

APPROVED

RELEASED

**MINUTES
SELECT BOARD
HARWICH TOWN HALL
732 MAIN STREET, HARWICH MA
MONDAY, NOVEMBER 3, 2025
5:15 P.M.**

RECEIVED
TOWN CLERK
HARWICH, MA

2025 NOV 14 A 11:17

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

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, 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 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: Fire Chief – David LeBlanc
- D. 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: Finance Director
- E. 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 September 29, 2025, October 6, 2025, October 14, 2025 & October 27, 2025
- F. Pursuant to G.L. c. 30A, § 21(a)(6) To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body; Assessor's Map 82, Parcel R5

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

Mr. Howell announced that in executive session, the board approved several sets of minutes, but they did not approve them to be released.

Mr. Handler offered his condolences to the Bonatt Family, specifically Alice Bonatt, who was a former public safety dispatcher in Harwich. Ms. Bonatt lost her daughter, Laura Elizabeth Squires, of Harwich. Mr. Handler asked everyone to join the board in a moment of silence to remember Ms. Squires.

Mr. Howell said that the board sends their condolences to Alice Bonatt and her family.

PLEDGE OF ALLEGIANCE

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

STAFF COMMENTS/ANNOUNCEMENTS

- A. Office Hours with Jeff Handler will be November 13, 2025, at Harwich Town Hall, 732 Main Street in the Select Board Library (mid-level) from 8:30 a.m. to 9:15 a.m.

Mr. Handler announced his upcoming office hours to be held on November 13, 2025 from 8:30 a.m. – 9:15 a.m. in the Select Board Library.

- B. Veterans Day Ceremony at Evergreen Cemetery will be on Tuesday, November 11, 2025, at 10:30 a.m.

Mr. Howell wanted to recognize the upcoming ceremony to be held on November 11, 2025 and will begin at 10:30 a.m. Mr. Handler added that there will be a golf cart available to help shuttle people back and forth for anyone that wants to attend the ceremony but cannot traverse the entire property.

Council on Aging Director Julie Groom was present to respond to the recent news regarding the SNAP benefits freeze. The COA is responding to this event with the support of the COA Board as well as the Friends of the Harwich Council on Aging. In addition to the food programs that the COA has offered, others have been put together in the last week or two. The COA always does monthly grocery deliveries from the Family Pantry, which happen on Tuesdays. They have also set up van rides to other local food pantries. The COA has increased their capacity for the lunch program for the month of November, which will likely continue into December. This lunch program is now free of charge for everyone. Each year, the COA gives out baskets of food for Thanksgiving, which includes a frozen turkey, produce and non-perishable items. This is open to anyone in Harwich who is age 60 and above. Ms. Groom thanked the volunteers who will be delivering these food baskets. The Friends of the Harwich Council on Aging are making a generous donation that will allow the COA to purchase gift certificates to local grocery stores to give to people who cannot meet all their needs at the local family pantry. Ms. Groom will be before the

Select Board next week to present that donation. The COA will be hosting their annual Thanksgiving luncheon on November 13th and November 19th. Registrtrion for this opens tomorrow and is limited to 50 attendees per lunch. Also on November 13th, from 10:00 a.m. – 12:30 p.m. the COA will be hosting representatives from National Grid and Eversource to meet with residents to provide information on lowering their bills, lowering their rates and other discussion topics. Ms. Groom closed out by saying that the COA does not want anyone in Harwich to be going hungry for any reason.

On behalf of the Select Board, Mr. Howell expressed his gratitude to everyone that is helping with food resiliency here in Harwich.

Community Center Director Carolyn Carey was present. They will be having a free spaghetti dinner on Thursday at 5:30 p.m. and all are welcome. The Community Center has reached out to the Family Pantry to see how they can be supportive. The Community Center is now a site where people can drop off non-perishable items that will be brought to the pantry. In addition, Ms. Carey said that there are still a few clue tickets that are around Harwich. She also thanked everyone who came out on Sunday for the teen clothing swap and the indoor yard sale, both of which were a great success.

WEEKLY BRIEFING

Mr. Schiavi provided updates on the Phase 3 sewer projects as outlined in the packet. He indicated that there will be no construction on Thanksgiving or the day after. The contractors have asked to work on November 11th. Work will be starting on the Pleasant Bay Road pump station in the next 3-4 weeks, which will be in addition to the work happening in the roadways.,

Mr. Schiavi reported that we closed out our \$10.185 million dollars in bonds last week. These funds will be used for a variety of different projects.

An agreement has been reached with the Brooks Academy Museum Designer Architect firm. This agreement was received today and will be prepared for next weeks board meeting.

As it relates to the Route 28 dry pipe project, Mr. Schiavi wanted to clarify that if the state revolving funds are not received, that the project would still be moving forward. Mr. Piekarski responded that his recollection is that it would still move forward but would have to go back and review the minutes and video.

