

## SELECTMEN'S MEETING AGENDA

*Griffin Room, Town Hall*

*Regular Meeting 6:30 P.M.*

*Monday, August 24, 2015*

### I. CALL TO ORDER

### II. PLEDGE OF ALLEGIANCE

### III. WEEKLY BRIEFING

A. Albro House Project Status

### IV. PUBLIC COMMENT/ANNOUNCEMENTS

### V. CONSENT AGENDA

A. Approve Minutes:

1. March 4, 2015 Regular Meeting (pre-election)
2. March 11, 2015 Regular Meeting (pre-election)
3. April 1, 2015 Regular Meeting (pre-election)
4. May 4, 2015 Regular Meeting (pre-election)
5. May 5, 2015 Regular Meeting (pre-election)
6. June 1, 2015 Regular Meeting
7. July 27, 2015 Regular Meeting
8. August 10, 2015 Regular Meeting
9. July 29, 2015 Regular Meeting (Hughes, LaMantia, MacAskill)

B. Approve application by Harwich Fire Association for Road Race on September 26, 2015

C. Accept gifts to the Council on Aging Gift Account totaling \$1,274.00

D. Approve additions to definitions in Harbor Management Plan for Waterways Capital Improvement Receipts Reserve Fund and Waterways Improvement & Maintenance Fund

E. Approve request by Monomoy Regional School District to install new sign at Elementary School

F. Approve request by Republican Town Committee to amend Election Worker List

G. Approve award of contract for Saquatucket Harbor Improvements Engineering Design to Bourne Consulting Engineering, P.C. in the amount of \$186,454

H. Approve award of contract for Muddy Creek Bridge to MAS Building and Bridge in the amount of \$4,791,311.80

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

A. Joint Meeting with Finance Committee on the following topics - *discussion*:

1. Board of Selectmen FY16 financial goals & objectives
2. MRSD/Harwich 5 year financial guidelines
3. 7 year debt schedule with capital plan overlay in graphical form
4. Municipal Water/Wastewater Infrastructure Investment Fund (<= 3% surcharge)
5. Finance Committee opinion regarding organizational structure of Wastewater
6. Wastewater Enterprise Fund
7. Budget/Warrant Timeline for FY17
8. Other financial matters

VII. **OLD BUSINESS**

VIII. **NEW BUSINESS**

- A. Wastewater Educational Moment – Alternative Onsite Treatment Systems - *discussion*

IX. **TOWN ADMINISTRATOR’S REPORT**

- A. Landfill solar revenues  
B. Assistant Town Administrator Search  
C. Eversource herbicide spraying  
D. Status of former Fire Station on Bank Street  
E. Town Counsel hourly rates

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:** \_\_\_\_\_  
August 20, 2015

**MINUTES  
SELECTMEN'S MEETING  
COMMUNITY CENTER – MULTI-PURPOSE MEETING ROOM  
WEDNESDAY, MARCH 4, 2015  
4:00 P.M.**

**SELECTMEN PRESENT:** Ballantine, Cebula, Hughes, LaMantia, McManus

**SELECTMEN/FINANCE COMMITTEE MEETING AGENDA**

**NEW BUSINESS**

A. Joint budget hearings were held on the following:

4:00 pm	Community Center
4:25 pm	Recreation and Youth
4:45 pm	Council on Aging
5:00 pm	Veterans
5:15 pm	Jim Noonan Human Services

No action was taken by the Board.

Submitted by,

Ann Steidel  
Recording Secretary

**MINUTES  
SELECTMEN'S MEETING  
CPOMMUNITY CENTER – MULTI-PURPOSE MEETING ROOM  
WEDNESDAY, MARCH 11, 2015  
4:00 P.M.**

**SELECTMEN PRESENT:** Ballantine, Cebula, Hughes, LaMantia, McManus

**SELECTMEN/FINANCE COMMITTEE MEETING AGENDA**

**NEW BUSINESS**

A. Joint budget hearings were held on the following:

4:00 pm	Community Preservation Committee
4:45 pm	Capital Outlay Committee
5:00 pm	Petitioner articles
5:00 pm	Library

No action was taken by the Board.

