

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, JUNE 30, 2014
7:00 P.M.**

APPROVED

SELECTMEN PRESENT: Cebula, Hughes, LaMantia, McManus

OTHERS PRESENT: Town Administrator Christopher Clark, Assistant Town Administrator Julie Quintero-Schulz, Ginny Hewitt, Lou Urbano, Peggy Garrahan, Errol James, Michelle Caywood, Henry Shepherd, Judy Ford, Mary Warde, Bill Crowell, and others.

MEETING CALLED TO ORDER at 7:00 p.m. by Vice Chairman Hughes.

PUBLIC COMMENT/ANNOUNCEMENTS

Ms. Hewitt reported on summer programs at the Library. Mr. Urbano suggested that the Board form a committee specifically to look at the schools.

CONSENT AGENDA

- A. Minutes --
 - 1. June 2, 2014 Regular Session
 - 2. June 16, 2014 Regular Session
- B. Authorize Chair to sign the Animal Control Officer Warrant
- C. Sign Material Events Disclosure and accompanying certification for the Bond Anticipation Note
- D. Approve 2-day Special License application for wine and malt for Lower Cape Communications, d/b/a WOMR 92.1FM, for event to be held on Saturday, September 13, 2014 from 12:00 p.m. to 8:00 p.m. and Sunday, September 14, 2014 from 12:00 p.m. to 6:00 p.m. at Brooks Park
- E. Approve application for craft fairs by Harwich Cranberry Festival for July 12 & 13, August 9 & 10, September 13 & 14 from 8:00 a.m. to 5:00 p.m. at Brooks Park
- F. Approve Miscellaneous Appointments as recommended
- G. Disband the Public Safety Group
- H. Approve application for Craft Fair at First Congregational Church for July 12, 2014
- I. Confirm appointment of Richard Hosking as Tractor Trailer Driver as recommended
- J. Authorize Chair to sign Contract Amendment #5 for additional wastewater planning services with CDM Smith, Inc.
- K. Authorize Chair to sign Contract Agreement for Phase I of the Cold Brook System natural nitrogen attenuation project with CDM Smith, Inc.
- L. Approve request for assistance from the Caleb Chase Assistance Gift Fund in the amount of \$399.46 to National Grid and \$300.00 to Nstar
- M. Approve request by Nstar Electric to install underground service at 20 Sequattom Road
- N. Approve request by Nstar Electric to install underground service at 77 Oliver Snow Road

- O. Approve request by Verizon New England and Nstar Electric to install underground service at 243 Queen Anne Road

Mr. McManus moved approval of the Consent Agenda and the recommended actions including Items A, B, C, and F through O. He noted that he would be recusing himself from Items D and E. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote. Ms. Cebula moved to approve Items D and E on the Consent Agenda. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

PUBLIC HEARINGS/PRESENTATIONS *(Not earlier than 7:00 P.M.)*

- A. "I Am Harwich" Presentation – *Jeremy Gingras, Chamber of Commerce*

Mr. Gingras introduced the Branding Committee members that were present including Ginny Hewitt, Peggy Garrahan, and Errol James. He stated that Harwich is currently facing some significant opportunities and challenges and if we are to maximize opportunities and solve challenges, it will be critical to have a shared vision of what makes Harwich special. He reported that the Chamber has entered into a contract with North Star Destination Strategies, a Nashville-based company which helps communities retain a positive image through branding. He reported that extensive information is being collected through a survey to obtain a true picture of what Harwich's brand is now, why, what it should be and how the preferred identity can best be accomplished. He outlined potential benefits of the program including generating revenue growth, aligning community activities and resources, and creating recognition, loyalty and advocacy for Harwich. Mr. Gingras took questions and comments from the Board.

