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MINUTES
SELECT BOARD
HARWICH TOWN HALL
732 MAIN STREET, HARWICH MA
MONDAY, SEPTEMBER 29, 2025
5:15 P.M.

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

MEMBERS ABSENT: Chair Don Howell

ALSO PARTICIPATING: Acting Town Administrator Tony Schiavi & Executive 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. 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 or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares; SEIU 888 – Service Employes International Union/Harwich Management Employees Association, HEA - Harwich Employees Association, HMEA – Highways and Maintenance Employees Association, IAMAW – International Association of Machinists and Aerospace Workers, NEPBA – New England Police Benevolent Association, Harwich Permanent Fire Fighters Association, Massachusetts Coalition of Police (Patrol and Superior Officers)

Open Session Meeting resumes no earlier than 6:30 p.m.

Mr. Piekarski reported that the board met in executive session and acted on 3 items. The Select Board approved and executed contracts with the dispatch union and IAMAW as well as approved a memorandum of agreement with HEA regarding the reclassification of three existing positions.

PLEDGE OF ALLEGIANCE

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

STAFF COMMENTS/ANNOUNCEMENTS

Community Center Director Carolyn Carey was present to announce the upcoming events for the month of October. There will be a free spaghetti supper on October 2nd from 5:30-7:00. On October

3rd there will be a sports trivia night. On October 16th at 5:30 is the "boo-tique". There will be a speaker giving a talk about national parks on October 22nd. On October 23rd, the Sound Dunes will be hosting a sock hop. There will be Halloween holiday crafts on October 30th from 5:30-7:00 and sign up is required for this event. Halloween candy will be given out at the Community Center on October 31st. On November 2nd, from 9:00-1:00 there will be a teen clothing swap as well as the fall indoor yard sale. All information about events can be found on the Town of Harwich website, the 1st floor bulletin board at Town Hall and other various locations around town. Ms. Carey announced that the Community Center's Halloween decorations will be going up soon.

Christine Flynn, Director of Planning and Community Development was present and announced that the final draft local comprehensive plan comment period will be ending this week and that they welcome any comments from town boards or committees. Ms. Flynn informed the said that both herself and the Chair of the Local Planning Committee can do a presentation of the final draft of the local comprehensive plan at the Select Boards convenience. The Community Development team will be meeting with representatives from the Federal Emergency Management Agency next week as part of the 5-year evaluation for the community rating program. Ms. Flynn noted that the hazard mitigation plan is approaching its final stages and that she has been working with the Cape Cod Commission and hopes to schedule a public meeting towards the end of October.

On behalf of the Zoning Board of Appeals Chair, Mr. Schiavi mentioned that the ZBA will be holding a public hearing on October 14th and October 15th, both nights starting at 6:30 p.m. These public hearings will be about the Pine Oaks IV project and will be held at 204 Sisson Road.

Mr. Handler noted that he has been in contact with John Carey and announced that Mr. Carey has entered into a purchase and sale agreement for the purchase of the West Harwich Baptist Church, located at 62 Route 28.

WEEKLY BRIEFING

Mr. Schiavi said that there were 2 public meetings held last week regarding the Great Sand Lakes/Phase 3A portion of the sewer project. One meeting was with the Planning Board for a waiver of site plan review, which was approved. The other meeting was with the Zoning Board of Appeals, who also approved their application. There will be a Conservation Commission meeting this Wednesday night also regarding Phase 3A. Mr. Schiavi reported that the Phase 3A sewer project is making good progress. He also announced that the town has their call with Standard and Poor next week relating to borrowing and had a call today with the town's financial advisor, which went well.

The Brooks Academy Museum price proposals were received late on Friday. There may be some concerns on the price, which will come into play when the team sits down to negotiate.

