

**SELECTMEN'S MEETING AGENDA**

*Griffin Room, Town Hall*

*Regular Meeting 6:30 P.M.*

*Monday, September 14, 2015*

I. **CALL TO ORDER**

II. **PLEDGE OF ALLEGIANCE**

III. **WEEKLY BRIEFING**

IV. **PUBLIC COMMENT/ANNOUNCEMENTS**

V. **CONSENT AGENDA**

- A. Approve Minutes – June 17, 2015 Regular Meeting
- B. Approve and sign Amendment to Town of Harwich/Harwich Historical Society Agreement to include A. Elmer Crowell Barn building as requested by Brooks Academy Museum Commission
- C. Approve request by Brooks Academy Museum Commission to establish A. Elmer Crowell Barn Maintenance Gift Account
- D. Approve Chapter 90 Project Request for Resurfacing Various Roads in the amount of \$392,645.08
- E. Accept gifts to Harbor Demolition/Beautification Fund
- F. Accept gifts to Albro House Maintenance Gift Account

VI. **PUBLIC HEARINGS/PRESENTATIONS** *(Not earlier than 6:30 P.M.)*

- A. Annual Meetings:
  - 1. Architectural Advisory
  - 2. Agricultural Commission
  - 3. Brooks Academy Museum Commission
  - 4. Historic District / Historic Commission
- B. Joint Meeting with Board of Water Commissioners regarding potential water/wastewater organizational configuration – *discussion and possible vote*

VII. **OLD BUSINESS**

- A. Preparation for Charter amendments – *discussion and possible vote*

VIII. **NEW BUSINESS**

- A. Declare the following structures as surplus and offer for bid - *discussion & possible vote:*
  - 1. Detached garage in rear of Albro House
  - 2. Addition on east side of Albro House
- B. Wastewater Educational Moment – Sewer Plan - *discussion*
- C. Potential re-use of West Harwich School - *discussion*

IX. **TOWN ADMINISTRATOR'S REPORT**

- A. Legal costs summary – Kopelman & Paige FY 14, 15 & 16
- B. East Harwich Fire Study Group on potential additional uses for East Harwich station
- C. Merging of two part-time Building Inspector positions
- D. Withdrawal of Proposal to purchase former Fire Station on Bank Street

X. **SELECTMEN'S REPORT**

XI. **ADJOURNMENT**

*\*Per the Attorney General's Office: The Board of Selectmen may hold an open session for topics not reasonably anticipated by the Chair 48 hours in advance of the meeting following "New Business." If you are deaf or hard of hearing or a person with a disability who requires an accommodation contact the Selectmen's Office at 508-430-7513.*

**Authorized Posting Officer:**

**Posted by:** \_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Ann Steidel, Admin. Secretary

**Date:** \_\_\_\_\_  
September 10, 2015

**MINUTES  
SELECTMEN'S MEETING  
MULTI-PURPOSE ROOM, HARWICH COMMUNITY CENTER  
JOINT MEETING WITH WASTEWATER IMPLEMENTATION COMMITTEE  
WEDNESDAY, JUNE 17, 2015  
6:00 P.M.**

**SELECTMEN PRESENT:** Cebula, Hughes, LaMantia, MacAskill

**OTHERS PRESENT:** David Young, Peter DeBakker, and others.

**PUBLIC HEARINGS/PRESENTATIONS**

The following items were discussed. The attached Power Point presentation was delivered. No action or votes were taken.

- A. **Workshop** – Comprehensive Wastewater Management Plan
  - 1. History of Wastewater in the Town
  - 2. Where we are Today
  - 3. Needs for the Future
  - 4. Questions and Answers
- B. **Public Hearing** – Cost Recovery Model – Wastewater Implementation

**ADJOURNMENT**

Submitted by,

Ann Steidel  
Recording Secretary



# Town of Harwich/Harwich Historical Society Agreement

## Amendment

Agreement made this 14<sup>th</sup> day of September 2015 between the Town of Harwich and the Harwich Historical Society to amend the current Town of Harwich/Harwich Historical Society Agreement section #1 as follows:

1. The Second Party shall have sole responsibility and right to operate an annual museum program at the Brooks Academy Building **and A. Elmer Crowell Barn** in Harwich Center.

FOR TOWN OF HARWICH

FOR THE HARWICH HISTORICAL  
SOCIETY

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Harwich Board of Selectmen

## Town of Harwich / Harwich Historical Society Agreement

Agreement made this 22<sup>nd</sup> day of January, 2008, between the Town of Harwich, hereafter called the First Party, and the Harwich Historical Society, hereafter called the Second Party for a ten-year term.

Whereas the parties wish to provide a historical museum for the benefit of the citizens of the Town of Harwich and members of the general public, it is hereby mutually agreed as follows:

1. The Second Party shall have sole responsibility and right to operate an annual museum program at the Brooks Academy Building in Harwich Center.
2. The Second Party shall have use of the grounds of Brooks Academy in connection with operating its museum program. Any other use of the building and grounds for purposes other than those connected with the museum program shall be governed by the Use Policy, agreed to by both parties, and here attached as Exhibit I.
3. The First Party shall pay for all water and heating utilities used by the Second Party in connection with the museum program. The First Party will pay for electric utility cost equal to the usage recorded in the 12 monthly billings of the 2007 calendar year, the base year. The Second Party will pay for increased electric use over the base year. The Second Party shall be responsible for all telecommunications services.
4. The First Party shall be responsible for maintenance of the exterior of the premises in a safe and attractive condition and the maintenance of all building systems. All major capital expenditures funded by town funds are subject to approval by Town Meeting. The Second Party shall be responsible for all janitorial services, routine cosmetic work to the building interior, and renovations which might be necessary in connection with the conduct of the museum program. The First Party will provide janitorial supplies.
5. The first party shall be responsible for all necessary inspections and permits required on a routine or annual basis.
6. The annual museum program shall cover the period from July 1<sup>st</sup> to the following June 30<sup>th</sup>. On or about March 31<sup>st</sup> of each year, the Second Party shall provide a copy of its annual museum program for the next year to the Brooks Academy Museum Commission, hereafter called the BAMC, or such party as shall be designated by the Board of Selectmen. The BAMC, or its substitute,

shall determine if any repairs or improvements are necessary in order to continue adequate building maintenance, and how these needs might best be met.

7. The Second Party shall be responsible for all costs related to the annual museum program not specifically set forth herein as being the responsibility of the First Party. In order to help defray the expenses of its program, the Second Party may operate a Museum Gift Shop on the premises.

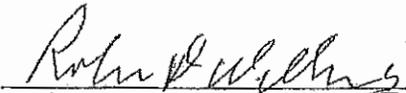
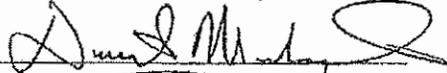
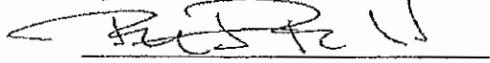
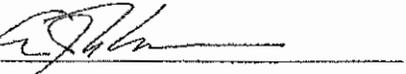
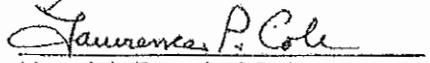
8. Renovations to the building or any part of the grounds shall be undertaken only with the approval of the First Party upon the recommendation of the BAMC after consultation with the Second Party, and shall proceed only pursuant to a detailed plan and in conformance with the Secretary of the Interior's standards for historic preservation. The BAMC and town staff is responsible for insuring that work is done in conformance with appropriate standards. This agreement shall be guided by the best interests of the Town, the preservation of the historic resources, and the advancement of the museum program, viewed against the background of budgetary constraints.

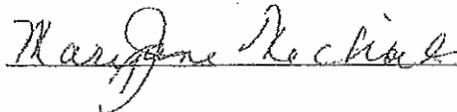
9. The First Party and the Second Party shall provide amounts and types of insurance necessary to protect their respective interests, and costs of said insurance shall be paid by the procuring party. Copies of policy coverage shall be exchanged to prevent duplication of coverage and/or costs.

10. This agreement may be terminated by either party upon a one year written notice.

FOR TOWN OF HARWICH

FOR THE HARWICH HISTORICAL SOCIETY

  
  
  
  
  
Harwich Board of Selectmen

  
\_\_\_\_\_

THE HARWICH HISTORICAL SOCIETY, INC.

BROOKS ACADEMY MUSEUM  
80 Parallel Street,  
Harwich, MA.

USE POLICY

The museum premises are not available to private organizations for the conduct of membership or other meetings. The exception is professional museum organizations of which the Harwich Historical Society is a member.

Any activity of the Harwich Historical Society in keeping with the charge and objectives of the Society is considered a **museum program** to be conducted by Harwich Historical Society personnel as time and staff permit.

The Brooks Academy Museum will be open to the general public on a regularly published schedule. Groups or organizations requesting a special or guided tour may be accommodated subject to prior approval of the Museum Director.

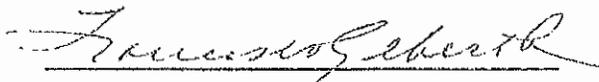
Special care will be taken to assure that proper safety and security measures are in effect and that staff supervision is available and in place accordingly.

Requests for the use of the grounds and the parking area must be made in writing to the President of the Harwich Historical Society through the Museum Director at least one month prior to date requested.

