MINUTES
SELECT BOARD
HARWICH TOWN HALL
732 MAIN STREET, HARWICH MA
MONDAY, AUGUST 11, 2025
5:15 P.M. EXECUTIVE SESSION
6:00 P.M. - REGULAR MEETING

RELEASED

APPROVED

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

ALSO PARTICIPATING: Acting Town Administrator Tony Schiavi, Assistant Town Administrator Meggan Eldredge & Executive Administrative Assistant Jennifer Clarke

CALL TO ORDER

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. Handler, Mr. Piekarski, Mr. Kelleher & Ms. Doucette all voting aye by roll call

EXECUTIVE SESSION

A. Pursuant to MGL c.30A, §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 MGL c. 30A, §21(a)(3) To discuss strategy with respect to litigation in the Port Restaurant v. Town of Harwich matters as the Chair has declared that an open session may have a detrimental effect on the litigating position of the Town
C. Pursuant to MGL c. 30A §21(a)(7) to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements, the Open Meeting Law, MGL c. 30A §§ 22(f), (g) to review, approve and or discuss the possible release of executive session meeting minutes dated May 27, 2025, July 21, 2025 and August 4, 2025

Mr. Howell stated that during executive session, the board discussed a number of sets of minutes and voted to approve some and release a portion of the July 21, 2025, meeting minutes.

Mr. Howell welcomed Tony Schiavi to the position of Acting Town Administrator.

Mr. Howell informed the audience that the board would not be discussing the amended entertainment license requests as the establishments attorney has requested a continuance until the August 18, 2025, meeting.

PLEDGE OF ALLEGIANCE

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

STAFF COMMENTS/ANNOUNCEMENTS

A. Board of Water/Wastewater Commission announcement

Chair of the Water/Wastewater Board Noreen Donahue was present along with Water/Wastewater Superintendent Jason Trepanier and Waterworks Consultant Dan Pelletier in the audience. Ms. Donahue welcomed Mr. Schiavi.

Mr. Pelletier announced that the town will be receiving PFAS settlement funds in the amount of $750,000. These funds will be coming to the water department over the next 5 or so years. Mr. Pelletier reviewed how the town came to receive these funds even though Harwich did not have any PFAS detected in our water. All of the PFAS sampling that has been taken in the last few years as been non-detect, which is a good thing. Mr. Pelletier encouraged anyone who is interested in Harwich's water quality to go to www.harwichwater.com and review the consumer confidence report.

Board of Assessor's Chair Richard Waystack was present and announced that at their scheduled meeting last week, their board issued the first affordable housing tax credit for Harwich. This endeavor was approved at May's Annual Town Meeting and was then approved by the Attorney General's office. Applications can be submitted by someone who owns a property in town and rents that property to someone who meets Housing and Urban Development (HUD) requirements. The Assessing Department does an excellent job of vetting this process. The hope is that up to 30 residents will take advantage of the program this year.

WEEKLY BRIEFING

A. Wastewater update by Waterworks Consulting, LLC.

Waterworks Consultant Dan Pelletier was present. He noted that he heard the concerns and questions from the non-resident taxpayer meeting about when and where sewering would be happening. He was able to connect with Marc Drainville from GHD and was sent maps of the draft phasing plan. They had talked about the Comprehensive Wastewater Management Plan (CWMP) scope and when they anticipate that project will wrap up. It was advised that GHD would be wrapping up that report internally and looking a getting a copy to town staff for comments in late fall. Following that, the document would be published for public comment and then a formal adoption. In the past couple of months, Mr. Pelletier has been fielding questions regarding the phase 3A project and helping to shuffle information between the town and residents. He has also been working with the Pleasant Bay Alliance on updating the parceled water usage database in East Harwich, with the expectation that will be completed in the next couple of months.

Mr. Pelletier reported that the Bay Road property that had an issue has been hooked into the sewer system today.

Mr. Pelletier has reached out to the sewer superintendent for the Town of Dennis to see if now is the right time to initiate talks and where those talks might take us.

