APPROVED

RELEASED



RECEIVED
TOWN CLERK
HARWICH, MA

2025 AUG -6 P 3:51

**MINUTES**
**Capital Outlay Committee**
**Harwich Town Hall**
**Small Hearing Room**
**732 Main Street**
**Harwich, MA 02645**
**Thursday March 20, 2025**
**Regular Session: 1:00 PM**

**MEMBERS PARTICIPATING:** Martha Donovan, Chair, Rich Larios, Ann Clark Tucker and Mark Kelleher

**MEMBER NOT PARTICIPATING:** Frank Wiacek

**MEMBERS PARTICIPATING REMOTELY:** Scott Norum and Paul Doane

**ALSO PARTICIPATING:** Joseph Powers, Town Administrator

**I. CALL TO ORDER**

Ms. Donovan called the meeting of the Capital Outlay Committee to order on Thursday, March 20, 2025 at 1:05PM.

**II. OLD BUSINESS**

A. Approve meeting minutes from Thursday, December 3, 2024
B. Approve meeting minutes from Monday, December 9, 2024 (joint meeting with Select Board)

Mr. Larios moved to approve the Minutes of Thursday, December 3, 2024 and Monday, December 9, 2024. Seconded by Ms. Tucker.

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

Ms. Donovan noted that the next discussion will be on items that have come up since the COC submitted the Plan to the Select Board in December.

**III. NEW BUSINESS**

A. Discussion and possible vote on the following potential changes to the Capital Plan Fiscal Year 2026 through Fiscal Year 2030:
   1. Phase 3A of the Comprehensive Wastewater Plan

Ms. Donovan commented that the COC must decide if Phase 3A of the Comprehensive Wastewater Plan will go in the Capital Plan and give their thoughts on the project.

Mr. Powers noted that the Draft Plan for FY26 includes a reference to Watershed. He explained that the Watershed Management Plan (WMP) is the reference they will use going forward in place of the Comprehensive Wastewater Management Plan (CWMP). He also explained why the phrase Phase 3A was adopted in place of the Great Sand Lakes.

(Mr. Doane joined the meeting remotely at this point.)

He noted that the Great Sand lakes is not technically a watershed and does not automatically tie into flow but the flow can be sent to Chatham if the parties agree. Mr. Powers noted that the State Revolving Fund and the Clean Water Trust Fund have offered the town $31 million and change to help fund the project. He noted the existing draft Article language which included borrowing contingent upon the borrowing being excluded under a Proposition 2 1/2 Debt Exclusion. He noted the cost of the project and that it does not include funds related to any storm water work. Mr. Powers read the explanation for the Article. He emphasized that this is not a reference to drinking water quality it is ground water quality. Mr. Powers noted that the Select Board originally voted to not place this Article and that action was later rescinded. He noted that the Select Board has removed any existing restriction so that the Article can be considered for Placement in the Warrant.

Ms. Donovan noted that there is also a Petition Warrant on this topic.

Mr. Powers noted that the Petitioned Article does not accomplish what he just read. Counsel has opined that it is non-binding in its effect which he explained.

Mr. Powers referred to the loan, noting that it would be from 0% to 2% interest and the amount of loan forgiveness, if any, is unknown. Mr. Powers answered questions regarding the number of houses involved with each phase.

Ms. Donovan referred to the Plan and asked if the line item should include the $35 million.

Mr. Powers replied that the question is to the Select Board, not Administration or the COC. The CMP has been in the Plan before. If the infrastructure construction project is not in the Capital Plan, it does not diminish it as an infrastructure project. He thinks it is proper to put it on the Plan but there is no endorsement that would cause it to be put on the Plan.

Mr. Larios asked if the Finance Committee would be putting it on the Plan.

Mr. Powers replied that he does not believe the Finance Committee has the governance right to do that.

Ms. Donovan asked if at Town Meeting, the Article is on the Warrant but not the Plan, the Town can vote for a project that hasn't been approved into Budget.