Executed this *12* day of *JANUARY* 199*5*

THE HARWICH HISTORICAL SOCIETY

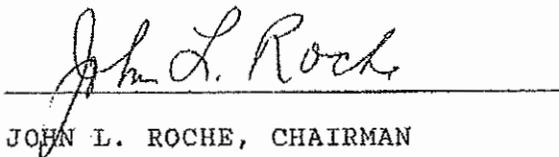
By



FRANCES W. GEBERTH, PRESIDENT

BROOKS ACADEMY MUSEUM COMMISSION

By



JOHN L. ROCHE, CHAIRMAN

Copy: Town of Harwich

## Ann Steidel

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**From:** Peter Hughes <phughes41@comcast.net>  
**Sent:** Wednesday, September 02, 2015 8:20 AM  
**To:** Sandy Robinson; Ann Steidel  
**Subject:** Fwd: Brooks Academy and Crowell Barn Items for BOS Meeting  
**Attachments:** 1CE49506-FD7C-4DE6-B731-847A41E228E0[29].png; ATT00001.htm; BDB8A703-5F3C-4808-99B2-66A5A2F93962[29].png; ATT00002.htm; 368AEFB7-A623-4DB3-81B2-5B3E50732480[29].png; ATT00003.htm; D3EE4FD2-F886-4DA5-965F-6F580F6A0792[29].png; ATT00004.htm; 1CE49506-FD7C-4DE6-B731-847A41E228E0[29].png; ATT00005.htm; BDB8A703-5F3C-4808-99B2-66A5A2F93962[29].png; ATT00006.htm; 368AEFB7-A623-4DB3-81B2-5B3E50732480[29].png; ATT00007.htm; D3EE4FD2-F886-4DA5-965F-6F580F6A0792[29].png; ATT00008.htm; scan0010.pdf; ATT00009.htm

FYI

Peter Hughes  
41 Martha's Lane  
PO Box 54  
South Harwich, MA 02661  
Cell # 508 496 3533

Begin forwarded message:

**From:** Jeremy Gingras <jeremy@harwichcc.com>  
**Date:** September 1, 2015 at 1:11:15 PM EDT  
**To:** Peter Hughes <phughes41@comcast.net>, Chris Clark <cclark@town.harwich.ma.us>  
**Cc:** 'Linda Cebula' <maccebula1@verizon.net>  
**Subject:** Brooks Academy and Crowell Barn Items for BOS Meeting

Hello,

Attached please find the current lease for Brooks Academy Museum to the Harwich Historical Society. As a formality, the Brooks Academy Museum Commission is proposing and has voted at a regularly scheduled meeting to make the following recommendation for a modification to the current lease agreement in order to specify the addition of the A. Elmer Crowell Barn as part of the leased premises. We are requesting the following modification:

→ Amend Section 1.

The Second Party shall have sole responsibility and right to operate an annual museum program at the Brooks Academy Building and A. Elmer Crowell Barn in Harwich Center.

All remaining parts of the lease should remain in tact and would not change or alter as the only mention of the actual buildings included in the lease is in section 1. The current budget allows for the very modest increase in electric usage anticipated with the barn anticipated at no more than \$50 per month.

In addition, we request that an A. Elmer Crowell Barn Maintenance Gift Account be set up. The funds to be used for ongoing maintenance of the A. Elmer Crowell Barn and the grounds under the jurisdiction of the Brooks Academy Museum. It is our intent to fund routine maintenance of the barn through this account as opposed to the BAMC budget with the town as was originally anticipated.

Should you have any questions, please do not hesitate to ask.

Sincerely,

Jeremy A. Gingras

Jeremy A. Gingras

Executive Director, Harwich Chamber of Commerce

## Ann Steidel

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**Subject:** Brooks Academy and Crowell Barn Items for BOS Meeting

Hello,

Attached please find the current lease for Brooks Academy Museum to the Harwich Historical Society. As a formality, the Brooks Academy Museum Commission is proposing and has voted at a regularly scheduled meeting to make the following recommendation for a modification to the current lease agreement in order to specify the addition of the A. Elmer Crowell Barn as part of the leased premises. We are requesting the following modification:

Amend Section 1.

The Second Party shall have sole responsibility and right to operate an annual museum program at the Brooks Academy Building and A. Elmer Crowell Barn in Harwich Center.

All remaining parts of the lease should remain in tact and would not change or alter as the only mention of the actual buildings included in the lease is in section 1. The current budget allows for the very modest increase in electric usage anticipated with the barn anticipated at no more than \$50 per month.

→ In addition, we request that an A. Elmer Crowell Barn Maintenance Gift Account be set up. The funds to be used for ongoing maintenance of the A. Elmer Crowell Barn and the grounds under the jurisdiction of the Brooks Academy Museum. It is our intent to fund routine maintenance of the barn through this account as opposed to the BAMC budget with the town as was originally anticipated.

Should you have any questions, please do not hesitate to ask.

Sincerely,

Jeremy A. Gingras

Jeremy A. Gingras

Executive Director, Harwich Chamber of Commerce



# TOWN OF HARWICH

## DEPARTMENT OF PUBLIC WORKS

273 Queen Anne Road • P.O. Box 1543 • Harwich, MA 02645

Telephone (508) 430-7555

Fax (508) 430-7598

### MEMORANDUM

**TO:** Board of Selectmen

**FROM:** Lincoln S. Hooper, Director 

**DATE:** September 9, 2015

**RE:** Chapter 90 Project Request

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Attached for your review and signatures is a Chapter 90 Project Request for resurfacing various roads in the amount of \$392,645. Currently, we have \$1,618,209 available in Chapter 90 funds, which includes our FY 16 apportionment of \$686,771 that was recently released.

Please sign both copies of each request and return them to me so that I may submit them for State approval. If you have any questions regarding this project, please contact me.

Thank you for your consideration.

Cc: Chris Clark, Town Administrator



**CHAPTER 90 ENVIRONMENTAL PUNCH LIST**

City/Town HARWICH

MassHighway District # 5

Proposed Work Construction      Resurfacing ✓ Improvement      Other:                     

**NOTE: ALL ENVIRONMENTAL PERMITS / APPROVALS MUST BE OBTAINED PRIOR TO CONSTRUCTION.**

- 1. Will the pavement width increase 4 ft. or more for an aggregate length of 1000 ft. or more? Yes      No ✓
- 2. Will the bank or terrain (other than alteration required for installation of equipment or structures) be altered at a distance exceeding 10 ft. from the pavement? Yes      No ✓
- 3. Will the removal of 5 or more trees with diameters of 14 inches or more be required? Yes      No ✓
- 4. Will more than 300 ft. of stone wall be removed or altered? Yes      No ✓
- 5. Will the project involve construction of a parking lot with capacity of 50 cars or more? Yes      No ✓
- 6. Are any other MEPA review thresholds exceeded (see 301 CMR 11.00)? Yes      No ✓  
If your answer is YES to any of questions 1-6, you must file an Environmental Notification Form (ENF).\*
- 7. Will the project be on a "Scenic Road" (Acts of 1973, C. 67)? Yes      No ✓  
If your answer is YES, your Planning Board or Selectmen / City Council must give written consent for cutting / removal of trees or changes to stone walls.
- 8. Have all necessary takings, easements, rights of entry, etc. been completed? Yes ✓ No       
If a County Hearing is required, it must be held prior to starting work.
- 9. Are archaeological, anthropological, historical, etc. problems / impacts anticipated? Yes      No ✓
- 10. Is any work proposed in or within 100 ft. of a wetland (stream, pond, swamp, etc.)? Yes ✓ No       
If your answer is YES, you must file the project with your local Conservation Commission prior to starting work.
- 11. If work is proposed in a wetland or water resource, a permit may be required from the Department of Environmental Protection, Corps of Engineers, etc.. Verify with agencies.\* Yes      No ✓

\* See Appendix K for a List of Environmental Agencies.

**Validation**

It is recognized that the purpose of this information is to assist the MassDOT in approving the Chapter 90 Project Request Form (of which this is a part). Accordingly, the information provided here is intended to be complete and correct with no intentional errors or material omissions. Any action taken by Mass. Highway on the basis of this information shall not legally or financially obligate Mass. Highway to support or defend the municipality, and the municipality shall save harmless MassDOT for any action.

Prepared by:   
(Highway Official)

Signed: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: 9/8/15

(Duly Authorized Municipal Official(s))





**PRELIMINARY ESTIMATE - CHAPTER 90 FORCE ACCOUNT**

TOWN     **HARWICH**    

ROAD     **JULIEN ROAD**    

STATION     **ROUTE 28**    

TO STATION     **END**     LENGTH     **3,225**     FT.

STATION                     

TO STATION                     

20      ALLOTMENT                     

DATE     **September 8, 2015**    

QUANTITY	UNIT	KIND OF WORK	PRICE	AMOUNT
1,330	TONS	BITUMINOUS CONCRETE (1.5 LEVEL/1.5" TOP)	\$91.98	\$ <b>122,333.40</b>
120	TONS	BITUMINOUS CONCRETE (HANDWORK)	\$91.98	\$ <b>11,037.60</b>
160	HOURS	POLICE DETAILS	\$45.00	\$ <b>7,200.00</b>
250.00	SQ. YDS.	PARTIAL DEPTH PATCHING	\$17.98	\$ <b>4,495.00</b>
120	SQ. YDS.	MILLED PAVING JOINTS	\$39.98	\$ <b>4,797.60</b>
6,450	L.F.	4" THERMOPLASTIC LINES	\$0.37	\$ <b>2,386.50</b>
150	L.F.	12" THERMOPLASTIC LINES	\$1.32	\$ <b>198.00</b>
20	EACH	DRAINAGE STRUCTURES ADJUSTED	\$238.49	\$ <b>4,769.80</b>
<b>TOTAL</b>				\$ <b>157,217.90</b>







# MEMO

TO: Committees, Boards and Commissions  
FROM: Board of Selectmen  
RE: 2015 Annual Meeting with the Board of Selectmen  
DATE: August 26, 2015

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Dear Committee Chairman and Members:

In accordance with Harwich Home Rule Charter, Chapter 7, Section 2-3, each board, commission and committee shall meet annually with the Board of Selectmen for the purpose of discussing accomplishments and future plans.

Please review the attached schedule of Committee's Annual Meetings with the Selectmen and please be sure to mark the date on your calendars. Reminders will be sent to you ahead of your appointed time.

Because time is limited (5 minutes for each committee), please concentrate on plans for the committee's future endeavors. If you wish to report on last year's activities, please provide that material *in writing prior to the meeting*.