OLD BUSINESS

- A. Traffic Safety Committee revised charge – *discussion and possible vote*

Ms. Cebula stated that the changes that were recommended at the last meeting had been made. Mr. McManus moved to adopt the new Statement of Purpose for the Traffic Safety Committee. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

NEW BUSINESS

- A. Approve new application for Hawkers and Peddlers License by Dog Days Enterprises LLC – *discussion and possible vote*

Applicant Michelle Caywood described her plan to operate four days per week for approximately 25 days total this summer. Attorney Henry Shepherd, representing the Dewey's of 2 Old Colony Road, noted that he had filed an appeal at Barnstable Superior Court today against this. He stated that there are problems with this type of operation in this type of neighborhood and he questioned what by-law allows this. Robert Bradley provided two letters to the Board which he outlined (see attached). An unidentified citizen said it is a commercial area and an ideal situation for people coming off the bike path. Kathleen Teehan, who identified herself as a neighbor of the applicant, said she is a very caring and competent person. An individual who identified himself as a family member of the Dewey's said this is clearly an overuse of that location. He

said the bike shed has been prepped and is clearly going to be used. Ms. Caywood said that she has been working on this for two years, there has been plenty of time for appeals, and she has done all the right things and had already addressed concerns of the neighbors at the Planning Board meeting. She further responded that the shed is being used only for non-food items. Mr. LaMantia moved to approve this project as presented. Ms. Cebula seconded the motion. Mr. McManus responded to Mr. Shepherd that we don't have a by-law and we operate under State general law. Mr. Shepherd stated that access and egress problems and traffic issues should be taken into account. Ms. Caywood noted that her last day would be August 15. Mr. McManus said he would have preferred it if the Planning Board had approved the location to be closer to Route 124 and he questioned if this should be a transient vendor license instead. The motion carried by a 3-0-1 vote with Mr. McManus abstaining from the vote.

B. Extension of the South Harwich Meeting House License Agreement - *discussion & possible vote*

Mr. McManus moved to extend the license for 12 months until replaced by a succeeding agreement. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote. Ms. Ford updated the Board on the remaining building projects and provided the attached document on the matter.

C. Memorandum of Agreement with Barnstable County for Regional Wide Area Network – *discussion and possible vote to authorize Town Administrator to sign*

Mr. Clark explained that the County has included \$200,000 in their budget to try to improve the broadband in the different communities and once this is activated they would link the permitting software through our technology site at the public safety center. He noted that the work is expected to be done in a two year period. Mr. LaMantia stated that it is hard to understand what they are doing and questioned if they are saying the Town does not have to pay. He commented that he doesn't know what the benefit is. Vice-Chairman Hughes said they would hold on this for now and invite someone to come in who is a proponent of this to explain it.

D. Middle School Repurpose Committee charge – *discussion and possible vote*

Mr. LaMantia moved to accept this charge. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

E. Personnel Authority of Brooks Library Trustees – *discussion and possible vote*

Ms. Warde read the following statement to the Board:

Good evening, my name is Mary Warde, and I currently chair the Board of Trustees of the Brooks Library. Five other Trustees are also present here tonight. The Board requested time on the agenda this evening to discuss Trustee Hiring Authority as specified in the Town Charter.

When the Harwich Home Rule Charter was adopted in 1987, it gave full responsibility for library administration and operation of the Library to the elected Board of Trustees. That included

personnel authority for library staff. The Charter has been amended several times but the wording for the Library Board of Trustees has been consistent and has never been changed.

Section 6-7-2 says:

“The board shall be responsible for the administration and operation of the Brooks Free Library, including appointment of professional library staff, acquisitions of books, journals, periodicals, and other materials relating to the library function, and the promulgation of library rules and regulations.”

The organization chart included in the Charter shows that the Trustees, as an elected board, report to the voters. The box under the Trustees is, and has always been, labeled “Library Staff.” It does not say “Library Director” or “some Library Staff.” If the intent of the charter was to limit Trustee authority to some of the Library staff, the organization chart would reflect that. It does not. It says “Library staff.”

Recently, the scope of the Trustees Hiring Authority has been questioned by our Town Administrator. To resolve this issue for good, we are requesting a Memorandum of Agreement between the Board of Trustees and Board of Selectmen be authorized that confirms that the Trustees have personnel authority over all Library staff.

History

To avoid any misunderstandings about their personnel authority, in 2007 the Library Trustees sought Town Counsel’s opinion, asking “Do the Trustees of the Brooks Free Library have all authority regarding all library personnel, including hiring, termination, discipline, promotion, etc.?” The answer from Mr. Giorgio was yes. You have a copy of that opinion in your packet. The one exception to that authority was with respect to non-professional staff, assigned to maintenance of the building.