Submitted by,

Ann Steidel  
Recording Secretary

**MINUTES  
SELECTMEN'S MEETING  
JOINT MEETING WITH FINANCE COMMITTEE  
GRIFFIN ROOM, TOWN HALL  
WEDNESDAY, APRIL 1, 2015  
4:30 P.M.**

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

**OTHERS PRESENT:** Town Administrator Christopher Clark, Skip Patterson, Dana DeCosta, Noreen Donahue, Pam Groswald, Jon Idman, and others

**NEW BUSINESS**

A. Discussion of Town Meeting Articles and budget reconciliation

The Board reviewed the budget submitted by the Town Administrator dated March 31, 2015 as well as the article one-liners.

The Council on Aging provided a presentation on their budget. No action was taken by the Board.

Mr. Hughes moved to accept and adopt Article #4 – Town Operating Budget. Mr. LaMantia seconded the motion and the motion carried by a 4-0-0 vote.

Mr. Hughes moved to accept and adopt Article #5 – Monomoy Regional School District Budget. Mr. LaMantia seconded the motion and the motion carried by a 3-1-0 vote with Ms. Cebula in opposition.

Mr. Hughes moved to accept and adopt Article #7 – Water Department Budget. Ms. Cebula seconded the motion and the motion carried by a 4-0-0 vote.

Mr. Hughes moved to accept and adopt Article #26 – Muddy Creek Increase Regulatory Changes. Mr. LaMantia seconded the motion and the motion carried by a 4-0-0 vote.

**ADJOURNMENT**

The meeting adjourned at 5:20 p.m.

Submitted by,

Ann Steidel  
Recording Secretary

**MINUTES**  
**HARWICH COMMUNITY CENTER, ROOM 3**  
**GRIFFIN ROOM, TOWN HALL**  
**MONDAY, MAY 4, 2015**  
**6:00 P.M.**

**SELECTMEN PRESENT:** Ballantine, Cebula, Hughes, LaMantia, McManus

**OTHERS PRESENT:** Town Administrator Christopher Clark

**PRE TOWN JOINT MEETING WITH FINANCE COMMITTEE**

The following items were discussed and no action was taken by the Board:

1. Annual/Special Town Meeting Articles – discussion & possible votes
2. Operating Budget – discussion & possible votes
3. Other Financial Matters – discussion & possible votes

Submitted by,

Ann Steidel  
Recording Secretary

**MINUTES  
SELECTMEN'S MEETING  
HARWICH COMMUNITY CENTER, ROOM 3  
TUESDAY, MAY 5, 2015  
6:00 P.M.**

**SELECTMEN PRESENT:** Ballantine, Cebula, Hughes, LaMantia, McManus

**OTHERS PRESENT:** Town Administrator Christopher Clark

**CONSENT AGENDA**

1. Approve request by Ragnar Events for Road Race for May 8 and 9, 2015

Mr. McManus moved approval of the request by Ragnar Events. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

Submitted by,

Ann Steidel  
Recording Secretary

**MINUTES  
SELECTMEN'S MEETING  
GRIFFIN ROOM, TOWN HALL  
MONDAY, JUNE 1, 2015  
6:30 P.M.**

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

**OTHERS PRESENT:** Town Administrator Christopher Clark, Amy Usowski, Ginny Hewitt, Lou Urbano, Richard Waystack, and others.

**MEETING CALLED TO ORDER** at 6:30 p.m. by Vice-Chairman Peter Hughes.

**WEEKLY BRIEFING**

Amy Usowski, Conservation Administrator, noted that the Conservation Department and Planning Department update the Open Space and Recreation Plan every 5 years. She noted that there is a survey available to take on the website and at the Community Center, Library or Town Hall and encouraged the public to participate.

Ginny Hewitt, Library Director, reported that the library is about to undergo a re-carpeting project and outlined the hours of operation during the project.

**PUBLIC COMMENT/ANNOUNCEMENTS**

Vice-Chairman Hughes announced that at the conclusion of tonight's meeting all are invited for a tour of the Albro House.

