

APPROVED
RELEASED

**MINUTES
SELECT BOARD
HARWICH TOWN HALL
732 MAIN STREET, HARWICH MA
MONDAY, OCTOBER 27, 2025
5:15 P.M.**

RECEIVED
TOWN CLERK
HARWICH, MA
2025 NOV -4 P 3:16

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. 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 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 Employees 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 G.L. c. 30A, sec. 21(a)(2) to conduct strategy sessions in preparation for negotiations with non-union personnel and to conduct contract negotiations with non-union personnel: Acting Town Administrator – Anthony Schiavi
- 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 June 26, 2023

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

Mr. Howell reported that the Select Board has a mutually signed agreement with the Firefighters Association. As to the release of minutes, the Select Board has reviewed the newest redacted version received from legal counsel and have voted to release them with redactions.

PLEDGE OF ALLEGIANCE

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

STAFF COMMENTS/ANNOUNCEMENTS

Community Center Director Carolyn Carey was present and provided highlights for their upcoming November events. She noted that there are clues that have been left throughout Town of Harwich buildings. If you find a clue, it can be brought to the Community Center, and you will receive 2 tickets to the show Clue at the Harwich Junior Theater. Trick or treating will be happening at the Community Center on October 31st from 4:30 p.m. to 6:00 p.m. Ms. Carey thanked everyone who supports and attends their events.

Director of Natural Resources Stephanie Ridenour was present and announced that they had a successful season at the town's shellfish lab. In 2 years from now, the seeds that were spread should be harvestable. If anyone has questions about where the shellfish are stocked, they can contact the Natural Resources Department. Ms. Ridenour talked about a few projects that that happened throughout the summer, which were funded by the Division of Marine Fisheries. She also announced an upcoming volunteer day to help clean up the herring run areas.

WEEKLY BRIEFING

Mr. Schiavi reported that Harwich received 2 letters from the Town of Chatham. One letter was in response to the request to incorporate the Great Sand Lakes portion of the sewer project in the Intermunicipal Agreement, which was approved by the Chatham Select Board. They also approved the updated sewer regulations for the town. The Water and Wastewater Commissioners will be meeting on November 7 for final adoption. Once that has been completed, we will be able to provide the grinder pump reimbursements for the people that have been waiting for them.

Mr. Schiavi reviewed the Phase 3 sewer updates as provided in the packet.

The town has received comments back from the Brooks Academy Museum designer architect, which were sent to Town Counsel. Staff is waiting on word regarding those changes to execute the contract. Mr. Howell asked if there is any indication about the turnaround time. Mr. Schiavi responded that he is not sure but could follow up and find out what the status is.

PUBLIC COMMENTS/ANNOUNCEMENTS

Chair of the Harwich Charter Commission Linda Cebula was present. The commission has been meeting since June of this year and they have engaged the Collins Group to assist them in their endeavors. The commission has requested and received input from various town agencies and from the public. They encourage input and suggestions from all interested parties. Their meetings are held on Thursdays at 6:30 p.m. The proposed revisions to the town charter will be sent directly to a town ballot. The commission is inviting the Select Board to attend one of their meetings, to provide individual and collective insights on possible amendments to the charter.

Janna Powell was present who has been a tenant of the 204 Cultural Arts Municipal Building since 2019. On October 16 an attempt to terminate their use of the studio space was signed by Acting Town Administrator Tony Schiavi. On October 24th, Ms. Powell received a certified letter stating that she needs to vacate the studio space by December 1st under the clause that the room is being reserved for municipal purposes. Ms. Powell feels that this termination notice does not follow any standard operating procedures that would involve the Select Board. Ms. Powell also feels that the

notice served includes multiple technicalities that make it void. Ms. Powell commented that she is a vital asset to the 204 itself and programming within the Town of Harwich. She requested that this issue be put on the next Select Board agenda.