Mr. Howell said that there has been a 2nd level of discussion and that it is uncertain over the next year what will happen with the SRF funding because it appears that the funds have been largely depleted, but not at the County level. The Governor was going to look to submit an environmental ballot initiative. While we still want to move this project forward, the question will be if the money will be there or not. Harwich is trying to coordinate this project with the MassDOT paving project, which would make it very economical. Mr. Howell said that we will have

to figure out the money as we go along. Mr. Schiavi added that we have the borrowing authorization internally to cover the entire project.

PUBLIC COMMENTS/ANNOUNCEMENTS

Patrick Otton was present and noted that he sent all the board members an email and in error, did not include Mr. Schiavi. Mr. Otton had comments on the lawn and irrigation contract on the agenda tonight. He asked the Select Board to not approve this sum of money that is in the contract and that the board consider the environment and the natural resources that we are dealing with in town. Mr. Otton feels that there are many different irrigation options for plantings and asked the board to think about our future and changing our actions into more sustainable decisions.

Mr. Howell said that he received an email today from a resident asking how someone would track any questions they have about the Phase 3A sewer project. The email that Mr. Howell received indicated that the plan shows that the house will be on gravity sewer, but that the owner knows that they will need a pump. Mr. Schiavi asked how the homeowner came to the determination about the pump and that those decisions come from the engineer. If residents have one-off questions, they can contact the Administration Office and staff can forward them to the engineer.

CONSENT AGENDA

- A. Approve the Select Board Meeting Minutes from October 27, 2025

Mr. Handler noted an amendment needed on page 6 of the minutes. The vote should be 2-3-0 with Mr. Piekarski and Mr. Howell voting aye.

Mr. Piekarski noted an amended needed on the call to order in open session. He was not present for the open session call to order, but the minutes indicate that he was.

Mr. Kelleher moved to approve the Select Board Meeting Minutes from October 27, 2025 as amended, 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 are in the red for getting our free cash certified and hope to have that by the end of October. We found out today that the Department of Revenue hopes to review our file this week. The Finance Committee has been invited to attend the board's November 10th meeting where there will be a presentation from the Finance Department on the financial review from fiscal year 2025.

NEW BUSINESS

- A. Review and approval of a Historic Preservation Restriction at 97 Route 28, between J&S Cape Houses, LLC and the Town of Harwich

Mr. Howell recused himself and commented that he was involved in the negotiation of the sale of the property and in doing so, he was also involved in the comprehensive permit for this project.

Attorney Andrew Singer was present on behalf of the applicant. The property at 97 Route 28 was part of the comprehensive permit that was approved in 2017 where Habitat for Humanity built 6 houses in the back of the property and the 2 exiting units in the front of the property at market rate units. One of the conditions of the permit was that the Judah Eldredge Chase House on 97 Route 28, also known as Lot 7 on the subdivision plan, would be placed under a historic preservation restriction. The restriction document has been approved by the state, signed by the applicant, signed by the Historic District and Historical Commission and the last stop is that the document needs to be approved and signed by the Select Board. If the board takes the recommended action, Attorney Singer would submit the entire package to the state for signature and then Attorney Singer would record it at the registry of deeds. The original part of the house is 1850 Greek revival with some additions that were done later in the 19th century. The entire structure is what is being placed under the restriction.

Attorney Singer noted that he would need to revise page 19 to remove Mr. Howell's name as a required signer.

Mr. Piekarski informed the board that Attorney Lee Smith from KP Law opined and said that in his opinion, this restriction is compliant. By all accounts with Town Counsel, everything is in order with this restriction.

Mr. Kelleher asked if the house would be fixed up and made structurally sound. Attorney Singer responded that it would be and that the shoring up on the property now is for the porch. The restriction will preserve and limit what can be done to the exterior of the house. Once the house is fixed up, the exterior will remain protected.

Mr. Handler moved to approve the Historic Preservation Restriction at 97 Route 28, between J&S Cape Houses, LLC and the Town of Harwich, 2nd by Mr. Kelleher and approved 4-0-0.

Mr. Howell returned.

OLD BUSINESS

A. Discussion on the responses from the Legal Services Request for Proposal

Mr. Howell commented that there was previous discussion that the board could not have a discussion with any firms until the request for proposals (RFP) were received. He asked if the board would be ok to schedule those interviews. Mr. Schiavi responded yes.

Mr. Handler wanted to revisit a suggestion that he made a while back to the board. He would like to do an internal audit assessment of what our current legal vendor has been providing so that the board is on the same page with respect to what has worked and what has not worked. Mr. Handler feels that he would be going into this process not understanding what the board thinks

about what our current legal vendor is providing and where improvements can be made, both vendor and town facing. Mr. Handler said that he has gone through all the invoices that our current legal vendor has sent and has broken the fees down into categories and that he would be happy to share what he has found with the Select Board. If we are bringing in vendors, the board should be discussing what they are looking for.