PUBLIC COMMENTS/ANNOUNCEMENTS

Terry Canavan was present to comment about the needs assessment survey and noted her concern that the survey cost $35,000 and that 74% of seniors in Harwich did not participate. Ms. Canavan said that initially, the Council on Aging gave residents information to a 3rd party without any of them knowing, which could present a liability to the town. She would like the town to inform their department heads that this is a privacy issue as well as a HIPPA issue. Ms. Canavan briefly talked about incorrect information that was sent out with the survey packets and that the numbers from the survey were skewed in the wrong direction and that the survey recommendations will do nothing for Harwich. Ms. Canavan also noted her concerns about the logo and colors of the new Council on Aging newsletter. Ms. Canavan would also like to see a policy about the use of drones, adding that she does not want drones in the sky in front of her door at night.

PRESENTATION

A. Presentation by Department of Public Works Director Link Hooper & Steve Rhodes from VHB, Inc. regarding Route 39 & Chatham Road – Informational briefing and planned improvements

DPW Director Link Hooper was present along with Steve Rhodes from VHB who was present remotely. Mr. Hooper said that a little over a year ago, he was given consent from the Select Board to proceed with the intersection improvement at Route 39 and Chatham Road. This project will be funded under Chapter 90 funds and is valued at around $361,000.

Mr. Rhodes reviewed the project status stating that the survey was completed in October 2024 and the conceptual design layout in January 2025. The 50% design submission was done in April 2025 and final design submission in August 2025. The improvements have been vetted by the DPW and the final plans have been stamped and are ready to proceed to bidding. The design objectives are to re-align Chatham Road to be as close to 90 degrees entering Route 39 as possible, avoid utility relocations, avoid permanent right of way impacts, update drainage infrastructure and to reduce property impacts. This will be a reconstructed roadway with an island created to channelize traffic entering/exiting Chatham Road. All the existing utility poles will be retained and there will be drainage improvements. The hedges at 10 Chatham Road will be replaced and there will be no permanent right of way impacts.

Mr. Kelleher asked what Superpave is. Mr. Rhodes responded that is the current state standard of asphalt mixture. Mr. Kelleher commented that he likes the turn off from Route 39 onto Chatham Road. He asked for clarification on the concrete pavement. Mr. Rhodes responded that the pavement will be textured and have a color based on the towns choosing. The concrete paving is meant to be a visual cue to drivers that they should not be driving over it.

Mr. Kelleher asked if the North Harwich traffic study could be reviewed and if there are things that could be done sooner rather than later. He would like to hear what is in progress.

Mr. Handler thanked Mr. Hooper for the pavement on Miles Street. He commented that the Route 39 and Chatham Road project started a while back with the Traffic Safety Committee, and he thanked them for their work. Mr. Handler asked Mr. Hooper was the outcome was with the property owner at this intersection. Mr. Hooper responded that there will be no property taken as part of this project. He had discussions with the property owner as far back as 2018. Mr. Hooper has sent the property owner the plans along with the right of entry and has followed up with phone calls and has not been able to contact her. While there were preliminary discussions with the property owner, we do not need any of their property to construct this project.

Mr. Piekarski asked if the center island would be stamped concrete. Mr. Hooper responded that it would be. It will also have mountable curb for larger trucks.

Mr. Piekarski asked what the balance is of the Chapter 90 account. Mr. Hooper responded $1.2 million dollars. The town did receive an extra $400,000 this year from the state.

Mr. Piekarski asked what a typical contingency is for a project. Mr. Hooper responded that it is generally 10%. He noted that they will probably have to amend this because the cost estimate is about $50,000 more than what he thought when the project started a year or so ago, but that it should not be an issue.

NEW BUSINESS

A. Discussion on South Harwich Meetinghouse Agreement

Judy Ford, President and Artistic Director from the South Harwich Meetinghouse was present.

Mr. Schiavi noted that there are 2 requests relating to this discussion. The first is to get an update from Ms. Ford on the capital projects that they are looking to do at the meetinghouse. The 2nd part of the discussion relates to the license agreement. In 2017, when a 5-year agreement was struck with the town, language was added to the agreement that related to the insurance reimbursement to the town. Mr. Schiavi added that the insurance reimbursement portion of the agreement has never been executed. The follow up language in the 2023 agreement has the same language, but it is not certain that the language was effectively communicated to all parties. The question is if this insurance language should be enforced by the town or not, noting that this building is a community asset.