Mr. Piekarski asked for a recap on what happened with the Bay Road property. Mr. Pelletier responded that the property was part of phase 2 and that the sewer line that was installed on Bay

Road heading towards Route 39 was, as instructed, laid as flat as possible to maintain gravity sewers. Ultimately, the pipe was laid a little too flat which caused a back up at the last house on the road. The resolution was to bring the phase 3 sewer pipe up to the property and connect into that.

Mr. Piekarski asked with that property being connected, are others able to connect now. Mr. Pelletier responded yes but that he is not sure if the town has elected to issue those order letters to connect yet. Ms. Eldredge responded that they have not.

Mr. Piekarski asked if phase 3 is on schedule. Mr. Schiavi responded that contract 2W is over 30% complete and contract 1E is moving along and is about 10% complete. There are no delays that anyone is aware of at this time.

Mr. Piekarski asked that when homeowners come to Mr. Pelletier with concerns and change orders, that the board be giving a brief summary, either bi-weekly or monthly, so that they are aware of what is being addressed and handled.

Mr. Piekarski asked if there are any conditions on how the PFAS funds can be used. Mr. Pelletier responded that there likely would be conditions and that the funds would come into the town through the water enterprise funds. From the audience, Mr. Trepanier staid that nothing has been specified yet.

Mr. Howell said that the town has had long term discussions relative to the fact that Harwich is in good shape with respect to PFAS, but that now we are having the conversations about bringing recharged water back into town for use. There is no way to know whose water is whose as it is blended. He suggested that the water department discuss sequestering the funds in the off chance that there is PFAS found in the recharged water that comes back into Harwich.

Mr. Kelleher asked when Mr. Pelletier when he would have a good idea if Harwich would be able to participate with Chatham or if we would have to build our own sewage treatment plant. Mr. Pelletier responded that hypothetically, we should have better information in 1-3 months. Mr. Kelleher said that his understanding is that after phase 3A, will come sewering in West Harwich. He asked when Harwich would be able to get the feeling if we will be able to do something with Dennis or not. Mr. Howell responded that would be a process that would start with the Select Board.

Mr. Pelletier briefly reviewed the effluent areas in town, adding that if the need were to arise, that Harwich would need to possibly look at having a plot of land to have as an effluent recharge site.

Mr. Handler asked what the current daily amount of flow is that is going to Chatham. Mr. Pelletier responded 54,000 gallons per day.

Mr. Howell asked Mr. Pelletier if he has any comments to make about phase 3A. Mr. Pelletier responded that the critical points were easements, which he believes to be under control and in process at this point. The intermunicipal agreement discussion is pending. He has not been informed at this point if having a bid ready set is in jeopardy. SRF funding requires the contract to be signed no later than June 30, 2026.

Mr. Howell reported that the Brooks Academy RFP is moving right along. Mr. Schiavi added that the RFP will close on August 20th.

Mr. Schiavi said that the legal RFP would be brought back at next weeks meeting.

PUBLIC COMMENTS/ANNOUNCEMENTS

Louis Urbano was present and read into the record a letter dated August 11, 2025. A copy of Mr. Urbano's letter was submitted and will be provided in the August 18, 2025, Select Board meeting packet. He was present in an effort to focus attention on the Harwich Affordable Housing Trust and to make sure that its full potential is realized. He respectfully requested that the board schedule a discussion on the scope, activities, and oversite of the trust.

Matt Sutphin was present and read into the record a letter dated August 11, 2025. A copy of Mr. Sutphin's letter was submitted and will be provided in the August 18, 2025, Select Board meeting packet. Mr. Sutphin's letter referenced 11 committees that should be commenting on the effect that the Pine Oaks Village 4 project will have on Harwich. His letter also outlined concerns traffic concerns regarding the project.