Mr. Urbano said he will have sign up sheets and a plan in place for painting of the Albro House at the next meeting. He noted that he is soliciting professional painters for the higher parts and he stressed that this is a maintenance project and not a restoration project.

**CONSENT AGENDA**

- A. Approve Minutes –
  - 1. April 27, 2015 Regular Session
  - 2. April 27, 2015 Executive Session

Ms. Cebula moved approval of the Consent Agenda. Mr. LaMantia seconded the motion and the motion carried by a 3-0-2 vote with Ms. Brown and Mr. MacAskill abstaining from the vote.

**TOWN ADMINISTRATOR'S REPORT**

Mr. Clark reported that the Cemetery Commission voted to commence relocation of the cremation sites for the church and he has asked them to formally put together the plan.



## **SELECTMEN'S REPORT**

### **A. Review of schedule for Police Chief interviews – *discussion***

Mr. Hughes read the schedule of interviews. He asked that all questions from the Board be consistent for every candidate. Ms. Cebula noted that it is a public session open to all to attend.

### **B. Selectmen's re-organization – election of Chairman, Vice Chairman, Clerk and Interview/Nominations subcommittee – *discussion/possible vote***

Mr. LaMantia moved that Mr. Hughes becomes Chair, that Ms. Cebula becomes Vice-Chair, that Ms. Brown becomes Clerk, and that Mr. MacAskill and he serve as the Interview Committee. Ms. Brown seconded the motion and the motion carried by a unanimous vote.

## **ADJOURNMENT**

Mr. Hughes adjourned the meeting at 7:05 p.m.

Respectfully submitted,

Ann Steidel  
Recording Secretary

**MINUTES  
SELECTMEN'S MEETING  
GRIFFIN ROOM, TOWN HALL  
MONDAY, JULY 27, 2015  
6:30 P.M.**

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

**OTHERS PRESENT:** Town Administrator Christopher Clark, Chief Clarke, Anita Doucette, Ginny Hewitt, Lincoln Hooper, Sean Libby, Don Howell, Sandra Hall, and others.

**MEETING CALLED TO ORDER** at 6:30 p.m. by Chairman Peter Hughes.

Chairman Hughes reported that the Board had just come out of Executive Session relative to the First Congregational Church.

**CONSENT AGENDA**

- A. Approve Minutes –
  - 1. June 8, 2015 Regular Meeting
  - 2. June 15, 2015 Regular Meeting
  - 3. June 29, 2015 Regular Meeting
  - 4. June 29, 2015 South Harwich Meetinghouse Tour
  - 5. July 13, 2015 Executive Session
- B. Approve request by American Cancer Fund for Children Inc. to approve and sign proclamation declaring September 2015 as Childhood Cancer Awareness Month in Harwich
- C. Accept the resignation of Paul Lagg from the Harwich Cultural Council effective immediately
- D. Authorize Chair to sign MassDOT Title VI/Nondiscrimination Assurance Requirement
- E. Confirm appointment of Jennifer Clarke as Administrative Assistant in the Health and Conservation Departments as recommended
- F. Approve request for assistance from the Caleb Chase Fund as recommended
- G. Approve application for One Day Entertainment License by Harwich Conservation Trust for Wildlands Music and Art Stroll for Saturday, September 19, 2015, waive \$25 application fee, approve use of Middle School parking lot and Harbormaster's Bank Street building parking lot
- H. Approve application by American Lung Association for 31<sup>st</sup> Annual Autumn Escape Bike Trek for September 26, 2015 contingent on approval by MassDOT
- I. Approve request to participate in and support the Barnstable County Regional Emergency Planning Committee's Regional Sheltering Plan and authorize Town Administrator to sign acceptance letter
- J. Approve line item deficit transfers as recommended by Town Accountant
- K. Approve proposed accounting change for CPC Fund as recommended by Town Accountant
- L. Approve list of Election Officers as submitted by Democratic Town Committee
- M. Confirm vote to approve list of Election Officers as submitted by Republican Town Committee (item to be taken up separately)

Ms. Brown moved approval of the Consent Agenda items A through J. Ms. Cebula seconded the motion and the motion carried by a unanimous vote. Chairman Hughes noted that the Finance Committee had not taken a vote with regard to Item K as they had questions with regard to the legality of it that they wanted cleared up. He recommended waiting until we get those answers and then bring it back. Mr. Gould noted

that this item is not time sensitive. Mr. Hughes recused himself on Items L and M. Ms. Brown moved to accept Items L and M. Mr. LaMantia seconded the motion and the motion carried by a 4-0-0 vote.

