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HARWICH, MA

MINUTES
SELECTMEN'S MEETING

REMOTE PARTICIPATION/GRIFFIN MEETING ROOM

2022 JUN -1 P 2:41

Tuesday, January 4, 2022

6:30 P.M.

RELEASED

SELECTMEN PARTICIPATING: Mary Anderson, Larry Ballantine, Donald Howell, Julie Kavanagh, Michael MacAskill

ABSENT: Town Administrator Joseph Powers

CALL TO ORDER

Mr. MacAskill, Chairman, opened the meeting at 6:30 pm, and called to order the Board of Selectmen. He explained that the Town has issued a mask mandate for Town Buildings, and that a mask must be worn, unless you can social distance at six feet or greater.

Mr. Ballantine said that he just learned that Mr. Joe McParland passed away after an illness. He said that they had all worked with Mr. McParland, he was a long-term Planning Board Director and he was active with the Allen Harbor Yacht Club. Mr. Ballantine said he was very active and supported all town activities and they will all remember him giving the planning report at Town Meeting, year after year. He will be sorely missed and he was also a lot of fun to be around.

Ms. Kavanagh said that she would echo Mr. Ballantine's thoughts and said that Harwich lost a really important person and she had really enjoyed getting to know Mr. McParland.

Ms. Anderson said that Mr. McParland was also one of the Trustees at the Family Pantry, and he had brought a great spirit to anything he did.

Mr. Howell said that Mr. McParland was also the biggest teddy bear, a real character, and he will be missed for that.

Mr. MacAskill said he will be missed.

PUBLIC COMMENTS/ANNOUNCEMENTS

Ms. Carolyn Carey, Director, Harwich Community Center, said that they are going to attempt to have some indoor movies on Friday nights in January. She said that they are all PG Disney movies and will be free and open to the public. They will provide snacks, and there are schedules around Town and the website. She said that the second thing is that they are preparing for the Community Center to turn 22. In order to prepare for their 22nd birthday party, she showed a duck and said that there were ducks hidden around Harwich, and if anyone finds one they need to bring it into the Community Center and they will receive a prize, in addition to keeping the duck. Then on

February 5th, she said that they will give out baby ducks and people can pick them up anytime to decorate them, then on February 5th, at 1:00 pm, they will have a duck toss. There will be a large duck in the middle of the gym floor, with a bullseye in the middle of it, and everyone will label their duck and they will give out prizes to who comes closest.

CONSENT AGENDA

- A. Vote to approve the request to close from December 25, 2021 to March 31, 2022 for Villa Roma – 278 Route 28
- B. Vote to approve the Board of Selectmen Meeting Minutes – 07.12.2021
- C. Vote to approve a Caleb Chase Request in the amount of \$1,000.00
- D. Vote to approve a Caleb Chase Request in the amount of \$1,000.00

Ms. Anderson moved to approve the Consent Agenda, items A through D, as listed above. Seconded by Ms. Kavanagh. All in favor, motion carried by a vote of 5-0-0.

NEW BUSINESS

- A. Discussion and possible vote to approve the request from Harwich Conservation Trust for temporary storage at 203 Bank Street

Mr. Michael Locke, Executive Director, Harwich Conservation Trust, said, as an introduction to the proposal in consideration this evening, the Cold Brook Ecological Restoration Project is a partnership project between the Harwich Conservation Trust, Town of Harwich, the State's Division of Ecological Restoration and the U.S. Fish & Wildlife Service. He said they have a Non-Profit, Municipality, State, and Federal Government partnership, and the goal is to enhance and restore roughly 44-acres of wetland habitat, nearly one mile of Cold Brook stream, which flows through the area, and then eventually to Saquatucket Harbor. He said that this will naturally reduce nitrogen before reaching Saquatucket Harbor, thereby reducing sewerage costs and saving taxpayer money over time. This will also enhance the visitor experience, by improving public access with Phase 1 & 2, of the Natural Heritage Trail.

Mr. Locke said that the focus of this evening's proposal is for the board to consider allowing Harwich Conservation Trust to store woody material, consisting of tree trunks about 20 feet long, some with rootwads, some without. He said that the purpose of this material is to jump start wildlife habitat creation, when they actually go to eco-restoration construction, which is estimated to occur in the next 12 to 18 months. He said that they are in the final 25% of the design phase, then they will move into the permitting phase, and then they move into eco-restoration construction. He said regarding previous projects that their design consultant, Inter-Fluve, has been involved with in Southeastern Mass, Plymouth, and other retired bog locations, the best approach has been to acquire this material over several months. Mr. Locke said that it takes time to secure it, deliver it, store it, and then it'll be ready for access and use at the time of eco-restoration construction. The

slides are representative of some of the material that they are also considering using at the Cold Brook site, and he said that Mr. Nick Nelson is here from Inter-Fluve, to also help answer any questions.

Mr. Ballantine asked if the logs will be fresh cut trees, or if they will be dead trees? He asked where do they collect the logs from?

Mr. Locke said that he will let Mr. Nelson speak to his experience, because he has been through this several times on other sites.

Mr. Ballantine said that they received a couple of letters of concern about wildlife and other bugs causing problems, so that is his first question. He said his second question, is if 12 to 18 months is the total time that they need the storage, or is it less?