NEW BUSINESS

A. Presentation of Application for Project Eligibility Letter by Pennrose, LLC. for 456 Queen Anne Road Affordable Housing Development, votes may be taken

Ryan Kiracofe from Pennrose was present and reported that they are in the process of submitting their project eligibility letter (PEL) to the state. Mr. Kiracofe reviewed the PEL process and noted that one of the key things that the state looks for is readiness to proceed with the project as a way of making sure that their money is going to a deal that is going to happen. There are no changes to this project from what was presented back in May 2025. Mr. Kiracofe said that he is present at the meeting to seek feedback and comments or questions on the submission package. The one additional piece of information from what was presented before is which anticipated waivers they would need to seek from local zoning, which is site coverage percentage. Also, the fact that this is multi-family housing will require a special permit.

Mr. Kiracofe briefly explained what a PEL is and what happens if you don't do it. He noted that the PEL is what the state gives that confirms that the project is eligible for the 40b process. You must apply to initiate that conversation. With the Select Board feedback and comments, the application package will go in. The state's response will go to the town directly and it is the towns prerogative to respond to that letter formally, assuming no issues. Then they would be cleared to submit to the Zoning Board of Appeals for the 40b comprehensive permit. Mr. Howell asked what would happen if that did not occur. Mr. Kiracofe responded that without having a PEL, you cannot proceed through the zoning process, which would hold up the timeline of the project and present potential legal problems with the state.

Mr. Piekarski asked when the notification comes in, how long does the town have to respond. Mr. Kiracofe responded 30 days.

Mr. Piekarski noted that one of his greatest concerns is not having any egress onto Route 124. Putting all of the traffic onto Queen Anne Road is a problem and he hopes that they will explore other options.

Ms. Doucette had no comment.

Mr. Kelleher said that if the town can assist in any way, to please let them know. He then noted that the plan shows 1.25 parking spaces per unit as compared to the Pine Oaks Village 4 project shows 1.75 spaces. He asked if they are going to be short of parking. Mr. Kiracofe responded that they feel confident with the proposed parking spaces based on other projects relative to this size in their national portfolio. He also noted that a traffic study was done and that when the information is available, it will be reviewed.

Mr. Handler asked that he be re-sent the May 2025 presentation that showed all the other projects that Pennrose has going on as he would like to visit some of the other project sites.

Mr. Howell noted that there will also need to be a discussion had about the water/wastewater for the site and suggested that Pennrose engage with the respective departments to have those conversations.

Mr. Kiracofe told the board that Pennrose would always welcome a letter or statement of support from the town to submit with their application package to the state.

Noreen Donahue was present, speaking as a resident, and had questions pertaining to traffic. She has followed all the presentations and knows that there is a paper road on the site. She asked if there would be any way to extend that paper road over to Oak Street to trend further away from the 4-way intersection. She had the same question as Ms. Piekarski with respect to having an entrance option off of Route 124. Mr. Kiracofe responded that these are all valid questions and comments and that he would be interested in further conversations.

Richard Waystack was present and commented that a for sale sign when up on the other Marceline property. He feels that whatever happens there will be substantial and he does not think the town has the capacity of buying the property. At some point there may need to be a discussion with the state. There will be impacts to the entrances to the on/off ramp for Route 6. He asked if there is anyway that the town could engage the state in discussions with accessing Route 124, that this is a much larger discussion that just these upcoming projects. Mr. Howell agreed and said that that board would probably get into these discussions this fall.

Mr. Handler moved that the Select Board write a letter of support for the Pennrose project in respect to the Project Eligibility Letter for 456 Queen Anne Road, to be signed by the Select Board, 2nd by Mr. Kelleher.

Mr. Piekarski said that he would be inclined to hold off on a letter at this time. While he does not foresee an issue, he wants to wait until comments from staff are received. Ms. Doucette agreed.

Mr. Handler withdrew his motion and Mr. Kelleher withdrew his 2nd.

Mr. Schiavi asked if staff should collect that input or if the various department heads should come to future meetings. Mr. Howell responded that this should be driven by administration.

