

APPROVED  
RELEASED

MINUTES  
SELECT BOARD MEETING  
DONN B. GRIFFIN ROOM, TOWN HALL  
732 MAIN STREET, HARWICH MA  
EXECUTIVE SESSION 5:45 PM,  
REGULAR MEETING 6:00PM  
MONDAY, FEBRUARY 26, 2024

RECEIVED  
TOWN CLERK  
HARWICH, MA  
2024 MAR 22 A 9:31

**MEMBERS PARTICIPATING:** Julie Kavanagh, Chair, Michael MacAskill, Vice Chair, Jeff Handler, Clerk and Don Howell

**ALSO PARTICIPATING:** Joseph Powers, Town Administrator

**I. CALL TO ORDER**

Ms. Kavanagh called the meeting of the Harwich Select Board back to order on Monday, February 26, 2024 at 6:00PM.

**II. EXECUTIVE SESSION**

A. Pursuant to MGL 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 Town; 62 Route 28, West Harwich

Ms. Kavanagh stated that the Board met to consider (A.) They have referred on to counsel to work with the interested party.

Ms. Kavanagh read the Open Meeting Law Notice.

**III. PLEDGE OF ALLEGIANCE**

Ms. Kavanagh invited all attendees to join in the Pledge of Allegiance.

**IV. PUBLIC COMMENTS/ANNOUNCEMENTS**

Ashley Symington, Director of Youth and Family Services gave information on upcoming Family Workshops and what they will be covering. Details are on the Town's website.

Carolyn Carey, Community Center Director listed all March events. Details are on the Town's website.

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Mr. Powers noted that he, Dan Pelletier, Water/Wastewater Superintendent and representatives from GHD have been working together. They have rescheduled the Community Forum on Phase 3 Wastewater to Thursday, March 7, 2024 at 7:00PM at the Community Center.

## **V. PRESENTATION**

A. Discussion with the Massachusetts Municipal Association Form of Government representative

Charlie Cristello, Representative of the Massachusetts Municipal Association Form of Government (MMFG) participated remotely. Mr. Cristello gave a brief summary of his experience and history of this Government Association. He noted the positive aspects of the Town of Harwich's Charter as well as other practices of the Town. He commented that his Association works with towns on many issues or items and Harwich has already done most of the items he listed. He asked how could help the Select Board.

Ms. Kavanagh responded and asked Mr. Cristello to review the points on the Charter that she had brought to his attention.

Mr. Cristello commented on the points in the report. He noted those that he thought were beneficial and expressed concern and/or made suggestions on others.

Select Board members asked questions which Mr. Cristello answered.

## **VI. CONSENT AGENDA**

A. Vote to approve the Assistant Town Administrator's recommendation to grant permission by VERIZON NEW ENGLAND INC. and NSTAR ELECTRIC d/b/a EVERSOURCE ENERGY to place a new jointly owned pole-42/30.5-at the northeasterly side of Main Street Extension, Harwich, MA

Mr. Handler moved to approve the Assistant Town Administrator's recommendation as presented, seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

B. Accept the resignation of Donna Richardson, Harwich Accessibility Rights Committee, effective February 27, 2024

C. Accept the resignation of Charleen Pilon, Bikeways Committee, effective immediately

Mr. Handler moved to accept the resignations of Donna Richardson and Charleen Pilon as presented, seconded by Mr. MacAskill.

Mr. Handler commented that the volunteers and committee members are valued and important. He encouraged any who do not feel that they are valued, to approach their Select Board Liaison to initiate a conversation.

Ms. Kavanagh followed up on the resignation of Charlene Pilon. She had spoken with Fran Salewski, Bikeways Committee Member who expressed their frustrations. Ms. Kavanagh explained the Board's limitations on their issue.

Board members discussed next steps with the Harwich Accessibility Rights Committee (HARC), and whether or not it will be repopulated.

Mr. MacAskill also commented that it is the HARC's responsibility to review their Charter.

Mr. Howell noted that the reasons the HARC was formed have been dealt with/accomplished and they would have to have different goals to continue.

Ms. Kavanagh suggested that this subject should be on an agenda for further discussion.

Vote 4:0 in favor. Motion carried.

#### D. Approve Select Board Meeting Minutes for February 20, 2024

Mr. Handler moved to approve the Select Board Meeting Minutes for February 20, 2024, seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

### **VII. NEW BUSINESS**

#### A. Updates on Special Town Election and Discussion on Polling Hours

Emily Mitchell, Town Clerk was present. She gave updates on the Special Town Election which is scheduled for April 9, 2024. She is before the Select Board to discuss Election Day polling hours and reviewed the polling hour parameters.

Mr. MacAskill moved to approve polling hours from noon to 6:00PM, seconded by Mr. Howell.

Vote 4:0 in favor Motion carried.

