MINUTES
SELECT BOARD
HARWICH TOWN HALL
732 MAIN STREET, HARWICH MA
MONDAY, AUGUST 18, 2025
5:00 P.M. EXECUTIVE SESSION
6:00 P.M. - REGULAR MEETING

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 4-0-0 with Mr. Howell, Mr. Handler, 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 G.L. c. 30A, §21(a)(2) to conduct strategy sessions in preparation for negotiations with non-union personnel and to conduct contract negotiations with non-union personnel: previous Interim Acting Town Administrator
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 August 4, 2025

Mr. Howell stated that there are no items to report from executive session.

PLEDGE OF ALLEGIANCE

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

STAFF COMMENTS/ANNOUNCEMENTS

Mr. Howell welcomed the Finance Committee and Capital Outlay Committee to tonight's meeting.

A. Director of Youth and Family Services Ashley Symington & Council on Aging Director Julie Witas-Preschool Program Update

Director of Youth and Family Services Ashley Symington & Council on Aging Director Julie Witas were both present and gave a reminder and announcement about the preschool program. The management of this program is shifting from Ms. Witas to Ms. Symington. Last year the program served 61 children. The application for this year's program is available on the towns website as of this afternoon. Funds are provided on a first come first served basis. Application materials can be emailed as a PDF, dropped off at the Albro House or mailed.

WEEKLY BRIEFING

Mr. Schiavi reported that the Brooks Academy Museum RFP will close on August 20th. He also said that there will be a meeting tomorrow of the Chatham Intermunicipal Agency (IMA) board. The final draft of the IMA will be discussed tomorrow.

Mr. Howell said that he would like to use tomorrow mornings agenda prep meeting to talk about the service areas for the legal request for proposals, as he has changes that he would like to see made.

Director of Planning and Community Development Christine Flynn was present. She said that the final draft of the local comprehensive plan has been uploaded to the towns website and that the Select Board has received copies of the plan. On August 5, the Local Planning Committee hosted a community engagement session which was attended by 20 members of the general public. The plan is currently in a 60-day comment period which will run through September 30. The plan has been sent to boards and committees as well as town staff. Comments and edits from the public and town boards, committees and staff are welcomed. There will also be community outreach with town boards, particularly regulatory ones. If the Select Board would like the Chair of the Local Planning Committee and Ms. Flynn to come before them to make a presentation, they would be happy to do so. Mr. Howell wanted to make sure that the Finance Committee is on the list to review the document.

PUBLIC COMMENTS/ANNOUNCEMENTS

Matt Sutphin was present. His first comment was that he would like the board to revisit the tree warden position, which is something that a lot of time was spent on prior to town meeting. He thinks that the board came away with the sense that we should be planting trees, not cutting them down. He said that this position is presently held by the highway superintendent and that it was said that the only tree that he is interested in is a dead one that holds a power line above the road. Mr. Sutphin would like to see trees replanted that have been cut down and make it so that it looks nicer to drive down the road and keep the area more countryside. His second comment was regarding the Main Street bogs that are slated to be partially converted into the Cape Cod Tech School satellite area. This issue continues to problematic for Mr. Sutphin and he does not feel that the public was adequately educated at town meeting. There are certain hoops that the town and school must go through to ensure that there is no net loss of conservation property. Mr. Sutphin handed a binder of information to staff at the meeting and asked that it be passed along to the Conservation Commission after the board has reviewed it. Mr. Sutphin welcomed further conversation on this topic and wondered if the Select Board would bring Cape Cod Tech School Superintendent Bob Sanborn in for further conversation.

CONSENT AGENDA

A. Approve the Select Board Meeting minutes from August 4, 2025, and August 11, 2025
B. Vote to sign letter of appointment for Anthony Schiavi and Deputy Fire Chief Craig Thornton to the Barnstable County Regional Emergency Planning Committee

Mr. Kelleher moved to approve the Select Board Meeting minutes from August 4, 2025 and August 11, 2025 and vote to sign the letter of appointment for Anthony Schiavi and Deputy Fire Chief Craig Thornton to the Barnstable County Regional Emergency Planning Committee, 2nd by Mr. Handler and approved 5-0-0.