Ms. Ford stated that they had no knowledge of the insurance reimbursement portion of the agreement and that when they received the last agreement from the town, it was only the signatory page. Ms. Ford feels strongly that they put a tremendous amount of money into this building and gave a brief synopsis of where the building was and where it is now. The meetinghouse has raised funds for several years and received 3 or 4 rounds of community preservation funds. They continued to maintain the building even when it was closed for 2.5 years due to COVID. Ms. Ford said that when they took on this building, they made a promise to the town that the town would not have to put a single dime into the building. Both herself and her board feel that the $7,000 bill for the insurance should be the towns responsibility because it is a town building and the only expense that the town has to pay for that building.

Ms. Ford provided the board with a copy of the agreement and noted a few changes that they would like to see made to it, including removing the section about the insurance reimbursement.

Ms. Ford went on to outline the repair work that needs to be done to the building including the restoration repairs and painting of the entire west side of the building, the replacement and painting of a mid-section of the back side deteriorating clapboards and the repair and replacement of the upper back left rake boards. They have an estimate of $8,000 to do the work on the side of the building before winter and another $6,000 estimate for other work and then an additional $8,000 to replace a door. Their account balance currently sits at $27,000 and if they must pay to reimburse the insurance, they will not be able to do the needed repairs.

Mr. Kelleher asked if the repairs would be self-funded. Ms. Ford responded yes and that it is unprecedented that they cover all these things for the building. Mr. Kelleher asked if the facilities department could help offset anything because this is a town building. Ms. Ford responded that they have helped with some small repairs. Mr. Kelleher asked Ms. Ford if they ever consider renting out the meetinghouse space for other events to help raise money for the meetinghouse. Ms. Ford responded that they did do that, but it was generally to raise money for other non-profits and was very little income to the meetinghouse. Ms. Doucette commented that the meetinghouse has something coming up for the historical society.

Mr. Handler said that he does not have a problem with the proposed language changes, but that there needs to be a discussion about the insurance. He noted that what Ms. Ford and everyone has accomplished with the meetinghouse is commendable. Mr. Handler commented that the board should do a top to bottom review of all the town assets that have license agreements and look for parity.

Ms. Doucette said that it should be the meetinghouses responsibility to make sure that they are given the entire document after it is signed.

Mr. Piekarski echoed Mr. Handler's comments about reviewing other agreements. He also feels that the town does not need to strong arm the meetinghouse for the insurance reimbursement.

Mr. Schiavi agreed that the town does not have a sense of urgency about the insurance reimbursement and that the town budgets for it, noting the equity and parity is important is well.

Ms. Ford said that she is seeking the Select Board's permission to execute the needed repair work. Mr. Schiavi responded that the town needs to receive the insurance documents from the contractor. If those are received this week, we can put the vote on for next Monday's agenda.

B. Discussion on Board and Committee Email Policy

Town Clerk Emily Mitchell was present to ask that the board adopt a policy about board and committee email use. Our IT Department has been successful in creating email accounts for sitting board and committee members. Ms. Mitchell drafted a policy for the board to review as an initial jumping off point.

Ms. Mitchell noted that she looks at this from a public records law compliance standpoint as well as improving communication. Members of the public often wish to contact committee members directly on matters coming before them. To protect member's privacy, we typically do not give out their personal email addresses to the public. Providing and publicizing town email addresses would improve public access to important committee matters, while lessening some of the burden on staff.

Mr. Schiavi said that this is a great idea and is long overdue. He suggesting having information included in the policy on handling accounts after someone comes off of a board or committee.

Mr. Kelleher asked that when Ms. Mitchell does her open meeting law training, maybe include information about people using their own personal computers when using their town issued email address.

Mr. Handler congratulated Ms. Mitchell on her Certified Municipal Clerk designation.

Mr. Piekarski agreed that this is long overdue. He assumes that we will have a one-page document to hand out to board and committee members when they are given their email. Ms. Mitchell responded that she has been working with our IT Director about what the rollout will look like and how folks are trained.

Mr. Piekarski asked the board if they would be comfortable with considering the draft in the packet as their first reading. The consensus was yes.

