MINUTES
SELECT BOARD
HARWICH TOWN HALL
732 MAIN STREET, HARWICH MA
MONDAY, JUNE 9, 2025
5:00 P.M. EXECUTIVE SESSION
6:00 P.M. - REGULAR MEETING

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

ALSO PARTICIPATING: Town Administrator Joseph Powers & Executive Assistant Jennifer Clarke

CALL TO ORDER

Mr. Howell called the meeting to order at 5:00 p.m.

Mr. Kelleher moved that the Select Board enter into Executive Session to discuss the items as outlined below, 2nd by Mr. Handler. The vote was 5-0-0 with Mr. Howell, Mr. Piekarski, Mr. Kelleher, Ms. Doucette & Mr. Handler all voting aye by roll call.

EXECUTIVE SESSION

A. Executive session pursuant to the provisions of G.L. c.30A, §21(a)(3) to discuss potential litigation by the Town if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares; Christopher Wise v. Harwich Planning Board, Barnstable Superior Court C.A. NO. 2172CV00239
B. Pursuant to MGL c. 30A, §21(a)(6) to consider the purchase, exchange, lease or value of real property if the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the Town; 62 Route 28
C. 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
D. 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

Mr. Howell stated that no action was taken in executive session.

PLEDGE OF ALLEGIANCE

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

STAFF COMMENTS/ANNOUNCEMENTS

A. Office Hours with Jeff Handler will be Tuesday, June 17, 2025, at the Community Center from 4:30 p.m. to 5:45 p.m.

Mr. Handler announced his upcoming office hours as outlined on the agenda.

Richard Waystack was present on behalf of the Board of Assessors. In January of this year, the Select Board passed a policy regarding miscellaneous parcels. At the Board of Assessor's meeting today, the Assessing Director recommended to eliminate 24 unpaid parcels from the list of tax parcels. The amount of taxes for the parcels is just under $1800 or an average of $75 per parcel. When that policy was created, it was required that the Assessing Director work with the Finance Director to make these decisions. Mr. Waystack stated that they are looking for advice on how to move forward, with the town not having a Finance Director. Mr. Powers responded that the Interim Finance Director will be in the office tomorrow, and that he would follow up with all parties.

WEEKLY BRIEFING

Mr. Powers gave the Phase 3 sewer extension update, and a two three week look ahead, highlighting the areas of work.

Mr. Kelleher asked if the sewer work would continue during the heavy traffic season. Mr. Powers responded that it would not. There is technically a prohibition from June 15th through Labor Day that construction stay off the main roads. Any work done may be paving. Mr. Powers offered to provide greater updates on that prohibition if need be.

PUBLIC COMMENTS/ANNOUNCEMENTS

Judith Ford, President and Artistic Director of the South Harwich Meetinghouse was present and announced that the O Captain! My Captain! will be coming back to the meetinghouse on June 20, June 21, June 22, June 27, June 28 and June 29. Tickets are available on eventbrite.com or at southharwichmeetinghouse.com

Martha Donovan, Chair of the Capital Outlay Committee was present. She asked for an upcoming Select Board agenda item regarding the capital item in the budget for the Saquatucket Harbor bulkhead replacement project to spend $750,000 in FY26 and 10 million dollars in FY28. The committee had asked for a meeting in May to discuss the engineering report regarding the bulkhead. She knows that Mr. Kelleher was diligent in getting the report to her. The engineering report says that if we were to do repairs to the bulkhead in 2 years, that we could extend the life of the bulkhead by 10 years. Ms. Donovan said that it seems like the repairs might be a good investment for the town and she wants to make sure that the engineering report is considered and how we might take a different approach if it makes the most sense. Ms. Donovan asked that the Capital Outlay Committee be kept informed and involved of the outcome of this project.

Ms. Donovan also announced that there is a vacancy on the Capital Outlay Committee.

CONSENT AGENDA

A. Approve the Select Board Meeting Minutes from June 2, 2025
B. Approve the resignation of Jaqueline Leach from the Cultural Council, effective June 30, 2025
C. Approve the resignation of Anita Doucette from the By Law Charter Review Committee effective immediately
D. Approve the resignation of Allin Thompson from the Pleasant Bay Steering Committee effective immediately

Mr. Kelleher moved to approve the consent agenda as outlined above, 2nd by Mr. Handler and approved 4-0-1 (Doucette abstained).

NEW BUSINESS

A. Discussion and vote on Committee Reappointments

Mr. Howell stated that the Select Board needs to make the appointments tonight, noting that there is less than 3 weeks to be able to work through this process.

Mr. Handler said that several weeks back the Select Board Interview Committee was trying to schedule a meeting with a member of the Harwich Housing Committee. This member's name is on the list for reappointments. Mr. Howell responded that he has had a conversation with the committee member, and they have been informed that their actions were unacceptable, and they cannot represent the town in that manner, using the language that they did.