C. Vote to approve the following committee appointments as recommended by the Interview Committee:
   1. Paul Doane, Community Preservation Committee as the Historic District and Historical Commission representative, full member, term to expire June 30, 2026
   2. Russell Couturier, Golf Committee, full member, term to expire June 30, 2028

Mr. Howell commented that he would be okay with the approval of committee appointment # 2, but that he would like to have # 1 for Paul Doane go back to the Interview Committee to revisit the appointment, and then come back to the Select Board with a recommendation.

Mr. Handler moved to approve the appointment of Russell Couturier to the Golf Committee as a full member with a term to expire on June 30, 2028, 2nd by Ms. Doucette and approved 5-0-0.

JOINT MEETING WITH SELECT BOARD, FINANCE COMMITTEE AND CAPITAL OUTLAY COMMITTEE

Chair of the Capital Outlay Committee Martha Donovan called their meeting to order. Capital Outlay Committee members present were Martha Donovan, Rich Larios, Michelle Gallucci, Scott Norum and Paul Doane.

Chair of the Finance Committee Bob MacCready called their meeting to order. Finance Committee members present were Bob MacCready, Dana Decosta, Scott Norum, Mark Ameres, Michelle Gallucci, Peter Hughes, Tina Games and Dan Tworek.

A. Discussion and possible vote on the budget and warrant timeline for the 2026 Annual Town Meeting

In the packet was a draft budget/warrant timeline for 2026 Annual Town Meeting (FY2027) as well as the 2026 Annual Town Meeting Timeline with Charter Requirements. Mr. Howell asked both committees if there is anything that they are seeing on these timelines that they would like to see done earlier.

Mr. MacCready thinks that the presentation of the comprehensive budget that is identified in the 1st week of February, should be a no later than date. Certainly if there is an opportunity to move that into January, that would be appreciated by the Finance Committee. Mr. Howell responded that we have always had the ability to have that out of the way so that the department heads could make their plea to change things. He noted that January is a reasonable thought, but that then everything would have to be pulled back along the way. Mr. MacCready added that moving this up would also aid in efficiency as well as having a joint meeting at that time.

Mr. Kelleher said that during the school discussions last year, the Monomoy Regional School Committee said that they had heard direction from the Chatham Select Board. Harwich should give them some direction as to what we can live with in terms of a budget increase and that should be relayed to them earlier this year. Mr. Howell hopes that the budget message that is sent to the school committee would have some definitive goals as this is a top line budget item.

Another issue that Mr. Howell brought up was to begin a serious discussion about how to unwind the addiction to the revolving funds. They were never considered to be an operating pool. Mr. MacCready added that by the end of the last fiscal year, there was a commitment from the Select Board to do work on the revolving fund issue. Mr. Howell responded that they are going to try and do that.

Mr. Howell asked that if the Finance Committee wants to take the documents provided and use them as a jumping off point, and send comments back to the Select Board, that would be fine. Mr. MacCready responded that in their conversations, they had discussed the importance of using the proposed calendar and meeting it. It has been difficult in the past to be able to deliver on the dates that are identified and that quickly backs up the entire process. Mr. Howell said that it would be nice to have a wish list of where we would like to be this fall.

Mr. Howell said that it can be impossible to ascertain what is reasonable and not reasonable when a budget book that is very large is provided. If we get to town meeting and something is wrong, we need to be able to identify the line items. It was impossible to do that in the last few years with the way that the budget book was presented.

Mr. MacCready said that the Finance Committee appreciates receiving these documents tonight and having this meeting in August.

Ms. Donovan said that in terms of timelines, the Capital Outlay Committee had a visit to the Harwich Elementary School. In speaking with Michael MacMillan, the committee asked if the capital for the school could be provided in mid-October and Mr. MacMillan said that they are already working on it. Ms. Donovan also suggested that the capital plan and budget for the school is received earlier. Mr. Howell asked that as their liaison to the school committee, that Mr. Handler deliver that message. Ms. Donovan also thinks that if Harwich is paying 76% of the budget, that we should have a bigger say in it.