Mr. Nick Nelson, Inter-Fluve, said that they are typically fresh cut from land clearing or freshly fallen from storms. He said that is what they would prefer to have onsite, and they are planning to begin construction towards the Fall, of this year. He said that they anticipate the work to go for 8 - 10 months, depending on when they get the wood to the site, which will determine the length of time that they are sitting there. He said that once they begin construction, they will start bringing those into the bog work itself and start installing them into the channel.

Ms. Kavanagh asked if there are any assessments of the logs that are brought in, in terms of whether or not there are any kind of bug infestations?

Mr. Nelson said that was a great question, and based on their experience with some other projects, such as one in Falmouth with similar stacking of wood across the road from residences, and they were left there for about 12 - 18 months, and there were no comments or concerns from neighbors about those types of infestations. He said that they want the pieces of wood to be fresh cut, and they have never had any experience with infestations, so they have never had to address that, but certainly they try and keep a clean site.

Ms. Kavanagh said that this was raised by the residents, and asked who the point of contact would be to address those issues and be out in the field? She said that they would want to make sure that info is out to the public in case an issue came up. She asked if that would be Harwich Conservation Trust, and Mr. Locke confirmed it would be.

Ms. Anderson said that she had similar concerns and wondered if it would be good to have a meeting with some of the neighbors. She said that there are at least two neighbors that have written to them, and it could be announced so others could join in as well. She said before they sign off on this, she said the residents are very concerned about what it might do to their properties, and perhaps they could approve it, pending a meeting with the neighbors.

Mr. Locke said that he appreciated the neighbors speaking up and letting them know about their concerns. He said that he sees this as an information gathering opportunity, for the

Board and the Public, and a step in the process for determining if this is the location to store the materials. He said if after listening to neighbors and determining if they can move forward, or not, or choose an alternative location. That is how he sees this process, at this point.

Mr. MacAskill said that he thinks that is a yes, and said if they don't vote tonight, they could set up the meeting with the neighbors.

Mr. Howell said that he wanted to go in a completely different direction, and asked what delineates this from a stump dump, and how is that different? He said that a stump dump would require a state permit, for instance if the truck that was bringing these logs took a left turn and dumped it in another field, that would be illegal. He asked if they would be getting a permit, or is this something different?

Mr. MacAskill said that it is not a dump, they are storing them for use on an ecological project. He said that they will not be decaying on the site, it could not be considered a dump.

Mr. Howell said that is what he is asking, what is different about this by definition, under State statute?

Mr. Nelson said that it is temporary storage, and they are in the middle of the permitting process right now and the entire project will be going through DEP permitting, Conservation Commission permitting, and through Federal permitting as well. He said that this has not come up on other projects and no one has raised this as a concern, and he agrees that this is more of a temporary staging, rather than a permanent stump dump.

Mr. Howell asked if there was a way to verify this with the DEP?

Mr. Nelson said that he can look into that.

Mr. MacAskill said he was going to take a completely different tact and said that he does not support this. He said that they are about self-building and there are other options which may be more expensive, but they have a lot of people that believe in this project. He said that they have a lot of equipment, and does not know why they would not store them at the dump. He said, if Mr. Hooper would give his blessing to store them there, or another location, that isn't on the main thruway to Harwich Port, from Harwich Center. He asked Mr. Locke if any thought had been given to that?

Mr. Locke said that would fall into the alternate site thinking, and they are open to listening and exploring that in partnership with the Town. He said if they want to reach out to Mr. Hooper on that or he can.

Mr. MacAskill said, with the Board's blessing, he would like to direct the Town Administrator to have the conversation with Mr. Hooper. He said this is a Town of Harwich project, it is not Harwich Conservation Trust, doing something for Harwich

Conservation Trust, it is Harwich Conservation Trust doing something for the Town of Harwich. So, why would they not support this, but they own a dump and he thinks that they can find a chunk of that dump to do what was shown in the picture.

Mr. Howell said that would alleviate his fears, because there will not be anyone there to dictate when they start rotting. He said if they were at the dump, then he would not be as concerned about the DEP licensing.

Mr. MacAskill said that he does not think that the Board should consider it, because they voted to sell the building and once it goes on the market he does not imagine it will last long, because it is a desirable property.

Ms. Anderson said that she agreed with that location, and asked if Mr. MacAskill wanted her to make a motion?

Mr. MacAskill said that they don't need a motion, that they just need a consensus to have the Town Administrator have a conversation with the DPW Director. He said that he will get back to Mr. Locke with answers.

The Board agreed, and provided consensus.

B. Discussion and possible vote to approve the following 2022 Common Victuallers license renewals;

1. Cape Roots Market and Café d/b/a Cape Roots Market and Café – 557 Route 28

Ms. Anderson moved to approve the 2022 Common Victuallers license renewal for Cape Roots Market and Café d/b/a Cape Roots Market and Café, 557 Route 28. Seconded by Mr. Howell. All in favor, motion carried by a vote of 5-0-0.

2. Beachlight LLC d/b/a Seal Pub – 703 Main Street

Ms. Anderson moved to approve the 2022 Common Victuallers license renewal for Beachlight LLC d/b/a Seal Pub, 703 Main Street. Seconded by Mr. Howell. All in favor, motion carried by a vote of 5-0-0.