The Chairman of your committee is requested to be in attendance on the above date. The Vice Chair may attend in the absence of the Chairman. Although not required to attend, all committee members are also invited. Thank you.

Attachment

## **ANNUAL MEETINGS**

### **September 2015**

- |    |  |
|----|--|
| 14 | <b>Architectural Advisory<br/>Agricultural Commission<br/>Brooks Academy<br/>Historic District / Historic Commission</b> |
| 21 | <b>Recreation &amp; Youth Commission<br/>Community Center Facilities<br/>Council on Aging</b>                            |
| 28 | <b>Housing Committee<br/>Conservation<br/>Real Estate and Open Space</b>   |

### **October 2015**

- |    |   |
|----|---|
| 5  | <b>Planning Board<br/>Board of Health<br/>Zoning Board of Appeals</b>         |
| 12 | <b>Voter Information Committee<br/>Youth Services<br/>Cemetery Commission</b> |
| 19 | <b>Bikeways Committee<br/>Trails Committee<br/>Cultural Council</b>           |
| 26 | <b>Waterways Committee<br/>Golf Committee<br/>Golf Building Committee</b>     |

### **November 2014**

- |    |  |
|----|--|
| 2  | <b>Board of Assessors<br/>Community Preservation<br/>Housing Authority</b>   |
| 9  | <b>Capital Outlay Committee<br/>Utility and Energy<br/>Finance Committee</b> |
| 16 | <b>Library Trustees<br/>Water Commissioners</b>                              |



## Town of Harwich Water Department Board of Water Commissioners

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196 Chatham Road, Harwich, MA 02645 USA \* [www.harwichwater.com](http://www.harwichwater.com)  
P. 508-432-0304 \* F. 888-774-3557 \* [commissioners@harwichwater.com](mailto:commissioners@harwichwater.com)

# Memo

To: Board of Selectmen, Finance Committee, Town Administrator Chris Clark  
From: Dan Pelletier  
CC: Mike MacAskill  
Date: August 24<sup>th</sup>, 2015  
Re: Organization of a Board of Water & Wastewater

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To Whom It May Concern,

The Board of Water Commissioners would like to share their most recent thoughts in regards to the organization of a Board of Water & Wastewater.

- The Board of Water Commissioners has motioned to assume all responsibilities associated with wastewater. In addition, the Board feels that the Board of Water & Wastewater should consist of a 5 member elected board. In the event that any chair cannot be filled, the Board of Selectmen have the authority by Charter to appoint a representative to the chair until someone is elected. The Board of Water Commissioners voted to present this governance model to the Board of Selectman, at their meeting on Monday, September 14<sup>th</sup>, 2015.

Allin Thompson  
Chair

Danette Gonsalves  
Vice Chair

Gary Carreiro  
Clerk

Harwich Water Department  
BOARD OF WATER COMMISSIONERS  
Meeting on Thursday, August 13th, 2015

Present: Chairman Allin Thompson, Vice Chair Danette Gonsalves, Clerk Gary Carreiro, Superintendent Dan Pelletier, Town Administrator Christopher Clark, Selectman Mike MacAskill, Secretary Tracey Alves

Chairman Thompson called the meeting to order at 7:07 a.m.

The purpose of this meeting is to discuss how the town will advance with wastewater.

Town Administrator Clark began by commenting that he was of the opinion that the Water Commission would like to retain more control and governance over water. Clark offered that perhaps the Board of Water Commissioners would be open to accepting wastewater to form a Board of Water & Wastewater where the governance could fall to the newly formed Board. It could be discussed whether Board members be elected or appointed with the preference being elected. Also mentioned was that the Board of Selectmen would like to have control of setting the rates and defer to the Board in an advisory capacity only. Town Administrator Clark recommended that the Water Commission meet with the Selectmen to sit down and find a viable middle ground.

Chair Thompson feels that yes, the ideal make-up is water and wastewater but the clean water side needs to be protected. Wastewater would devour clean water's funding especially if the enterprise fund is eliminated. Thompson finds it troubling that the Selectmen want to control the rates. In order to set the rates one has to understand all that is entailed in running and maintaining a utility. Great effort has been put forth and to see things go backwards would be troubling. We are now renewing the assets. Years ago when revenues went to the general fund the town collected the revenues but didn't put anything back towards upgrading infrastructure.

Chair Thompson commented that the water surcharge idea that is being discussed will cause the water bill to skyrocket. Additionally, not everyone in town is billed for town water. The 3% fund idea or the tax rate could also be utilized. Thompson favors the 3% funding idea.

The Board discussed possible scenarios regarding the formation of a Board of Water & Wastewater. Vice Chair Gonsalves would like to see a separate enterprise fund for wastewater created. It was mentioned that Link Hooper may be a good candidate to appoint to the Board since the wastewater project will involve so many roads cuts. Chair Thompson relayed that perhaps storm water could also stay with the DPW since they are currently in charge of it.

Clerk Carreiro expressed that water and wastewater should stay together and that the Board should consist of 5 elected members where in the event that any chair cannot be filled the Board of Selectmen have the authority to appoint a representative to that chair until someone else is elected. Carreiro commented that Link Hooper is already on another Board so he didn't know if Hooper would be available to sit on a Board of Water & Wastewater as well.

Clerk Carreiro asked Town Administrator Clark if he was now in favor of the Board of Water Commissioners continuing on due to the proposed dissolving of the Board that was

presented a few months back. Clark commented that he works for Selectmen and if they set a policy he articulates what the Selectmen want. At that point in time, the Selectmen wanted to see more fall under the control of Administrator, with the Board of Selectmen ultimately overseeing things, but leaving all the day to day work to the professionals. Things transition over time and if you have a functioning elective body you don't just pass it off to an administrator as it's more important to get two bodies to merge into one like water and wastewater.

Discussion began regarding the reasoning behind the proposed Charter changes going to legislature first versus taking the vote to Town meeting. If the proposed Charter changes were to be approved by legislature the changes would go into effect and therefore would not have to go to town meeting for a vote.

Clerk Carreiro motioned to assume all responsibilities associated with wastewater and also to combine water with wastewater and be the governing body. In addition, the Board feels that the Board of Water & Wastewater should consist of a 5 member elected board where in the event that any chair cannot be filled, the Board of Selectmen have the authority to appoint a representative to the chair until someone is elected. Vice Chair Gonsalves seconded; 3-0-0

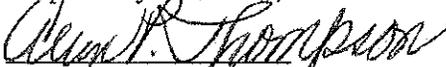
The Board of Water Commissioners will present this governance model to the Board of Selectman at their meeting on Monday evening, September 14th, 2015.

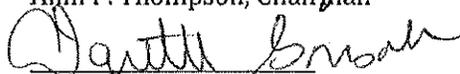
Town Administrator Clark recommended also that the Board work with the Attorney to make sure all of the elements of a sewer commission get into the Charter to give them this authority.

The Board will meet again on Thursday, August 20th, 2015.

Chairman Thompson motioned to adjourn at 8:20 a.m. with a second from Vice Chair Gonsalves; 3-0-0

Respectfully submitted,

  
Allin P. Thompson, Chairman

  
Danette Gonsalves, Vice Chair

  
Gary Carreiro, Clerk

  
Dan Pelletier, Superintendent

  
Tracey Alves, Board Secretary

## Ann Steidel

---

**From:** Christopher Clark  
**Sent:** Thursday, September 10, 2015 12:04 PM  
**To:** John Giorgio; dhowell@cape.com; lgoldberg@k-plaw.com; phughes41@comcast.net  
**Cc:** Ann Steidel; Sandy Robinson  
**Subject:** review of Kopelman and Paige charter interpretation issues correspondence November 12, 2014

To all,

In preparation for the Board of Selectmen discussion with the Charter Review Committee, I met with Don Howell the chair of the committee to discuss the Kopelman and Paige November 12, 2014 charter interpretation issues memo to assess which items may have a greater priority than others in terms of which items to bring to an annual town meeting.

Two general comments not specifically addressed in the November correspondence. First,, any thought to revising the language of the Highway and maintenance departments in consolidating them into a Department of Public Works. Second, Kopelman and Paige recently has weighed in on the topic of the Fire Chief in to coordinate the charter language with the strong chief statute.

Pertaining to the memo itself.

Item number one on the appointment authority to address the Fire Chief language specifically.

Item number two as it relates to the planning board but more so in terms of the larger issue of appointment terms. Specific language indicates three years where there should be language that allows for completion of terms as well as to provide for the provision of staggered terms so a board or committee would not have five members who all expire at the same time.

Item number three eligibility of finance committee members. Suggestion to leave as is.

Item number four appointment of library staff. Done

Item number five contractor bid authority. The board of selectmen has already authorized the town administrator to approve contracts up to \$50,000. Does it make sense to incorporate this contract and procurement authority within the town charter.

Items 6 through 9. No change is recommended.

Item 10 creation of water and wastewater commission. Separate correspondence has already been discussed on this area and discussions will continue.

Item number 11 reference to school Department. Need to verify that the existing language that created Monomoy regional school allows for existing charter references to school Department be changed. No legislative action would be necessary.

After our preliminary meeting, Don and I discussed having a meeting with Peter as the Chair of the Board of Selectmen and representatives of Kopelman and Paige to discuss their input. The board of selectmen is planning on meeting on September 14, 2015 to see if any board members believe additional charter bylaw changes are needed. A small group discussion the week of the 14<sup>th</sup> through 18 of September may be fruitful to focus the discussion on the 21<sup>st</sup>. All parties agree I will ask Ann or Sandy to arrange such meeting.