B. Vote to approve an amended Entertainment License for Ember Pizza, Inc., d/b/a Ember, 600 Route 28
   Existing-Weekday
   Inside- Recorded/live music, amplification, dancing by live performers, jukebox, radio, TV (10:00 a.m. – 12:00 a.m.)
   Outside-Jukebox, radio, TV, live acoustic music, recorded music, dancing by live performers (11:00 a.m. – 10:00 p.m.)
   Existing-Sunday
   Inside-Recorded/live music, amplification, dancing by live performers, jukebox, radio, TV (10:00 a.m. – 12:00 a.m.)
   Outside- Jukebox, radio, TV, live acoustic music, recorded music, dancing by live performers (11:00 a.m. – 10:00 p.m.)
   Amendment Request-Weekday
   Inside- Jukebox, radio, TV, dancing by patrons, dancing by live performers, live/recorded music, amplification system (10:00 a.m. – 12:00 a.m.)
   Outside- Jukebox, radio, TV, dancing by patrons, dancing by live performers, live/recorded music, amplification system (10:00 a.m. – 10:00 p.m.)
   Amendment Request-Sunday
   Inside- Jukebox, radio, TV, dancing by patrons, dancing by live performers, live/recorded music, amplification system (10:00 a.m. – 12:00 a.m.)
   Outside- Jukebox, radio, TV, dancing by patrons, dancing by live performers, live/recorded music, amplification system (10:00 a.m. – 10:00 p.m.)
C. Vote to approve an amended Entertainment License for The Port Restaurant and Bar, Inc., d/b/a The Port, 541 Route 28
   Existing-Weekday
   Inside- Jukebox, radio, TV, live/recorded music, amplification, dancing by live performers (11:00 a.m. – 12:00 a.m.)
   Outside- Jukebox, radio, TV, live/recorded music, live acoustic music only, dancing by live performers (11:00 a.m. – 10:00 p.m.)
   Existing-Sunday
   Inside- Jukebox, radio, TV, live/recorded music, amplification, dancing by live performers (11:00 a.m. – 12:00 a.m.)
   Outside- Jukebox, radio, TV, live/recorded music, live acoustic music only, dancing by live performers (11:00 a.m. – 10:00 p.m.)
   Amendment Request-Weekday
   Inside- Jukebox, radio, TV, dancing by patrons, dancing by live performers, live/recorded music, amplification system (10:00 a.m. – 12:00 p.m.)

Outside- Jukebox, radio, TV, dancing by patrons, dancing by live performers, live/recorded music, amplification system (10:00 a.m. – 10:00 p.m.)

Amendment Request-Sunday

Inside- Jukebox, radio, TV, dancing by patrons, dancing by live performers, live/recorded music, amplification system (10:00 a.m. – 12:00 a.m.)

Outside- Jukebox, radio, TV, dancing by patrons, dancing by live performers, live/recorded music, amplification system (10:00 a.m. – 10:00 p.m.)

OLD BUSINESS

A. Town Administrator Executive Search discussion with Groux-White Consultants; Votes may be taken

Rick White of Groux-White Consultants was present and said that he is looking for an outline of basic expectations for a new Town Administrator. This is the first part of the process and next he will start to get with staff and then community leaders, write up a synthesis of both and come back to the Select Board. This is a process designed for executive control. The charter basically identifies the duties of the Town Administrator, but the Select Board also has expectations that go beyond that. He knows that the board will have to come up with an expected salary, so he provided a draft of the cape and island managers salary survey as well as a survey for the greater Boston area for FY25 as framework.

Mr. Kelleher said that he would be looking for good communication skills and an administrator that returns calls and emails as well as seeks input form employees. One of his major concerns is long term financial planning. He asked Mr. White if there would be a possibility of a team with a Town Administrator and Finance Director coming from another place together. He would be looking to have the Town Administrator tackle certification for the budget books. Mr. White responded that is an effort that is lead by the Town Administrator, but that it would be put together by a team. Every manager needs to comply with a standard of ethics. In terms of hiring a duo, nothing is impossible, but Mr. White said that he has not seen that situation. Generally, managers have a group of people that are in their inner circle and generally a Finance Director is one of those people because the job is so finance heavy.

Mr. Piekarski asked what other things Mr. White would be looking for the board to clarify and to outline to start the recruitment process. Mr. White responded that the duties of the Town Administrator are straightforward. The layer on top of that is the relationship that the manager has with the board and how they relate to them. Mr. White wants to know what the extras are from the board.