Mr. Piekarski asked board members to submit any edits to the Administration Office by Wednesday morning and that this would come back on October 6th for a second reading.

C. Acting Town Administrator to provide the Finding of the Facts report from the Show Cause Hearing that was held on September 11, 2025, for Lucky Labrador, Inc. d/b/a Perks, 545 Route 28

Mr. Schiavi reviewed the finding of the facts dated September 29, 2025 as presented in the packet. The hearing officer from the show cause hearing did determine that a violation did occur and recommended a one-day suspension of the liquor license, also based on the fact that there have been 4 violations in the past 2 years.

Mr. Handler said that he sees this as troubling in the big picture and that anonymous calls are something that we have begun to address over the last couple of weeks. It is clear that both of the officers confirmed that they did hear plainly audible noise 150' from the boundary. Mr. Handler said that if it is the intention of the Select Board to follow through with the recommendation of the hearing officer, that he would like to have a thoughtful discussion on what day the suspension would be served. He does not think that the board should consider having them serve the suspension during higher times of business, and suggested having them serve it in the shoulder season adding that the history of these business owners speaks volumes to him.

Mr. Kelleher said that he would like to have the suspension served when it doesn't hurt the business.

Ms. Doucette agreed with Mr. Handler and Mr. Kelleher.

Taylor and Sarah Powell were present.

Mr. Handler asked when the business closes and re-opens for the season. Ms. Powell responded they open on the Friday of Memorial Day weekend and close on Columbus Day.

Mr. Powell thanked the board for their consideration and commented that this is frustrating for them and that they have taken measures to resolve these issues. He added that they have never had any liquor related violations and that their violations have been isolated to music. He added that they had 126 outdoor amplified music events this season with one violation and feel that they have done a good job.

Ms. Powell said that they see that the Select Board is trying to be lenient, but that this violation goes on their permanent record. Eventually they will probably say that they will not have music.

Mr. Handler moved that the Select Board impose a one-day suspension of the liquor license for Lucky Labrador, Inc., d/b/a Perks located at 545 Route 28, suspension to be served on June 2, 2026, 2nd by Mr. Kelleher and approved 4-0-0.

D. Vote to approve the Assistant Town Administrator's recommendation to grant permission by Verizon New England, Inc. to place (1) two (2) inch conduit along Weston Woods Road

John Moore representing Verizon was present remotely.

Mr. Schiavi reviewed the memo was provided in the packet. The only question that came up during the hearing was that the initial map contained a minor discrepancy with pole 13, which Verizon corrected prior to the hearing.

Staff recommends that the Select Board approve the request.

Mr. Moore said that there are already pedestals outside each of the residences on Weston Woods Road and that they will be trenching to each one.

Mr. Kelleher asked if FIOS is coming to Harwich. Mr. Moore responded yes and said that Go Net Speed will be coming in as well.

Mr. Handler asked Mr. Moore how they choose where they are going to place FIOS. Mr. Moore responded that the way that Verizon chooses it is that there has to be a fiber run close to some of the side streets. Mr. Handler asked about FIOS that was run down Hawksnest/Seth Whitefield Road to a camp in the woods that has no power and if that was going to come out on the other side onto Weston Woods. Mr. Moore responded that he does not have any knowledge of any other areas in Harwich with FIOS but could get additional information.

Mr. Piekarski noted that he did not see anything in the documents about patching the roads after work has been completed. Mr. Moore responded that they will not be touching the road at all, that the pedestals are fed by buried direct underground wire.

Mr. Handler moved to approve the Assistant Town Administrator's recommendation to grant permission by Verizon New England, Inc. to place (1) two (2) inch conduit along Weston Woods Road, 2nd by Mr. Kelleher and approved 4-0-0.

E. Discussion of the Town's submittal of the 30-day review letter for the Pennrose Project at 456 Queen Anne Road

Mr. Schiavi announced that the town received a letter from the Executive Office of Housing and Livable Communities regarding the 40b comprehensive permit. When the representatives from Pennrose were at the board prior to submitting their application, the board had discussed a letter of support, which was sent. This letter that was received is another opportunity for the town to provide any other comments. Mr. Schiavi is looking for direction from the board on if they want to craft a response to the 30-day letter and what items they might want to have included in that letter.