Chris

Christopher Clark  
Town Administrator  
Town of Harwich  
732 Main Street  
Harwich, MA 02645  
Tel. 508.430.7513  
Fax.508.432.5039  
cclark@town.harwich.ma.us



# KOPELMAN AND PAIGE, P.C.

The Leader in Municipal Law

101 Arch Street  
Boston, MA 02110  
T: 617.556.0007  
F: 617.654.1735  
www.k-plaw.com

*Charter Change  
Cons. Issues*

November 12, 2014

*Background  
material*

Mr. Christopher Clark  
Town Administrator  
Harwich Town Hall  
732 Main Street  
Harwich, MA 02645



**John W. Giorgio**  
jgiorgio@k-plaw.com

COPY

Re: Charter Interpretation Issues

Dear Mr. Clark:

You have asked that I prepare a list of Charter interpretation issues that have been addressed by Town Counsel in recent years. I understand that this list will be reviewed by the Charter Review Committee and may lead to recommendations for Charter amendments.

### 1. Town Charter Appointment Authority

In September 2013, Town Counsel provided an extensive opinion letter regarding the division of authority under the Charter for the appointment of certain department heads and division directors as between the Board of Selectmen and Town Administrator. See Attachment 1. For example, the Police Chief and all police officers are appointed by the Board of Selectmen under Sections 3-6-1 and 5-4-1 of the Charter. The Fire Chief is also appointed by the Board of Selectmen but firefighters are appointed by the Town Administrator under Sections 3-6-1 and 4-4-2. The Charter Review Committee may wish to undertake a comprehensive review for all appointments of Town officials under the Charter to ensure consistency.

### 2. Planning Board Appointments

An issue arose in 2013 regarding an appointment that the Board of Selectmen made to the Planning Board. The appointment was for one year. Unfortunately, Section 7-5-1 of the Charter provides for appointments to the Planning Board for terms of three years. Therefore, there is no ability for the Board of Selectmen to appoint a member for a term of less than three years even if circumstances warrant. See Attachment 2. The Town may want to consider an amendment to this section of the Charter that would give the Board of Selectmen some flexibility in appointing members to the Planning Board or, for that matter, other multiple member boards for terms up to three years.

### 3. Eligibility of Finance Committee to Serve on Other Town Committees

Section 9-1-4 of the Charter provides that "No member of the Finance Committee shall hold any other elected or appointed office, except for membership in the Capital Outlay Committee." In an email opinion dated May 5, 2013 (Attachment 3), Town Counsel opined that

Mr. Christopher Clark  
Town Administrator  
November 12, 2014  
Page 2

this provision of the Charter did not prohibit a member of the Finance Committee from serving on the Harwich Middle School Re-Use Committee because the Committee was not an "office" in that the Re-Use Committee was appointed as an advisory committee by the Board of Selectmen and was not created by statute, charter, or special act. Although this provision has been interpreted in the past as applying to any town committee, consideration may be given to amending the Charter to clarify this issue.

**4. Appointment of Library Staff**

*Complete*

Section 6-7-2 of the Charter states that the Library Trustees appoint all professional staff for the Library. This raised a Charter interpretation issue as to which positions within the library were "professional." Ultimately Town Counsel concluded that the Library Trustees' interpretation that the term "professional staff" included all non-custodial employees was reasonable. (See Attachment 4.) The Library has proposed a Charter amendment which Town Counsel is currently drafting that will remove the word "professional" from Section 6-7-2 of the Charter.

**5. Contract and Bid Awarding Authority**

The Town Charter (4-3-2(i)) provides that the Town Administrator is "responsible for the purchasing of supplies, materials, and equipment for all town divisions, departments, and offices, excepting those for the school department and the Brooks Free Library." In an opinion dated August 8, 2013 (Attachment 5), Town Counsel opined that the authority granted to the Town Administrator by necessary implication included the authority to execute contracts on behalf of the Town. The opinion also stated that as the chief policy making board of the Town, the Board of Selectmen could adopt a policy requiring the Town Administrator to obtain approval of the Board of Selectmen before executing certain classes of contracts. An amendment to the Charter which provides more specific requirements as to the authority of the Town Administrator to execute contracts and the role of the Board of Selectmen in approving such awards could be considered.

**6. Appointment of Harbormaster**

An issue arose in 2012 as to whether a member of the Waterways Committee was required to wait a year after resigning from the Committee in order to be eligible for appointment as Harbormaster. In an email opinion issued on May 29, 2012, Town Counsel reached the conclusion that the one year bar to appointments contained in Section 7-2-5 of the Charter applied to the Waterways Committee member who sought appointment as the Harbormaster. See Attachment 6. Because the provisions of 7-2-5 are more restrictive than the Conflict of Interest Law (G.L.c. 268A), the Committee may wish to review this provision.

Mr. Christopher Clark  
Town Administrator  
November 12, 2014  
Page 3

## **7. Authority of the Golf Committee**

In 2007, Town Counsel rendered an opinion (see Attachment 7) that the Town Administrator and not the Golf Committee had the authority to appoint the Director of Golf Operations under Section 4-4 and was also responsible for the day-to-day supervision of the director of golf operations. See email opinion attached hereto as Attachment 7.

## **8. Quantum of Vote for CPA Appropriations Outside of the Capital Outlay Plan**

Under the Community Preservation Act, the appropriation of CPA Funds to acquire land in the absence of borrowing only requires a simple majority vote. In an email opinion dated June 2, 2009 and a follow-up email opinion dated June 2, 2009, Town Counsel opined that the appropriation of CPA funds for a capital outlay that is not shown on the Capital Outlay Plan adopted under Section 9-6-2 of the Town Charter requires a two-thirds vote of Town Meeting. See Attachment 8. In order to exempt CPA capital projects from the Capital Outlay Plan, a Charter amendment will be required.

## **9. Appointment of Committees**

In April 2014, Town Counsel answered a series of questions regarding the applicability of the Open Meeting law to various Town Committees. See Attachment 9. The questions that were answered raised a number of interpretations of various provisions of the charter relating to the definition of "Town Agency" and "ad hoc committees." The Committee may want to revisit these provisions of the Charter to make sure that there are consistent references to committee functions throughout the Charter.

## **10. Creation of Water and Wastewater Commission**

The Board of Selectmen voted on November 10, 2014, to refer to the Charter Review Committee a proposed Home Rule petition for a Special Act creating a Water and Wastewater Commission. The proposed Special Act includes a number of Charter changes which create the new Commission, abolish the existing Water Commission, and create a new Division of Water and Wastewater. See Attachment 10.

## **11. References to School Department in the Existing Charter**

With the creation of the Monomoy Regional School Committee the local Harwich School Committee was abolished, and the Charter was amended accordingly. There are, however, a few references in the existing Charter to the "School Department" which should be removed.

**KOPELMAN AND PAIGE, P.C.**

Mr. Christopher Clark  
Town Administrator  
November 12, 2014  
Page 4

Therefore, the Town may wish to consider amending the Charter to remove the reference to "School Department" in Sections 4-3-2(i) and 10-3-1(f), and to further delete the reference to School Property in Section 4-3-2(k).

I am also attaching a prior opinion that sets forth the various options available to change the Town Charter. See Attachment 11. This opinion may be of use to the Committee in their deliberations.

Please let me know if you have any further questions or need additional assistance.

Very truly yours,



John W. Giorgio

JWG/bp  
Enc.  
509921/harw/0001

ALSO

- Language To clarify "Strong Fire Chief"

Sample Only from 11/12/14 for discussion!

**AN ACT AMENDING THE CHARTER OF THE TOWN OF HARWICH FOR THE PURPOSE OF ESTABLISHING A WATER AND WASTEWATER COMMISSION.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

**SECTION 1.** There is hereby established in the town of Harwich a water and wastewater commission, which shall be an agency of the Town.

**SECTION 2.** The charter of the town of Harwich, established pursuant to chapter 18 of the Acts of 2006, is hereby amended by striking chapter 6, section 6, and replacing it with the following: -

6-6-1 There shall be a water and wastewater commission. The board of selectmen shall exercise the duties of the water and wastewater commission. 6-2-2 The water and wastewater commission shall possess and exercise all powers given to boards of water commissioners under section 69B of chapter 41 of the General Laws and boards of sewer commissioners under section 1 of chapter 83 of the General Laws, including stormwater management, and any special law pertaining to the operation of a water and wastewater commission in the town of Harwich.

**SECTION 3.** Said charter is hereby further amended by striking chapter 5, section 1-2 and replacing it with the following: -The divisions shall include: a division of finance, a division of highways and maintenance, a division of water and wastewater, and any other divisions established under clause 4-5-1.

**SECTION 4.** Said charter is further amended by adding a new section 7 to chapter 5, division of water and wastewater, to read as follows: - 5-7-1. A division of water and wastewater shall be established under the direction of an officer appointed by the town administrator to be known as

the director of water and wastewater. The division shall be responsible for the operation of all water and wastewater facilities within the town. The water and wastewater commission shall appoint a water and wastewater advisory committee consisting of five members to advise said commission on all policy matters relating to the operation of the division of water and wastewater.

**SECTION 5.** In addition to assuming the operation of the town's water system as provided for in the General Laws , the water and wastewater commission may lay out, plan, construct, maintain and operate a wastewater system or systems for a part or whole of the town's territory, as may be from time to time defined and established by adoption by town meeting of one or more by-laws as a designated wastewater service area under the jurisdiction and control of the water and wastewater commission, with such capacity limitations, connections, pumping stations, treatment plants and other works, as may be allocated in such by-law to such wastewater service area as required for a system or systems of wastewater treatment and disposal, and may construct such wastewater and related works in said wastewater service areas defined and established by by-law as may be necessary. No other wastewater system shall be constructed in any public roads or ways of the town which are not within the limits of such designated wastewater service areas and which are not under the control of the water and wastewater commission.

**SECTION 6.** Notwithstanding any provision of law to the contrary, owners of land not within the wastewater service areas defined and established pursuant to section 5 of this act shall not be permitted to connect to the town's wastewater system except as is set forth in this act. The territory covered by said wastewater service areas may be amended from time to time by the

water and wastewater commission, after a public hearing conducted to consider such amendment, upon approval of the department of environmental protection if otherwise required by law and upon enactment by town meeting of a by-law defining or establishing a new or expanded wastewater service area.