#### B. Monomoy Regional School District to present their Fiscal Year 2025 budget; Votes may be taken

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Scott Carpenter, Monomoy School Superintendent and Michael McMillan, Monomoy Business Manager were present. Mr. Carpenter gave an overview of this year's challenges and budget issues.

Mr. McMillan also stated the financial challenges, noting specifics. He gave a slide show presentation showing inflation and budget increases. Mr. McMillan went into detail explaining what is driving the increases.

Board members asked questions on specific items which Mr. McMillan and Mr. Carpenter answered in detail. Discussion also included the positives for two curriculum directors that had been discussed last year.

Mrs Carpenter noted that there will be a presentation before the Board to give them the pertinent data.

The presentation continued with expected reductions in costs. Mr. McMillan highlighted the proactive things that they are doing to improve services for the students. He went on to explain other increases in the budget and had graphs showing the fluctuation of numbers in students through the grade levels and over years.

Mr. MacAskill asked about enrollment and if there has been any strategic planning for enrollment increases with the proposed building projects.

Mr. Carpenter responded that the developer has reached out to him several times to discuss the possible increase in students. He gave an overview of projected numbers and also noted that they have not seen any impacts with an increase in the migrant population.

Mr. McMillan continued with graphs showing expenditures, giving details. He continued with state and other revenue figures. He also noted that there could be further iterations before the budget is finalized. Mr. McMillan reviewed budget numbers over the last few years to the present noting the fluctuations in both towns.

Board members had no additional questions and thanked Mr. Carpenter and Mr. McMillan for the presentation.

Mr. McMillan expects to have the final numbers by March 14th.

Mark Kelleher was present remotely and asked questions regarding the feasibility study which Mr. McMillan answered.

C. Vote to approve the Fiscal Year 2025 budget with recommendation to Finance Committee

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Mr. Handler moved to approve a Draft Budget Fiscal Year 2025 budget with recommendation to Finance Committee, and send it to the Finance Committee, seconded by Mr. Howell.

Mr. Powers noted Charter requirements regarding the Select Board and the Budget.

Board members discussed considering the FY25 Budget a draft to comply with the Charter.

Mr. MacAskill requested answers to specific questions and will be requesting MUNIS reports from the Finance Director. He asked when the Board of Assessors will vote the Overlay Surplus. That vote will have an effect on the Budget.

Kathleen Barrette, Finance Director was present. She answered questions from Board members regarding specific numbers in the Budget.

Noreen Donoghue was present and had questions regarding specific numbers in the Budget which Ms. Barrette answered.

Linda Cebula was present and asked if there would be more information in a future packet that would include a breakdown of the \$16,307,350.

Mr. MacAskill suggested a way to reduce the Harbormaster's Budget request.

Ms. Barrette responded, yes. She also noted what was included in the Inter-fund Transfers and responded to Mr. MacAskill's suggestion with how that could be accomplished.

Mr. Handler asked questions regarding the restaurant at the golf course which Mr. Powers answered in detail.

Vote 4:0 in favor Motion carried.

D. Approve the following Special Permits, pending Health Department Approval:

1. Sharon Holley d/b/a Sedona Summers – One day entertainment and wines and malt permit – March 8, 2024 & March 29, 2024, 204 Sisson Road, 4:00 p.m. to 7:00 p.m., live music
2. Abigail Dudley – One day entertainment and wines and malt permit – March 9, 2024, 204 Sisson Road, 6:00 p.m. to 9:00 p.m., trivia

Mr. Handler moved to approve the Special Permits as presented pending Health Department approval, seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

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Mr. Powers noted that the packet included a Draft Agenda for the joint meeting with the Finance Committee and asked for questions or suggestions.

Mr. MacAskill suggested rescheduling the Town Clerk to a different day based on her Election Day responsibilities.

Ms. Mitchell commented that another date would be helpful.

Mr. Powers made a note to bring that back at a future meeting.

### **VIII. OLD BUSINESS**

#### **A. Approve the Personnel By-law Management Compensation table**

Mr. Howell suggested that a bigger discussion is needed and gave his reasons.

Mr. MacAskill and Mr. Handler agreed. After discussion, Ms. Kavanagh noted that this will be on a future agenda. No action taken.

Mr. MacAskill asked Mr. Powers if this can be discussed in Executive Session as it relates to an employee. He also noted that there is room in the current table to elevate said employee.

Mr. Powers responded by giving the different options in place for the Select Board, including Executive Session for certain discussions.

Ms. Kavanagh stressed that the Board has to decide what type of action they are taking with the grade.

Mr. MacAskill noted that his request was a recommendation of Administration to change the Compensation Table. He will email his request for additional information to Ms. Kavanagh.

#### **B. Discussion on articles for the 2024 Annual Town Meeting**

Noreen Donoghue referred to a previous memo from the Town Administrator, which included a job description. She expressed her opinion about the specific wording.