Brendan Lowney from the Harwich Affordable Housing Trust was present. He indicated that the trust has this cued up for the town and Pennrose to do the joint applications for the comprehensive permit and that it is in the hands of the Select Board to move forward. This work is a culmination of a lot of entities who worked to get it going.

Mr. Kelleher commented that he would like to see this project be included in the 2026 round of funding. He would be in favor of a very supportive letter to be sent. Mr. Lowney noted that the letter of support will help the application be stronger. The town would find out in May or June as to if funding will be received for 2026.

Ms. Doucette noted that there had been talk about an additional road as part of this plan and if that would be part of the approval request to the state. Mr. Lowney responded that the additional road discussion would fall under the Zoning Board of Appeals process and when the Fire Department opines as far as access sis concerned. When they do the project, there will be an access point to get to the other road at some point in the future, but it may or may not be needed. Pennrose is on site this week doing environmental work.

Mr. Kelleher had questions about the $800,000 base rent as outlined in the land disposition agreement. Mr. Lowney responded that is a payment made to the trust at time of closing for a 99-year lease.

Terry Canavan was present and asked if Harwich has a policy where if a property comes on the market for $700,000 that it would require that to be held for a first-time home buyer for a period of time before it would get released for an investor to purchase. Mr. Piekarski responded that the town does not have such a policy in place.

Mr. Piekarski noted that input has already been given from department heads which should give Mr. Schiavi enough material to craft a response. He added that he continues to have a problem with the egress and would like to see that incorporated into the letter. Mr. Schiavi indicated that he would include that comment into the letter.

F. Discussion regarding the sale of the 310 Pleasant Lake Avenue property

Mr. Schiavi commented that the town is aware that the property is for sale and that this discussion was to get the board's thoughts on it. We have general information that the asking price is 10-15 million dollars for about 30 acres and that from a rumor mill standpoint there are several entities that are interested in the parcel.

Mr. Handler said that he would want to know what we would plan to do with the property before any money is spent and feels that the property will be long gone before we are able to take any action.

Mr. Piekarski said that we understand that there are other parties interested in this property and wondered if there is a legal process to reach out to other entities to discuss the property. Mr. Schiavi responded that could be done through him and if the board wants him to reach out to anyone to gather information and bring it back to the board, he could do that. Mr. Piekarski responded that he would like to at least take that next step and see if the town can work with private entities to formulate a collaborative effort and explore the purchase of this property.

OLD BUSINESS

A. Vote on final issuance of Fiscal Year 2027 Budget Message

Mr. Handler moved to approve the Fiscal Year 2027 budget message as presented in the packet, 2nd by Mr. Kelleher and approved 4-0-0.

B. Discussion and review of updated 2026 Budget and Annual Town Meeting Timeline

Mr. Schiavi said that there are a lot of moving parts that will get us from August through Town Meeting. This draft timeline is a document that lives on his desk, but wanted to get input from the Select Board on some of the milestones. As of now, he plans to present the Select Board with the Fiscal Year 2027 budget and the FY27-FY31 Capital Plan in January. This chart will also be on the website for the community to follow the progress.

Mr. Handler said that this document is a good beacon to stay on track with and asked if the board would be given a copy weekly, or every other week. Mr. Schiavi responded yes and that it will also be posted and updated on the website.

C. Discussion on Assistant Town Administrator Recruitment Process

Mr. Schiavi said that the board had a discussion last week relating to the vacancy of the Assistant Town Administrator position and that he is looking for guidance on how he should proceed. Now is the time to look at the current job description and what we want to see as a structure in the corner office. One of the things that stuck out to Mr. Schiavi in the current job description is where it talks about the position as a developmental one. When you see something like that, the position might be looked at as more of a staff position versus an executive level position. Mr. Schiavi has a few job descriptions from other towns to see how they structure the position. Also provided in the packet are compensations from other towns and how Harwich compares. At the top end, Harwich is not even in the ballpark with salary.