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

### **A. Presentation** – Town Counsel opinion on the following items - *John Giorgio*

#### 1. Non-Binding Ballot Question for Middle School Building Repurpose – *discussion*

Mr. Giorgio advised the Board that they have the authority to place a non-binding question on the ballot at an annual election with a simple vote of the Board. He noted that explanatory material cannot be included on the ballot but it doesn't prevent the Board from posting something on the website or to have discussion explaining it. He said he would work with the Town Administrator to draft the question with the intent to put forward the various options in a menu option with the three different concepts. Ms. Cebula asked if it will be one or three questions and Mr. Giorgio responded that he would look into it. Ms. Brown said it would be inappropriate to put in the estimated costs. Mr. Giorgio said he would have a draft in the next couple of weeks.

#### 2. Board of Selectmen Town Charter Appointing Authority & potential Charter change to support "Strong Chief" concept for Public Safety Departments – *discussion & possible vote*

Attorney Giorgio stated that the Strong Chief law says that the Board of Selectmen appoints the Fire Chief but the Fire Chief appoints the Fire Fighters but the complication is that when the Town enacted the Charter it was silent with respect to the Strong Chief law as well the appointment of Fire Fighters. He said that even though the Town had adopted the Strong Chief law in the 1920's, the Charter which was a later action provided a very different appointing mechanism. He explained that when your Charter doesn't match the practice you can either conform the practice to the Charter or amend the Charter to the preferred practice. He noted that amending the Charter is a lengthy process. Mr. Giorgio stated that he was asked if there is a way in the interim for the Fire Chief to appoint Fire Fighters and his answer is yes. He explained that the Town Administrator could delegate his authority under the Charter to appoint Fire Fighters to the Fire Chief. He said the Board could essentially waive their authority. He noted that he drafted a motion as that is what he understood the Board wanted and the motion accomplishes a Charter change as well. He stated that the Board needs to think about whether its appropriate to amend the Charter to have the Police Officers appointed by the Police Chief.

Sandy Hall, former Chairman of the Charter Commission, discussed what was in the mind of the commission when they created the Charter and the intent was that if the Charter is silent you go to Massachusetts General Laws or the By-Laws. Ms. Cebula stated that regardless of the intent, the wording is not clear and we need to fix it. The Board took comments from Don Howell and there was discussion about holding a joint workshop with the Board of Selectmen and By-Law Charter Review Committee in mid-September.

Mr. Giorgio recommended making things clear and stated that if the Board wants to simply acknowledge that the Fire Chief has historically appointed Fire Fighters pursuant to Strong Chief law then there is no need to make any formal delegation at this point.

Chief Clarke stated that this has never been an issue and that in his contract and that of previous Chiefs the Strong Chief law has been referenced. He noted that historically they have been very successful in in their appointments. Ms. Brown stated that if it is in the contract then no action is required. Mr. Giorgio stated

that he didn't realize it was in the contract and that Ms. Brown is correct. Ms. Cebula said they should make a motion to make it clear. Ms. Cebula moved to confirm the interpretation of the Charter that we have a Strong Fire Chief who is responsible for the hiring and firing and overall supervision and personnel administration of the Fire service personnel that are under his jurisdiction. Mr. LaMantia seconded the motion. Mr. MacAskill asked to amend the motion to include reference to Chapter 48, Section 42 so the legal description is in the motion, Ms. Cebula accepted the amendment and Mr. LaMantia agreed to the amendment. The motion carried by a 4-1-0 vote with Ms. Brown in opposition.