**SECTION 7.** The financial operation of the water system shall continue as an enterprise fund, and the wastewater system, including stormwater facilities and non-traditional methods of pollution mitigation, shall be operated as a separate enterprise fund pursuant to section 53F½ of chapter 44 of the General Laws, provided however that the town shall retain the flexibility under section 53F½ of chapter 44 of the General Laws to adjust the scope and purpose of any enterprise funds for water and wastewater services.

**SECTION 8.** The town shall, by vote at town meeting, determine whether it shall pay the whole or a portion of the cost of a wastewater system, which may include sewer and stormwater systems, and other facilities or undertakings deemed necessary by the water and wastewater commission to address non-traditional methods of pollution mitigation, and if a portion, what proportion. If the town votes to pay less than the whole cost, in providing for the payment of the remaining portion of the cost of said system or systems, the town, acting through the water and wastewater commission, may avail itself of any or all of the methods permitted by the General Laws; and the provisions of the General Laws relative to the assessment, apportionment, division, reassessment, abatement and collection of wastewater assessments or the additional methods set forth in section 9, and as to liens therefor and to interest thereon, shall apply to assessments made pursuant to this act by the water and wastewater commission, except that

interest shall be at the rate as may be established by the water and wastewater commission from time to time. At the same meeting at which town meeting determines that any portion of the cost is to be borne by the users of the wastewater system or systems, it may by vote determine by which of such methods as authorized under section 15 of chapter 83 of the General Laws the portion of said cost shall be provided for. The collector of taxes of said town shall certify the payment or payments of any such assessment or apportionments thereof to the water and wastewater commission.

**SECTION 9.** The water and wastewater commission may, in its discretion, prescribe for the users of said wastewater systems and disposal works such annual charges, connection fees, assessments, privilege fees, and the like, based on the benefits derived therefrom as such water and wastewater commission may deem proper, subject however, to such by-laws as may be adopted by vote of the town, or as may be provided for in the General Laws. Notwithstanding any law to the contrary, the water and wastewater commission is authorized to impose and collect such charges, fees, or assessments prior to connection or operation of such wastewater systems, and may enter into agreements for the payment thereof over such time as the water and wastewater commission shall determine. In fixing the charges to be imposed for said system, the water and wastewater commission is authorized to make use of any fee, charge, assessment or betterment provided for by the General Laws and further may take into consideration all costs for ongoing removal of infiltration and inflow of non-wastewater into the system as part of the normal operating costs of the system; may include, in setting privilege fees, capital costs and interest charges applicable thereto; may impose late fees for unpaid billings; may assess a capacity utilization fee to new estates and properties added to a wastewater service area authorized by this act from outside a designated needs area in addition to any privilege fee; may

charge betterments, special assessments, or any other charge to the estates and properties being served by collection system improvements and extensions to pay for all costs for sewer line extensions to serve new connections, both within the wastewater service areas authorized by the act and in any areas added to such wastewater service area; and may impose such charges on properties within a wastewater service area authorized by the act whether or not such estates and properties are then connected to the wastewater system.

The water and wastewater commission may make assessments on properties that are not connected to the wastewater system for which the Town has expended funds to address stormwater impacts and non-traditional methods of pollution mitigation.

**SECTION 10.** Notwithstanding anything to the contrary contained herein, the water and wastewater commission may at any time permit extensions, new connections or increases in flow to wastewater systems, subject to capacity, to serve municipal buildings or public restrooms or other public service uses as defined by the water and wastewater commission pursuant to duly adopted regulations. In addition, the water and wastewater commission may extend a wastewater system beyond the limits of any wastewater service area approved by town meeting (1) for the purpose of abating pollution in any “needs areas” as identified in a comprehensive wastewater management plan approved by the department of environmental protection, (2) to serve properties where the board of health has certified in writing that the on-site system is in failure, or (3) to serve properties in areas where due to emergency conditions such as sea level rise, on-site systems pose a threat of failure.

**SECTION 11.** The water and wastewater commission shall have all the powers of a board of health to order the connection of land to a wastewater system as set forth in section 3 of chapter 83.

**SECTION 12.** The water and wastewater commission may, consistent with section 10 of chapter 83, prescribe regulations to implement the purposes of this act, and is hereby authorized to delegate all or a portion of its statutory authority to any committee established by the board of selectmen or to the town administrator.

**SECTION 13.** No contracts or liabilities in force on the effective date of this act shall be affected by abolition of the elected offices as provided for herein, and the newly created appointed offices shall in all respects be the lawful successor of offices and departments so abolished.

**SECTION 14.** Any person holding an office or position in the administrative service of the town, or any person serving in the employment of the town shall retain such office or position and shall continue to perform his/her duties until provisions shall have been made in accordance with this act for the performance of the said duties by another person or agency; provided, however, that no person in the permanent full-time service or employment of the town, shall forfeit his/her pay grade or time in service. All such persons shall be retained in a capacity as similar to their former capacity as it is practical so to do.

**SECTION 15.** All leases, contracts, franchises, and obligations entered into by the town or for its benefit, prior to the effective date of this act shall continue in full force and effect.

**SECTION 16.** All records, property and equipment whatsoever of any office, department or agency or part thereof, the powers and duties of which are assigned in whole or in part to another office, department or agency, shall be transferred forthwith to the office, department or agency to which such powers and duties are assigned.

**SECTION 17.** Upon acceptance of section 39M of chapter 40 in the manner set forth therein, the town may appropriate from the Municipal Water Infrastructure Investment Fund for any purpose authorized by this act.

**SECTION 18.** Chapter 165 of the Acts of 1935 is hereby repealed. On the effective date of this Act, the board of water commissioners established pursuant to chapter 165 of the Acts of 1935, is hereby abolished, and the unexpired terms of said board members shall terminate.

**SECTION 19.** This act shall take effect upon passage.

**Town of Harwich** • 732 Main Street, Harwich, MA 02645

ph: 508-430-7506 fax: 508-430-4703



## HISTORIC DISTRICT AND HISTORICAL COMMISSION

# MEMO

To: Christopher Clark, Town Administrator  
From: Gregory Y. Winston, Chairman *G.Y.W.*  
Date: September 3, 2015



*Re: Albro House detached garage (shed) and side addition*

On Wednesday, September 2, 2015, the Commission voted to accept the Board of Selectmen declaration of the following named structures and offer them for bid:

1. Detached garage at the rear of Albro House property
2. Addition on the east side of the Albro House

cc: Board of Selectmen

**OFFICE OF THE TOWN ADMINISTRATOR**

**Christopher Clark, *Town Administrator***

Phone (508) 430-7513

Fax (508) 432-5039

732 MAIN STREET, HARWICH, MA. 02645



August 11, 2015

Mr. Gregory Winston, Chair  
Harwich Historical Commission  
732 Main St.  
Harwich, MA 02645

Re: Albro House Shed and Side Addition

Dear Mr. Winston:

At their meeting of August 10, 2015, the Board of Selectmen requested to pursue declaring the following structures as surplus and offering them for bid:

1. Detached garage in rear of Albro House
2. Addition on east side of Albro House

Please inform me if the Historical Commission has any issues with this request.

Sincerely,

Christopher Clark  
Town Administrator

cc: Board of Selectmen ✓



**DEMOLITION OF ANCILLARY ADDITION AND GARAGE AT  
THE ALBRO HOUSE LOCATED AT MAIN 728 STREET,  
HARWICH, MASSACHUSETTS**

**The Town of Harwich is soliciting quotes for the demolition of the ancillary addition and detached garage of a residential structure at 728 Main Street, Harwich, Massachusetts as specified below. Prevailing wage rates apply to this project. Please submit quote within fourteen days to:**

**Robert Cafarelli, Town Engineer  
732 Main Street  
Harwich, MA 02645  
Email: [rcafarelli@town.harwich.ma.us](mailto:rcafarelli@town.harwich.ma.us)  
Tel: 508-430-7508**

**GENERAL**

The intent of these specifications is to provide for the demolition of the ancillary structure and detached garage, as specified, of the structure located at 728 Main Street, Harwich in a manner satisfactory to the Harwich Building Commissioner, and in accordance with all applicable state, local and federal laws, rules and regulations. Prevailing Wage Rates are required for this project.

**REQUIREMENTS**

The contractor shall include in the quote the price of demolition and removal of this structure, back-filling of foundation hole and rough grading and tamping of backfill to prevent erosion or surface water nuisance on this cleared location of the garage and addition, removing trash, rubbish and debris, leaving area clean and leveled to uniform grade. No demolition work shall begin until a demolition permit is issued from the Harwich Building Department for this project.

A. The contractor is required to legally remove and dispose of materials, etc., if any are located on the property. The contractor shall view the property and investigate for such elements prior to submitting a quote.

- B. Demolition should proceed in a systematic safe manner from top to bottom.
- C. Concrete shall be demolished in small sections.
- D. Demolish foundation walls and other below grade construction, including concrete slabs, to a depth of not less than four feet (4') below existing grade.(if applicable)
- E. Concrete walls and floors can be used as backfill when demolished and compacted in a manner that no cavities are present. Please ensure that the area to be filled is free of standing water, frost, frozen materials, trash, and debris.
- F. Properly dispose of debris away from site in approved disposal areas.

#### HAZARDOUS MATERIALS

The demolition contractor who submits a bid for the demolition of this structure is responsible for viewing the site and determining the nature and extent of all hazardous materials and special handling materials, which exist prior to submitting a quote. The estimated extent of hazardous materials and the estimated cost to legally remove and dispose of any hazardous materials shall be included in the quote. Caution should be observed when viewing the interior to assess the contents due to its unstable structural condition.

The reasonable cost to remove any additional hazardous materials found in subsequent investigations above and beyond those contained in the quote will be compensated for through change orders to the original contract. Requests for such change orders shall be submitted to the Town in writing and include an itemized breakdown of the costs to remove and legally dispose of the additional hazardous materials and documentation to support the requested costs of disposal are reasonable. If the Town determines that the additional cost is fair, reasonable and accurate, compensation will be allowed.