Ms. Donovan also wanted to ask if the Select Board wants the Capital Outlay Committee to review the capital plan for the school system, which they have never done in the past.

Ms. Donovan noted that she has been the Chair of the Capital Outlay Committee for the last 2 years and that previously it has been very difficult to get a meeting with the Town Administrator. Mr. Howell asked when she would be looking to have that meeting and if December would be too late. Ms. Donovan responded that after the plan is submitted, if there are changes that would impact Town Meeting, she would then contact the Town Administrator for a discussion and then bring it back forward. Mr. Howell guaranteed that there would be no run around in scheduling a meeting.

Ms. Donovan had a comment on the 4th line of the budget/warrant timeline where it says Capital Outlay Committee presents plan to Town Administrator. She feels that this is actually the other way around. Mr. Howell responded that he knows that it what they have been told, but the bottom line is that the plan has to come back to the Select Board and then to Town Meeting. The Capital Outlay Committee votes a plan, the plan goes through the Town Administrator and then the Town Administrator presents the plan to the Select Board. Ms. Donovan responded that they always thought that their role was to vet all of the projects in the plan and then vet them in a public arena. They are not involved in the day to day operations of the departments, so it would be hard for them to build a plan.

Mr. Larios said that in 16 years of going through this process, they have always worked jointly with the Town Administrator, though it has been difficult in the past. For the 16 years that he is aware of, the Town Administrator has been at every meeting that Capital Outlay has held. In the charter, it says that Capital Outlay is supposed to support the Town Administrator. He recommended bringing in the department heads in August or September. Mr. Larios said that his concern so far is that they haven't really addressed the capital expenditures which is anything greater than $50,000, which is critical to where we are today. Mr. Larios this that Ms. Donovan has done a great job and now is the time to get the process back to the way it was done. Mr. Howell added that his observation over the last few years is that this has ceased being a capital plan to us backing in based on a bucket on money that we have. The capital plan is supposed to vie the town an idea of what the 5-year plan is, to give the taxpayers an idea of what they are looking at. The order of sequence is supposed to be the order of priority.

Ms. Donovan said that last year, they started in October and didn't review funding until December. Mr. Larios added that internally, they voted each capital budget item in the plan. Mr. Howell responded that there was no vote by the Capital Outlay Committee for the final plan that came before the Select Board.

There was a brief conversation about the difference between the capital plan and the capital budget.

Ms. Doucette wanted to clarify that Ms. Donovan is looking to see the wording changed in the budget/warrant timeline that she referenced. Ms. Donovan responded that the process she has experienced was that the department heads put together their forms with requests. Those forms are submitted and reviewed with the Town Administrator. The Town Administrator makes the plan/worksheet that comes to the Capital Outlay Committee and then they go through each line item with the department heads.

Mr. Howell asked that if any members would like to see any changes to the draft documents, that they should do so and get them back to the Select Board. He added that this entire process needs to be more collaborative. Ms. Donovan said that the goal at the end of the day is to get the taxpayer information on what they will see over the next 5 years.

Mr. Decosta said that one other number we need to consider and that is what has already been committed to but not on the tax roles. Ms. Donovan said that the debt schedule is what they have been asking for.

Mr. Norum wanted to tie some of this back to the budget instructions. He has been harping about the 5-year forecast, which is another reason why we need a 5 year operating plan. Mr. Howell responded that he would see what could be done about that.

Mr. Schiavi said that in general for both the Finance Committee and Capital Outlay Committee is that in his experience, we all need to work well together and works towards the same results. You also need to start thinking about the big-ticket items that are coming up. Mr. Schiavi has given his commitment to moving through this process.