Mr. Howell urged the interview committee to settle on a date to meet. Mr. Handler responded that the interview committee is scheduled to meet on June 13th.

Mr. Handler asked if the discussion about this member should be at the interview committee or Select Board level. Mr. Howell responded that it would be a board discussion and that everyone is aware of what the situation was. Mr. Handler said that his suggestion would be that this person in question come before the interview committee. He suggested that this specific appointment be taken aside. The Board agreed to this action.

Mr. Handler moved to approve all the committee reappointments as presented in the packet, with the exception of the one Harwich Housing Committee member, 2nd by Mr. Piekarski and approved 5-0-0.

B. Discussion and vote to determine Select Board appointee to the Harwich Affordable Housing Trust

Mr. Handler said that he would prefer to be the appointee.

Mr. Piekarski moved to appoint Jeffrey Handler as the Select Board appointee to the Harwich Affordable Housing Trust for a 2-year term, 2nd by Ms. Doucette and approved 5-0-0.

C. Vote to ratify the Beach, Transfer and Treasure Chest Sticker Fees

Mr. Powers reviewed the memos as provided in the packet.

Mr. Howell stated that he wanted this topic on the agenda because the Select Board has always asserted authority over the approval or disapproval of fees. This will allow the Select Board to go on record to say that the fees have been ratified.

Mr. Piekarski asked when the last time the fees were adjusted. DPW Director Link Hooper was present and responded that it has been 9 years since residential stickers have been increased. Non-resident stickers as well as other rates that are paid at the gate have increased. He added that he has been before the Select Board numerous times with fee increase requests. Mr. Hooper said that the $5 Treasure Chest sticker fee was put into place a couple of year ago. The sticker fee is a success of COVID because the Treasure Chest opened while others were still closed. There were lines into the street, and they needed to be able to keep order at the facility. The Select Board at the time voted and made the Treasure Chest a Harwich only facility.

Mr. Howell said that he would expect this ratification to be done in a more orderly way next Spring.

Mr. Piekarski asked if the construction and demolition fees have come before the Select Board in recent history for adjustments. Mr. Hooper responded that they came before the board about a year and a half ago.

Mr. Kelleher asked how our rates compare with other towns. Mr. Hooper responded that he provides that information to the board as part of the analysis he prepares. Fee analysis can different depending on if the facility runs as an enterprise fund or not and not knowing what is subsidized by fees or by the tax payers. Mr. Howell stated that this conversation could not continue now because it would need to be a public hearing.

Eric Beebe, Recreation Director was present and said that beach stickers and day pass fees have been the same for 6 years.

Mr. Piekarski asked if Mr. Beebe knows how Harwich's beach sticker fees compare to other towns. Mr. Beebe responded that Harwich is on the low end and that it will need to be looked at in the future. The cape wide average is just below $25 for a sticker. The day pass average is $32, and Harwich is at $30.

Mr. Powers added that there is a nexus between this discussion tonight and what the town derives from local receipts. The Select Board may want to consider if they want to do some level of a local receipt adjustment and/or a fee adjustment when they develop their budget message.

Mr. Kelleher moved to approve the fee scheduled as presented, 2nd by Ms. Doucette and approved 5-0-0.

D. Vote to approve a Special Permit application for an event for Harwich Chamber of Commerce Charitable Foundation, 1 Schoolhouse Road, to be held on June 21, 2025, 7:30 a.m. – 12:30 p.m., for a road race

Mr. Piekarski asked if there would be any road closures. Mr. Powers read the application that was submitted that noted that the applicant would be paying for a police detail, but that staff could follow up with the Chief of Police regarding any road closures.

Mr. Kelleher moved to approve the Special Permit application for an event for Harwich Chamber of Commerce Charitable Foundation, 1 Schoolhouse Road, to be held on June 21, 2025, 7:30 a.m. – 12:30 p.m., for a road race, 2nd by Mr. Handler and approved 5-0-0.

E. Vote to approve a Special Permit application for a one-day wines & malt permit & one-day entertainment permit for Bank & Main, 585 Route 28, event to be held on June 10, 2025, from 5:30 p.m. – 7:00 p.m.

Mr. Kelleher moved to approve the Special Permit application for a one-day wines & malt permit & one-day entertainment permit for Bank & Main, 585 Route 28, event to be held on June 10, 2025, from 5:30 p.m. – 7:00 p.m., 2nd by Mr. Howell and approved 4-0-0 (Handler recused).

OLD BUSINESS

A. Discussion on Town Administrator Search Process and Request for Quotes; votes may be taken

Meggan Eldredge, Assistant Town Administrator was present.