T.A.

**Sandy Robinson**

---

**From:** Christopher Clark  
**Sent:** Monday, August 03, 2015 2:21 PM  
**To:** Link Hooper; louis urbano  
**Cc:** Sean Libby; David Spitz; peter hughes; Ann Steidel; Sandy Robinson  
**Subject:** RE: Albro house

Hi Lou,

Thank you for your email. I have had an opportunity to discuss this with Link today. As I can see below, he has provided you with an estimate for the disposal cost of a few hundred dollars. It is my intent to bring this up under town administrator announcements for the meeting of August 10, 2015 to inform the board of the potential removal of the shed behind the Albro house and the addition on the side of the Albro house closest to town Hall. Did receive Friday some check in cash donations towards the Albro house and presume that Mr. Winston will provide the \$200 towards the demolition costs of the shed and the small addition.

Chris

Christopher Clark  
Town Administrator  
Town of Harwich  
732 Main Street  
Harwich, MA 02645  
Tel. 508.430.7513  
Fax. 508.432.5039  
ccclark@town.harwich.ma.us

**From:** Lincoln Hooper [mailto:highway@cape.com]  
**Sent:** Monday, August 03, 2015 11:51 AM  
**To:** louis urbano <louis\_urbano@yahoo.com>; Christopher Clark <cclark@town.harwich.ma.us>  
**Cc:** Sean Libby <slibby@townofharwich.us>; David Spitz <dspitz@town.harwich.ma.us>  
**Subject:** Re: Alboro

Hi Lou,

I'm not sure I'm fully understanding your question. If it is about removing the garage at Albro House I will offer this. Demoing the garage is not much work and probably can be done in a day. I would guess the cost of disposal would be a few hundred dollars, excluding labor and fuel. Obviously I need Town Administrator Chris Clark to formally request that the DPW remove the garage before scheduling anything.

Respectfully,

Lincoln Hooper, Director  
Town of Harwich DPW  
P.O. Box 1543  
273 Queen Anne Road  
Harwich, MA 02645  
508-430-7555

**From:** [louis urbano](mailto:louis_urbano)  
**Sent:** Friday, July 31, 2015 9:14 PM

**To:** Lincoln Hooper ; Christopher Clark  
**Subject:** Albro

I know I'm flooding you with requests and emails sorry . I will get used to sitting and looking at sun set . My question is a simple one as you may have read Greg Winston has committed to write a check to tear off new addition to Albro and tear down garage . I'm asking for a price so he will write a check. Please sharpen the pencils as I'm hoping it comes in at the \$500 range.

Linc the reason I copied Cris is my past practice of always copying top man and would hope that is common practice. If not let me know please.

Loi

Sent from Yahoo Mail for iPad

TOWN OF HARWICH  
POLICY FOR DISPOSITION OF SURPLUS GOODS AND EQUIPMENT

1. If the surplus goods or equipment have no resale or salvage value less than \$100, the Department Head shall determine how best to dispose of such property at the least cost to the town and keep a record of the disposition

2. If the surplus property is determined by the Department Head to have resale or salvage value of less than \$5,000, and the Department Head has offered it and determined that no other department has an interest in the property, the property may be disposed of pursuant to the procedure set forth below in subsection A and B.

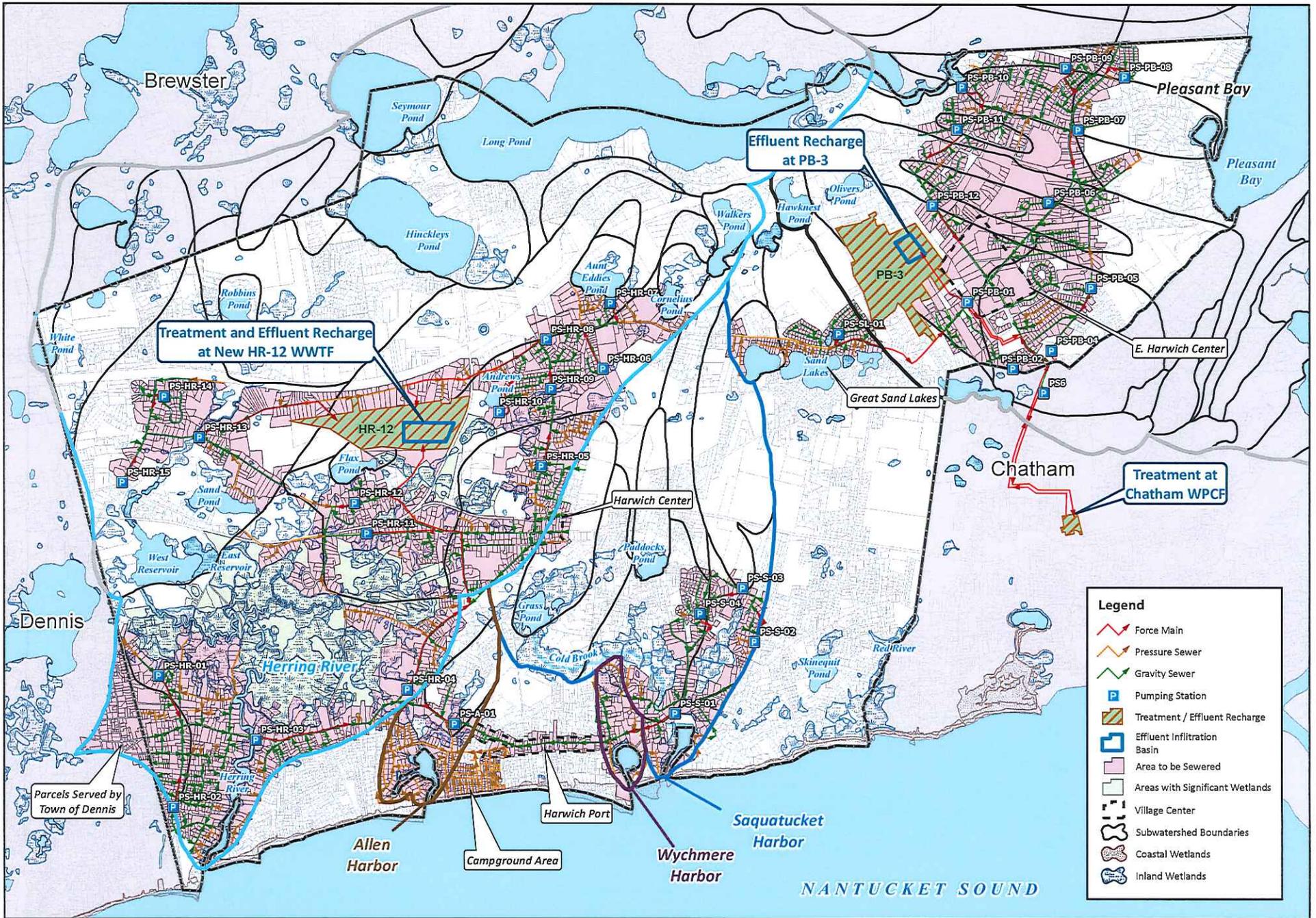
A. The Department Head shall solicit written bids/ quotes from at least 2 individuals or companies that may be interested in the item, maintaining a written record of the names and addresses of the individuals and/or companies from which a bid /quote was solicited;

B. The Department Head shall also advertise the surplus property for sale on the town website or on any internet site that offers such property for sale at least 14 calendar days prior to the sale. Any such advertisement shall state the sale date, the date by which a sealed bid/ quote shall be submitted to the town, and shall prescribe a format in which a sealed bid / written quote shall be submitted (written and delivered to a prescribed address).

3. If the surplus property is determined to have resale or salvage value greater than \$5,000, it must first be declared as surplus by the Board of Selectmen, and then may be disposed of in conformance with the procedures of Massachusetts General Laws Chapter 30B.

Approved by the Board of Selectmen on February 21, 2012.

First Reading: February 6, 2012  
Second Reading: February 13, 2012  
Third Reading: February 21, 2012



Town of Harwich  
Comprehensive Wastewater  
Management Plan

Figure 13-1  
Recommended Areas to be Sewered



## Ann Steidel

---

**From:** sally urbano <urbanosally@yahoo.com>  
**Sent:** Thursday, September 10, 2015 3:40 PM  
**To:** Ann Steidel  
**Subject:** Restoration of the West Harwich School House (WHSH)

### Restoration of the West Harwich School House (WHSH)

#### BACKGROUND

A voluntary citizens' group known as *Captains' Row*, dedicated to creation of a flexible historic district for West Harwich, has been at work on ideas to preserve the old schoolhouse. Built in 1871, the West Harwich School House (WHSH) has been boarded up and unused for approximately two decades. Although earlier proposals stalled out for several reasons, we hope that the Harwich Board of Selectmen will support the citizens of the village of West Harwich as we attempt to take a more comprehensive approach toward identifying, preserving, and leveraging the historic assets, both private and public, in our town. Our group has come to see, both individually and collectively, that we share culturally, historically, and architecturally significant properties and that we believe our quality of life, including financial considerations that are anchored in our real estate holdings, can be improved with conscientious attention to how we shape our built environment

#### OBJECTIVE

The WHSH is the solitary civic structure in the village; because it is town-owned, we hope to secure CPC funds for basic repair and preservation work. The WHSH is an *ideal* candidate to serve as a springboard for the revitalization of the immediate area, to function as a catalyst for neighbors to see what can be done with some ingenuity, some familiarity with the local history, and some elbow grease.

We propose that the schoolhouse be outfitted to house a Maritime museum and an enterprise dedicated to fabrication of small, handcrafted wooden boats — a civic, educational, and commercial enterprise that weaves the cultural and historical basis of Captains' Row with Harwich's renown maritime history. A use of this type would promote tourism, educational opportunities at several levels, and provide a new spur to non-seasonal recreational events.

Our plan is in direct contrast to the capital plan's proposed demolition of the building.