Mr. Howell said that he would be happy to do that but would look at this discussion as a bigger one. He would like the RFP respondents to pitch what they can do as well as have the fee discussion. Mr. Howell also noted that what we won't see in the invoices is that the board would receive 2 or 3 different opinions from the same law office, and were being billed for them. Somewhere along the line, the legal firm needs to have an internal check system. Mr. Howell also informed the public that the town would not be going without legal counsel while this process takes place and that there is no tremendous rush to do this process next week.

Mr. Howell said the respondents to the RFP would be invited in.

Mr. Schiavi commented that he has gone through this process before and provided the board with an overview of who responded to the RFP. Legal services are not covered under the procurement law and the bid was put for 3 categories which were general municipal law, labor law and land use and regulatory planning. Clifford and Kenney Law submitted a proposal for labor and employment law. KP Law submitted for all 3 categories. Harrington Heep also submitted for all 3 categories. Copies of the proposals have been provided to the board and Mr. Schiavi recommended that they take time to go through them. After review of the submittals, interviews can be scheduled. Mr. Howell agreed that there is no real rush to hire someone next week and would like all board members to do a deep dive into what was received.

Mr. Handler said that he would give all the board members copies of the information that he compiled.

CONTRACTS

- A. Vote to approve a license agreement with Bob Miller, Miller Golf Coaching for golf instruction services

Mr. Kelleher moved to approve a license agreement with Bob Miller, Miller Golf Coaching for golf instruction services, 2nd by Mr. Handler 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. Handler felt that it would be important for the Golf Superintendent to be able to rebut regarding the email received from Mr. Otton. Mr. Handler said that he understands where Mr. Otton is coming from and respects his position, but also wanted to remind the public that Cranberry Valley Golf Course is a gem and is known nationally as one of the best public golf courses in the country. Cranberry Valley is also a significant contributor to our local receipts and

helps to keep our taxes under control. If we lose quality of this asset by not irrigating, the downstream effects in Mr. Handler's opinion would be catastrophic for the Town of Harwich. The staff at the golf course does a great job of maintaining the course.

Mr. Handler reached out to the golf superintendent and was given the following information. Cranberry Valley Golf Course follows the Department of Environmental Protection (DEP) Regulations regarding water usage and specific mandates. Cranberry Valley follows all of the rules that the DEP has in place and has a water usage management plan in place on top of their regulations and strictly adheres to that plan on a daily basis. During drought conditions, Cranberry Valley responsibly only waters the tee boxes, fairways and greens, leaving the rough and the rest of the course to mother nature. Upgrading the irrigation system will enable them to manage water usage more effectively and control the amount of water required during irrigation. It will allow the golf course to put the water exactly where it needs to be. The system will be more efficient, more energy conscious and more cost effective.

To Mr. Otton's points, Mr. Handler sees them to be mildly counterfactual and counterproductive to the goal of saving our single source aquifer. He will lean and rely on the experts for this project.

Mr. Howell said that he understands Mr. Otton's comments but added that we have done a lot of work in this town to do preservation of open space including rewilding bogs in cooperation with Harwich Conservation Trust. If we let this golf course run down to the point where it is unplayable, it would not be competitive with the other places that are doing similar things. Golf Superintendent Shawn Fernandes is regarded as one of the experts on golf course management, particularly his ability to keep a golf course in pristine shape. Paying for this upgrade will come out of the golf fund and is very revenue neutral.

Mr. Piekarski apologized for last week when he missed the language that he was looking for, that was already in the contract.

Mr. Handler moved to approve contract with National Lawn Sprinklers, Inc. for an irrigation upgrade at Cranberry Valley Golf Course in the amount of \$1,744,500.00, 2nd by Ms. Doucette and approved 5-0-0.

TOWN ADMINISTRATOR'S REPORT

Mr. Schiavi said that when he was talking to the Town Administrator Search consultant, the topic of the recruitment for the Assistant Town Administrator came up. The consultant respectfully asked that the Select Board reconsider their decision about moving forward with the Assistant Town Administrator search now. The consultant feels that he has an outstanding pool of potential candidates for the Town Administrator and most of them have asked about if they would have the ability to recruit for the Assistant Town Administrator. Mr. Howell responded that he would put the Assistant Town Administrator recruitment on for next weeks agenda.

SELECT BOARD MEMBER REPORT

On behalf of the Chair of the Zoning Board of Appeals, Mr. Kelleher announced that the final Pine Oaks IV hearing with the ZBA will be on November 17th. This will be the last day for the board to accept public comment. He also said that both the ZBA and Energy and Climate Action Committee are both looking for new members.

Mr. Handler commented that he may have heard that the middle school siding project is coming in at about 2 million dollars under projection. He asked if the board could reach out to the committee and have them come before the board with an update on the timeline and costs.

CORRESPONDENCE

ADJOURNMENT

Mr. Handler moved to adjourn the regular meeting of the Select Board at 7:30 p.m., 2nd by Mr. Kelleher and approved 5-0-0.

Respectfully submitted,

Jennifer Clarke
Executive Assistant