Mr. Piekarski said that the objective is how we move forward in a coherent way that gets everyone involved, which is communication. He is committed to making sure that the towns budget message is received by the school committee. There are many requests that come before the board that are held of on because they don't fit into the budget message. The town needs to be able to at least look at the school budget and do a budget forecast and a debt schedule. Mr. Piekarski added that the elephant in the room is that Harwich needs a Finance Director and it is incumbent on the board to find one.

Mr. Kelleher complimented Ms. Donovan for her thoroughness and organization on the Capital Outlay Committee. He asked about the schools and who oversees the Harwich Elementary School. Ms. Donovan responded that they do include the school in their capital budget because we pay 100% of it. The building is overseen by the district and it is their facilities team who are responsible for that.

Mr. Handler thanked both committees for being here tonight and that he looks forward to the budget cycle.

Mr. Howell said that if either committee wants to come back before the board, they would be fine with that. Everything from both sides of this discussion winds up coming to the Select Board, and there may be disagreements. The earlier that information is received, the less likely it is that the disagreements will the catastrophic.

Ms. Donovan referenced a document in the Capital Outlay Committee packet that she would like the Select Board to have.

Mr. Larios noted that Capital Outlay has 2 individuals who also sit on the Finance Committee.

The meeting of the Finance Committee and Capital Outlay Committees adjourned.

B. Update from Interim Finance Director, Eric Kinsherf; votes may be taken

Interim Finance Director Eric Kinsherf was present. He thanked the board for hiring his firm during this interim period. He had a meeting today with Mr. Schiavi and Ms. Eldredge and they discussed the accelerated timeline. As far as accounting goes, the goal is to have the books closed and the balance sheets submitted by September 30th. Mr. Howell asked that the firm try to have everything finalized by September 15th.

Mr. Howell said that there are things that the Select Board has discussed in executive session that will be impacted by the number that Mr. Kinsherf delivers. They cannot have discussions until those numbers are received.

Mr. Kinsherf said that before the end of the year, they will have the tax rate recap on the accounting side. Because of staffing issues, he wants to try and improve the timeliness of the information. He has already scheduled a meeting for next Thursday with staff and the Treasurer/Collector.

As far as the operations of the office go, he knows that Mr. Schiavi and Ms. Eldredge are working hard vetting out candidates for the Assistant Town Accountant position. The treasurer/collector office is fully staffed and that is turning into a steady strength. Mr. Kinsherf also reported that the assessor is working hard to resolve some old tax issues.

Mr. Howell said that another reason that Mr. Kinsherf is present tonight is so that he could hear from the Finance Committee and Capital Outlay Committee.

Mr. Piekarski said that he understands the situation that we are in and that he appreciates the efforts of the firm. At some point, he would like to see information not only where we are in the current fiscal year, but how it compares to previous fiscal years and what direction we are trending in. Mr. Kinsherf referred to the Division of Local Services website where trend analysis information can be found in the municipal data bank.

Mr. Kelleher thanked Mr. Kinsherf for the service of his firm. He said that last week he received a monthly Munis report and asked if there is any way for the board to be provided with a 2 or 3 sentence trend analysis and if he notices anything that the board should be aware of. Mr. Kinsherf responded that he would do that.

NEW BUSINESS

A. Approve a Disclosure by a Municipal Employee of Financial Interest in a Municipal Contract as required by G.L. c.268A, section 20(b) – Francesca Cusack – Cape Cod Regional Technical High School and Harwich Community Center

Mr. Kelleher moved to approve a Disclosure by a Municipal Employee of Financial Interest in a Municipal Contract as required by G.L. c.268A, section 20(b) – Francesca Cusack – Cape Cod Regional Technical High School and Harwich Community Center, 2nd by Mr. Handler and approved 5-0-0.

B. Request and possible vote to approve an amended Entertainment License for Ember Pizza, Inc., d/b/a Ember, 600 Route 28 (continued from August 11, 2025)
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.)

