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**MINUTES  
SELECT BOARD  
HARWICH TOWN HALL  
MONDAY, OCTOBER 30, 2023  
6:00 P.M. - REGULAR MEETING  
REMOTE PARTICIPATION OPTIONAL FOR REGULAR MEETING ONLY**

**SELECTMEN PARTICIPATING:** Julie Kavanagh, Michael MacAskill, Donald Howell & Jeffrey Handler

**ALSO PARTICIPATING:** Town Administrator Joseph F. Powers

**CALL TO ORDER**

Ms. Kavanagh called the meeting to order at 6:00 p.m.

Ms. Kavanagh took a moment to acknowledge Mary Anderson for the wonderful job that she did as a Select Board Member and all of the hard work that was put in. Ms. Anderson was a great collaborator and really tried to hit the ground running once she was elected.

Ms. MacAskill echoed Ms. Kavanagh's comments, adding that he has nothing but the upmost respect for Ms. Anderson. She did a lot of work for Harwich and is owed a large thank you by every resident.

Mr. Handler said that it was an honor and a privilege to have spent time on the Board with Ms. Anderson.

Mr. Howell thanked Ms. Anderson for her time on the Select Board adding that she is a terrific human and offered a lot of work. Mr. Howell noted that he does not think that anyone realizes how much work it is to be on the Select Board.

**PUBLIC COMMENTS/ANNOUNCEMENTS**

**A. Veterans Memorial Flag dedication at Evergreen Cemetery**

Cemetery Administrator Robbin Kelley was present. In 2021, they went for a Community Preservation Article to have this Veteran's Memorial circle done. The project is finally finished, and the American Flag is surrounded by all 6 branches of the military. The dedication ceremony will be on November 11, 2023, at 10:30 a.m. with the flag being raised at 11:00 a.m. A large crowd is expected at the ceremony which will include the Boy Scouts, Girl Scouts, and people from every branch of the service. The Harwich Town Band will also be playing, and the bagpipes will be playing Amazing Grace at the end of the ceremony. The ceremony will be filmed by the Harwich Channel and there will be drone footage uploaded to the town website. Ms. Kelley noted that none of this would be possible without the Community Preservation Committee, approval from the Select Board, Town Administrator, and the voters of Town Meeting.

Mr. Howell noted that this is being held at the Evergreen Cemetery in East Harwich. Ms. Kelly added that the Police Department will have their signage with the ceremony location. Access to the ceremony will be from the Cemetery Road entrance and all other entrances to the cemetery will be blocked off. Seating and handicapped parking will be available. Next year we will have the dedication of the Revolutionary War and Civil War memorials.

Ms. Kavanagh announced an event being held at the 204 Sisson Road building which is being put on by CARE (creating a responsible environment). This event will be held on November 9, 2023, from 8:30-2:00 and is about the rising tide of plastic pollution, sustainable business solutions. Registration for the event ends on November 7, 2023, and the registration fee is \$30.00.

Mr. Powers stated that the Monomoy Regional School District is working on their strategic plan for 2024-2027. There is a survey available at [surveymonkey.com](https://surveymonkey.com) and you can type in the word Monomoy. There is a financial focus group that will be meeting on November 1, 2023, at 6:00 p.m., which will be a good meeting. More information can be found at [Monomoy.edu](https://Monomoy.edu)

Mr. Handler wanted to thank all the residents who came out to the Select Board office hours last week. He also thanked Mr. MacAskill for stepping in for the hours. There were about 20 people there and the attendance continues to grow. The discussion was great and from where he sees it, it is positive and will continue. The hope is that the office hours will give people a more comfortable and welcome place to express their views and ask their questions. A few of the topics brought up at the last session were Pine Oaks Village, free cash, Wixon Dock project, questions about personal property rights as well as a few housing questions. Mr. Handler will be working with the Cultural Affairs Director to schedule the next session, which will be announced next Monday night.

B. Next Select Board Meeting will be Monday, November 6, 2023

Mr. Handler announced that the next Select Board meeting will be held on Monday, November 6, 2023.