Mr. Powers responded to the information in the packet regarding the articles. He also referred back to a memo dated February 9, 2024.

Mr. Howell referred to the article that speaks to million dollar houses and suggested that much more public input is needed before this item goes to Town Meeting. Other Board members agreed.

Ms. Kavanagh noted that that Article will be taken off the list.

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Mr. Powers explained that WIIF (Water Infrastructure Investment Fund) is a funding mechanism and explained what actions are required through Town Meeting.

Ms. Barrette explained WIIF in detail, what it is, when and how it could be implemented and that certain wording must be used and adjustments must be made through an Article to divert funds into WIIF.

Mr. Powers explained further the process which would create a Special Town WIIF. He also noted the use purposes of those Funds. Counsel has a draft already prepared. Mr. Powers commented that it is suitable for an Annual Town Meeting in May.

The Board discussed when this should be brought to an Annual Town Meeting and time needed to ensure that the public has all the information.

Mr. MacAskill questioned if the funding source has to be decided at the same time the WIIF is created.

Mr. Powers responded that he will speak with counsel for clarification on the four elements needed to create the WIIF.

Ms. Kavanagh summarized that this is an Article that requires further discussion.

Mr. MacAskill noted that they had previously discussed combining CPC Articles (17-31) into one.

Mr. Powers commented that since that conversation, the CPC Chair and Recording Secretary confirmed that the Committee does not desire combination.

Conversation continued regarding the Petition Articles. Mr. Powers noted that the Petitions are not yet numbered. He asked that when the Board accepts the Warrant, they give direction on how they would like it to be laid out. At that point, it can be numbered. He also asked if the Board wants to pursue the second list of other potential Warrant Articles.

The Board discussed the other Articles including the Harwich Port parking initiative and EV charging stations. This Article was tabled until they have more information.

Mr. MacAskill suggested that the Articles to repurpose 2023 Town Meeting Article 31 be in the Warrant. He also noted Articles that he would like on the Warrant. One is the Sewer Assistance Program. Another is to do something with the 1.5 million that they received from the sale of the lot on Queen Anne Road. He suggested that the money be put into a fund to research and purchase additional parcels of land and not spent on Capital items. In addition, Mr. MacAskill noted that Real Estate and Open Space voted to support the sale of three lots on Queen Anne

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Road. He would like an Article for permission to sell those lots rather than keep them for Open Space.

Mr. Powers confirmed that those are three separate new Articles.

Ms. Barrette commented that she is still researching but believes the money from the sale of the lot on Queen Anne Road can only be used for something that the Town would borrow on for 5 or more years.

Mr. Powers will follow up with Town Counsel on the 1.5 million.

Mr. Handler commented on the By-Law Charter Review Changes that have been presented to the Board. He is hoping to have more dialogue on those changes and suggested that Article may be better suited for the fall versus the Annual Town Meeting.

Dan Pelletier, Water/Wastewater Superintendent suggested a contingency Article for Phase 3 and gave his reasoning for that suggestion.

Linda Cebula, Chair of the Charter Review Committee confirmed that the Select Board would like her Committee to attend the Select Board Meeting on Monday evening for a Joint Meeting.

Mr. Powers noted that the remaining Articles are stand alone appropriating Articles.

Mr. Howell suggested that the Articles be early in the Agenda to ensure having as many people involved in the conversation as possible. Board discussion followed with opinions and suggestions.

#### C. Discussion on pickleball fees; Votes may be taken

Mr. MacAskill commented that this conversation is, in his opinion, the Pickle Ball rates are only as they pertain to 204 Sisson Road. He suggested that 2/3rds of the fees go to 204 Sisson and 1/3 to Recreation.

Mr. MacAskill moved that the Board take a larger percentage of the pickle ball fees and not change the rates for the public, seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

### **IX. TOWN ADMINISTRATOR'S REPORT**

Mr. Powers announced a contract for tree trimming services with McKenzie Tree Service.

### **X. SELECT BOARD'S MEMBER REPORT**

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Mr. Handler congratulated the Boys Varsity Basketball Team and the Girls Ice Hockey Team for qualifying for the State tournaments. He also congratulated the Cheer Team for advancing to the South Regional Competition.

Mr. MacAskill requested to have the Herring Fisheries put back on the agenda as soon as possible to discuss reconsideration for a one day celebration at the Herring Run in North Harwich.

Ms. Kavanagh congratulated the Sheriff's Department on their Program Graduation Ceremony.

## **XI. CORRESPONDENCE**

## **XII. ADJOURNMENT**

Mr. Handler moved to adjourn, seconded by Mr. Howell.

Vote 4:0 in favor by roll call vote. Motion carried.

Meeting adjourned.

Respectfully submitted,

Judi Moldstad  
Board Secretary

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