Attorney Dina Browne of Bletzer and Bletzer was present to represent both The Port and Ember. She thanked the Select Board for continuing the hearing from last week. She is here today because since COVID, both establishments have been punished with the loss of having amplified music outside. The Port has not had a noise violation since 2009 and Ember since 2019. When they applied for their license renewals last year, there was not hearing provided to the applicant, which is required under Massachusetts General Law. If there is a modification of the license, the petitioner is entitled to a 10-day hearing notice. Both establishments are asking to have their outside amplification back. There are other establishments in town that are close to these that apply for amplification every year and are given it without discussion. Attorney Browne feels that in the last 5 or 6 years there has not been any disruption to the public or safety issues as a result of music. She said that she knows Mr. Howell will say that they have not had issues because there is no amplification. All the establishments are asking for is parody and to be treated the same as the others in town. Attorney Browne said that if the neighbors dont like amplification in town, the issues are not coming from The Port or Ember. Other establishments in town have had multiple noise violations and never have an issue when they renew their license. These 2 restaurants are the livelihoods for multiple people in town. Ms. Browne feels that amplification can give a competitive advantage.

Mr. Handler recused himself at 7:32 p.m.

Attorney Browne said that when they have applied for 10:00 a.m. start time, they are consistently given a start time of 11:00 a.m. There is equipment that needs to be set up if you are going to have music. They are asking that they be granted the hours that they applied for.

Michael Hersey from 11 Woodland Road was present. He said that his grandchildren live at 91 Pleasant Street and their bedtime is before 10:00 p.m. Many times before he has had to call the police and ask them to please have the establishments quiet down the music, noting that he did not make a formal complaint. You don't have to hear the music, but you can feel the thumping through the floors of his home. As far as the noise, it was wonderful when they were acoustic only. Mr. Hersey was very thankful when the Select Board decided not to allow the outside amplification and hopes that they will not go back to it.

Maura Sherry was present as an abutter to The Port. She feels that this is already a nuisance for anyone that is a neighbor, and she does not think the remedy is to exacerbate the situation and that other establishments should be looked at. She has called the police 4 nights a week and she is surprised that there are not complaints filed. She has had people come through the fence from the establishment into her yard. Ms. Sherry feels that this is a nuisance, and she cannot enjoy her home and sit on her porch. The character and safety of the town has been changed. If anyone drives down Main Street, they will see the crowds, the lines and the disruption outside. At one point she had communication with the owner of The Port, and she reported that the owner no longer responds to her. She would like to know who to call to file complaints.

Martha Mason was present who lives across the street from Perks and The Port. While she has not called, the noise is a serious concern. She did not know that Perks was permitted to have outdoor amplification and would like the board to consider going back to acoustic. The noise is a concern, and not just from the music. She has talked to Griffin Brackett who has said that he is willing to work with her. Ms. Mason does not see the need for outdoor amplification for the hours presented and that if Perks has it, that should be revisited. Adding anything more to this area is a slippery slope. Ms. Mason said that she would be forming a note to the Traffic and Safety Committee as well.

Bob Nickerson from Harwich Port was present. He said that Ember for the last 2 years has been good because they didn't have outside music. Their bedroom is about 30' from the road and they hear all of the noise, which they feel to be a nuisance with people coming from the bars. He feels that giving them the chance to have more music outside is ridiculous. Mr. Nickerson read the definition of a nuisance that is in the bylaw. He feels that everyone should have their quiet safe space and that it would not be a good decision to allow for these changes.

Bob Cohn from Pleasant Street was present remotely. He said that he conducted a noise survey in 2019 and tracked what would be noise violations beyond 150' from 4 different venues including Perks, Minnow, The Port and Ember. The distance that the sound carried was incredible. He said that Ember could be heard from 1200 feet away and The Port could be heard from downtown. The idea that you would add another outdoor amplified area would be overload. He feels that we shouldn't expect that there would be a different result that what we had before.