Dr. Duncan Berry writes, "abutting the First Baptist Church and its cemetery, the School House was critically situated to enable its users to behold and to contemplate the lives of those who came before and the role of the Church in the life of the town. As such, the old School House constitutes the most significant civic, secular structure in the Village of West Harwich."

Additional material about the history of West Harwich can be accessed on a new, popular Facebook group called simply, "Historic West Harwich."

#### GOVERNANCE

The group proposes an idea that the town appropriate the building to the Historic district/historic commission for the use as described for a Maritime museum. . . Preservation work on the building shall be directed from within the engineering office complimented by a team of West Harwich volunteers, headed by Lou Urbano and coordinated through David Spitz.

Additionally, we would hope the town will establish a sub-committee tasked with project oversight and support — during the processes of funding, construction, and ultimately of operation.

#### FUNDING

The wherewithal is to be sought initially through CPC funds, grants donations, and local/national fund-raising activities. Upon completion, further costs (i.e., maintenance) will not be the responsibility of the town. This shall be detailed in a lease agreement.

PROJECT

Project will be done in three phases, within a 3-year project schedule:

*Phase I:* Shore up foundations, exterior surfaces, windows and architectural trims and moldings.

*Phase II:* Interior and systems: gut & finish first floor for boat-building; secure plumbing & electrical; frame & secure 2nd floor for TBD future build-out.

*Phase III:* Final exterior details, septic, and landscaping

*Total Cost:* Between \$450,000 and \$650,000

*We anticipate a total CPC funding request of \$350,000.*

Respectfully submitted,  
Sally Urbano

**West Harwich School Building**  
**West Harwich, MA**

February 25, 2008

**GRAND SUMMARY**

WEST HARWICH SCHOOL BUILDING	\$1,075,508
<b>ALTERNATES</b>	
ALTERNATE NO. 1 - ADD AIR CONDITIONING	\$15,401
ALTERNATE NO. 2 - ADD SINKS AND CLOSETS IN MULTIPURPOSE ROOMS	\$14,530
ALTERNATE NO. 3 - SUBSTITUTE ACOUSTICAL TILE TO RESEMBLE EMBOSSED TIN CEILING IN LIEU OF STANDARD ACT	\$10,378
ALTERNATE NO. 4 - EVALUATE CONDITION OF EXISTING WOOD SHINGLE SIDING AND RETAIN & REPAIR IF FEASIBLE	(521,183)

# Ledger Billed - by matter report

statement Date>=7/1/2015 and statement Date<=6/30/2016 and client sort contains 'harwich' statement

	TOTAL BILLED	BILLED	
	Fees/Disbursements	Fees	Disb.
Harwich Town Hall GENERAL LEGAL SERVICES	2,116.93	1,955.00	161.93
Harwich Town Hall GENERAL LABOR SERVICES	952.00	952.00	0.00
Harwich Town Hall APPELLATE TAX BOARD	0.00	0.00	0.00
Harwich Town Hall CHATHAM CRANBERRY CO. V. ZBA	102.00	102.00	0.00
Harwich Town Hall PLANNING BOARD	0.00	0.00	0.00
Harwich Town Hall CONSERVATION COMMISSION	51.00	51.00	0.00
Harwich Town Hall CRANBERRY VALLEY GOLF COURSE	442.00	442.00	0.00
Harwich Town Hall CAPE & VINEYARD ELECTRIC	0.00	0.00	0.00
Harwich Town Hall WALSH BROTHERS AND JONES V.	119.00	119.00	0.00
Harwich Town Hall JALKUT V. TOWN	447.40	170.00	277.40
Harwich Town Hall JUDGE V. ZBA	1,071.00	1,071.00	0.00
Harwich Town Hall SEADOR V. ZBA AND WHELAN	0.00	0.00	0.00

# Ledger Billed - by matter report

statement Date>=7/1/2015 and statement Date<=6/30/2016 and client sort contains 'harwich' statement

	TOTAL BILLED	BILLED	
	Fees/Disbursements	Fees	Disb.
Harwich Town Hall HERSHEY V. ZBA AND WALSH	102.00	102.00	0.00
Harwich Town Hall MAHER DEP C.91 APPEAL	884.00	884.00	0.00
Harwich Town Hall HARBORMASTER V. SYKES	0.00	0.00	0.00
Harwich Town Hall FRIENDS OF HARWICH BEACHES V.	561.00	561.00	0.00
Harwich Town Hall DESIMONE V. TOWN	34.00	34.00	0.00
Harwich Town Hall ACE V. HARWICH (REACH AND APPLY), ET	0.00	0.00	0.00
Harwich Town Hall MORRISON V. HARWICH CONSERVATION	187.00	187.00	0.00
Harwich Town Hall HALL PROPERTY ACQUISITION	0.00	0.00	0.00
Harwich Town Hall FIRST CONGREGATIONAL CHURCH OF	3,026.00	3,026.00	0.00
Harwich Town Hall WASTEWATER	1,649.00	1,649.00	0.00
Harwich Town Hall CENTER CEMETERY MEMORIAL GARDEN	0.00	0.00	0.00
Harwich Town Hall TOWN MEETING	0.00	0.00	0.00
Harwich Town Hall SEC. 208 WATER QUALITY PLAN UPDATE	0.00	0.00	0.00

# Ledger Billed - by matter report

statement Date>=7/1/2015 and statement Date<=6/30/2016 and client sort contains 'harwich' statement

	TOTAL BILLED	BILLED	
	Fees/Disbursements	Fees	Disb.
Grand Total:	<u>11,744.33</u>	<u>11,305.00</u>	<u>439.33</u>

# Ledger Billed - by matter report

statement Date>=7/1/2014 and statement Date<=6/30/2015 and client sort contains 'harwich' statement

	TOTAL BILLED	BILLED	
	Fees/Disbursements	Fees	Disb.
Harwich Town Hall GENERAL LEGAL SERVICES	10,228.30	7,718.00	2,510.30
Harwich Town Hall GENERAL LABOR SERVICES	1,039.47	1,037.00	2.47
Harwich Town Hall APPELLATE TAX BOARD	1,887.00	1,887.00	0.00
Harwich Town Hall PLANNING BOARD	306.00	306.00	0.00
Harwich Town Hall CUDDY, TRUSTEE V. PLANNING BOARD	136.00	136.00	0.00
Harwich Town Hall LICENSING	306.00	306.00	0.00
Harwich Town Hall BOARD OF HEALTH	510.00	510.00	0.00
Harwich Town Hall CONSERVATION COMMISSION	2,176.00	2,176.00	0.00
Harwich Town Hall ZONING BOARD OF APPEALS	0.00	0.00	0.00
Harwich Town Hall REAL ESTATE	102.00	102.00	0.00
Harwich Town Hall HALL LAND COURT REGISTRATION	578.00	578.00	0.00
Harwich Town Hall CAPE & VINEYARD ELECTRIC	187.00	187.00	0.00

# Ledger Billed - by matter report

statement Date>=7/1/2014 and statement Date<=6/30/2015 and client sort contains 'harwich' statement

	TOTAL BILLED	BILLED	
	Fees/Disbursements	Fees	Disb.
Harwich Town Hall COMMUNITY PRESERVATION ACT	1,547.00	1,547.00	0.00
Harwich Town Hall BARDSLEY V. CONSERVATION	5,772.76	5,729.00	43.76
Harwich Town Hall 1055 OAK STREET	0.00	0.00	0.00
Harwich Town Hall ALLEN HARBOR DREDGING PROJECT	102.00	102.00	0.00
Harwich Town Hall WALSH BROTHERS AND JONES V.	6,911.65	6,783.00	128.65
Harwich Town Hall MONOMOY RSD	0.00	0.00	0.00
Harwich Town Hall TOWN V. A.W. MARTIN	978.50	0.00	978.50
Harwich Town Hall JALKUT V. TOWN	12,586.83	12,393.00	193.83
Harwich Town Hall JUDGE V. ZBA	2,227.00	2,227.00	0.00
Harwich Town Hall SEDOR V. ZBA AND WHELAN	5,041.03	4,896.00	145.03
Harwich Town Hall HERSHEY V. ZBA AND WALSH	544.00	544.00	0.00
Harwich Town Hall SALE OF HARWICH MIDDLE SCHOOL	0.00	0.00	0.00
Harwich Town Hall DEWEY V. PLANNING BOARD	1,003.00	1,003.00	0.00

# Ledger Billed - by matter report

statement Date>=7/1/2014 and statement Date<=6/30/2015 and client sort contains 'harwich' statement

	TOTAL BILLED Fees/Disbursements	BILLED Fees      Disb.	
Harwich Town Hall CARR V. CHIEF OF POLICE	2,739.80	2,601.00	138.80
Harwich Town Hall MAKER V. TOWN AND CHIEF OF POLICE	2,748.44	2,601.00	147.44
Harwich Town Hall MAHER DEP C.91 APPEAL	12,409.44	11,543.00	866.44
Harwich Town Hall HARBORMASTER V. SYKES	8,508.94	7,786.00	722.94
Harwich Town Hall BUTLER V. HARWICH POLICE	425.00	425.00	0.00
Harwich Town Hall FRIENDS OF HARWICH BEACHES V.	3,574.46	3,417.00	157.46
Harwich Town Hall CHARTER	1,156.00	1,156.00	0.00
Harwich Town Hall DESIMONE V. TOWN	1,853.00	1,853.00	0.00
Harwich Town Hall ACE V. HARWICH (REACH AND APPLY), ET	4,047.33	3,961.00	86.33
Harwich Town Hall MORRISON V. HARWICH CONSERVATION	3,015.97	2,873.00	142.97
Harwich Town Hall HALL PROPERTY ACQUISITION	3,554.00	1,037.00	2,517.00
Harwich Town Hall WASTEWATER	11,872.70	11,653.50	219.20

# Ledger Billed - by matter report

statement Date>=7/1/2014 and statement Date<=6/30/2015 and client sort contains 'harwich' statement