OLD BUSINESS

A. Discussion and possible vote on the Cultural Center use and gym fee schedule

Mr. MacAskill said he was not sure if the rest of the Board shared his thoughts, that this was a confusing document. He said that they had received some correspondence on this and there have been several changes with the fee schedule. He said none of which makes

sense to him, and none of it shows what the costs are, which is very important to himself and he believed to Mr. Howell. He said that they heard from two residents, on the importance of pickleball, and the request to use the gym for pickleball on Tuesdays. He said that this is separate from the request from Mr. Eric Beebe, Director, Recreation Department, for the pickleball program Tuesdays and Thursdays from 8:00 am to 12:00 pm. He said that charge is \$45 per person for the season, with \$20 to go to the Cultural Center and the rest to go to the Recreation Department, with the end of season showing April 30th. Mr. MacAskill said that tonight he is asking what the Board wants to support? He said that the building is open and the gym is not being used at that time. He said he does not believe that the costs are being covered.

Mr. Howell said that he assumes that they each received an email from Mr. Gunderson, and said, so the public understands, they all got that separately. He said that the email discussed something that Mr. Ballantine discussed in the past about coming up with amortized costs per square foot of operating stuff. Mr. Howell said that he thinks there would be liability issues, and he has not looked at their policy yet, but he does not care if someone signs a waiver, that is not worth anything, if someone wanted to file a lawsuit against the Town for negligence. He said that there is also the floor and the sodium vapor lights, that cost a lot more than fluorescent lights do. He said that the lights are not on, if no one is in the gym, so they are under water before they even consider those other things, like the cost to replace the floor, how much it will cost to run the lights. Mr. Howell said that he is not prepared to accept a schedule that “meets a minimum”.

Ms. Anderson said she was going to take the exact opposite tact, and said that there is nothing going on there and they have a bunch of people that want to play pickleball. She said that the Highway Department confirmed that they lights were changed to LEDs, so she does not think there is an issue with the lights. She said that Mr. Gunderson did an exceptional analysis of the costs, but in the meantime it is sitting empty and they need someone to manage that, which is in progress, but in the meantime they should let the pickleballers have it. She said it is a little money coming in and she sees no harm with it.

Mr. Ballantine said that this will be a good debate, because they keep pushing this down the road and he can't image any business setting their prices, or fees, with absolutely no input of what the costs are, and that is what they are being asked to do. He said that he won't vote for this, as such, because at some point they have to draw the line and they need to know what the operational and maintenance costs are and what they long-term capital costs are. Mr. Ballantine said that he thinks that there are things they could do to make the Cultural Center more productive and an asset for the Town.

Ms. Kavanagh said she is with Ms. Anderson, and said that she understood that Mr. Gunderson's analysis was quite good. However, she was on the Board when they made the decision to create a use of the middle school, which is now the Cultural Center, and it has worked out quite well. She said that she agrees that there is more to be done, and more analysis, but she thinks it is important to look logistically and financially at what is most important, and what works best for the town. She agreed with Ms. Anderson's point that the space is available, and that the lights are not an issue. She said that more analysis is

needed and they are creating a new position for someone to run the whole thing, but they are not there yet, and they have the space available that could bring in some money in the meantime. She is in favor of this.

Ms. Anderson added that she agrees about the costs, but everyone else in the building are artists, and they are not under any cost analysis, so she is not sure they pickleball has to be punished. She thinks they should help them out.

Mr. Ballantine said that this is a different issue, this is what the costs are, the analysis of that rather than getting the programs in. He said that pickleball comes up now, only because of timing, he would be making the same case for any other use.

Ms. Kavanagh said that she appreciates all the financial discussion and said that they are all on the same page, and everyone is doing their part in the process. However, they have an empty space and they have people requesting to use it and pay a fee. She said it is not going to be a money maker, but it brings some money in, and allows people to use the space, which is more than just pickleball, it is a socialness. She said they should let them use the space.

Mr. MacAskill said that he agrees with all of them. He said that he has heard Mr. Ballantine, and can't continue to make excuses for the fact that they can't put together simple spreadsheet, with costs. He said they are a ways away from getting that person and getting those fees, therefore he agrees with Ms. Kavanagh and does not want to punish the pickleballers, because they haven't done their work yet. He said that he is putting it back on Administration, and said he would never vote to rent anything else in there again, unless they have a cost analysis. He said that the pickballers are a great group and mostly locals, and he hopes they will support the Cultural Center and to keep the building, when they go to Town Meeting. Mr. MacAskill said to Mr. Ballantine that they do need to have a cost analysis and that Mr. Gunderson's email was thorough, but town staff have not gone through it. He said that he does not know where all the numbers came from, but it makes sense and he has to believe he's correct, because he's a very thorough person. He said that leaving the space empty two days a week, does not gain them anything.

Mr. Ballantine said he is reasonable, but his frustration is that they keep pushing this down, and if the deadline is April 30th, they should stick to their guns and have the full analysis done.

Mr. MacAskill said that the board shouldn't be presented with numbers from a resident, and not from staff. However, he did not want to keep people waiting any long, and asked if he could get a motion.

Ms. Anderson moved that they vote to approve the pickleball use of the gym at the Cultural Center, Tuesdays and Thursdays from 8:00 am to 12:00 pm, at the price listed of \$45.00 per person for this season. Seconded by Ms. Kavanagh.