Connor Howard Rose was present and feels that the attempt to terminate the lease did not follow any standard operating procedures. He commented that former tenants who have moved were given a large grace period to leave the studio space as to not affect their livelihoods. Mr. Rose said that uprooting them from the community would be devastating and asked to remain tenants at the 204 and active community members.

Mr. Howell responded that he came to Ms. Powell and Mr. Rose on Friday with a commitment for a conversation. He will take their request to put this topic on a future agenda.

CONSENT AGENDA

- A. Approve the Select Board Meeting Minutes from October 14, 2025 & October 22, 2025

Mr. Kelleher moved to approve the Select Board meeting minutes from October 14, 2025, 2nd by Mr. Handler and approved 5-0-0.

Mr. Kelleher moved to approve the Select Board meeting minutes from October 22, 2025, 2nd by Mr. Handler and approved 3-0-2 (Doucette & Piekarski abstained).

- B. Vote to approve the following committee appointments as recommended by the Interview Committee:
1. Arthur Donowski, Recreation and Youth Commission, full member, term to expire June 30, 2028
 2. Cindy Beaulieu, Treasure Chest Committee, full member, term to expire June 30, 2028

Mr. Kelleher moved to approve the committee appointments as listed above, 2nd by Mr. Handler and approved 5-0-0.

- C. Vote to accept a gift for the Community Center from Harwich Cranberry Festival in the amount of \$2000.00 for additional programming at the Community Center

Mr. Kelleher moved to accept a gift for the Community Center from Harwich Cranberry Festival in the amount of \$2000.00 for additional programming at the Community Center, 2nd by Mr. Handler and approved 5-0-0.

- D. Vote to accept a gift for the Community Center from Wychmere Harbor Club in the amount of \$250.00 for additional programming at the Community Center.

Mr. Kelleher moved to accept a gift for the Community Center from Wychmere Harbor Club in the amount of \$250.00 for additional programming at the Community Center, 2nd by Mr. Handler and approved 5-0-0.

- E. Approve the resignation of Darlene (Dodi) Mahoney on the Cultural Council effective immediately

Mr. Kelleher moved to approve the resignation of Darlene (Dodi) Mahoney on the Cultural Council effective immediately, 2nd by Mr. Handler and approved 5-0-0.

2026 ANNUAL TOWN MEETING

A. Update on the Town Meeting and Budget Timeline

Mr. Schiavi reported that we continue to make progress with our timeline and that everything is proceeding as planned. Departments are at work putting their budget information into Munis and 2 departments have already submitted their budget. In concert with that, staff is working on the updated sources and uses document. Hopefully, staff will have draft information to bring to the board in the next couple of weeks. We still have not received word from the Department of Revenue regarding free cash certification.

Mr. Schiavi announced that the tax classification hearing will happen on November 28th.

NEW BUSINESS

A. Discussion about appointing possible Roadways Consultant

Mr. Howell said that DPW Director Link Hooper has provided information and figures regarding paving. He added that we can all agree that our roads are in excellent shape as compared to other towns. The discussion that needs to happen is about the capacity and design of the roadways to handle the traffic that we have, irrespective of any of the upcoming housing initiatives. All of the VHB reports that have been received only say that the roads are not good. Mr. Howell is looking for how to approach the fact that they are not good. There is no question that Mr. Hooper is taking care of the roadways and that there are plans in place for future improvement. Should the board decide to investigate this further, it would require a warrant article. Mr. Piekarski agreed.

The board agreed by consensus to move forward with a draft warrant article.

Mr. Handler wants to make sure that it is clear to the public what the purpose of the article would be, before presenting it.

B. Discussion and scheduling of dates for enforcement of The Port Restaurant's liquor license suspension

Attorney Dina Browne and Justin "Judd" Brackett were present.

Mr. Howell said that this is the end of the road where the penalty will be assessed. The original agreed upon dates have come and gone. The board had settled on 3 days for suspension and Mr. Howell commented that the board does not want to hurt their business.

Attorney Browne wants to make sure that everyone understands that in terms of deciding on a punishment, it cannot be based on the fact that her clients appealed the Select Board's decision.