### 3. Sewer Fee Attached to Water Rates – discussion

Mr. Giorgio stated that he has reviewed the recommendation of the Wastewater Implementation Committee specifically with regard to financing of the water quality program and there are 3 mechanisms for financing in the recommendation which he outlined as follows:

#1 is a General Obligation Bond supported by a debt exclusion. He said he has no problem with that and it is very common.

#2 is the adoption of the Water Infrastructure Development Fund which allows the Town, through Town Meeting vote and ballot to assess a 3% surcharge on property tax. He advised that the way the statute is worded it requires both a Town Meeting vote and ballot question. He noted that there must be at least 35 days in between the two votes. He explained that if they wanted to implement that they have one of two choices: they could call a Special Town Meeting in the fall or early spring and vote the Town Meeting portion of it and as long as there are 35 days before the election you could add that to the election ballot, or they could adopt it at the 2016 Town Meeting and then it would go to the 2017 annual election. Mr. LaMantia asked if they brought it to Town Meeting in May, could they put it on the ballot for November. Mr. Giorgio said they could but the only caveat is they would have to notify the Secretary of State sometime in August as there is a deadline for the submission of local ballot questions at a state election.

#3 is placing a surcharge on the water rate which would then be used to fund wastewater infrastructure through an enterprise account. He said that this option needs to be looked at carefully because as with any fee you have to comply with the Emerson College test which includes three parts: the service being provided has to be voluntary which he thinks would pass the test as you choose to consume Town water, you have to receive a particular benefit that is not shared by the entire population, you can't use it to raise general revenue and it must be related to the purpose for which the fee is charged. He stated that water quality improvement through sewers is a benefit that everyone realizes through removal of nitrogen. He said that if the Board is serious they should add a provision to legislation that would expressly authorize the assessment of that surcharge.

#### B. **Presentation** – Implementation of Accela E-Permitting – *David Spitz*

Mr. Spitz outlined his memo dated July 23, 2015 regarding permitting software update (attached). Chairman Hughes asked that Mr. Spitz provide regular updates.

#### C. **Presentation** – Facilities Maintenance Overview – *Sean Libby, Lincoln Hooper*

Mr. Hooper and Mr. Libby outlined the memo of July 22, 2015 regarding facilities maintenance overview (attached). Chairman Hughes stated that there has been very positive feedback. The Board heard comments from Ginny Hewitt who spoke in support of centralized funding for maintenance.

#### D. **Presentation** - Community Center Catering Services – *Carolyn Carey, Barbara-Anne Foley*

Ms. Foley outlined the Community Center Catering Services as presented in the brochures. Ms. Brown questioned why there was such a huge discrepancy between the room use fee and party package fees. Ms. Carey explained that they looked at what other towns were charging as well as businesses because they knew they were charging much more. Ms. Brown stated that this is much less expensive than her business and it is \$250 at her business. Ms. Carey pointed out that the Community Center was established for non-profit groups and people can't run a business out of there. Ms. Brown questioned what would prevent someone from renting a room for \$35 and having a birthday party. Ms. Carey responded that they have to fill out a form indicating what they are using it for and staff monitors it. Ms. Brown stated that she believes the charges for the activity room should be more because she knows that people do run businesses out of there and the Town could be making more money off these fees. She asked what if someone brought in a birthday cake and Ms. Carey responded that they don't go into the meetings and that having a cake is very different than having a party. Ms. Brown asked if it says they may not have a birthday party. Chairman Hughes noted that the clean-up would have to be different. He asked Ms. Carey if people can bring in food. Ms. Carey stated that there are strict regulations from the Board of Health about that. Ms. Brown stated that the brownies had a cooking class with cold food prep when her daughter was in the room. She asked if there are rules if you are renting as a non-profit group vs renting for a birthday party. Ms. Carey said they can set up some logistics as to what can go on in the room. The Board took comments from Mr. Gunderson and Mr. Drummond.