Mr. Ballantine said that he would like it stated in the motion that they will have a firm cost analysis done. Mr. MacAskill said that they should do it as a comment to the Town Administrator, and can put it back on the agenda.

All in favor, motion carried by a vote of 4-1-0, with Mr. Howell opposed.

- B. Discussion and possible vote to approve the 2022 Entertainment license for Lanyard Bar and Grill – 429 Route 28 – Weekday 12:00 p.m. to 10:00 p.m. inside and outside. Sunday 1:00 p.m. to 10:00 p.m. inside and outside Entertainment type: Recorded or live music with amplification 2021 License: Weekday 12:00 p.m. to 12:00 a.m. inside. Sunday 1:00 p.m. to 9:00 p.m. inside & outside Entertainment Type: Recorded or live music with amplification and dancing

Ms. Anderson moved to approve the 2022 Entertainment license for Lanyard Bar and Grill, 429 Route 28 with the times listed above. Seconded by Ms. Kavanagh.

Mr. MacAskill said that this application was coming back to them and asked if there were any comments from the Board. Ms. Kavanagh question if the times had increased, and it was confirmed that they had decreased. Mr. Howell said that he has established over the last year that he is hostile to outdoor amplified anything at the moment, and can't support it. Mr. MacAskill added that this establishment has had no complaints, and they have had the same entertainment license for as long as he can remember. He said that as they have talked about in the past, and the attorneys suggested, that they do not have to do things the same.

All in favor, motion carried by a vote of 4-1-0, with Mr. Howell opposed.

PUBLIC HEARING

- A. Presentation and possible votes on proposed amendments to the Monomoy Regional School District Agreement.

Dr. Scott Carpenter, Superintendent for Monomoy Regional School District was present, along with Mr. Mike McMillan, School Business Manager.

Dr. Carpenter said that he would orient them to what has been done from the feedback they received regarding the redline version. He said that what they did was to get rid of the redline version and take the existing agreement and line it up side by side with any changes. He said that anywhere there is a change, the orientation of the page has been turned, so that it's side by side with the existing language, and they added a blue box with an explanation.

Dr. Carpenter explained that they have done iterations of this presentation to them, the Chatham Board, and the School Committee, and at the end of the day they have a Regional

Agreement that is just over 10 years old. He said that the Regional Agreement was meant to be revisited periodically, and there is a lot of language in it that is really obsolete. He said that the word Monomoy is not in it, because it predates the district having a name, and a lot of information about how to bring the district together. He said that he has been very vocal about creating better fiscal equity in how they approach the agreement particularly as it pertains to funding for the two elementary schools. He said that after discussions, they are proposing a two-step process with this presentation and this iteration, really focusing on all things fiscal, and at a later time go back and clean up all of the obsolete language.

Dr. Carpenter said that this is a two-step process in terms of the understanding the fiscal challenge with the regional agreement. He said that they have an economy of scales issue, where they have two elementary schools that are radically different in size, with Harwich being almost three times the size of Chatham. He explained that if you want to run the same programs and have the same services at the two schools, it is more cost effective at the larger school per pupil, than at the smaller school. However, the way the current regional agreement is laid out, it just looks at the cost to run the school district purely by enrollment, and they have about three quarters of their students coming from Harwich and one quarter from Chatham. Therefore, at the end of the day, the Harwich taxpayers end up paying for a big chunk of running the costs of the much smaller Chatham Elementary Schools. He said to understand what that looks like, if they look at Harwich Elementary School budget, the per pupil spending for FY22 costs just over \$12,000 and the same services in Chatham per pupil would be just over \$19,000. So, the \$7,000 difference, the Harwich taxpayers pay for $\frac{3}{4}$ of that difference.

Dr. Carpenter said that if you look at what that means, he said in FY22, the Harwich Elementary School's budget is just over \$6 million, and the Chatham Elementary School is \$2.7 million, but Harwich taxpayers are funding based on the enrollment spread. He said that the split based on how much taxpayers are funding both schools for FY22, is just over \$6.6 million dollars. He said that is according to regional agreement, and compared to if the Harwich taxpayers just paid for their own building, it's the difference between \$6 million and \$6.6 million dollars. Therefore it is a potential of about a \$600,000 in savings. He said that he has been advocating for this, a simple and more equitable approach to adjust some of the ways the financing happens behind the regional agreement. He said this would be with each town paying the costs of its own elementary school, still maintaining the same high quality programs in both buildings, and having it be more fiscally equitable for the taxpayers. He said it will support Harwich in terms of providing Harwich fiscal relief, and Chatham wants to make sure they can maintain an elementary school in their town, but not having it carried on the backs of the taxpayers in Harwich. He said that they will go through a slide presentation and they will be discussing; 1. How the School Committee would vote on a budget, 2. How School Choice revenue is allocated, 3. How the operating assessments are calculated, 4. How capital assessments are calculated, 5. How debt assessments are calculated, 6. The timing of payments from the towns to the school district, 7. What would happen in the future if the school district needs to incur debt.

Mr. MacAskill interrupted for a moment and asked if there were any questions from the Board at this point? There were none.

Dr. Carpenter said he went through that quickly, because this information will be posted on the School District's website, and people can go in and dive into the whole presentation, and also go to the hyperlinks.