Mr. Piekarski thanked Ms. Eldredge for getting this document to the board quickly. He asked about the July 1st due date for the request for proposal (RFP) response. Ms. Eldredge responded that the July 1st date is as fast as she thought we could get this turned around, while giving the 2-week minimum.

Mr. Piekarski noted that he would not be available during the week of July 7th through July 11th, which are the tentative dates referenced for in-person consultant interviews.

Mr. Piekarski asked about the code of ethics language as outlined on page 3 of the RFP and asked if the language presented is typical. Ms. Eldredge responded that the language was standard throughout several RFP's that she looked at to create this one, adding that these are the gold standards for municipal managers and town managers. To her, the language did stand out as something different, and she is looking for the board's opinion on if they want to include it or not.

Mr. Powers said that someone cannot be a member of the International City County Managers Association without complying with the organizations code of ethics. Mr. Piekarski asked who monitors that compliance. Mr. Powers responded that the members sign off that the adhere to the code of ethics.

Mr. Piekarski referenced line # 11 where it says to interview up to 15 of the most highly qualified candidates. He asked if the board would want to put a maximum on the firm. Mr. Powers responded that ahead of that, there is a concept of a screening or a search committee, which the board would need to determine which they wanted. Mr. Piekarski responded that he would want to listen to the consultants before making that decision and suggested to switch the language to read "in coordination with the consultant", as they are going to make a recommendation as to what they have seen as best practice.

Mr. Piekarski referenced line # 14 where it says to select 3-5 finalists, and asked if the board would want to put a maximum on that.

Mr. Kelleher asked about the wording that potential candidates should have municipal experience. Ms. Eldredge responded that when the town is looking for consultants, we would be looking to have a vendor that has experience with municipal firms.

Mr. Piekarski asked the board if they have any thoughts on having a minimum versus maximum number of candidates. Mr. Howell responded that you would want to have a minimum floor and suggested 7-10 candidates. Mr. Piekarski said that he would want to hear from the consultants on what recent history has sown.

For line # 11, Mr. Howell said that he would like to see a minimum of 7 candidates. Mr. Piekarski responded that he would not want to have less than 10. The board's consensus was to have a minimum of 10 of the most highly qualified candidates interviewed.

Martha Donovan was present and suggesting saying at least 3-5 candidates for line # 14 and maybe the firm could expand beyond 3-5.

Ms. Eldredge said that the numbers in the RFP are so that the consultant can give us a price. If you say "at least" they are not going to be able to give a fair price. You really need to have a hard number of finalists for the interviews. Mr. Powers added that if the board starts playing with the numbers in one of the lines, you want to be mindful of how that will affect the lines that come after throughout the process.

Mr. Howell suggested having a minimum of 5 finalists for line # 14.

Mr. Howell said that he assumes that this is a standard boiler plate document that these search firms typically use all the time. Ms. Eldredge responded that the numbers can be different from RFP to RFP and community to community. When you have a tight turnaround time, you would want to compress the number of applicants, so you don't spend a lot of time reviewing. Here on the Cape, the 2 consultants that Ms. Eldredge talked to didn't seem to think that we would have a problem getting candidates but would not be flooded.

Richard Waystack was present, and he said that they hear in the real estate industry of other industries looking for professionals. When you talk about minimums, you have to understand about numbers. Cape Cod is a great place to be and having a job as a Town Administrator might be wonderful, but if the person cannot afford to live here, that might become an issue.

Mr. Handler moved to accept the RFP draft document as presented in the packet with the modifications as outlined; line # 11-interview a minimum of 10 of the most highly qualified candidates and line # 14 to select 3-6 finalists, 2nd by Mr. Piekarski and approved 5-0-0.

B. Discussion and status report on the Local Comprehensive Plan presented by Local Planning Committee Chair Joyce McIntyre

Joyce McIntyre, Chair of the Local Planning Committee (LPC) was present.

Mr. Howell said that the LPC was before the Select Board in late March and there was a discussion about if the plan was ready or not. The plan was not put on the May 2025 Annual Town Meeting Warrant. At last weeks board meeting, the plan was characterized as having substantial changes. Mr. Howell said that he was interested in seeing what was different in the plan, what needs to be done and when that might be. Ms. McIntyre responded that the Select Board has the working draft of the Local Comprehensive Plan (LCP) and that when they were at the end of March, they did not have this interactive digital format from Tighe and Bond. She added that the text and the meat of the action plans, goals and objectives and overall outline was there at the end of March, knowing that Tighe and Bond's contract was expiring at the end of June. Ms. McIntyre paid kudos to Christine Flynn, Director of Planning and Community Development who stayed on the contractor to have this information.

Ms. McIntyre said that what they are left to work with and finish is a high-level prioritization of the different actions. She appreciates that the contractor's timeline has been extended but added that they are still getting the same amount of money.

