MINUTES
SELECT BOARD
HARWICH TOWN HALL
732 MAIN STREET, HARWICH MA
TUESDAY, OCTOBER 14, 2025
5:15 P.M.



**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 & Executive Assistant Jennifer Clarke

**CALL TO ORDER IN OPEN SESSION**

**Mr. Kelleher moved that the Select Board enter into Executive Session to discuss the items as outlined below, 2nd by Mr. Piekarski. 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 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, Harwich Permanent Fire Fighters Association, Massachusetts Coalition of Police (Patrol and Superior Officers)
B. 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 June 26, 2023 & December 30, 2024

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

Mr. Howell reported that in executive session, the board voted to release certain portions of minutes relating to a Freedom of Information Act (FOIA) request.

Mr. Howell noted the passing of one of Harwich's great people, Richard Gomes. Mr. Howell said that it would be hard to encapsulate everything that Mr. Gomes did and that he had the biggest heart. He will be truly missed.

Mr. Handler said that Harwich has lost another hero, and that Mr. Gomes was an incredible, wonderful human being.

Ms. Doucette said that she has known this family for a very long time. Harwich has lost a true gentle man. He leaves behind quite a legacy.

The board offered their deepest condolences to Shirley and the rest of the Gomes family during this difficult time and took a moment of silence.

## PLEDGE OF ALLEGIANCE

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

## STAFF COMMENTS/ANNOUNCEMENTS

A. The Select Board will not be meeting on Monday, October 20, 2025. The next Select Board meeting will be on Monday, October 27, 2025

Mr. Howell stated that the next Select Board meeting will be held on Monday, October 27, 2025.

Kara Mewhinney, Director of Cultural Affairs was present. They had a great start to the fall season with the hosting of the Master Gardeners Fall Summitt. On the same day, they had open studios at the 204. Over this past weekend was the opening of Ghost Story at the 204 Theater in Harwich. Tickets are on sale online and at the door. This week, they will be hosting the Zoning Board of Appeals for their meetings tonight and tomorrow night. There will be a housing fair on Thursday from 5:30 p.m. – 7:30 p.m. On October 25th, they will be hosting a Provincetown Print Workshop. There will be an open studio event on November 1st followed by a Holiday Market and open house on December 6th. There are 8 vendor spaces available. Lastly, their next theater production is Christmas Carol by Candlelight, which will kick off by Thanksgiving.

## WEEKLY BRIEFING

Mr. Schiavi reviewed the Phase 3 sewer updates as outlined in the packet. There may be potential for a detour at the end of next week for Bay Road near the Standish Woods entrance, if they are not able to get the trench open and closed in the same day. Public safety officials will be notified if they are not able to close the trench.

At their meeting tonight, the Chatham Select Board will be hearing Harwich's request to add the Great Sand Lakes/Phase 3A portion of the sewer project into the intermunicipal agreement. They will also be looking to approve the towns updated sewer and grinder pump regulations that the Water/Wastewater Department has put forward. Once those are approved, the Water/Wastewater Commissioners will need to hold a public hearing. There are several people who have purchased private grinder pumps and are waiting for reimbursement from the town.

Mr. Schiavi said that for Great Sand Lakes/Phase 3A portion of the sewer project, bonds will be going out to bid this week to pay for the $3.5 million dollars that are the non-state revolving fund portion of the funding.

Mr. Schiavi noted that staff has been working with the designer for the Brooks Academy Museum project and that we have finally gotten to an end on the price. The contract will be coming before the board on October 27th.

Mr. Schiavi briefly reported on the ratings call that took place with Standard and Poor and said that the town has received its AAA bond rating. He thanked the Town of Harwich finance team as well as the town's financial advisors for helping to pull all the information together. The report will be posted to the town's website.

## PUBLIC COMMENTS/ANNOUNCEMENTS

Meredith Henderson, Chair of the Monomoy Regional School District Committee was present and publicly announced that Superintendent Scott Carpenter will be returning at the end of this school year. The school committee has begun the search for the next Superintendent. Part of the process is to put together a search committee. Applications have been sent out to faculty, staff, parents and students. The committee will also be looking for the community to provide insight on the process. A survey is available on the Monomoy Regional School District website and there will be a community forum this Thursday. There will be forums held at the school for both students and staff. The search committee will handle the initial interviews and then finalists will be interviewed by the school committee.

## CONSENT AGENDA

A. Approve the resignation of Jacqueline Pentz Greene on the Harwich Energy and Climate Action Committee effective immediately

Mr. Piekarski feels that the reason and explanation for the resignation is disheartening. He is hoping that the individuals involved can take the letter and perhaps use it as an opportunity to learn, grow and make changes if they are needed.