Mr. Howell asked if there could be a hyperlink on the Town site, that redirects to the School District site, so that people can easily find it.

Mr. MacAskill said that they will work staff to do that, and he also said if anyone from the public has questions or comments to go to the microphone and he will recognize them.

Dr. Carpenter said they will walk through those eight spots, and the first is the language on how the School Committee approves a budget. He said that this is this is actually dictated by Massachusetts General Laws, so there are laws on how a Regional Agreement or Regional Districts will operate, and DESE, The Department of Elementary and Secondary Education, flagged this as one spot that goes against the law and should have been written differently when the district initially came together. He said there is one sentence which says, "said proposed draft budget be approved by majority vote with at least one committee member from each town voting in the affirmative", and the reason this violates the law is that the State statute says that a Regional School District budget is approved by majority vote, period. To have a clause after it, requiring something more than a majority, could at any time be raised as an issue, and whoever raises it as an issue would prevail, because it violates the law of a majority vote, period. He said that he also recognizes that for those in Chatham, this is a really important clause, because elsewhere in the Regional Agreement there is weighted voting. He said there is weighted voting, because there are roughly twice as many people that live in Harwich, then Chatham, and twice the School Committee votes in Harwich, then in Chatham. He said that mirrors the one person, one vote concept, in that in that the Harwich representatives are representing twice the number of people, so there's a weighting so that every Harwich member has a full vote, and every Chatham member has a half vote. He explained that it is conceivable that all of Harwich could vote one direction and there would be a majority, and all of Chatham could vote another direction and they would be defeated in that case. He said that has never happened while he has been there with the budget. Dr. Carpenter said that the reality with how they operate and develop budgets, is that they have a Budget Subcommittee, which is made up of half Harwich representatives, and half Chatham representatives. The Business Manager and the Superintendent present the budgets, and the Budget Subcommittee will come up with a consensus, and essentially vote on a budget. He said in the past nine years they have not had any problems with the voting. Dr. Carpenter explained that in the proposal, they have tried to underline what the Department of Education wants to make sure it says emphatically, which is: "said proposed budget shall be approved by majority vote of the Regional District School Committee."

Mr. Howell said that he hates weighted votes, so just wanted to bring this up. He said that over here you have people and over there you have votes, they are not one and the same. He said that elsewhere in the agreement, it specifies that a representative from Chatham

has half the vote of a representative from Harwich, and asked how that fits in, is that a real people vote?

Dr. Carpenter said that at the Subcommittee level, the weighted voting only happens with votes happening at the table, a person's vote is a person's vote.

Mr. Howell asked if that's really one-person, one-vote; as opposed to the major part of the agreement, where it is one-person, half a vote?

Dr. Carpenter said that is a great question, and that is how the Committee operates at the at the Subcommittee level, it is not weighted voting at the subcommittee level.

Ms. Kavanagh said for clarification, that it is just the State trying to say that the way it was before, did not adhere to the guidelines that they have for all other towns, so they are just clarify that the vote is the vote of the committee from both sides.

Dr. Carpenter said that the State is just clarifying the way the law reads. He said that ten years ago, the attorneys did not catch it, but the law needs to be stated correctly.

Ms. Kavanagh said that she is only saying for clarification, for people watching that the only change here is for clarification, so nothing gets misconstrued.

Mr. MacAskill asked if the changes that are required by law, could be highlighted in a different color?

Dr. Carpenter said that the explanatory boxes, they start off by saying that the change is required by DESE.

Dr. Carpenter said the second spot in the regional agreement that changes is on page 7, where it changes to landscape and shows the two sections. He said that it is just adding a new clause under C6, under that budget section and talks about school choice revenue. He said at the moment school choice revenue comes into the district, and they get roughly \$5,000 for every child from Dennis, Brewster, Yarmouth, or Orleans who chooses to come to Monomoy, and they use that money as one pot and allocate it to offset the staffing line for the district. However, if each town will be paying for their own elementary school, they do not want to get into a situation where someone might say that they are using more of that school choice money to offset one school over another. They want to make sure that they are being equitable, so basically they are taking the revenue stream that's coming in and allocating that revenue stream based on the proportion of students that go to each of the buildings. He said that this is providing additional clarity, to set the stage for each town paying for its own elementary school.

Dr. Carpenter said the next one gets into how the District will calculate the assessment. He said that Mr. McMillan had walked through this last time and the calculus behind it to equitably break out how much it costs to run Harwich Elementary School, Chatham Elementary School, the Middle School, the High School, and the Central Office. He said

that you can go into any budget, from any year, and look at how much the costs are, so it is making sure that they have a defined and clearly laid out method on how those costs are getting divvied and assessed.

Mr. McMillan said that basically they split the budget into three portions, one for each of the Elementary Schools, and then you apply the minimum which the State requires that can be allocated to each part, and also revenue which gets allocated to each and what is left is what is assessed to the Town. So, each town has to pay for its elementary school, and then the regional and middle and high school budgets are split between the two towns, much like they are currently. He said that short version is, each time pays for its elementary school, and then they split up the rest.

Mr. Howell asked what the magnitude of school choice is, in terms of numbers of kids? He said so everyone understands what they are talking about, because they are not talking about half of their enrollment.

Mr. McMillan said that it is \$1.4 million in revenue, vs. \$1.1 million in costs.