Mr. Howell asked if there are any textual changes to the plan. Ms. McIntyre responded that there are. Mr. Howell responded that the board could use a redlined copy of the document to see the changes. Ms. McIntyre responded that there is an interactive link and that all of the changes can be followed through the commenting link. Ms. McIntyre added that in order to see these interactive features, you will need to have special programming from Adobe. Mr. Howell said that he appreciates and admires the work of the committee, but that they are an ad hoc committee that reports to the board. He would like to see a redlined copy provided for the packet, as is done with all the other committees.

Mr. Howell said that he is very big on public access that the LPC has had 9 meetings since the beginning of 2025. Ms. McIntyre responded that all of their meetings are live recorded, and all of the minutes have been filed. Mr. Howell responded that he is not sure that is correct. Ms. McIntyre responded that she would look into what might be missing.

Mr. Kelleher stated that he read through the report had had a question about the numbers provided for temporary lodging and wanted to know what they were. Ms. McIntyre responded that she imagines that some of that number might be the Wychmere property.

Mr. Kelleher referenced the complete streets grant that is referenced in the report and asked when that would start. Ms. McIntyre responded that she has been educated that Barnstable County, Select Board and Cape Cod Commission approval of the plan is a requirement for a lot of programs.

Mr. Kelleher pointed out that one section of the plan is in a foreign language. Ms. McIntyre responded that she would correct that issue.

Ms. McIntyre said that there were a lot of single file documents that needed to be put together in order to complete this complex document. She added that she is grateful for the assistance of Ms. Flynn.

Part of the Select Board's packet was information from Tighe and Bond detailing how they would finish work as far as the timeline is concerned. Ms. McIntyre said that the committee would have a final draft for their meeting in July and then have an open public comment meeting at their August meeting.

Mr. Handler said that he can really feel Harwich in this document. He thanked the volunteers on the committee. He feels that the macro aspect of the document is clearer and cleaner as well is the granular aspect. Mr. Handler added that the committee have narrowed the scope, which must have been a process, but that it reads cleaner, and the progression of the plan can be followed much more easily. Clearly the housing aspect is very well represented in the plan as being one of the primary issues not only in Harwich but Cape wide. Mr. Handler commended Ms. McIntyre and her entire group.

Mr. Handler asked if there has been any discussion about having a collaborative effort with our neighbors Cape wide regarding the housing crisis or is the document specific to the borders of Harwich. Ms. McIntyre responded that question might be well suited to the other housing groups in town that are working on housing.

Mr. Howell said that it might be appealing to do housing thing regionally, but that there is no value in the state's eyes. We get no credit for projects in other towns with respect to the subsidized housing inventory list. Mr. Handler responded that he thinks we need to consider putting people in homes on Cape Cod and not thinking about what the state might or might not give us.

Mr. Howell noted that the board would be meeting for the most part weekly during the summer. He anticipates having one meeting of a full presentation of the LCP so we can unveil it to the public at one time.

Mr. Powers asked Ms. McIntyre if they LPC will need to rely upon Tighe and Bond after June 30, 2025. Ms. McIntyre responded that they would. Mr. Howell added that the board needs to have a finite conclusion time. Ms. McIntyre responded that a timeline was provided in the packet material. Mr. Powers reviewed the "road map for completion of the LCP dated May 6, 2025" noting that the board was presented with the time extension contract.

Ms. McIntyre asked if the board would like to have their meeting with the LPC before or after the community feedback session in August. Mr. Howell responded that he would not delay in getting a hold of the chairs from the 4 or 5 boards to see if they would be willing to do what the Select Board is doing, and have it done before the end of July.

TOWN ADMINISTRATOR'S REPORT

Mr. Powers announced the appointment of Rosa Wright to the position of Program Specialist III at the Department of Council on Aging.

Mr. Powers announced the execution of a contract with TRC Environmental Corporation in the amount of $17,500. This contract is for peer review services for the Pine Oaks IV 40B application.

Mr. Powers congratulated all the 2025 graduates.

SELECT BOARD MEMBER REPORT

Mr. Piekarski congratulated the Monomoy class of 2025. He added that he would like to discuss the global sense of Town Counsel and possibly get more granular on their fees. Mr. Howell said that it is our responsibility in the charter to ratify our relationship with KP Law and that he offered this information in conversation to Attorney Amy Kwesell that the board as a whole was going to be considering its representation and what they bring to the table and any other possibilities that we might have.

Mr. Howell said that both himself and Mr. Handler were on 2 emails relative to Wychmere Harbor Club. Mr. Handler said that he would want to have this on an agenda to discuss the project overall.

CORRESPONDENCE

No correspondence was discussed.

ADJOURNMENT

Mr. Handler moved to adjourn the meeting of the Select Board at 7:37 p.m., 2nd by Mr. Piekarski and approved 5-0-0.

Respectfully submitted,

Jennifer Clarke
Executive Assistant