**Mr. Kelleher moved to accept the resignation of Jacqueline Pentz Greene on the Harwich Energy and Climate Action Committee effective immediately, 2nd by Mr. Handler and approved 5-0-0.**

B. Approve the Select Board Meeting Minutes from September 29, 2025 & October 6, 2025

**Mr. Kelleher moved to approve the Select Board Meeting Minutes from September 29, 2025 & October 6, 2025, 2nd by Mr. Handler and approved 5-0-0.**

## 2026 ANNUAL TOWN MEETING

A. Update on the Town Meeting and Budget Timeline

Mr. Schiavi reviewed the timeline as provided in the packet.

Mr. Howell said that there is a desire to get a projection of capital items as well, possibly a 5-year look ahead to see what our capacity might look like. He thinks that it would be more of a numeric analysis rather than project based.

Mr. Piekarski added that in our budget statement, we talked about an aging infrastructure and deteriorating roadways. He would like to see the current conditions of the buildings and the future needs. On our roadways, a consultant has identified that our roadways are graded poorly. He suggested that there might need to be a more comprehensive review of our roadways and project costs for repair. Mr. Schiavi responded that on the roadways, he has talked to our DPW Director about developing a pavement management index that would look at every road, including a condition assessment, prioritization of needs and what can be done to extend the useful life of roads. This would be a big undertaking that would require funding. On the facilities side, we could look at every building to determine the condition and come up with a prioritized list as to what might need to be addressed first. Funding would also be required to put this plan together.

Mr. Piekarski asked what the cost would look like to bring in a consultant or a vendor to help with these projects.

Mr. Howell noted that the last VHB report that was received indicated that we have a problem with our roadways. He will schedule a future agenda item to discuss the further analyzation of roads.

With respect to Brooks Academy Museum, Mr. Howell asked if we are getting to the point where there is a work statement that we can work off to contract with. Mr. Schiavi responded that we had to adjust the designer scope. That information is being sent so we can develop the engineering contract for the Select Board to sign.

**NEW BUSINESS**

A. Approve a Hawkers & Peddlers license for Pilgrim Lodge A.F & A.M., 706 Main Street, to sell Christmas trees at 9 Sisson Road

Bob Heppe, Secretary from the Pilgrim Lodge was present and announced that this is their 8th year of selling Christmas trees.

**Mr. Kelleher moved to approve a Hawkers & Peddlers license for Pilgrim Lodge A.F & A.M., 706 Main Street, to sell Christmas trees at 9 Sisson Road, 2nd by Mr. Piekarski and approved 5-0-0.**

B. Discussion and vote to approve the 2026 Alcoholic Beverages Control Commission Seasonal Population Form

**Mr. Handler moved to approve the 2026 Alcoholic Beverages Control Commission Seasonal Population Form, 2nd by Mr. Piekarski and approved 5-0-0.**

C. Discussion and vote to approve the 2026 dog and kennel license fees

**Mr. Kelleher moved to approve the 2026 dog and kennel license fees as presented, 2nd by Ms. Doucette and approved 5-0-0.**

D. Discussion on Ambulance Fees

David LeBlanc, Fire Chief was present. The last time the ambulance fees were raised was in 2013. The current rates do not accurately capture costs. Chief LeBlanc reviewed the life support rate comparisons as provided in the packet. He indicated that the Fire Department budget has increased about 40%, but the ambulance fees have not been increased. Chief LeBlanc feels that the Comstar rates are the reasonable place for us to start. It was also noted that the mileage rates are off. Chief LeBlanc recommends adopting the increased milage rate from $29 to $35.

Mr. Howell noted that the fees that are collected do not go straight to the Fire Department, that they go into the general receipts. The board has had some initial discussions about perhaps associating the fees with some of the towns contractual problems.

Mr. Handler said that he would support this request and that it is about time that the rates be raised if there is no cost to the residents.

Chief LeBlanc commented that like all medical billing, there is the billed amount and then there is the insurance amount that gets paid. He believes that the town has had less than 5 requests for ambulance bill abatements. Not being able to pay will never prevent services from being rendered.

Mr. Handler pointed out that a slide in the packet shows gross charges and gross revenues. He asked how the provider determines the amount of the bill and if it is based on current procedural terminology codes. Chief LeBlanc responded that there are a few ways that they determine the bill, adding that there is basic life support, advanced life support and advanced life support 2, which are flat rates based on the level of care to the patient. The category is based on the level of care that the patient needs.