Chris Joyce was present to represent the Friends of the Harwich Council on Aging. There will be a Veteran's grab and go lunch on November 9, 2023 from 11:30-12:30 and meals will be available for up to 50 Veterans. Veteran's Agent Shawney Carroll and members of the Fire Department will be at the event. You can register for the meals by calling 508-432-5050.

Traffic Safety Committee member Linda Cebula was present. The committee will be meeting tomorrow morning at 9:30 a.m. at the Police Department. One of the discussions will be about the traffic study for the Pine Oaks 4 project.

Community Center Director Carolyn Carey was present and announced that they are having their Halloween event tomorrow at 5:30 at the Community Center. The event is free and opening to everyone with costumes encouraged for both children and adults. On November 3, they will be having their Science, Fire and Ice Show which begins at 6:00 and is another free event. A teen clothing swap will be held on November 9. Clothing donations can be dropped off between November 1 and November 8. Tickets for the swap can be picked up at that time. There will also

be tickets available for those that don't have anything to donate but are looking for a couple of new items.

Judith Ford of the South Harwich Meetinghouse was present to talk about an upcoming violin concert being held on Sunday afternoon. This is the first concert of the 2023-2024 season. The meetinghouse will be offering 4 concerts for the price of 3. This concert will be held on Sunday, November 5 at 3:00 p.m. There will be a small reception after to meet the performers.

Patrick Otton was present to follow up on the discussion about youth programming within the community of Harwich. He wanted to make everyone aware of the Cape Cod Community Rowing program and reviewed the different series that the program offers. Their season ended last week, and they are not looking for an indoor place and would love to cooperate with the town to encourage youth participation.

Mr. Otton also commented that he was at the Community Center on Saturday and found a sign in the ground about pesticide application that was done. He is concerned that the Town of Harwich is endangering the health of our residents and occupants. He asked why the town is applying pesticides to public land. Mr. Otton noted that he found the same sign on Town Hall property and turned it in to the Health Department and did not receive a response. Mr. Otton is concerned that pesticides are a true health risk to everyone alive.

### **NEW BUSINESS**

- A. Discussion on whether a Special Election will be called pursuant to MGL C. 41 §10 to fill the unexpired term set to expire May 2024

Mr. MacAskill said that normally the Select Board talks about filling a position or a vacancy after they have accepted the resignation of the person. He noticed that this vacancy is not on the agenda and asked if it is because it is a Select Board Member. Mr. Powers responded that state law requires that elected official's resignations are accepted upon receipt by the Town Clerk. As soon as the resignation was filed, it went into effect immediately. Mr. MacAskill asked if that law pertains in general of any resignation of anyone. Mr. Powers responded that for any people that take an oath for their resignation to be effective, they need to be on file with the Town Clerk. Mr. MacAskill asked that this process be put on a future agenda.

Ms. Kavanagh stated that the Town Clerk has outlined dates and impacts in terms of holidays. In her memo, Town Clerk Emily Mitchell respectfully asked that if an election is purposed, that it be held no later than January 23. January 2 would be the earliest legal date that an election could be held. Ms. Kavanagh briefly reviewed the memo as provided in the packet.

Mr. MacAskill agreed that the information provided is great, but that he does not see the point in holding a special election given the time that we are up against and the time that it would take a resident to pull papers. If we were to choose January 2<sup>nd</sup>, the candidate would have 2 weeks to file paperwork. If January 9<sup>th</sup> is chosen, the candidate would have 3 weeks. He added that the \$20,000 cost outlined in the memo is just the cost for the Town Clerk's Office and does not include the Department of Public Works cost. He is not sure that this amount is in the budget for

either department, not saying that the money couldn't be found. At this point, he is against holding a special election.

Mr. Handler noted that his hesitation is because this is his first go around and he is not sure how intense January through May will be. At the end of the day, we would be looking at about 3 ½ months that someone would be in the position before the May election. Mr. Handler is looking for the value in holding the special election and noted that it is not easy to find. Ms. Kavanagh said that crunch time is from now through May.