## **OLD BUSINESS**

### **A. Town Administrator FY 16 Goals and Objectives – *discussion & possible vote***

Ms. Brown moved to accept the Town Administrator's FY 16 Goals and Objectives as written. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

## **NEW BUSINESS**

### **A. Approve request by Pilgrim Congregational Church for refund of building permit fees expended by applicant Clean Energy Solar in the amount of \$670 for photovoltaic project at the Church**

Ms. Cebula moved to approve the request by Pilgrim Congregational Church for refund of building permit fees expended by applicant Clean Energy Solar in the amount of \$670 for photovoltaic project at the Church. Mr. LaMantia seconded the motion. Ms. Brown stated that the policy says there has to be a benefit for the Town. Chairman Hughes stated that they will not be generating as many kilowatt hours which benefits all of us and Ms. Brown disagreed. Mr. Frank Smith, Trustee and Building Coordinator from Pilgrim Congregational Church spoke on the church's usage and noted that a credit will be earned which then will be donated back to the community. Mr. Tom Wyman, Principal of Clean Energy Design said that offsetting pollution is a benefit community-wide and they will deliver clean energy into the grid when it is at the most stressed and polluting. Chairman Hughes said that would be in the best interest of the Town. Ms. Brown stated that the argument is that everyone who has solar panels is benefiting the community but only non-profits get to waive the permitting fees. Ms. Cebula stressed the need to stick with the policy which is for non-profits and does not extend to individuals or businesses. The motion carried by a 4-1-0 vote with Ms. Brown in opposition.

### **B. Wastewater Educational Moment; Harwich Drinking Water Sources (figs. 8-1, 3-10, 4-1, 4-2 ) – *discussion***

Allin Thompson outlined the maps of Harwich drinking water sources and described where our drinking water comes from.

C. MRSD/Chatham Draft Concept Funding – establish a process for negotiating agreement - *discussion & possible vote*

Mr. Clark noted that the Chatham Town Manager and School Superintendent are aware of the concept being discussed. Chairman Hughes said that Mr. Clark should see how the financials match up with the 5 year plan and share this with the Finance Committee as well. Ms. Cebula said the targeted limits discussed in #3 should be clarified. Mr. LaMantia said he has no problem sharing this with the Finance Committee in either town but they should not sign off on it. Mr. MacAskill said we can make the agreement but the school may not hold up their end of the bargain and Ms. Cebula agreed. Mr. Hughes asked that at a minimum we have this projection overlaid on 5 year plan.

## **TOWN ADMINISTRATOR'S REPORT**

### A. Middle School Insurance Update

Mr. Clark stated that basically it is a lesser cost having the property on our blanket coverage so the replacement cost is actually cheaper. He noted that he didn't get a quote for vacant building as it is not really viable.

### B. Landfill Solar Field Revenue Allocation of Funds to Water Department

Mr. Clark reported that according to Tony Rassias at the Department of Revenue, if the Water Enterprise fund is responsible for 30% of the electricity generated by the Town, the Enterprise Fund is entitled to 30% of the revenue the Town receives from the solar farm. He stated that he has to go through this with the Finance Director and create a formula. Ms. Cebula pointed out that the money already went to employee raises and the Town Administrator is somehow going to have to make up possibly \$90,000 this year. She said an analysis is needed on this and Mr. Clark said he should have the information within 30 days.

## **SELECTMEN'S REPORT**

Mr. MacAskill asked Mr. Clark to speak to Superintendent Carpenter about why the trees in front of the Elementary School have tape around them and it appears they are going to be cut down.

## **ADJOURNMENT**

The meeting adjourned at 9:49 p.m.

Respectfully submitted,

Ann Steidel  
Recording Secretary

**MINUTES  
SELECTMEN'S MEETING  
GRIFFIN ROOM, TOWN HALL  
MONDAY, AUGUST 10, 2015  
6:30 P.M.**

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

**OTHERS PRESENT:** Town Administrator Christopher Clark, Chief Guillemette, Deputy Chief Gagnon, Chief Clarke, Andy Gould, John Rendon, Lincoln Hooper, Eric Beebe, Peter DeBakker, David Young, Margaret Hinkel, Ed Costello, Bob Nickerson, Paul Boorack, and others.