Mr. Handler asked if there is any reimbursement for mutual aid. Chief LeBlanc responded that they get 100% of the billing receipts.

Mr. Kelleher said that he would support matching the Comstar rates.

Ms. Doucette commended Chief LeBlanc for bringing this forward.

Mr. Piekarski asked if Comstar services the entire country. Chief LeBlanc responded that they are New England based and a local company. Mr. Piekarski asked for Chief LeBlanc to elaborate on the mileage rates. Chief LeBlanc responded that it would be $35 for a loaded mile from Harwich to Cape Cod Hospital. A loaded mile is when the patient is on the ambulance.

Chief LeBlanc talked about the CPE program that started in 2015. This program allows them to capture the difference between what Medicaid reimburses verses what the actual cost is to operate the ambulance itself.

Mr. Schiavi thanked Chief LeBlanc for bringing for putting in the work to capture CPE revenues and hopes the board would approve the new rates. He added that an implementation date would have to be chosen.

Mr. Howell said that historically, rate and fee changes have been handled as a public hearing, then move to next steps.

**OLD BUSINESS**

A. Open Meeting Law Complaint from Michael MacAskill, dated September 29, 2025: Acknowledge receipt of complaint, review complaint, discussion, and possible responses thereto

Michele Randazzo from KP Law was present to talk about the new open meeting law complaint that was filed by Michael MacAskill. She briefly reviewed the 3 main allegations as outlined in the complaint. Because the primary allegations of the complaint revolve around discussions that the board had regarding filling the Town Administrator position, she thought that it was important to provide context to those discussions. The allegations in the complaint insinuate that some of the decisions made along the way seemingly came out of the blue. Attorney Randazzo spent a fair amount of time watching the Select Board meetings to try and gain context. The draft response that she prepared contains a summary of the events that happened throughout the process that led the Select Board to the point where we are now with an Acting Town Administrator. With respect to the allegations of improper discussion of topics in executive session, the minutes were released and that is an effective cure. With respect to serial communications, Attorney Randazzo tried to explain the context and that there is a lot of speculation, and the Attorney General generally doesn't take speculation, they rely upon the Select Board version of the events. All the alleged issues have been addressed in the draft response. Attorney Randazzo needs to provide the links to the meeting recordings and the minutes in the response.

Mr. Kelleher asked what the process is once the response is sent to the Attorney General. Attorney Randazzo responded that the process is that the individual has to file a complaint with the board that is alleged to have violated the open meeting law. A written response is then sent to that individual. The complainant then has 90 days to follow up with the Attorney General. Attorney Randazzo noted Mr. Beaty, who had filed the previous open meeting law complaint, has followed up with the Attorney General's office for further investigation.

Mr. Kelleher asked Attorney Randazzo if she would segregate the amount of time that she has devoted to these open meeting law complaints. He feels that the taxpayers should know what these complaints cost the town. Mr. Howell asked to include the Freedom of Information Act requests in that amount as well. Attorney Randazzo responded that she cannot do that off the top of her head, but that they are segregated out on the town's invoices. She did note that the time spent on the most recent open meeting law violation was fairly extensive and added that she could run reports on the time spent.

**Mr. Handler moved to approve the open meeting law complaint response pending the inclusion of the hyperlinks and other information and authorize Town Counsel to send the response on behalf of the town, 2nd by Mr. Piekarski and approved 5-0-0.**

B. Final Reading on Board and Committee Email Policy

Town Clerk Emily Mitchell was present. In the 3rd paragraph, the Select Board needs to choose an effective date. Ms. Mitchell said that they are prepared to begin issuing the emails immediately.

**Mr. Handler moved to approve the board and committee email policy with an effective date of October 14, 2025, as presented in the packet, 2nd by Mr. Piekarski and approved 5-0-0.**

C. Discussion on commercial property coverage insurance for South Harwich Meetinghouse

Judy Ford was present.

Mr. Handler said that he was hopeful for a larger discussion where the board looks at all town properties that have license agreements and/or leases so that there can be some parity between them. He noted that he is not comfortable discussing this one carveout without having the larger conversation. Mr. Howell responded that there is a legal difference between a license and a lease. This one is not a carveout, but we need to figure out why the insurance reimbursement appeared after 15 years. The friends of the meetinghouse took a building that was in bad shape and fixed it up while maintaining historical accuracy. The question is how much the town wants to lather on as a responsibility.