Mr. Powers replied that it does not have to be an approved project of the Capital Outlay Plan but it does have to be an approved project of the town. He explained that the town is listed on the Intended Use Plan (IUP) for funding. If the town does not go forward with this Plan as articulated, the Town is off the list. Mr Powers explained the process of getting on the IUP list and the consequences of being off the list. He noted that he does not agree with the potential cap on funds or a cap in a certain year that the DEP is talking about and explained why he does not agree. He commented that if the Select Board opted not to go forward on the construction project, there will be design plans available from a certified engineer that the town could contemplate in the future.

Mr. Norum asked for an explanation of applying to the DEP Revolving Fund if this project doesn't attenuate nitrogen into Pleasant Bay.

Mr. Powers gave a brief history of the CWMP and a detailed explanation of why that decision was made. He noted that the project is listed and does not have a dollar amount, the Article has a dollar amount and he recommended that the COC list the amount of $35 million under the Watershed Phase 3A Sewer Extension Design and Construction. He also explained in detail, why the total has increased from $31 million to $35 million. Mr. Powers also noted that the town is anticipating $1 million for stormwater work. He noted that that could be in a future Article where they are looking to Chapter 90 money for the stormwater work. He summarized that it is a $35 million construction project, $31 million of which is eligible for reimbursement and the delta would be borne by the town.

Ms. Donovan asked Committee members if they agreed that the recommendation of the COC, to the Select Board, would be to put $35 million on the Capital Plan for FY26.

Mr. Powers noted that he is looking to preserve his rights as Town Administrator under the Charter. He stated that he has to build the Capital Plan. He is adding $35 million to the Capital Plan and he asked for the COC's support.

Mr. Kelleher moved to support the Town Administrator to add $35 million to the Capital Plan for FY26. Seconded by Ms. Tucker.

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

Ms. Donovan suggested that the COC vote to give the Select Board their personal options.

Mr. Powers responded that he would not participate in that and left the room for the COC's discussion.

Ms. Tucker moved for the COC to make a recommendation for approval of this project for $35 million to the Select Board. Seconded by Mr. Larios.

Ms. Donovan stated that her vote on this is no and she explained her reasons in detail.

Mr. Larios stated that his vote on this is yes and he explained his reasons in detail.

Ms. Tucker stated that her vote on this is yes and explained her reasons in detail.

Mr. Kelleher stated that his vote on this is yes an he explained his reasons in detail.

Mr. Norum stated that his vote on this is yes an he explained his reasons in detail.

Vote: 4:1 in favor by roll call vote. Motion carried.

2. Saquatucket Harbor Bulkhead project

Mr. Powers explained that the ask for FY26 is for the design and permitting of the future Bulkhead Replacement Project. The bulkhead has been evaluated and may last a few more years. He urged that this Project remain on the Plan noting that this is a year when the funds are available.

Ms. Donovan noted that the COC was having this discussion in public because Mr. Keller had previously commented on the project and also to confirm that the COC knew what the engineering results were.

Mr. Larios questioned why they are discussing it noting what the COC has already done on this issue.

Mr. Kelleher noted that John Rendon had said there was $50,000 left over that could be used for an engineering report which would tell them if it needs to be replaced imminently or if could it be extended. He asked Mr. Powers if there was a request of an engineering company to look at the bulkhead with the $50,000.

Mr. Powers replied that they had and the $50,000 was funds that the Harbormaster had access to. He noted that the engineering report came back as he had previously reported, 2-4 years left for one portion of the bulkhead and 10+ years for the other portion. He reiterated the reasons for the ask. He emphasized that when funding sources are available, he wants to use them to the greatest benefit of the town. He urged that the project remain in FY26 noting that this project is recommended to be paid for by Free Cash.

Mr. Larios asked for clarification of what information the $50,000 got for the town and what the amount requested will get for the town. Mr. Powers answered in detail.

Mr. Norum asked if the design work and/or permitting analysis would be stale by the time the bigger part of the bulkhead needs to be replaced. He also asked if they should be doing design and permitting only for the more urgent part of the bulkhead.