Ken Mason was present and said they own the property formerly known as The Mason Jar across the street from The Port. He is opposed to outdoor amplified music throughout Harwich Port. He spoke about when he was the Chair of the Planning Board when they were working on their master plan for Harwich. They wanted to keep Harwich Port the quaint village that it always was. Mr. Mason feels that 10:00 p.m. is way too late and that if the board is inclined to approve the amplification request, that 8:00 p.m. would be more reasonable. He asked where they would plan to put the extra patrons that the amplified music would bring. When the summer is over, he plans to talk to the Select Board about addressing some of the issues with Perks, Ember, The Port and other establishments. If you have competing amplified music, he feels that it will be unbearable.

Chief of Police Kevin Considine was present. Mr. Howell referred to statements that were made earlier about violations and penalties imposed. He asked if no one has made complaints in that area. Chief Considine responded that before COVID, they were dealing with amplified music issues, more with Ember specifically. From this point of view, bringing this forward to the Select Board was handled quite well and the complaints went down dramatically. Some of the complaints talked about earlier tonight are other issues that affect the neighborhood.

Mr. Howell asked Attorney Browne if she knows how deep the zone is for that use. Attorney Browne responded that she is unsure of his question. Mr. Howell responded that the answer is 150'. This area has the shallowest depth than other establishments in different areas. He added that often times complaints come in and it is said that it is their neighbor making the noise. Mr. Howell said that it was him who made the motion to not have outdoor amplification, noting that a similar situation happened in Orleans with the Barley Neck Inn. We may end up having to do this same situation with other licenses. The town has been able to tamp down on a problem that was pervasive.

Mr. Howell asked Chief Considine about July 4th weekend. Chief Considine responded that every place was very busy this summer. Mr. Howell feels that the establishments were doing the right thing by refusing people entrance so they were not overcrowded. The board is trying to get a handle on things to make sure that people who live outside the 150' zone can enjoy the peace and quiet of their homes. It may mean that others have to look at acoustic.

Attorney Browne said that the noise survey that Mr. Cohn conducted was not a scientific study.

Attorney Browne said that they are looking for parody and that The Port has been told that they cannot have amplified music for the last 5 years, when their direct abutter who has amplification is the same distance to those residences. If the town decides that there will be no outdoor amplified music, then so be it. She feels that there should be fairness and that they should be on the same level playing field as the other establishments in town. She added that when lines are forming outside of The Port, it is not because they have reached capacity, it is because there are still diners in the establishment, and they want to make sure that the diners finish before the crowd comes in.

Last year the Select Board said that there were a lot of problems with overcrowding and calls for over capacity. The establishments were told to look at their occupancy. The Port and Ember spent thousands of dollars on working with an engineer and legal fees. The capacity for The Port is 240 and Ember is 210, which is based on the engineering documents that were submitted to the Building Department. The abutting establishments liquor license says 51. According to Attorney Browne, when the Police and Fire Departments show up, it is said that there is no capacity for outdoors. Mr. Howell interrupted Attorney Browne and said that the other establishment that she is referencing has an upcoming hearing. Attorney Browne asked how many other establishments have gone through the same process.

Attorney Browne said that these establishments are looking to turn a corner. If other establishments have amplification, they want to have it as well.

Mr. Piekarski asked to confirm that this was not posted as a public hearing. Mr. Howell responded it was not. Mr. Piekarski said that there is a downtown Harwich Port that abuts residential neighborhoods and that it is going to be impossible to get all sides on the same page and the balance of having enough attraction for the businesses to survive and prosper. When he thinks of the establishments in town, he wondered if we have to have restaurants that serve alcohol and have entertainment or clubs that on occasion serve food. He is not sure that there is a healthy balance between that, and he is not sure that we are prepared to answer any of that tonight. There is clearly an argument to be made for outdoor amplified music. Mr. Piekarski sis not saying that we need to abolish all outside amplified music, but maybe have a time range on it. He added that he is not prepared to make a motion tonight but that we need to decide who we want to be and how we want to operate and be consistent with it.

Ms. Doucette said that while she is new to the board, she has experience in town. She agreed with Mr. Piekarski's comments and is not sure that she would be ready to make a motion.