**MEETING CALLED TO ORDER** at 6:30 p.m. by Chairman Peter Hughes.

**WEEKLY BRIEFING**

Chief Guillemette introduced Officer Paul Boorak who is being promoted to Police Sergeant.

**NON-RESIDENT TAXPAYER'S MEETING**

1. Introduction of new Police Chief David Guillemette,  
Water Superintendent Dan Pelletier, and Finance Director Andrew Gould

Chairman Hughes introduced Chief Guillemette, Mr. Pelletier and Mr. Gould who provided background history on themselves.

The following topics were covered by the speakers as indicated reviewing the progress in the past year:

2. Report from the Highway Director – Lincoln Hooper
3. Report from the Harbormaster – John Rendon
4. Report from the Recreation Director – Eric Beebe
5. Wastewater Status Report – Peter DeBakker/David Young
6. Town Financial Status – Chris Clark
7. Muddy Creek Construction Schedule – Chris Clark
8. Questions and Comments

Ed Costello of 79 Shore Road discussed the need for nourishment to Grey Neck Road beach which he noted is disappearing due to the construction of a wall there.

Margaret Hinkel of 78 Pleasant Street asked for periodic information be provided in the tax bills.

Charlie Check of 8 Dundee Circle inquired as to how he can get involved in wastewater issues and Chairman Hughes referred him to Mr. DeBakker.

Bob Nickerson of Bay View Road spoke on the National Grid gas installation moratorium timeline and urged the Board to contact our State representatives or pursue a Class Action lawsuit.

Lindsay Hale of Ocean Avenue stated that the stairs at the Ocean Avenue beach need to be repaired or replaced. Mr. Clark responded that the Highway Department is putting together a plan to rebuild stairs and the cost of materials is in the budget. Mr. Hale urged the installation of speed bumps in the campground area. Chairman Hughes asked the Police Chief to speak with him.

## **CONSENT AGENDA**

- A. Approve Minutes of May 18, 2015
- B. Approve Minutes:
  - 1. July 13, 2015 Regular Session
  - 2. July 27, 2015 Executive Session
- C. Approve the award of contract for the Allen Harbor Concrete Restroom to Shea Concrete Products in the amount of \$43,600
- D. Approve and sign Amendment #5 to the Contract for Construction Services for the Muddy Creek Bridge project dated March 11, 2013 in the amount of \$171,269.60
- E. Approve the Contract between the Town of Harwich and Barnstable County to dredge Allen Harbor Channel in the amount of \$90,000 and authorize the Chair to sign
- F. Approve the appointment of Paul Boorack as Police Sergeant with an annual salary of \$67,060 (Sergeant Step 1)
- G. Accept the gift of \$10,624 to the Community Center from the Ora Gaylord Arooth Trust and authorize the Chair to sign
- H. Approve the recommendation of the DPW Director to install a memorial bench in memory of Joshua Standley Gordon to be installed on the OCBT across from Island Pond Cemetery
- I. Approve request by Cape Cod Claddagh to have outside entertainment on August 22, 2015 from 4:00 p.m. to 8:00 p.m. – noise not to exceed premises
- J. Approve a Harbor Demolition/Beautification Fund for the former Downey property
- K. Approve request for assistance from the Caleb Chase Fund as recommended
- L. Authorize the Town Administrator to execute the DER Grant for the Muddy Creek Restoration Bridge Project in the amount of \$1,000,000

Chairman Hughes noted that only those on the Board at the time of the May 18, 2015 meeting could vote on the minutes from that date. Ms. Cebula moved to approve the minutes of May 18, 2015. Mr. LaMantia seconded the motion and the motion carried by 3-0 vote with Mr. Hughes, Mr. LaMantia and Ms. Cebula in favor of the motion.

Chairman Hughes asked to hold Item J.

Ms. Brown moved approval of the balance of the Consent Agenda. Mr. MacAskill seconded the motion and the motion carried by a unanimous vote.