Mr. Howell stated that the whole point of the charter was to have 5 Selectmen. In terms of what goes on, some are looking at staff and Mr. Howell is looking at the Select Board. He wouldn't be comfortable without having a full board.

Ms. Kavanagh commented that the last time this happened was with Stephen Ford, but that was for an 8-month term.

Mr. Powers pointed out that the Select Board would be operating under Chapter 41, Section 10, which says that the Select Board may call the election, so there is no compulsion for the Board. There is a provision that a petition with signatures of 200 registered voters is filed, the election must be held.

Mr. Handler added that we don't know who would jump in the race. If it is a seasoned veteran, there would be a different circumstance versus someone who has not had the time in town government on the Select Board.

Mr. MacAskill said that he is reasonably set in his no decision and feels that the Select Board can get through with 4 members. This is an unfortunate resignation and if the term was for a longer period; he would probably be for it. The thought of having someone rush to pull papers does not intrigue him.

Mr. Handler asked to confirm that if a candidate were to come forward and then want to run for the next 3-year term, they would be campaigning during their 3-month term. Ms. Kavanagh confirmed that is correct.

**Mr. Howell moved to hold a special election. No 2<sup>nd</sup> was heard. No action was taken.**

B. Discussion on the Monomoy Regional School District Regional Agreement, Assessment and Formula Funding

Present were Dr. Scott Carpenter, Meredith Henderson, Michael MacMillan and Charles Gruszka. Ms. Kavanagh thanked Mr. Gruszka for asking that this be put back on the agenda noting that he brings a wealth of knowledge to Harwich.

Mr. Gruszka stated that one of his hobbies is school budgets, commenting that it developed from his work as a school principal. He went on to talk about his professional background and how he was able to help other communities even after he retired. Mr. Gruszka moved to Harwich in 2015,

which is after the regionalization took place. One of the first things that he wanted to know about was the Monomoy Regional School District budget. He was pleasantly surprised and astonished to find out how good the budget was. This is one of the few communities that is identifying all the needs of the district, with the exception of some worn out furniture at the high school. He commented that he is happy that the school committee has developed a process of a budget workshop adding that the funding has a lot to do with why the district has such a fine reputation. What he foresees developing is that the budget gets based on the affordability of the town that has the lowest level of affordability. His concern was how this was going to play out in the future and that the time is going to come when Harwich will be up against a wall financially in terms of what they will be able to meet. There was a school council meeting, and it was brought up that we are in a negotiating year with our teachers, adding that we are having a hard time getting teachers and filling positions because of the housing and affordability situation. The school committee is committed to try and get parity between pays in the Monomoy district as compared to the other districts. There are still other needs that will come forward that do not exist at this time. At this time, Mr. Gruszka said that his concern is more for Chatham than Harwich. He feels that Harwich is in the driver's seat of the ultimate school budget as Harwich's figure controls the figure for the district. If Harwich must lower its assessment, that means Chatham will have to lower theirs as well. Ms. Kavanagh said that this is a great segway in looking at the numbers, noting that Harwich is paying approximately 49 million more than in FY2011 and Chatham is paying approximately 17 million lower than FY2011.

Dr. Carpenter publicly thanked Mr. Gruszka for how involved he has been on the school side. When it comes to the budget of the school district, their job is to provide the best educational program they can while being great stewards of the taxpayers' dollars. Dr. Carpenter feels that Monomoy has done that since he has been here and wants to make sure that we can land somewhere in between both towns. He does agree that Chatham has more fiscal wherewithal but added that even with some of the fiscal challenges that Harwich has faced in the past decade, they have been able to maintain their excellent program. When it comes to the regional agreement, virtually every region in the state, except for 2, has an assessment based on foundation enrollment. This is the same for Monomoy with the twist that Harwich and Chatham each have their own elementary schools. For a regional agreement to be changed, a conversation would need to happen with both Select Boards and there would need to be enough support behind it from both communities to change the agreement.