Mr. Piekarski asked if Mr. White has ever recruited for a Town Administrator and Finance Director in the same town at the same time. Mr. White responded that he has not. Before he would respond to a RFP for the Finance Director, he would want to know more about it.

Ms. Doucette asked Mr. White when he recruits, does he really get to know the Select Board and community as to what they feel they are looking for. Mr. White responded that he does. He talks to everyone directly and understands how important this process is. The more accessible he is, the easier it is to solve any problems. Ms. Doucette added that communication is very important. Mr. White responded that his firms process is thorough.

Mr. Handler said that everything that the other board members stated is what he would be looking for in a candidate. The board has some work to do in terms of creating an understanding of what their values are. He thinks of culture as being a mix of values and behavior. The person that he would be looking for would be consistent in delivering the behavior, but also creating the values. He would like to see someone who can invest in the importance of the employees and understands the value of onboarded and retention of employees. Mr. Handler would also like to see a strong relationship between the Town Administrator, the employees and the public and someone who is high in motivation with a very good consistent attitude.

Mr. Howell agreed that communication is a major issue. Morale and team building is strongly needed, which has been a problem for some time. Harwich needs a manager who knows how to be able to get the best out of employees. Mr. Howell said that he would support employee participation with Mr. White. Mr. White responded that he plans to interview employees.

Mr. Howell asked Mr. White to think strongly about responding to the Finance Director RFP.

In terms of communication, Mr. White said that while he knows about the issues, he doesn't understand them. Most boards that he has worked with reward effort and do not expect perfection.

Mr. Howell said that the town needs someone with skill and strength in strategic planning.

Mr. White asks if the board does goal setting. Mr. Howell said that they do but that it is all over the map.

Mr. White said that he would be back in touch with the board in about 10 days.

B. Discussion and possible vote on Town Administrator Screening Committee

Mr. White said that it is critical to identify a leader that represents the boards most strategic direction on this.

Mr. Howell said that the board is looking to have each member chose their own person to be on the committee to capture a variety of thoughts.

Mr. White commented that he could send administration a charge for this process. Generally, the committee would work with the consultant to review recommended candidates as finalists for the Town Administrator for public interview with the Select Board. Based on that, Mr. White would have a whole body of information for them to review and would work with them to put together interview questions. He would also work with them to schedule interviews.

Mr. Howell said that regardless of what is done, the meetings need to be posted, even executive session. Anyone who is part of this process needs to understand that they will be subject to open meeting law requirements.

Mr. White said that he would want to spend a good hour with the Select Board to write up issues and then come back to them with a brochure. A lot of this depends on the board and their ability to turn things around. Starting on Monday, he will meet with staff and if has names of community leaders, he will reach out to them as well.

Mr. Handler said that for an employee to take responsibility, they need to be given responsibility first. Harwich needs someone who is strong and comfortable at delegating and giving trust to the employees that they delegate the work to.

Mr. Piekarski said that if everyone brings a name to the table, what would Mr. White guess the estimate of a time commitment would be for the committee members. Mr. White said that generally it is about 20 hours of their time, in a short time frame.

Mr. Schiavi said that he met with department head's this morning and that they have already been given the importance of their input into this process. They are already thinking about the things that he has said to them about the person that is going to be leading the organization. Staff should be open and honest with Mr. White.

C. Discussion and possible vote on Finance Director/Town Accountant recruitment

Mr. White said that he would reach out to Ms. Eldredge to discuss this further.

D. Discussion and possible vote on Brooks Academy Museum Designer Selection Committee

There has been a change requested in the makeup of the designer selection committee that was approved by the Select Board on July 21, 2025. The Brooks Academy Museum Commission Chair has changed from Lynn Zalesak to Bob Nickerson. Mr. Nickerson has expressed his interest in being a member of the selection committee. Staff recommends that the Select Board affirm this appointment.