Mr. Howell agreed and added that the passage of time was because of the appeals period and that he is not interested in any additional penalties.

Attorney Browne said that COVID was a challenging time, and the regulations were changing every day, particularly for restaurants and her clients were in constant contact with the Board of Health. The Port, like many other restaurants lost an enormous amount of money and staff during and after that season. Attorney Browne wanted the board to keep in mind that the town makes a lot of money from the hospitality tax, and she also wants the board to be consistent with the other restaurants in town and suggested that the penalty be served in the shoulder season.

Mr. Brackett thanked the board for the opportunity to be present. 5 years ago, the resounding verbiage/narrative was that there was a flagrant disregard of the regulations, which Mr. Brackett feels is nothing further from the truth and that the narrative was incorrect. He added that he was in constant contact with the Health Director at the time and that some of the local guidance was not in concert with the state and that their establishment was doing what they thought was best.

Attorney Browne said that she is not sure that the board has to stick to the 3-day punishment.

Mr. Howell said that these infractions were not brought forward by the Health Department and that they came from the ABCC investigators on site. There is a zoom recording of the hearing that happened, and Mr. Howell feels that it was extremely stressful for all parties.

Mr. Piekarski asked when the business is open. Mr. Brackett responded that they are open in April through November 1st and in the shoulder seasons they are closed on Monday and Tuesday. After Memorial Day, they are open 7 days a week from 3:00 p.m. – 1:00 a.m. and on Saturday and Sunday they are open for lunch at 11:30 a.m.

Mr. Piekarski noted that he was not part of these discussions 5 years ago, but that he would be inclined to support the 3-day suspension that was previously discussed and would be happy to have flexibility on the dates. Ms. Doucette agreed.

Mr. Kelleher feels that having parity is important. He added that he is in favor of the punishment but would want it to be when it hurts the business the least.

Mr. Handler said that he was not on the board when this began, but views this as a new start with a new counsel and a new board. In his view, this is an opportunity to move forward in a collaborative way. He would feel comfortable finding some common ground and days that would not substantially hurt the business.

Mr. Kelleher feels that whatever dates the board decides on should not be same date that Perks serves their penalty.

Mr. Piekarski moved that The Port Restaurant serve their liquor license suspension on June 26, 2026, July 24, 2026 and August 21, 2026, 2nd by Mr. Howell.

Attorney Browne feels that 3 Friday dates in the summer is extremely egregious.

Mr. Howell said that the infractions were in season and not in the shoulder season. The town was only on the enforcement end of this. The violations were based on the ABCC investigation.

Mr. Brackett explained that he was not able to attend the original show cause hearing, which was mandated to be in person and that they were not given the chance to talk about all of the allegations.

Mr. Piekarski moved that The Port Restaurant serve their liquor license suspension on June 26, 2026, July 24, 2026 and August 21, 2026, 2nd by Mr. Howell. The vote was 2-3-0 with Mr. Piekarski and Mr. Howell voting yes. The motion failed.

Mr. Handler moved that The Port Restaurant serve their liquor license suspension on May 19, 2026, June 9, 2026 and September 24, 2026, 2nd by Ms. Doucette.

Mr. Howell feels that the board would be making a horrible mistake in voting the proposed dates and that it would set the baseline for the future.

Mr. Handler and Ms. Doucette removed their motion and second.

Mr. Howell agreed that we would not want to impose a suspension on July 4th weekend but that he doesn't see Mr. Handler's proposed dates as a penalty of any kind. Mr. Handler argued that The Port's business is always busy.

Mr. Handler moved that The Port Restaurant serve their liquor license suspension on May 19, 2025, June 9, 2025 and September 24, 2025, 2nd by Mr. Kelleher and approved 3-2-0 (Piekarski & Howell opposed).

- C. Vote to approve a special permit application for Harwich Cranberry Festival for entertainment, one-day liquor license (wines & malt), craft fair and event, for an event to be held on September 19, 2026, from 10:00 a.m. – 7:00 p.m. & September 20, 2026, from 10:00 a.m. – 3:00 p.m., event to be held at 100 Oak Street

Katie Maguire and Paul Gazaille were present to represent the Harwich Cranberry Festival for their 50th anniversary.