Dr. Carpenter said there are students that come into the district, and students that leave the district, but they are one of two districts in the area that actually have more families that want to come here, then want to go elsewhere. He said that they have also strategically used school choice, so they are not opening additional classrooms, or bringing in more students then they need.

Mr. Howell said that his point was that they are not encouraging dozens and dozens of people, so it is not driving the entire budget.

Mr. McMillan said that is right, and across the whole district they have around 152 students leaving, but they have more students coming in, with 240.

Dr. Carpenter said that they are really looking at filling empty seats in classrooms. He said in section nine, the existing regional agreement is really looking at the High School and Middle School and splitting the capital costs out based on the enrollment. Now, they are saying if the Towns are funding their own elementary schools, they are responsible for the capital costs on their own buildings. This creates a shift in how the capital costs are addressed, so the middle school and high school are based on enrollment, and each town will be responsible for the capital costs at their own elementary schools.

Dr. Carpenter said the next section is on debt, and is the next portion of the way an assessment calculation is done, and the debt happens the exact same way. He said that the original language had said that debt that would be for the Region, would be split based on enrollment. He added that there was some pre-existing debt at the Middle School, which has already been paid off, so that part of the old language is moot. He said that it now essentially says that for the Middle and High Schools, the Towns will be responsible based on enrollment, and each town will be responsible for their own Elementary Schools. He said that they have been talking about needing to do a roofing project in the near future at

Chatham Elementary School and at the Middle School. So, the roof at Chatham Elementary School, if there's debt to be incurred, or capital costs to be incurred, the Town of Chatham would be responsible for that, but the roof at the Middle School would be the responsibility of both Towns, based on the percentage of students that attend the district from each town. He said that there is a section on how debt is calculated, which is completely obsolete, because it talks about the debt that would happen before they regionalized and before the construction of the high school. He said that has been done, so that whole section becomes obsolete.

Dr. Carpenter said the next section is about the timing of payments, and basically says that there are months that the Regional School District will get funding coming in from Chatham, and funding coming in from Harwich. He said that over the last 10 years, that is not how it has worked. Instead, the Towns have worked out a good system on their own, where Chatham provides the funding in August, December, February, April, May, and June, and Harwich provides funding in the other months. He said that the change here is simply to follow how the District is actually operating, as opposed to what was laid out 10 years ago. He said also there are some DESE required language on incurring debt. He said that in the future, if there a need to incur debt, the existing language says that the District School Committee will choose to go one of two different routes to incur debt, by majority vote. The Department of Education is saying that incurring debt does not require a majority vote, but requires a two-thirds vote.

Dr. Carpenter said that they have clarified that the majority needs to be two-thirds, and the Department of Education wants the District to choose the two. The original agreement says you can use subsection (d) of Chapter 71, Section 16 or subsection (n). He said that subsection (d) requires that the School District incur the debt by a vote at Town Meeting, and goes a step further than that, and says that it needs to be voted at Town Meeting and voted at the polls to approve it. He said that the method they felt appropriate, is to follow the same method that was followed when the District came together and borrowed for the high school, which is a Town Meeting vote, and a vote ultimately at the polls. He said to specify, they will use (n), but by statute there is an option to choose (d), but that can only happen by a two-thirds vote and those are the fiscal changes, in a nutshell.

Mr. MacAskill asked if the Board had any questions?

Mr. Ballantine said it was a good explanation, and thanked them for their hard work.

Ms. Kavanagh said this was a brilliant way to depict it, and thanked them.

Mr. Howell said he appreciated them doing this, because there were so many moving parts. He said that one sticking point, is that the agreement calls for both Town Meetings to opine on things and anything that appears to structurally change, like reconfiguring the schools, without doing that would have wound up putting the whole thing in peril. He said he appreciates the fact that they put that aside, and concentrating on the parity of the economics.

Dr. Carpenter said it is also by putting together a document that has the original agreement and just the proposed changes lining up, and each section side by side. He said that the red line was so hard to read and at the end of the day, they want to have the people who go to Town Meeting, be able to go and clearly see what they are asking.

Mr. Howell said that there are two Town Meetings, two Boards of Selectmen and the School Committee, he asked what has been approved so far, and by whom?

Dr. Carpenter said that they will be going to their committee again and discussing this meeting, and it is his understanding that they have at least a tentative vote, or support on the fiscal pieces here. He said he acknowledged that there are two things that they talked about, the DESE required change on the front end, and the DESE required change on the back end. He said that at the end of the day, they need to get a vote from this group, a vote from the School Committee, and the Chatham Board of Selectmen, to move it forward.

Mr. Howell said that is why he brought it up, because ultimately, the process is these are Town Meeting articles, on a warrant. He said they have not taken any kind of vote to support an article language, because it's all in the language. He said the sooner they can do that, the better, because then the public gets the chance to see what the article is and what it does.

Mr. MacAskill said that they will be creating the article, not the School Committee.

Mr. Howell said they can't vary from what their agreement is, because it's got to be the exact same language that the other Town is voting, or it nullifies the votes.

Mr. MacAskill said that they can vote, and instruct the Town Administrator to work with Dr. Carpenter to create the warrant article to vote on later.

Dr. Carpenter said that he thinks the School District's attorney could generate what that article could look like, and share it with both this Board and Chatham's.