Ms. Doucette also noted that Harwich is the lowest in the compensation plan. She suggested to look at other towns with a similar size to Harwich and see if there is anything comparable.

Mr. Kelleher asked for more time to read this information in detail. He does think that it is something to consider hiring a Town Administrator first and then an Assistant Town Administrator. Mr. Kelleher commented that he likes the duties as outlined in the draft description.

Mr. Handler also said that he would like to take more time to read through the information and how the Assistant Town Administrator would support the Town Administrator, possibly blending responsibilities or not. He has made notes over his last 2.5 years on the board and has thoughts on how things might be done differently and how to clearly define how the Assistant Town Administrator would interface with the Select Board, while there is a Town Administrator in place, which tended to be a challenge for some members.

Mr. Piekarski feels that we are on the right path with the draft job description but would be happy to give it some additional review. He asked about the procurement piece of the description, noting that to him it would explain that we are using a centralized procurement process. Mr. Schiavi responded that it would be decentralized, but that someone needs to be responsible for the checks and balances and could clear up any language confusion. He said that another option would be to establish a procurement office.

Mr. Piekarski said that he would ask Mr. Howell to put this on an upcoming agenda and asked members to submit comments to the Administration office. He noted that he is torn that that part of him agrees that the new Town Administrator should be the person to select the assistant. The other part is that he would hate to see the assistant position sit empty when we could be recruiting for an individual to take that role. If the board elects to wait, the job description and posting should be ready to go as soon as the new administrator starts.

D. Further Discussion on Potential Changes to the Monomoy Regional School District Agreement

Mr. Kelleher said that he contacted the Town of Essex, and they had a ready made spreadsheet for the Manchester-Essex agreement. Scott Norum from the Finance Committee was kind enough to translate that spreadsheet into a Harwich-Chatham one. They thought about coming up with a narrative and asking the school system to play out a few options. Mr. Kelleher and Mr. Handler could meet with Mr. Schiavi and the Interim Finance Director to finish answering the why and then submit options to the school.

Ms. Doucette asked if we have received a response letter from the school committee yet. Mr. Handler responded that he spoke with Meredith Henderson that that she was hopeful to have it to Harwich by end of business today. As soon as he receives it, Mr. Handler said that he would send it to Administration to forward to the full board. Mr. Handler suggested that board members watch the latest school committee meeting around the 35-minute mark. Mr. Handler also thanked Mr. Howell for putting this item back on the agenda.

CONTRACTS

A. Discussion and vote to approve the 2025 Community Preservation Act Agreement with FORWARD (Friends Or Relatives With Autism & Related Disabilities) for the FORWARD at the Rock Phase II Project in the amount of $120,000.00

Mr. Kelleher moved to approve the 2025 Community Preservation Act Agreement with FORWARD (Friends Or Relatives With Autism & Related Disabilities) for the FORWARD at the Rock Phase II Project in the amount of $120,000.00, 2nd by Mr. Handler and approved 3-0-1 (Piekarski abstained).

TOWN ADMINISTRATOR'S REPORT

Mr. Schiavi reported that we have received 5 applications so far for the Finance Director position, which is open until October 14th.

Mr. Schiavi said that on October 2nd, he will be meeting with officials from the Town of Dennis relating to their Wastewater Treatment Facility and seeing if there is any interest in Harwich doing a similar agreement like we did with Chatham.

SELECT BOARD MEMBER REPORT

Mr. Kelleher thanked Mr. Schiavi for announcing the upcoming dates for the Pine Oaks IV hearings. He also notified the public that there are committees with vacancies and encouraged interested residents to complete and submit the citizen interest form.

Ms. Doucette commended Town Clerk Emily Mitchell on receiving her Certified Municipal Clerk designation.

CORRESPONDENCE

ADJOURNMENT

Mr. Handler moved to adjourn the regular meeting of the Select Board at 8:41 p.m., 2nd by Mr. Kelleher and approved 4-0-0.

Respectfully submitted,

Jennifer Clarke
Executive Assistant