Again, to avoid any further misunderstandings, the Library Director asked Town Administrator Jim Merriam if he interpreted Mr. Giorgio’s opinion to mean the Trustees only had personnel authority over positions that required a Masters degree in Library Science. Mr. Merriam said he had spoken to Mr. Giorgio about that and was told it means the Trustees have authority over all positions involved in the library profession.

Mr. Giorgio’s 2007 opinion went on to state that the Trustees are required to exercise their personnel authority within the parameters set by the Town’s Personnel By-Law, collective bargaining agreements, and any general personnel policy or regulations set by the Selectmen or Town Administrator.

That has never been in dispute. We have continued to abide by those and we are not challenging that. In fact, this issue came up because the Library Director noted a new Town-wide personnel procedure for appointments we had not been informed about, and was pro-actively seeking information on the procedures for CORI checks and pre-employment physicals. At this time, a candidate for an open position at the library had been identified, interviewed, and selected to receive a job offer. The Library Director was told the Town Administrator would conduct a second interview of the candidate to finalize the selection and the appointment would need to be

confirmed by the Board of Selectmen. The Trustees disputed this, as the Town Charter does not require these steps for Trustee appointments.

The Town Administrator questioned Mr. Giorgio's 2007 opinion, believing it conflicted with information he was provided in Sept. 2013 regarding the Town Administrator's appointing authority. We requested Town Counsel be asked to reconcile what the Town Administrator saw as two conflicting opinions from Mr. Giorgio. Mr. Clark e-mailed Mr. Giorgio on May 22nd.

Town Counsel provided a response to the request for clarification, but the Trustees have not been provided with a copy of it. The Town Administrator then provided additional information to Town Counsel, correspondence which we also have also not seen. On June 17th we were provided with the follow-up response from Town Counsel. That opinion, dated June 12, 2014 (in your packet) was from attorney Joseph Fair, not from Mr. Giorgio, who had provided both the 2007 and Sept. 2013 opinions. Mr. Fair acknowledged that he did not have complete information, but opines that the Trustees have personnel authority only for some Library positions.

Mr. Fair's opinion directly contradicts Mr. Giorgio's 2007 opinion and 27 years of history of what has always been understood as the intention and meaning of the wording in the Charter.

Mr. Fair concludes that the phrase "professional library staff" as used in the Charter means the Trustees only have personnel authority over positions that require a Masters degree in Library Science since that is the common understanding of what constitutes a "professional librarian."

Our position remains that the Trustees have appointment authority for all Library staff, as the Charter intended and as it has always been interpreted to mean. This authority is critical to our ability to execute our responsibilities as specified in the Charter.

We believe Mr. Fair has incorrectly interpreted the phrase "professional library staff" as used in the Charter. If the original Charter, and the revisions since then, meant the Trustees only had personnel authority for positions requiring a Masters in Library Science the more concise term "professional librarian" would have been used. Instead it uses the more generic and inclusive term "professional library staff" to mean all staff members engaged in the library profession.

If the vast majority of the Library's staff, 18 of the 22 staff members, do not fall under the Trustees' personnel authority, then clearly the Trustees do not have full authority for the "administration and operation of the library." Can you imagine the School Committee directing operations of the schools if they did not have personnel authority for 80% of the staff?

All of our staff members are engaged in the work of the library profession. The staff members in non-MLS positions are not simply checking out books as if they were cashiers at the grocery store. They are involved in the substance of library work and are included in the phrase "professional library staff." Just as a note, of the 18 staff members in positions that do not require an MLS:

3 have an MLS

6 have other Masters degrees (including 5 in closely related fields)

8 have Bachelors degrees

Only 1 staff member does not have a Bachelor's degree and she is within several courses of completing it.

Additional facts support the fact the Charter has always meant and been interpreted to mean that the Trustees have full authority for all staff members involved in the substance of library work.

Permanent staff members working 6 hours or more per week are members of the Harwich Employees Assn. The union contract recognizes in its grievance procedure and other provisions that the Trustees have personnel authority for Library positions. It does not distinguish between whether those positions require an MLS or not.