Mr. Howell said that to his knowledge, he has never seen a request like this come in more than ½ way through the license period.

Mr. Kelleher said that the board would be in a tough position to decide tonight but that he does hear Attorney Browne on her parody issue. It was stated that Mr. Cohn submitted a document to the Select Board today. It was asked that he also submit this document to Attorney Browne. Mr. Kelleher hopes that Attorney Browne will give the Select Board time.

Mr. Howell feels that it is not a great strategy to always blame their neighbor for the noise.

Attorney Browne said that they are trying to change things here and hopes that the Select Board will listen to them with an open mind.

Mr. Howell commented that the board is not trying to drive anyone out of business and suggested that they put in this request for next year.

Attorney Browne said that when the licenses were granted for this year, and they were different than what was applied for. The applicants should have received under MGL, Chapter 140, Section 183A, the opportunity to be present. About this year, she feels that they should be given the license with everything because they were not given due process.

Attorney Browne and Mr. Howell discussed previous complaints that were filed. Attorney Browne said that her clients have her as counsel now and follow her advice.

No motion was made on either application request.

C. Request and possible vote to approve an amended Entertainment License for The Port Restaurant and Bar, Inc., d/b/a The Port, 541 Route 28 (continued from August 11, 2025)

   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 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.)

D. Vote to approve the Assistant Town Administrator's recommendation to grant permission by NSTAR ELECTRIC d/b/a EVERSOURCE ENERGY to install two (2) new manholes and 250' +/- of 2-6" conduit on Main Street

Ms. Eldredge reviewed the request.

Mr. Kelleher read on the permit that they are running the conduit for a privately owned solar project. Ms. Eldredge responded that it is solar in general that is being utilized in town.

Mr. Piekarski referenced correspondence that was received today about the mess on Lothrop Avenue. He wondered if there could be a caveat that any disruption of road services be restored to its current condition. Mr. Schiavi responded that that is probably the standard in what they are supposed to be doing. The question is what happens when the condition of the road is not restored. Mr. Piekarski agreed and thinks that the town wants the utility company to understand the significance of keeping the roads in better condition. Mr. Schiavi said that he would reach out to Link Hooper at Highway to evaluate what currently is and we may need to send a letter to the utility company.

Mr. Handler moved to approve the Assistant Town Administrator's recommendation to grant permission by NSTAR ELECTRIC d/b/a EVERSOURCE ENERGY to install two (2) new manholes and 250' +/- of 2-6" conduit on Main Street, 2nd by Mr. Kelleher and approved 5-0-0.

E. Vote to approve the Assistant Town Administrator's recommendation to grant permission by NSTAR ELECTRIC d/b/a EVERSOURCE ENERGY to install 7' +/- of 1-3" conduit under sidewalk on Cross Street

Ms. Eldredge reviewed the request.

Mr. Kelleher moved to approve the Assistant Town Administrator's recommendation to grant permission by NSTAR ELECTRIC d/b/a EVERSOURCE ENERGY to install 7' +/- of 1-3" conduit under sidewalk on Cross Street, 2nd by Mr. Handler and approved 5-0-0.

OLD BUSINESS

A. Discussion and possible vote on legal services request for proposals

Mr. Howell said that he would like the ability to bring this back again. The request for proposals needs to be stated more clearly on how the town wants this broken out.

B. Update on Walther Road stairs

Mr. Schiavi reviewed the memo as provided in the packet. All of this information needs to be incorporated into a request for proposals and then sent out to prospective bidders to accomplish the work.

Matt Sutphin was present and he wanted the board to consider a few things. He expected the board to honor the Jenkins deed of gift, to which he reviewed the expectations of the deed of gift. Mr. Sutphin briefly reviewed the opinions that were give by KP Law, noting that they opinions contradicted one another. Mr. Howell commented that this is not the first time that the town has received contradictory opinions from town counsel.

Mr. Sutphin feels that the motivation is political. He suggested maybe turning this area into a public beach and taking down the no parking signs. He feels that this is unbalanced and that everyone got shot in the foot here.