Mr. Howell said that one of the biggest hangups seems to be that we are not connecting with the people on the ground that can get something done to the people that are using the space. He thinks that we should be mindful of the people who are using the building all the time, the Harwich Historical Society. Mr. Handler agreed. Mr. Howell added that we might want to add someone who is a representative of the historical society. Ms. Doucette confirmed that Mr. Nickerson is part of this historical society. Mr. Howell suggested that someone may want to query Mr. Nickerson and see if he is comfortable holding both positions. Mr. Schiavi responded that Ms. Eldredge has already done so and that the committee has voted to appoint him in place of Ms. Zalesak.

Mr. Piekarski moved to approve Bob Nickerson to the Brooks Academy Museum Designer Selection Committee, in place of Lynn Zalesak, 2nd by Mr. Handler and approved 5-0-0.

CONTRACTS

A. Discussion and vote to approve a contract change for GHD Inc., for the remaining design work for the Great Sand Lakes Sewer extension in the amount of $574,700

Mr. Howell asked if this request is within the budget projections. Ms. Eldredge responded that it is.

Mr. Piekarski questioned the amount being requested versus the amount that was already approved previously. Ms. Eldredge clarified that the first amount was for the 50% design. This money will get the project to 100% design.

Mr. Handler stated that he is unaware of where any board members in town reside but asked if anyone is located in phase 3a. Mr. Piekarski responded that he is.

Mr. Handler moved to approve a contract change for GHD Inc., for the remaining design work for the Great Sand Lakes Sewer extension in the amount of $574,700, 2nd by Mr. Kelleher and approved 5-0-0.

TOWN ADMINISTRATOR'S REPORT

Mr. Schiavi thanked Ms. Eldredge for her time on a very exciting first day. She has been very gracious and has shouldered a lot over the past few months. Mr. Schiavi added that he had a positive meeting this morning with department heads, and they covered a lot of ground.

Mr. Schiavi announced that we are very close to being able to announce the hiring of an Assistant Harbor Master as well as a Building Commissioner. The official announcement will come when the offer letters have been signed by the applicants. Mr. Kelleher thought that Bill Neiser was the Assistant Harbor Master. Ms. Eldredge responded he is, but will be retiring in September.

SELECT BOARD MEMBER REPORT

Mr. Piekarski welcomed Mr. Schiavi to the team and that he appreciates his willingness to serve the Town of Harwich and looks forward to working with him. He also appreciates Mr. Schiavi's outreach to sit down with Select Board members.

Mr. Piekarski talked about the use of town counsel, and he would like to see the Select Board enforce the policy of access to town counsel adhered to in greater consistency.

Ms. Doucette welcomed Mr. Schiavi and thanked him for agreeing to help Harwich.

Mr. Kelleher thanked Ms. Eldredge for a successful non-resident taxpayer meeting. He thinks that next year we can fill the room and maybe have it at the Community Center. He noted that there were 3 complaints at the meeting and the one that concerned him the most was the lack of potable water at the golf course. Mr. Kelleher would like to see if the board can get an answer on that situation. Mr. Kelleher also talked about the possible traffic issues that can be addressed without a great expense, referring to the VHB traffic study.

Mr. Kelleher reported that Hadley Luddy invited him to a shared meeting about towns sharing resources. He will forward the information to administration.

Mr. Handler welcomed Mr. Schiavi and said that he looks forward to working with him. Also, a big thank you to Ms. Eldredge and the administration executive assistants for all their work. He noted that Zoning Board of Appeals Chair Brian Sullivan ran a great meeting last week regarding Pine Oaks Village 4. He also thanked Mr. Piekarski for brining all the signs around town to his attention.

Mr. Handler asked for an update on the Walther Road stairs.

Mr. Howell said that all board members were given a paper copy of the local comprehensive plan. He added that non-resident taxpayer was a big success.

Mr. Howell reported that on Friday, he put out an all-employee email to welcome Mr. Schiavi and thank Ms. Eldredge for all her work. He feels that we have a good team in place right now.

CORRESPONDENCE

ADJOURNMENT

Mr. Handler moved to adjourn the regular meeting of the Select Board at 8:08 p.m., 2nd by Mr. Kelleher and approved 5-0-0.

Respectfully submitted,

Jennifer Clarke
Executive Assistant