Town officials have always interpreted and understood that the Trustees have personnel authority for Library staff performing library functions through 3 permanent Town Administrators and 3 interim Town Administrators, numerous Boards of Trustees and Boards of Selectmen since a Home Rule Charter was first adopted in 1987.

During those 27 years the Trustees have interviewed, selected and hired four Library Directors, independent of any input or review from the Town Administrator or Board of Selectmen.

As specified in the Trustees By-laws, which were developed based on the Charter and the 2007 opinion from Mr. Giorgio, the Library Director has interviewed, selected and hired all Library staff members.

Personnel actions for appointments, step increases, reassignments, discipline and termination are initiated by the Library Director and approved by the Board of Trustees. They are reviewed by the Town Administrator to ensure the action is in compliance with the Personnel By-Law, collective bargaining agreements and general personnel policy and funds for the action are budgeted and available. They are not reviewed on the substance – who is selected for an appointment or promotion, what rating an employee receives on an evaluation, etc.

The Town Administrator is not involved in position management for the Library – determining what kinds of positions are needed and at what levels or how duties and functions should be grouped and assigned to positions.

We have independently prepared and implemented four major reorganizations in the last 15 years. The Library Director develops the reorganization plans and job descriptions. Once the reorganization is approved by the Trustees, the Town Administrator negotiates the implementation of any classification changes. The Town Administrator is not involved in determining when a re-organization is necessary, how duties should be realigned, etc. That would change if the Trustees did not have personnel authority for non-MLS positions, and that would prohibit us from executing our responsibilities in the Charter.

Trustees personnel authority for non-MLS staff is not just something that's been allowed to continue even though it stemmed from an incorrect interpretation of the Charter. A major example of this is the two-year process we went through in 2003 and 2004 to terminate a Senior Library Technician, a position that does not require a Masters degree in Library Science. Town

Counsel, Michelle Randazzo, advised the Board of Trustees directly as the appointing authority through-out this lengthy process – not the Town Administrator or Board of Selectmen. Town Counsel drafted the letter of proposed termination to come from the Trustees as the appointing authority. If during all this legal review Ms. Randazzo had discovered that the local interpretation of the Charter was incorrect and the Trustees were not in fact the appointing authority, she would have corrected that immediately to avoid any further legal problems. She did not. She affirmed that the Trustees are the appointing authority under the Charter for all library positions performing library work, including those not requiring a Masters degree in Library Science.

At this point the Board of Trustees has two concerns.

The first is procedural and we want to ensure that the Board of Selectmen supports our right to communicate with Town Counsel directly, after, of course, following the Selectmen's procedure which requires that initial communication be done through the Town Administrator, and to receive all correspondence with Town Counsel related to the Library Trustees.

Our second concern is on the substance of this issue.

The Board of Trustees is surprised this issue has arisen at all. The Charter is clear in its intention, Town Counsel has previously affirmed the Trustees' authority on multiple occasions, and past practice has followed the provisions in the Charter.

We would like to know if the Selectmen believe the Charter has been incorrectly interpreted for 27 years and that the Trustees only have personnel authority over the four positions that require a Masters degree in Library Science.

If your understanding of Trustee Authority is in line with the Board, we can resolve this issue by preparing a Memorandum of Agreement between the Board of Trustees and Board of Selectmen that confirms that the Trustees have personnel authority over all Library positions.

If the Board of Selectmen now believes the Trustees' personnel authority in the Charter is not clear, we will prepare a response to Mr. Fair's letter. For consistency purposes, we would also seek Mr. Giorgio's review of the recent opinion from his associate. Having full personnel authority for Library staff is critical to our ability to execute our responsibilities in the Charter for administration and operation of the Library, so we will pursue this vigorously. This would be both time-consuming and result in additional expenses for Town Counsel.

If the Selectmen are not willing to complete a Memorandum of Agreement confirming the Charter language provides the Library Trustees with personnel authority over all Library staff members, we will begin the process to seek an amendment to the Charter so that the language can be clarified and there are no future misunderstandings. We would hope that this action will not be necessary.