C. Discussion of strategy related to the Monomoy Regional School District Agreement

Mr. Howell said to Mr. Handler that the liaison position is a telephone line between the committee and the Select Board. At this point in time, the board took a vote based on Mr. Piekarski's suggested pathway that began with the school committee. We have not voted to go back and have a bilaterial discussion with Chatham now. We are starting with the school committee and it will continue to be a dialogue there, not with the Select Board yet.

Mr. Handler said that he understands this and asked what drives the narrative that Mr. Howell just presented. Mr. Howell responded that it was tge the kerfuffle about the letter and if it should or should not have gone to the Chatham Select Board. Mr. Handler said that he understood all of that when he attended the school committee meeting. He is not attending the committee meeting to speak on behalf of the board. He is there to sit and listen. Chatham had said that they were going to turn this information over to a sub-committee to explore next steps at their September meeting. All Mr. Handler plans on doing is improving communication.

Mr. Piekarski said that perhaps we can ask the Town Administrator to talk to the school Superintendent about their timeline. Mr. Handler said that his whole interest is in the timeline and that he would support that request.

Mr. Howell said that one thing that the Chatham Select Board needs to hear is that in the future, this could affect all students relative to how much money is able to be allocated to them.

Mr. Handler said that he will stay on top of it with the hope of continuing to move the needle forward. His concern is that if there isn't consistent communication, that months are going to pass.

Mr. Howell noted that there are 8 open union contracts that cannot be settled because we do not have the money.

Mr. Handler suggested having a discussion about the why of this situation for next weeks agenda and possibly move something to the school committee to satisfy their request.

CONTRACTS

A. Discussion and possible vote to authorize Anthony Schiavi to file applications and execute agreements for grant and/or loan assistance related to the Great Sand Lakes Sewer Extension Clean Water Trust State Revolving Fund 19044

Mr. Schiavi briefly reviewed the documents are provided in the packet.

Mr. Piekarski said that he is okay with this approach but would not be ok with giving a blanket approach and that he does not care about the timelines. This process shows the townspeople full transparency and holds the Select Board accountable.

Mr. Handler moved to authorize Anthony Schiavi to file applications and execute agreements for grant and/or loan assistance related to the Great Sand Lakes Sewer Extension Clean Water Trust State Revolving Fund 19044, 2nd by Mr. Kelleher and approved 5-0-0.

TOWN ADMINISTRATOR'S REPORT

Mr. Schiavi reported that he has made the appointment of Assistant Deputy Harbor Master to Andew Souza, who has been with the town since 2016. Mr. Souza lives locally and has worked in the DPW for a number of years.

SELECT BOARD MEMBER REPORT

Mr. Piekarski said that we continue to refer to Mr. Schiavi as the Acting Town Administrator, but he believes that his contract states interim. He would like to see him referred to as interim for consistency. Mr. Howell responded that the charter says acting. Mr. Schiavi confirmed that the charter does say acting. Mr. Piekarski suggested perhaps an amended agreement.

Mr. Kelleher attended the last Real Estate and Open Space Committee meeting where they reported that they are doing a survey of all town properties that are currently under the jurisdiction of the Select Board and looking to see if they would be a better fit under other departments. The committee is thinking of submitting for a Community Preservation Article for survey work. Mr. Kelleher suggested to the committee that the Finance Committee has a reserve fund for unanticipated expenses.

Mr. Howell said that he understands there will be a ribbon cutting on Wednesday for the solar panels at the Route 124 park and ride. Mr. Schiavi will be attending.

Mr. Piekarski suggested reaching out to Pennrose and making them aware of the ribbon cutting as MassDOT representatives will be there.

CORRESPONDENCE

ADJOURNMENT

Mr. Handler moved to adjourn the regular meeting of the Select Board at 8:47 p.m., 2nd by Mr. Kelleher and approved 5-0-0.

Respectfully submitted,

Jennifer Clarke
Executive Assistant