Mr. Piekarski asked about the drone part of the application and what that would entail for approvals. Ms. Maguire responded that they have been working with the drone company and that they bring all the permits with them. The drone show will be instead of fireworks.

Mr. Handler moved to approve a special permit application for Harwich Cranberry Festival for entertainment, one-day liquor license (wines & malt), craft fair and event, for an event to be held on September 19, 2026, from 10:00 a.m. – 7:00 p.m. & September 20, 2026, from 10:00 a.m. – 3:00 p.m., event to be held at 100 Oak Street, 2nd by Mr. Howell and approved 5-0-0.

D. Acting Town Administrator to present a recommendation on the license agreement for Jakes at Cranberry Valley

Mr. Schiavi said that in September, staff received a request from Jake Rooneys at Cranberry Valley for a one-year extension to their lease renewal at the golf course. Mr. Schiavi spoke with the Director of Golf and Health Director about the operations and both said that Jake Rooney's has been a great partner to the town and that both departments recommend the lease extension and noted areas for continued improvement, including food safety refresher training, which the Health Department would assist in if asked and improved coordination and communication between the restaurant staff and tournament organizers ahead of events to ensure a smooth and positive experience for participants. Regarding the latter, the restaurant has hired an events coordinator to specifically deal with events at the course and will be a welcome addition to resolving any communication issues in the past. Mr. Schiavi said that this would be the final year of the lease agreement. The existing tenant is current on their payments to the town and the only thing due at the end of December would be the net sales for the season.

Mr. Piekarski moved to approve the lease renewal for Ashwood Food Services, Inc., d/b/a Jakes at Cranberry Valley for January 1, 2026 through December 31, 2026, 2nd by Mr. Kelleher and approved 5-0-0.

OLD BUSINESS

A. Discussion on Assistant Town Administrator Recruitment Process

Mr. Schiavi reviewed the information as provided in the packet. He has provided the board with 2 options for them to consider regarding compensation and whether to keep the position in the Personnel By-Law or establish it has an executive contract consistent with what is used for the Town Administrator and Finance Director employment agreements. In terms of timelines, the hope is to advertise the position for October 31st to run through December 1st. Interviews would be conducted from December 2nd through December 5th. Contract negotiations would start on December 8th and a hopeful appointment made before the Select Board on December 15th. The earliest start date would depend on current commitments that may exist, with a hopeful date of January 5th.

Mr. Howell noted that this is not a repackaging of the existing job description, but that the job description has been elevated.

Mr. Handler thinks that the re-write of the job description is great and commended Mr. Schiavi on what he provided. He would want to see a narrative of the delegation for the Assistant Town Administrator. The other piece he would want to see included would be to support the staff and allow them to excel and exceed in their current positions, which the Assistant Town Administrator could assist with.

Mr. Schiavi feels that this position should be an executive contract with an employment agreement.

Mr. Kelleher moved to accept option 1 to establish the position as an executive contract/employment agreement with a salary range to be advertised of \$145,000 to \$165,000 with benefits to be negotiated, 2nd by Ms. Doucette and approved 5-0-0.

B. Discussion on the letter received from the Monomoy Regional School Committee

Mr. Howell said that the letter from the school committee seems to encourage everyone to talk and notes that the committee has adopted the goal of being able to address everything that the agreement represents between both towns.

Mr. Piekarski thanked the school committee for agreeing to review the current agreement. Harwich can move forward with what our strategy will be and if we want to continue to have the professionals lead the discussion or have the politicians involved.

Mr. Howell said that his intention was to have Mr. Handler and Mr. Kelleher put together a proposal for the board to work from.

Mr. Schiavi said that he has a meeting at the district on Thursday to discuss the capital and budget and has had discussions with our finance team staff. This is one of the critical items that is being worked on and there should be information soon to bring to the board. Mr. Howell said that he hopes to have a draft for the November 10th meeting.