Mr. Clark stated that from his standpoint there was no additional information sent, no blindsiding, nothing to that degree. He further made the following statement:

"In my experience as an administrator when you come into a community you're supposed to rely upon the Town Attorney's advice in terms of how you interpret the Charter and what I had in front of me was that Bob Lawton had gone out and sought an opinion in 2013 about the role of the administrator on the appointment process. Basically the Town Administrator acts as the primary appointing authority subject to confirmation by the Board of Selectmen and when Mr. Lawton was here he had asked for that opinion but what Town Administrator Jim Merriam had done was not in accordance with the Charter. My understanding is that you follow the Charter and you follow the Charter as interpreted by the Town Attorney. I did go to a department head meeting and said that Bob Lawton obtained this opinion and I was following the opinion as my guiding resource to how I was going to administer things. I would say and I have always said that I work with the different departments and give them as much autonomy as I can but I also have an obligation to follow the professional laws that fall within the Charter and if I give bad advice or do something contrary to the Charter then I'm doing something negligent and I never want to do something negligent. When the library trustees sent me the material I provided Attorney Giorgio with the 2007 opinion and the 2013 opinion and I said, Attorney Giorgio, I want a document I can use as something going forward. Please interpret these and reconcile what you told the town in 2013 and what you told the town in 2007 as it relates to elected boards and that's what Attorney Giorgio looked at. The fact that it was done by Attorney Fair was because Attorney Giorgio was going out of the country so he asked his associate to do the work but Mr. Giorgio's opinion was the same opinion he had given me verbally on the phone, which was followed up in writing by Mr. Fair. You have the wrong person if you think that this is a power grab. My responsibility to be a professional public administrator is to see what the laws of the town you are in are, how they are interpreted, and to make sure that I follow them and adhere to those laws. Attorney Giorgio has a lot of time, a lot of experience, he has direct experience with this town and the 2013 opinion left the issue of elected boards and their role for appointment kind of gray so I sought clarity to gray. The other component that I had brought up to him was that the town gets its authority through the Charter from the State statute. The town is a subdivision of the Commonwealth. There is also another State statute, Chapter 150E that governs the bargaining, and what I asked Attorney Giorgio is its clear definition in State law that under the collective bargaining statute the sole responsibility for negotiation of that agreement and enforcement of that agreement is solely with the Board of Selectmen. So my question to Attorney Giorgio was you have 2 statutes that have conflicting elements to them and how do I reconcile those conflicting elements. So, I didn't go to law school, I read these things and try to go straightforward, try to understand them, and if there is a gray area, I ask for clarification. We have spent a lot of money on legal costs this past year and what I did do with Attorney Giorgio, so we don't have to keep going back and getting these opinions, was ask him to give me some guidance on what is professional and what is non-professional which in this opinion he does lay out what the criteria is and even in the opinion it says it doesn't differentiate, it tells you what the credentials are but it doesn't say what the opinions are. I fully anticipate that we should sit down and go through and find out a process of how we want to go through the appointments and what the process is. If that's a memorandum to clarify it, I specifically said at a department heads meeting, the only time that I would really intervene in my experience has been when something comes out or something that is going to happen that is egregious, then I would go and recommend second guessing at the department, other than that I would not do it. So I do take

offense at the concept that this is a power grab by the administrator. No, this is a new administrator that's been here six months trying to seek clarity in the interpretation of 2 conflicting statutes and Attorney Giorgio is more than capable of helping me to reconcile what's in the best interest of the Town and what's the interpretation of those statutes, and that's solely what I was attempting to accomplish, and if I've offended then I apologize."

He said he was fine with having a meeting with the Trustees to work this out and Vice-Chairman Hughes suggested they do so.

Mr. Crowell said they were not intending to accuse Mr. Clark, so no offense there either. He commented that Attorney Fair's opinion muddled the waters and did not clarify. He said the way they read it is that they only hire professional librarians when for 27 years they have hired professional staff. He said he said he has been a trustee for 34 years and they have never had the Selectmen have veto authority over their appointments. He agreed they do need to sit down and work this out.