Mr. Howell said that there are a bunch of votes that have to happen, because this isn't the end, this is the beginning, right?

Ms. Anderson said she does not see why they would not vote to approve this, to get their piece out of the way.

Mr. MacAskill agreed with that, and recognized Mr. Jon Chorey, who wished to speak.

Mr. Chorey said that he understood the language pretty good, but he would like to hear some numbers attached to that language. He said last year they heard that roughly \$600,000 was going to be shifted from Chatham to Harwich, for the FY22 budget. He said that he does not know where they are in the process of the FY23 budget, but he would guess that it would be higher than the FY22 budget. He said he would like to see some numbers attached with that, and also this is just looking at the funding of the elementary school

budget, not just a stop gap agreement proposal. He said it's not the full proposal they talked about in the past, with looking at the equity of terms populations of towns and student enrollment. Mr. Chorey said that he would like to know where they are on that component of the Regional School Agreement, and he is very interested in the budget numbers and the potential savings to the taxpayers of Harwich.

Dr. Carpenter said that he can answer it in round numbers, and said that they are in the process of developing the FY23 budget.

Mr. MacAskill said he is having a really good night, so he did not want to talk about the budget. He said he would just like to focus on the savings, based on the changes.

Dr. Carpenter said that \$600,000 will be more in the upcoming fiscal year. He said that in fact, they have this started with the paper that he wrote projecting far off into the future if the two elementary schools diverged. He said that it had one class of students per grade level, and the what is currently for FY22, in the \$600,000 range, would be well north of \$1 million. He said that what they anticipate is that in FY23, it will start getting close to around \$900,000, because in the last several months with the pandemic and how everything else played out in terms of the enrollment in the two towns, they saw Harwich maintaining more enrollment, than Chatham. They are seeing the difference in size, and the economy of scale issue continues to grow, and as long as the two schools continue to get further apart in size, the number would keep growing and growing.

Dr. Carpenter said in terms of the other piece, that Mr. Chorey was alluding to, that was something he brought forward because it would be easy for him as a school superintendent to say here is the budget for the two schools, and here is how much it would actually cost if they were paying for their own schools. He said to come up with a different way to assess the region, would require the two Towns Select Boards and Finance Committees to work together, and not just something that he can put his finger on with their year-round population. He said he understood what Mr. Chorey was saying, and there are a few districts out there that look at other things besides foundation enrollment. He said that their Regional Agreement, and the funding, is all about foundation enrollment. Dr. Carpenter said that when you look at the other half of how the district is funded, which is the minimum required contribution, that DESE calculates, and says how much each town has to fund to their schools, that is driven by foundation enrollment. It is not driven by other factors nearly as much as the foundation enrollment. He said that if they are going to come up with another mechanism that will involve two towns working with each other, what is that alternate mechanism?

Mr. MacAskill said that he thinks they all agree on that, but they also all agree that they will not be able to get it done this year, if they go this route. He said that Town Meeting is in 100 days, so they will have to go back to that. He said that Ms. Anderson is part of a working group that will be meeting, so those questions will be answered and will stay on the forefront. He said that Mr. Howell has pushed this and they want to make sure they get that done.

Mr. Howell said that he agreed, and before they make a motion there was a second front that just got opened here, about school choice. He said that as they are getting the simple concept of this school costs this much to operate, it's in your town, that's yours, that was pretty simple. He said this change that they are pitching, changes how they are allocating school choice, unless they are saying it is completely neutral and it's just restating it in a different way. He is assuming it will have some cost implication.

Dr. Carpenter said that they have approached school choice as a revenue, by approaching it as a District. He said that he calls it a free seat model. He said that they looked at it that they could get a \$5,000 check for the empty seats, or the chairs could get dust on them. He said that they approached school choice to fill the free seats, and have it become a revenue stream.

Mr. Howell said he just wanted to cut to the chase, and that it is not that big of a discussion. He said they have a change in the language and all he cares about is what that does to the bill?

Dr. Carpenter said that from that end, it ends up being a neutral change.

Mr. McMillan said that they have always had to take that school choice revenue and apportion it between the schools, which gives a consistent, clear way of doing it.

Mr. Howell said that is all he cares about, because he is sure that the Finance Committee is going to want to know that too. He asked if the language changes gives them more money, or takes away money?

Dr. Carpenter said that currently, they take that pot of school choice money and offset staffing costs, which at the moment is essentially three quarters Harwich, and one quarter Chatham. He said that this ensures they are allocating funding at the elementary level by building, and by percentage of students. He said that it splits it out that way, and should not have any impact in terms of the Town's bottom line.

Mr. Howell said that is all it says.

Mr. Charles Gruszka, 6 Teaberry Ave, Harwich, said that they have received a lot of input from him in writing, but since this is a public hearing, he wanted to be one taxpayer making a public statement for the benefit of the public. He said that he is an educator and worked in a five-town regional school district, and they had dealt with all of the issues that they are currently talking about in funding the schools here at Monomoy. He said he is big on education and has involved himself in the schools, and served on a number of committees, for the school department as a community representative. He said that he is very bullish with the Monomoy Schools, because of his background, and he couldn't believe the budget that was funding the schools here, with the class sizes, services, programs, and curriculum being offered. He said he was pleasantly shocked with Monomoy when he studied the budget that it supported the expectation for high quality education in the district.