Mr. MacMillan noted that as Chatham's enrollment goes down faster than Harwich's, Harwich becomes a bigger part of the pie. There are numbers that can be modeled so we can look forward, understanding that numbers will likely change. We can look forward at trends and see how they might play out. There was an enrollment drop a couple of years ago and enrollment has remained steady since.

Ms. Henderson said that it cannot hurt to start the conversation. There is nothing that the district can think of changing for this year with the budget cycle, but a conversation can be started with Chatham as things are shifting. Some kind of projection over the next 5 years to see what might be possible would help support the conversation. The school committees have their budget workshops and they are transparent of meeting the needs of the district but also trying to be fiscally responsible.



Ms. Kavanagh agreed that this is not each and that no one ever wants to talk about any kind of budget or money.

Mr. Howell asked what the classrooms at Chatham Elementary look like now. Mr. MacMillan responded that most grades in Chatham have 2 classrooms with students. The class sizes in Chatham are roughly the same now as Harwich Elementary. Harwich has 5 classrooms per grade level, and we are seeing signs at the kindergarten level of us not being able to fill 4 classrooms in Harwich. In the last 2 years, Harwich enrollment has started to drop off at the youngest grade levels. Chatham has also been dropping off too. Mr. Howell noted that he is looking for numbers, not a discussion. Mr. MacMillan responded that Chatham is 149 students at the elementary school and Harwich is 466 students.

Mr. Howell said that in addition to modeling, you must assume changes to the structure. We are really trying to push for affordable housing in town. That could substantially change the outlook too, but not in the positive way in which we share. Right now, if every one of the kids moved from elementary school to middle school, then to the high school, it will exacerbate the current circumstances. Mr. Howell thinks that what Mr. Gruszka is trying to do is avoid the potential discussion that we cannot afford something at some level at some point. We should start this conversation next week. Unless some bigger picture things change, this is not really a trajectory that we will be able to afford in the long run, unless you are going to presume that Harwich's enrollment collapses and gets close to Chatham's numbers, which he doesn't see happening.

Mr. MacAskill said that the thought of projecting out makes a lot of sense, but he is not sure how much information it will give us. He asked how some of the proposed building projects in Harwich, which project inclusion of 250 children, would be included. The process of building would be a minimum of 2 years. He feels that there may be a time that the voters say that we cannot support the budget. There are a fair number of residents that are questioning the budget and want to see the discussion for change start. We need to start this discussion at a higher level with Chatham.

Ms. Kavanagh agreed that we do need to start having real conversations and communicate town to town. She pointed out that Chatham is making some headway in housing initiatives as well and we need to look at those numbers. All of this is difficult because they are just projections. The biggest problem is that we don't have the same income and Harwich also has a sewer project. There is also the issue of the declining population all over the Cape because of housing. Ms. Kavanagh feels that the further we can get along in the housing discussion, the more numbers we will know and will be able to make better predictions. Dr. Carpenter noted that one of the problems of projecting too far is if you project more than 5 years, those kindergarteners have not been born yet.

Mr. Handler feels that it is important to begin this conversation now. For him, modeling is not a viable option, noting that in his history, he has not seen accurate modeling, adding that he feels it is inherently inaccurate. As time goes on, errors multiply. This is a multi-variable issue that all leads back to the school system. Mr. Handler feels that our school system is 2<sup>nd</sup> to none, and that credit needs to be given where credit is due and thanked the district for providing a school system that we can be proud of. He wanted to know if it would be unreasonable to ask the question if the

current agreement is sustainable long term. He also wondered if Chatham would be willing to put value into the school system and come to the table and have conversations with Harwich, adding that we all want the same thing and that the kids are the most important part of this agreement.

Ms. Kavanagh thinks that we can all agree that the next step is something more concrete, which may be a meeting with both Select Boards, possible at a school committee meeting, something to open the dialogue.

Mr. Powers stated that himself, the Finance Director, the Chatham Town Manager and her incoming Finance Director can meet with the school superintendent and his business manager. Each of the 3 parties and their officers meet at least monthly. He thinks now that we are talking about a broader audience.