Mr. McManus said that at the time the Charter was adopted in 1987, the library was given authority to handle their own personnel matters and since the people that were closest to having written that Charter were there, that was the intention of the Charter. He stated that given the past practice we should continue that and if we change that we should change the Charter to be clear. He commented that we have disagreed with Town Counsel's opinion on Charter matters in the past. Ms. Cebula said there should be a Charter change to clarify this. Mr. LaMantia stated that there needs to be a discussion on how to act on whether the Library will be paying for their own legal opinions, use of town facilities, contract negotiations etc. Ms. Cebula responded that there is no difference of opinion over these matters.

It was agreed that the parties would meet including the Attorney and liaison and in the meantime the Library would continue to handle personnel matters as it always has.

F. Appoint member to the Board of Registrars – *discussion and possible vote*

Vice-Chairman Hughes recused himself and left the room as he is Chairman of the Republican Town Committee. Mr. LaMantia noted that he only knows one name on the list of candidates provided by Vice-Chairman Hughes and there is no information provided on the candidates. Mr. LaMantia moved to nominate Dolly Parkhurst. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

TOWN ADMINISTRATOR'S REPORT

Mr. Clark reported that the Water Commissioners have placed Water Superintendent Craig Wiegand on paid administrative litigation pending the outcome of an investigation which is ongoing. He noted that the investigation is a personnel matter and as such the Water Commissioners are not releasing any further information at this time. He added that the Water Commissioners have asked to enter into an agreement for the Town Administrator to oversee the day to day operations of the department and the Charter indicates that he is expected to do that at no additional cost.

Mr. Clark further reported that the solar panels have been ready to go operationally since June 27 but we are awaiting approval from the Nstar engineers who need to perform inspections and we expect to have that in a few weeks. He suggested we send a letter to encourage them to get going. Ms. Cebula moved to authorize the Town Administrator to write a letter for the Chair's signature indicating our dissatisfaction with the movement to the end zone with carbon copies to the Department of Public Utilities and to our State Legislator. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

SELECTMEN'S REPORT

A. Board of Selectmen representation regarding press statements – *discussion & possible vote*

Ms. Cebula noted that the Board had discussed previously that all statements to the press should come from the Chair but we didn't do anything about it. She said it is worth another discussion to make sure that whatever is getting to the press is accurate and appropriate. Vice-Chairman Hughes agreed and said it tends to keep us out of legal trouble. Ms. Cebula stated that her solution is that if the press wants to know something they should talk to the Chair. Mr. LaMantia said that is fine but they all have their opinions and if he voted against something he can express his opinion. He commented that you can't muzzle everyone. Ms. Cebula agreed but said if you speak you can't be representing the Board. Mr. McManus stated that there are also items that they haven't voted on and are still considering their positions and their ability to discuss their opinions with the press on matters is part of our democratic process. Vice-Chairman Hughes noted that Ms. Cebula is referring to if a vote is taken. Ms. Cebula stated that it should not undermine the vote of the Board. Vice-Chairman Hughes suggested the Board take a little time to digest this, get Mr. Ballantine's opinion and bring it back in a few weeks.

ADJOURNMENT

Mr. LaMantia moved to adjourn at 9:13 p.m. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel
Recording Steidel

SELECTMENS MEETING
License Agreement Extension & Project Update
June 30, 2014
7:00 PM

REMAINING BUILDING PROJECTS
PHASE 3

EXTERIOR

- 1/ ADA compliant rear side door construction, door and ramp entrance.
- 2/ Wrought Iron railings basement level stairway, front porch and rear window wells.
- 3/ Back fill, grading and seeding surrounding grass.
- 4/ Period Landscape Design.

INTERIOR

- 1/ 2 Interior entrance walls construction.
- 2/ Reinstall interior historic windows.
- 3/ Reinstall 1886 Sandwich glass chandelier.
- 4/ Basement level - wood floor, ceiling.
- 5/ Complete all final stages of utility installation.
- 6/ Elevator/ Lift installation.
- 7/ Full building insulation.
- 8/ Interior Plastering Completion.
- 9/ Finish carpentry and painting.
- 10/ Interior finish decoration and stenciling.

REMAINING PERMITTING AND INSPECTIONS

Coastal Engineering, Handren Brothers and Harwich Building Department inspection to close out previous Temporary Building Permit.