Mr. Gruszka said that he just got his annual tax bill from the Town, which went up by \$800, and brings it to a total increase of \$1,500 since 2015 when he moved here. He said that he is happy to pay those taxes, because of the services that are being provided through those taxes; including the quality schools. He said that they are there because the Chatham Elementary School has become less and less cost effective to operate and also because it's getting more and more difficult for the town of Harwich to support the kind of quality school system that they have had over the years, and all of the other departments that they are responsible for overseeing.

Mr. Gruszka said there was a solution to that cost effectiveness, which was proposed by Administration, and was supported by the School Committee, and that was to take the Elementary Schools and fill them to capacity and operate certain grades in one building, and other grades in another building, with a kind of regionalized approach to elementary education. He said that it had not received a lot of resistance, from what he could see in Harwich, but in Chatham however, there was considerable resistance. It appeared that the people in Chatham wanted to keep running their own separate elementary school, which he said he can respect because he is a big advocate for parents having a big say in terms of the education of their children. However, as a taxpayer, he cannot support his tax dollars subsidizing the Chatham Elementary School, just because they want to keep their small elementary school. He said that he wants his dollars subsidizing, and supporting, education for the district, and for the Harwich assessment to be utilized to support the total education for all grade levels in both towns.

Mr. Gruszka said that he wants to support this particular amendment, and thinks it's a no-brainer for Harwich. However, he would like to share some of the arguments that they may run into both here and in Chatham, so that they could deal with this arguments if they come up. He said the arguments that will be heard, will be centered around what's wrong with the current process the towns agreed to 11 years ago, or the funding formula for the District. There is fairness right now, because that was a contract that was agreed to, and until that contract has changed, as there is a proposal to do now, it's fair to stick with that contract. He said that the strong argument people will make, and likely more so in Chatham, is that the fairest way to fund education is by student enrollment. That is the number of students receiving services, should generate the amount of financial support that the town gives. However, the State really wanted to have other factors, especially wealth and affordability, be a part of that formula. He said the reason that is not happening, is because there is a ceiling that the State has put into that formulation, and that ceiling cancels out any wealth or affordability benefits that Chatham has over Harwich, and puts us at the same level. As Dr. Carpenter said, that is an issue at the State level, and he said he has had a lot of experience trying to change things at a State level, and it takes forever and is often fruitless. Therefore, he said, it has to be something dealt with within the Towns, and this is definitely a first step in that direction.

Mr. Gruszka said that he did not think anyone would have envisioned that 11 years after the Regional Agreement was signed, that the Town of Chatham would not be paying an assessment matching what they paid prior to regionalization. He said they have saved nearly \$16 million, versus if they had continued to pay the same level they were paying in

the last year, prior to regionalization. He said also, Harwich has paid \$34 million more than they would have, if they had still been paying at the same level pre-regionalization, for a nearly \$50 million deficit.

Mr. Gruszka said if someone raises the issue of fairness in these discussions, and in these debates, that is something to ask. He said that they should ask, if it is fair that a town that has 55% of the property evaluation, as of FY21, and 33% of the total population of the two towns, pay only 25% of the costs of running the schools? He added that he wanted to emphasize that even with the approval of the amendment, Chatham will still be not be paying an assessment that is level with what they paid, prior to regionalization. Even if the amendment passes, the school budget will probably still have a shortfall. He said that the current budget for FY22 went through the School Committee with \$600,000 of items, that weren't included in the budget. He said funding some of those were able to be funded, but the budget that went through had that shortfall, with a 1% budget increase which resulted in a 2% assessment increase for Harwich. He said that it is unrealistic, with the inflation they are experiencing and projected to run well into the future, that the School Department, or any department, is going to be able to maintain a level of programming and services on a 1% increase in assessment.

Mr. Gruszka said that this is a first step and a no-brainer for Harwich, and he hopes that some of these fairness arguments can be made effectively, somewhere along the line. He said he does not have the answer for that, but appreciated the opportunity to provide the input, and the respectful listening that the Select Board is always gives to him.

Mr. MacAskill thanked Mr. Gruszka for all of the information he provided, and he hopes that Mr. Gruszka will attend the meetings with Ms. Anderson when they are negotiating with Chatham. He said that this is a no-brainer for Harwich, and he does not see any resident saying that they don't want to save that money. However, Chatham is where they will have the problem, and maybe because they recognize the same thing.

Mr. Howell moved that they support the so-called step one of changing the Monomoy Regional School agreement, as presented tonight. Seconded by Ms. Anderson.

Mr. Ballantine said that he is in full agreement and said that they have talked about this for some time and thinks that it will be a three-stage process. He said that the third stage will be the difficult discussion, but they will come back to that.

Mr. MacAskill asked for a vote.

All in favor, motion carried by a vote of 5-0-0

Mr. MacAskill asked Dr. Carpenter to work with their attorney, and with their Town Administrator, and ultimately council, to create a warrant article sooner rather than later, so that they can get this widespread for support.

TOWN ADMINISTRATOR'S REPORT

No report.

SELECTMEN'S REPORT

No reports.

ADJOURNMENT

Mr. Howell moved that they adjourn at 8:11 pm. Seconded by Mr. Ballantine All in favor, motion carried by a vote of 5-0-0

Respectfully submitted,

Lisa Schwab
Board Secretary

