, 2025, Brian Albee, Road Manager and I drove both roads to discuss what was needed and how we would approach the job. Below please find what we believe is needed to comply with the Select Board's vote. Round Cove Road, Bullet point #1 send our road side to swing back approximately four feet of undergrowth and protruding branches. Bullet point #2 to remove a few trees that are on the edge of the road and present problems maintaining a consistent width (14 feet or less). Final bullet point under Round Cove Road reads-Grading to eliminate the puddles, ensure liquid runoff and provide two passing areas. We plan to augment the grading with hardener (an orange colored natural soil that contains aggregate, clay and sand). We have a small stockpile at the Town sandpit area. The update for Hawk's Nest Road is a single bullet point, from Raptor Road to Round Cove had been previously widened and improved but requires the following; Regrade a few washout areas, remove dead sand areas, add hardener in a few select areas and top with t-base to be consistent with the rest of Hawk's Nest Road that we maintain.

Mr. Piekarski noted that he does not remember cutting back 4 feet of growth being part of the discussion.

Mr. Howell commented that he has spent time trying to get people to agree with each other. They had the prospect of losing the conservation area entirely. What they came out with was Round Cove not being widened. It did have some protruding root structures which had to be cleared but they are not widening the road.

Mr. Piekarski commented that it reads that the cut backs will be 4 feet on each side in addition to the 14 feet road width which is potentially an additional 8 feet.

Mr. Handler noted his interpretation of the cutbacks is not being beyond the 14 foot width. He stated that he will discuss it with Administration the next day for clarification.

Mr. MacAskill suggested they talk to the DPW Director through the Town Administrator. He commented that it is no different than any other road in Harwich, the swing mower is used often for underbrush for better visibility. He commented that it should not go beyond the four feet for clearing and hardener as the Board has previously discussed.

Mr. Howell emphasized that they were not going to put t-base everywhere. He noted that it's 14 feet, Mr. Hooper will smooth it out and use hardener for the Round Cove section which is what the Board asked for.

Ms. Kavanagh commented that the Board should be careful that the road work proceeds as agreed upon. She suggested that before and after pictures be taken for documentation.

X. CONTRACTS

A. Discussion and possible vote to authorize the Chair to sign a Memorandum of Understanding between the Town of Harwich and the Cape Light Compact to assist with preparation and planning efforts for the Regional Energy Planning Assistance Grant for 2025-2027

Mr. Powers explained the request to authorize the Chair to sign a Memorandum of Understanding between the Town of Harwich and the Cape Light Compact. He noted that once the planning is done, there will be more information coming from Cape Light Compact.

Ms. Kavanagh moved on the Memorandum Understanding between the Town of Harwich and the Cape Light Compact to assist with preparation and planning efforts for the Regional Energy Planning Assistance Grant for 2025-2027 and to authorize the Chair to sign. Seconded by Mr. Howell.

Mr. Piekarski referred to the Town's responsibilities and noted the last two bullets. He asked if Mr. Powers knew what type of data was being requested.

Mr. Powers replied that the first is regarding the Town's solar array and Cape Compact is looking to quantify the effects of the solar arrays. The data regarding the permits comes through the Building Department for anyone doing projects that have to be energy compliant. He noted that the Town gives them everything on the permit that is public.

Ms. Kavanagh noted for the record that any of the information the Building Department files is all public information. Also public is the information regarding the HERS ratings.

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

XI. TOWN ADMINISTRATOR'S REPORT

Mr. Powers offered his personal thanks to both Select Board members Kavanagh and MacAskill as well as his heartfelt congratulations that they are making it out. He noted that the congratulations also go to the Select Board members, the candidates and their families.

XII. SELECT BOARD MEMBER REPORT

Mr. Piekarski thanked Mr. MacAskill and Ms. Kavanagh for their time served. He wished them both well.

Mr. Howell commented that he is profoundly grateful for both Ms. Kavanagh and Mr. MacAskill's presence on the Board. They haven't always agreed but there are 5 of them and that is exactly the point. He expressed his appreciation for them putting themselves out there as long as they have. He offered his personal thanks for being willing to do it.

Ms. Kavanagh commented that she has enjoyed working wth everyone on the Board. She thanked the Board members, Mr. Powers and the staff for all their work.

Mr. MacAskill thanked the voters and taxpayers for electing him 4 times. He commented that it has been a pleasure to serve this town. It is an honor to serve the people of the Town of Harwich and the Town that he loves. He also thanked past and present Board members. Mr. MacAskill commented to the staff, past and present and the volunteers, that they make this town as great as it is. He thanked Mr. Powers for his leadership and his kind words.

Ms. Kavanagh acknowledged Stephen Ford's passing and the wonderful gentleman that he was, that brought her back and thanked him for the fine job he did as well.

Mr. Handler commented that he has enjoyed working with both Mr. MacAskill and Ms. Kavanagh. He learned a lot from them and wished he had more time with them. He offered his congratulations to them both.

XIII. CORRESPONDENCE

XIV. ADJOURNMENT

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

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

Respectfully submitted,

Judi Moldstad
Board Secretary