Application for new Building Permit or Extension of Temporary Permit to include Fire Sprinkler System and upcoming work requiring permitting - Pending Town Administrator Decision. Harwich Building Department inspections following upcoming work completion.

Coastal Engineering, Handren Brothers, Harwich Building Department and State inspection of elevator shaft - prior to interior shaft finishing and elevator installation. Future annual State elevator inspections.

Harwich Fire Department Safety Inspection per Fire Code Regulations.

Occupancy Permit prior to Public Opening.

To: Board of Selectmen

From: Robert Bradley, Resident

Date: June 29, 2014

Re: Dog Days project

In the interest of disclosure: I am a member of the Harwich Historic District and Historical Commission, the Harwich Center Initiative and Community Preservation Commission. I am not submitting this in an official capacity but as a private citizen and abutter.

I was disturbed last week by the granting of a waiver to the Anastasio property by the Planning Board to accommodate Ms. Caywood's project. This project is detrimental to the ongoing attempt to revitalize Harwich Center commercially as it unfavorably impacts two established food outlets on Main Street.

I invite Ms. Caywood to discuss with me the possibility to establish herself in town in one of the vacant properties - perhaps the Old Wine and Spirit shop. This space faces a Town park - with an information Kiosk, bike racks, and a water fountain and might be utilized on a seasonal basis.

If she is not interested - why not Brooks Park with its rest rooms, facilities, parking, high usage, and bike trail inclusion.

I truly believe a serious discussion should occur before this permit is granted. Perhaps Ms. Caywood's efforts could be of great material value.

As an aside - the Historic District and Historical Commission informally opposed this applicant's submission at its May meeting. The item was not on agenda so no vote was taken but the reaction was unanimous after the informal discussion that occurred with my disclosure of the situation.

Sincerely, Robert Bradley

A handwritten signature in cursive script, appearing to read "Robert Bradley", with a long horizontal flourish extending to the right.

To: Board of Selectmen

From: Robert & Maria Bradley

Date: June 30, 2014

We are the direct abutters to the East of the proposed locale, as indicated by the site plan stamped 7/17/2014. We are asking the Board reject the applicant's request for a Hawker's & Peddler's permit based on the following consideration:

1. The business plan presented to the Planning Board located Ms. Caywood's efforts in one locale on the Anastasio property. There is a stationary element to this application that is reinforced by statements and submitted plans. A Hawker's and Peddler's license is intended for movable commerce.
2. The Town of Harwich as we understood it has no Hawker's and Peddler's by-law. Prior to granting a permit, we are asking the Board to verify that such a by-law exists.
3. We request the Board to verify that a Hawker's and Peddler's permit can be exercised on private property. If such a permit exists, what would define it a movable commercial enterprise.
4. A Hawker's and Peddler's permit is not similar to a Vendor's permit, as we understand it. We ask the Board to review applicable by-law before making a decision.

It seems to us this request for a Hawker's and Peddler's permit is an attempt to circumvent the reasonable requirements of our Health Department, previously outlined to the applicant, and a maneuver of this sort should not be considered. In any case, this may not be legal until verified by Town Counsel.

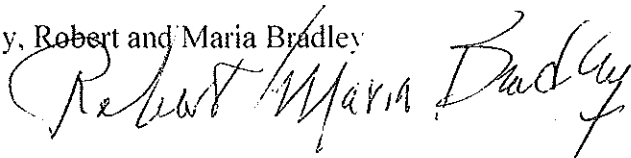
Finally, our concerns are:

- a. bikes crossing Old Colony in the middle of the block without any warning signs or traffic control.
- b. lack of restroom facilities
- c. methods of enforcement to police the area (trash clean-up)
- d. sound and lighting controls
- e. hours and dates of operation
- f. exterior furniture and location of propane tank.
- g. methods of enforcing these concerns.

This is a residential area, jeopardized, in our opinion, by a waiver granted by the Planning Board.

Thank you for your efforts in this matter.

Sincerely, Robert and Maria Bradley

A handwritten signature in cursive script, appearing to read "Robert Maria Bradley", written in dark ink.