Mr. Kelleher commented that he met with Mr. Schiavi today and that he will work with Mr. Handler to put information together, including background and financial points.

C. Vote to affirm the Acting Town Administrators appointment of Larry Ballantine as the Town Administrator's designee on the Harwich Affordable Housing Trust; term to run concurrently with Acting Town Administrator's Appointment

Mr. Schiavi reviewed the memo as provided in the packet and said that he had a great engaging conversation with Mr. Ballantine on October 14th.

The board discussed the term for this appointment would be.

Ms. Doucette moved to affirm the Acting Town Administrators appointment of Larry Ballantine as the Town Administrator's designee on the Harwich Affordable Housing Trust; term to run concurrently with Acting Town Administrator's Appointment, not to exceed June 30, 2026, 2nd by Mr. Handler and approved 4-1-0 (Piekarski).

CONTRACTS

A. Review and approve contract with Eastern Minerals, Inc. for road salt in the amount of \$73.00 per ton with a not to exceed amount of \$146,000.00.

Mr. Kelleher had questions about the price increase from last year and the number of tons that Harwich is slated to receive versus other towns.

Mr. Handler moved to approve contract with Eastern Minerals, Inc. for road salt in the amount of \$73.00 per ton with a not to exceed amount of \$146,000.00, 2nd by Mr. Kelleher and approved 5-0-0.

B. Review and approve contract with National Lawn Sprinklers, Inc. for an irrigation upgrade at Cranberry Valley Golf Course in the amount of \$1,744,500.00.

Mr. Piekarski commented that he does not see any service level agreement language in the contract and the way that he reads the contract is that all the benefits go to the contractor. He noted that there is no language in the contract about failure to perform and nothing that benefits the town in case the contractors are negligent in their duties. Mr. Schiavi responded that he would find out about the failure to perform and added that each contract is different as it relates to the project.

Mr. Schiavi said that if the weather cooperates with this project, they should be finished in April. He will research the boards questions and report back.

C. Vote to authorize the Chair to sign the Green Communities Annual Report

Mr. Howell wanted to make sure that the board is aware of what he is signing as chair.

Mr. Piekarski moved to authorize the Chair to sign the Green Communities Annual Report, 2nd by Mr. Kelleher and approved 5-0-0.

TOWN ADMINISTRATOR'S REPORT

Mr. Schiavi reported that the attended the emergency preparedness fair at the Community Center this past Saturday. It was an excellent event, and staff is already working on next years event to make it even better.

Mr. Schiavi announced that the town has received an application for the vacant Town Engineer position. He added that he is hopeful to make an appointment for a Local Building Inspector at next weeks meeting.

SELECT BOARD MEMBER REPORT

Mr. Kelleher announced that the Zoning Board of Appeals and the Energy and Climate Action Committee both have vacancies. Harwich runs on committees and volunteers are needed to help the town make better decisions.

Ms. Doucette thanked Town Clerk Emily Mithcell for putting together the open meeting law training.

Mr. Howell attended an event at Hinckley's Pond for the dedication of the walking trail along with Harwich Conservation trust, who have always been great partners.

For an upcoming agenda, Mr. Handler requested that his office hours be noted. He would have that information to the chair tomorrow. Mr. Handler also requested that based on the discussion

that happened at public comment, that the license issue at the 204 be put on the agenda for next week. He has a lot of questions that have come to mind since the beginning of the meeting. Mr. Handler said that he would email the chair his questions so that everyone can be prepared to present answers. Mr. Howell responded that the topic would be on the November 3rd or November 10th agenda and that there needs to be conversations with the Acting Town Administrator and Cultural Affairs Director.

CORRESPONDENCE

ADJOURNMENT

Mr. Handler moved to adjourn the regular meeting of the Select Board at 8:34 p.m., 2nd by Mr. Piekarski and approved 5-0-0.

Respectfully submitted,

Jennifer Clarke
Executive Assistant