Mark Kelleher was present to speak as a private resident. He thanked everyone for their work as well as Ms. Anderson for bringing this meeting forward. The agreement as being discussed is important for the town, the schools and the students. Even though Mr. Gruszka makes a great case and makes great fiscal sense, we are not sure what Chatham is thinking. Mr. Kelleher commented that there may be a core group in Chatham that will not go for this. He suggested that members from Harwich try and reach out to members from Chatham in the next couple of weeks to try and get the lay of the land. It is also important for the town and school finances to try and avoid a situation where we hint at not providing services. If we are not maintaining educational quality, students will go to Nauset and then we will have a downward spiral. He would like to see this move forward quickly.

Mr. Howell wanted to be clear that we are not trying to push our own agenda here, that we are trying to avoid a trainwreck. It is clear from the numbers exactly where we are heading. The complacency is going to be the real problem and there needs to be a serious discussion so that it is fair for both towns.

Ms. Kavanagh thinks that you can see from this current board and past boards that we have always supported the schools. She is not hearing on this board that anyone does not want to support the schools.

Mr. Gruszka noted that when the district was being formed, there was no accurate projection, and it was a guess that it was going to work nicely. Now we are so many years down the road, and we have data and now we know how the formula has worked. One of the issues here is affordability of the towns, which is supposed to be a consideration when reimbursement is considered so we can get the local contribution figure. One of the issues is that affordability was supposed to be a factor when calculating formulas for budgeting. There is a limit that both towns are meeting on that affordability factor, meaning that even if Chatham has more affordability, there is a ceiling and both towns hit the ceiling. We can try to change this at the state level, but it might be easier to accomplish something at the local level. Most of the districts are formed by enrollment because that sounds like a very fair way to do things, and that is the way that most regional agreements were formed. There are other ways to look at it by building in affordability and population. Mr. Gruszka thinks that the gap between Harwich and Chatham is that Chatham does not have to fund the full cost of their capital expenditure. If each town ran its own school system, they would have

to pick up the full boat of these costs. Part of the gap is that Chatham has been able to have Harwich pick up a significant amount of the transportation costs. The two towns are in very different affordability situations, and it is the children that will be caught in the middle. It is not a concern that Harwich is trying to impost or get out of anything, it is a concern of what could happen down the road.

Mr. Powers wanted to add structure around what Mr. Gruszka is saying. For Harwich, the operating budget, which is all department and some other things, we came in at approximately 44 million dollars for this fiscal year. The district came in at approximately 38 million. It is not equal yet, but if you look at the dollar amount for our departments, which are the life blood of what we do, it is 30.7 million dollars and we paid 28.4 million dollars for our education department. That is where the 2.2-million-dollar delta becomes scary because this is what is costs for us to do our programs and services versus what we are paying for our educational program. Ms. Kavanagh acknowledges that everyone should have a cheat sheet to review when they are looking at the school budget. The more information and communication, the better. We are not looking to say that we want more money, it is more to say that we must assess the situation to continue to have a strong school system.

Ms. Kavanagh thinks that we need to work with Mr. Powers to come up with a date to have a meeting and discussion, suggesting a joint meeting with the school tomorrow. It is not as easy as a couple of us going here or there. Mr. Powers said that as soon as Chatham has their new Finance Director on board, it would be an easy outreach for the groups. He suggested also deferring to Dr. Carpenter. The core group can meet as needed and as quickly as possible.

Dr. Carpenter added that one of the goals for the school committee is to at least start conversations with the district team.

Ms. Kavanagh would like this to start moving forward in the next month or so.

### **CORRESPONDENCE**

No correspondence was discussed.

Mr. MacAskill noted that since there are only 4 Select Board members, meeting attendance will be extremely important. He asked that we reach out to Town Counsel and figure out how to have 2 zoom links so that Board members can zoom into Executive Session. He also asked that next week the Board discuss reorganization as well as their budget message.

### **ADJOURNMENT**

**Mr. MacAskill moved to adjourn the meeting of the Select Board, 2<sup>nd</sup> by Mr. Handler and approved 4-0-0.**

Respectfully submitted,  
Jennifer Clarke  
Recording Secretary