Mr. Powers replied that he is less concerned about the staleness of the design as he is the staleness of the permitting and he explained why. The funds they intend to set aside for this effort are adequate for the design and engineering.

Ms. Donovan asked Mr. Powers if he is comfortable with the construction as it sits on the Plan in 2028 at close to $10 million which could be reassessed after the planning is completed.

Mr. Powers replied that he is comfortable with the out years as they are nothing more than forecasts.

Mr. Powers noted that the COC has already endorsed the Project and it is on the Plan.

Ms. Donovan asked if any members wanted to make any changes to the Capital Plan for the Saquatucket Bulkhead Replacement Project for FY26.

Mr. Kelleher confirmed with Mr. Powers that what they are looking at is potentially a phase job and that the study they are discussing will give them the information they need to know what needs to be done immediately and what needs to be done in the future.

Mr. Powers responded that if Town Meeting affirms the funding for the design and permitting of the Saquatucket Bulkhead Replacement Project, when they go to market they will be relying upon the most recent engineering reports that exist. He also explained why the $770,000 is sufficient to complete the design and permitting.

Mr. Norum noted he would not suggest making any changes and explained his reasons.

3. Harwich Elementary School

Mr. Powers noted that he is adding the sum of $40,000 to the Capital Outlay Plan for FY26 to account for what has been identified as the Harwich Elementary Capital Need for replacement of smoke alarms which is paid 100% by the Town of Harwich. There was $70,000 on the Capital Plan for boilers at two different locations which are for the Monomoy District and not on Harwich's Capital Plan.

Mr. Larios noted that the Capital Plan shows amounts from Departments of $50,000 or greater and this is only $40,000. He asked if it has to show in the Plan.

Mr. Powers replied that it doesn't have to show in the Plan. It will be in the Assessment Article and can be described there in greater detail. Also the total of the projects over 5 years exceeds $50,000. He explained in detail how Harwich handles their Capital projects differently than the Monomoy District.

Ms. Donovan commented that it would be helpful if the Elementary School submitted a Capital Budget the same way and timing as other Departments.

Mr. Larios asked if the $40,000 is part of a multi year pay out or if it stands alone. He noted that if it is a stand alone, it shouldn't be on the Plan.

Mr. Powers responded that he would not include the $40,000 in future project expenses and explained his reasons.

Ms. Donovan stated that there would be no action on the Harwich Elementary School $40,000.

4. Monomoy Regional Middle School Siding Project

Ms. Donovan noted that she had suggested to the Select Board that it wasn't a good use of the COC's time to review this project now. It is late in the game and there is much they don't yet know.

Mr. Powers commented that the Monomoy Regional Middle School Siding Project is not a Capital Project for the Town of Harwich. He noted and described the context of the letter he had written and read at the Monomoy School District meeting asking them to sharpen their pencils. He also noted the percentage increases of the Monomoy Budget and how it compares to the Budget for the entire Town of Harwich. He also noted that it requires a Proposition 2 1/2 debt exclusion. It will be on the School District's list of unissued debt.

At this time, Mr. Norum left the meeting.

Mr. Powers noted that he had made the COC aware of an analysis that he had done of this project which is that if this was on the Town of Harwich list, outside of Wastewater, it would be the biggest thing Harwich plans on doing for the next five years.

Committee members discussed the COC's responsibility regarding the Monomoy Regional Middle School Siding Project. No action was taken.

B. Review of funding sources for Fiscal Year 2026 Capital Plan

Mr. Powers noted the funding sources that he is relying upon for the various Articles he had in draft form. He listed the Articles and explained the funding sources. He spoke about the Free

Cash certification, what has been committed and the current balance. Mr. Powers also explained Chapter 90 funds and the projected funds available.

**IV. ADJOURN**

Mr. Larios moved to adjourn. Seconded by Ms. Tucker.

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

Respectfully submitted,

Judi Moldstad
Board Secretary