	TOTAL BILLED	BILLED	
	Fees/Disbursements	Fees	Disb.
Harwich Town Hall BUILDING INSPECTOR	1,462.00	1,462.00	0.00
Harwich Town Hall CENTER CEMETERY MEMORIAL GARDEN	2,142.00	2,142.00	0.00
Harwich Town Hall TOWN MEETING	9,204.03	9,061.00	143.03
Harwich Town Hall HARBOR	595.00	595.00	0.00
Harwich Town Hall SEC. 208 WATER QUALITY PLAN UPDATE	221.00	221.00	0.00
Harwich Water Department GENERAL LEGAL SERVICES	1,054.00	1,054.00	0.00
Harwich Treasurer/Tax Collector GENERAL LEGAL SERVICES	1,244.34	1,085.00	159.34
<b>Grand Total:</b>	<b>125,996.99</b>	<b>116,693.50</b>	<b>9,303.49</b>

# Ledger Billed - by matter report

statement Date>=7/1/2013 and statement Date<=6/30/2014 and client sort contains 'harwich' statement

	TOTAL BILLED	BILLED	
	Fees/Disbursements	Fees	Disb.
Harwich Town Hall GENERAL LEGAL SERVICES	20,143.13	16,881.00	3,262.13
Harwich Town Hall GENERAL LABOR SERVICES	1,853.00	1,853.00	0.00
Harwich Town Hall APPELLATE TAX BOARD	2,703.00	2,703.00	0.00
Harwich Town Hall PLANNING BOARD	5,304.00	5,304.00	0.00
Harwich Town Hall CUDDY, TRUSTEE V. PLANNING BOARD	224.50	221.00	3.50
Harwich Town Hall LICENSING	1,258.00	1,258.00	0.00
Harwich Town Hall CONSERVATION COMMISSION	1,224.00	1,224.00	0.00
Harwich Town Hall ZONING BOARD OF APPEALS	986.00	986.00	0.00
Harwich Town Hall REAL ESTATE	561.00	561.00	0.00
Harwich Town Hall CAPE & VINEYARD ELECTRIC	4,215.26	4,097.00	118.26
Harwich Town Hall COMMUNITY PRESERVATION ACT	68.00	68.00	0.00
Harwich Town Hall BARDSLEY V. CONSERVATION	8,700.52	8,321.50	379.02

# Ledger Billed - by matter report

statement Date>=7/1/2013 and statement Date<=6/30/2014 and client sort contains 'harwich' statement

	TOTAL BILLED	BILLED	
	Fees/Disbursements	Fees	Disb.
Harwich Town Hall 1055 OAK STREET	131.00	119.00	12.00
Harwich Town Hall ALLEN HARBOR DREDGING PROJECT	1,020.00	1,020.00	0.00
Harwich Town Hall JONES V. TOWN	1,478.01	1,462.00	16.01
Harwich Town Hall WALSH BROTHERS AND JONES V.	14,003.53	13,906.00	97.53
Harwich Town Hall CZARNECKI V. ZBA AND O'SULLIVANS	34.00	34.00	0.00
Harwich Town Hall MONOMOY RSD	442.00	442.00	0.00
Harwich Town Hall TOWN V. A.W. MARTIN	935.00	935.00	0.00
Harwich Town Hall 54 SNOW INN ROAD LLC V. HARWICH	1,683.00	1,683.00	0.00
Harwich Town Hall TOWNADMINISTRATOR SEARCH	1,513.00	1,513.00	0.00
Harwich Town Hall JALKUT V. TOWN	28,433.89	28,109.50	324.39
Harwich Town Hall JUDGE V. ZBA	1,054.00	1,054.00	0.00
Harwich Town Hall SEADOR V. ZBA AND WHELAN	901.00	901.00	0.00
Harwich Town Hall HERSHEY V. ZBA AND WALSH	884.00	884.00	0.00

# Ledger Billed - by matter report

statement Date>=7/1/2013 and statement Date<=6/30/2014 and client sort contains 'harwich' statement

	TOTAL BILLED	BILLED	
	Fees/Disbursements	Fees	Disb.
Harwich Town Hall SALE OF HARWICH MIDDLE SCHOOL	8,681.48	8,568.00	113.48
Harwich Town Hall OTTINO V. CHIEF OF POLICE	1,897.56	1,785.00	112.56
Harwich Town Hall KANIN V. HARWICH CONSERVATION	680.00	680.00	0.00
Harwich Town Hall WASTEWATER	6,073.66	5,933.00	140.66
Harwich Town Hall BUILDING INSPECTOR	85.00	85.00	0.00
Harwich Town Hall TOWN MEETING	15,986.20	15,691.00	295.20
Harwich Town Hall HARBOR	0.00	0.00	0.00
Harwich Water Department GENERAL LEGAL SERVICES	5,852.36	5,678.00	174.36
<b>Grand Total:</b>	<b>139,009.10</b>	<b>133,960.00</b>	<b>5,049.10</b>



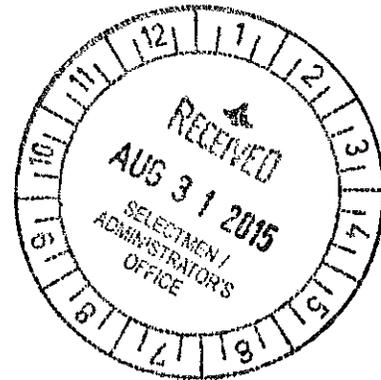
# HARWICH FIRE DEPARTMENT

Norman M. Clarke Jr., **Chief of Department**  
Kent J. Farrenkopf., **Deputy Chief**

## MEMORANDUM

**August 31, 2015**

**To: Chris Clark, Administrator**  
**From: Chief Clarke**  
**Re: Station 2 Feasibility Study**



**Chris I would like to put together, through you, a working group to evaluate and develop a plan for the rehabilitation and possible expansion of Station 2 in East Harwich. The building opened in 1976 and had some maintenance work done at the time of the construction of the Head Quarters Station. The building is in a condition that warrants some significant repairs. I would like to include up to 3 members of the department, Bob Cafarelli, Paul Sweetser, Dave Spitz and Sean Libby. I would serve as the chairman of the committee. This group would do an evaluation to the land that is there, the structure and the potential for expansion, keeping in mind the possible future of regional efforts with surrounding communities. The committee would report to you with regular updates and continued direction.**

## MEMORANDUM

To: Chris Clark, Town Administrator  
From: David Riquinha, Building Commissioner  
Re: Full-time Building Inspector  
Date: August 24, 2015

Building permit activity in Harwich has been very high since I began work here last year. The annual revenue increase from building permits has increased by 20% over the last two years and I see no signs of this activity slowing down in the near future. I appreciate your support in allowing me to hire a second half-time building inspector; however, it is now time to take the next step. The two part-time positions should be combined into one full-time building inspector. Benefits would be numerous:

- A building inspector would be available 5 working days per week rather than the current 4 days
- Hours would be consistent with other Building Department staff
- Plan reviews and inspections would be handled more consistently
- Interactions with the public and code interpretations would be more consistent
- A full-time inspector would have an easier time learning and using our Accela permit system.

The position of Assistant Building Inspector is currently listed in the HEA contract at Grade 7. I would seek a new employee beginning at Step 3 at an hourly rate of \$25.25 which would be funded by the two current part time positions.

The current tasks undertaken by the Building Commissioner on a daily basis include but are not limited to:

- Permit issuance
- Building counter questions /applicant assistance
- Commercial building inspections
- Required annual assembly building inspections
- Zoning consultations
- Zoning Board denials
- Certificates of Occupancy
- Pre application consultations
- Violations
- Complaints, etc.

At a current rate of 1407 Building Permits a year, I would have to issue 27 permits a week along with all of my other daily duties. This work load is not sustainable with the current staff. The part time building inspectors help when they can but are primarily scheduling, performing, and recording data from residential building inspections for most of the day when they are in.

I would like to begin the hiring process as soon as you authorize this change. Please let me know if you need any further information.



P.O. Box 774, Harwich Port, MA | stmaryofmagdalachurch.org | 508-432-0027

August 25, 2015

PASTORAL TEAM

Rev. Marie David,  
M.Ed., RCWP  
Co-Pastor  
508-737-2883  
marie@evensongretreat.com

Rev. James David, M.Div.  
Co-Pastor  
508-737-1899  
jim@evensongretreat.com

Rev. Mrs.  
Ann O'Callaghan  
Deacon  
Anncape45@Comcast.net

Mr. Christopher Clark,  
Town Administrator  
Town of Harwich  
732 Main Street  
Harwich, MA 02645



Dear Mr. Clark:

Thank you for taking time to consider our proposal dated June 17, 2015 and regarding possible purchase of the former fire station on Bank St. We also appreciate you bringing it to the Board of Selectman during your report at their August 24<sup>th</sup> meeting.

Our proposal was made in all good will with the understanding that the town was preparing to decide the fate of the building in question within a relatively short timeframe. In the discussion that took place at the August 24<sup>th</sup> meeting it became clear that any plans the town may decide upon for that building will unfold slowly and carefully over the next several years. It was also very clear that the Harbor Master's on-going use of that facility is important to the performance of his duties for the town.

In light of these clarifications and given our own desire to resolve our needs within a shorter time frame, we hereby respectfully withdraw our proposal to purchase the former fire station building on Bank Street.

We regret any inconvenience that our incorrect understanding may have caused anyone. Again, we thank you, the Board of Selectmen, and the Harbor Master for taking time with this.

On behalf of the members of St. Mary of Magdala Church, Inc., and with good wishes, we remain

Sincerely,

*James F. David*  
(Rev.) James F. David  
Co-Pastors

*Rev. Marie S. David*  
(Rev.) Marie S. David

cc: Peter S. Hughes, Chair, Board of Selectmen  
John Rendon, Harbormaster  
Richard Waystack, Parishioner  
Robert O'Toole, Chair, Board of Directors, SMMC