Ms. Ford feels that the board will never find parity in the various town buildings that have licenses or leases. The South Harwich Meetinghouse has covered every expense since 2004, and it does not relate to any other building in town. Mr. Handler responded that he understands and respects Ms. Ford's comments. In looking for parity, his interest is not to make all the agreements the same, but to make sure that they are all reviewed and see what works for the tenants that are using the buildings. His intention is to make this easier, not harder. Mr. Handler feels that the town owes the taxpayers at least a dive in to see where the similarities and differences are in the agreements.

Mr. Howell said that Brooks Academy just went through a warrant article where the public voted to spend money on the building. The meetinghouse was resurrected almost from scratch and on their own nickel. Mr. Howell suggested reverting to the original agreement with the meetinghouse.

Mr. Handler would also like to look at the different lease terms and why some are done for 5 years, 10 years or longer, or less.

Ms. Ford said that for them to have to pay the insurance bill would complicate the work that they are doing to the building now. She noted that there are other things in the agreement that were changed without their knowledge and that the license agreement really needs to be corrected.

Mr. Schiavi reported that the town has never billed the meetinghouse for the insurance reimbursement.

Ms. Ford feels that the meetinghouse should have been before the board to discuss changes to the agreement and that the board should look at the value of the building and how it has come to be in 20 years.

Mr. Piekarski said that this should come back in the form of an agreement and that tonight isn't the effort to sign off or approve an agreement. He would be happy to see the license or agreement come back in a manner that both parties find acceptable. Mr. Piekarski understands the benefit of the meetinghouse and would not want to impose the insurance fee on them. He also understands where Mr. Handler is coming from and having a larger discussion about evaluating the other agreements, the use of the buildings and the cost associated to the town.

Mr. Howell said that the board would bring this agreement back as a clean copy.

Ms. Doucette asked Ms. Ford if she received the full document in 2023. Ms. Ford responded that they only received the signature page.

Mr. Schiavi reported that the town has already paid for the insurance bill in the amount of $7322.00.

It was agreed by the board that the meetinghouse is not in default of the agreement and that a clean agreement would be brought back before the board for all parties to review and discuss.

D. Update on Finance Director search process

Mr. Schiavi informed the board that today was the closeout for receiving applications and that 5 applications and resumes were received. After a review by staff, it was determined that there was not a candidate that had any municipal experience, which is critical at this point. We have a very young finance staff right now. Our current set up with our Interim Finance Director and their team are providing an asset on the municipal side. Bringing in a person with no municipal experience would be a mistake. Mr. Schiavi's recommendation at this point is to readvertise and bring the ad back up to the top of the Massachusetts Municipal Association website and other organizations that the ad was sent to. Mr. Schiavi has developed a great working relationship with the Interim Finance Director and staff, and he doesn't want to disrupt that.

Mr. Piekarski said that he would like to get someone with experience.

**CONTRACTS**

A. Vote to authorize the Chair to sign a Memorandum of Understanding between the Town of Harwich and the South Shore Community Action Council (SSCAC)

**Mr. Kelleher moved to authorize the Chair to sign a Memorandum of Understanding between the Town of Harwich and the South Shore Community Action Council (SSCAC), 2nd by Mr. Handler and approved 5-0-0.**

**TOWN ADMINISTRATOR'S REPORT**

Mr. Schiavi said that no damage to town facilities has been reported from this last storm.

We are tracking the legal services request for proposals. Any questions from potential respondents are due by noon tomorrow and the deadline for submittal is October 29th. Mr. Schiavi did ask IT to run a report to see who has viewed the RFP. There are a few firms that have clicked on the site to see what information is being asked for.

## SELECT BOARD MEMBER REPORT

Mr. Handler said that tomorrow is the final date for applications to be submitted for the Affordable Housing Trust vacant position and asked Mr. Schiavi how many applications have been received. Mr. Schiavi responded that 1 application has been received from Larry Ballantine. He met with Mr. Ballantine today and had a great discussion. On October 27th, he will bring forward information to the board.

Mr. Kelleher said that he attended the Charter Commission meeting and that they had a great spirited debate. They have a consultant on board, and he is excited to see their final work product.

Mr. Howell noted that an email was sent out and that he was asked to be involved in the Veteran's Day Ceremony. The consensus of the board was for Mr. Howell to do the presentation. Mr. Schiavi added that he has been asked to be the keynote speaker.

## CORRESPONDENCE

## ADJOURNMENT

**Mr. Handler moved to adjourn the regular meeting of the Select Board at 8:32 p.m., 2nd by Ms. Doucette and approved 5-0-0.**

Respectfully submitted,

Jennifer Clarke
Executive Assistant