With regard to Item J, Matt Hart - Chairman of the Waterways Committee and Saquatucket Development Committee, noted that the fund would be for costs associated with demolishing buildings, removal of construction debris, and landscaping at the former Downey Property through a gift account. Ms. Cebula said the purchase of the Downey property should have been no surprise and no one thought about how we were going to take these buildings down or how to get the debris to the landfill so therefore we are going to put a tin cup out on the sidewalk and ask the Town's



population to put more money into it because we had poor planning. She commented that she sees no robust planning here by Town Administration and she is staggered and extremely disappointed by this. Mr. Clark responded that it took longer than anticipated and there were a lot of contamination issues. He added that we haven't done anything with the Albro House and it was kick-started by a volunteer effort and this is sort of in the same vein. Chairman Hughes pointed out that the Board didn't ask that question either and to be fair this is not a bad approach to get the site cleaned up. Ms. Cebula responded that the Board either micromanages or they stick with policy. Mr. DeCosta noted that the Finance Committee would likely address a Reserve Fund Transfer. Mr. MacAskill moved to establish a Harbor Beautification Fund for the former Downey property. Mr. LaMantia seconded the motion and the motion carried by a 4-1-0 vote with Ms. Cebula in opposition. Ms. Cebula asked who is going to spend the money as it is not part of the motion. Mr. Hart stated that the concept is that the Harbormaster would oversee it and it would be the responsibility of the Town Administrator to approve it. Mr. MacAskill moved that authorization to spend the money out of the fund would be recommended by the Harbormaster and approved by the Town Administrator. Mr. LaMantia seconded the motion and the motion carried by a 4-0-1 vote with Ms. Cebula abstaining from the vote.

## **NEW BUSINESS**

### **A. Wastewater Educational Moment – *Figure 6-26 Septic load reductions by watershed – discussion***

Chairman Hughes discussed Figure 6-26 of the Comprehensive Wastewater Management Plan regarding septic load reductions by watershed.

### **B. Near term wastewater activities – *discussion and possible vote***

- Organizational structure
- Chatham Inter-municipal Agreement
- Water/Wastewater Infrastructure Fund
- Search for a recharge site

Chairman Hughes stated that he didn't want to make any decisions tonight on these topics as they need to decide what they are going to take through the budget process and to Town Meeting next year. He said there needs to be a discussion on organizational structure and asked Mr. MacAskill to spearhead that. He asked Mr. LaMantia and Mr. MacAskill, as the subcommittee, to keep the Board informed on the inter-municipal agreement with Chatham and stressed the need to get going on it. Chairman Hughes added that some activity is needed in the area of the infrastructure fund and search for a recharge site. The Board took comments from Jim Cheverie, Dan Pelletier and Anne Howe.

## **TOWN ADMINISTRATOR'S REPORT**

### **A. Eversource Energy - herbicide spraying**

Mr. Clark reported that Eversource is looking at conducting herbicide application between September 1 and October 16 and additional follow-up from the last application in areas in the right-of-way. He noted that the Board had sent a letter, in conjunction with the Conservation

Commission, to Eversource in March asking that they not use herbicides but rather use mechanical means and he doesn't believe we have ever received a response from Eversource about doing this in a more responsible manner. Ms. Cebula moved to reissue this letter as the reconstituted Board of Selectmen so that it is current. Mr. MacAskill seconded the motion and the motion carried by a unanimous vote.

#### B. Albro House shed demolition

Mr. Clark reported that demolition is anticipated to the shed and side of building at the Albro House but the Selectmen would have to declare the structures as surplus. He noted that they are not part of the historic structure and that someone is interested in them. Mr. LaMantia stated that we should get confirmation from the Historical Commission that they approve of this. Mr. Clark stated that demolition would be done in house and the cost of construction and demolition debris would be taken out of the gift account. He said he would do a write up and ask the Board to declare it surplus.

#### C. Assistant Town Administrator search process update

- Schedule
- Citizen participation
- Town Administrator recommendation

Mr. Clark reported that Leo Cakounes, Tom Johnson and Jill Mason are the three citizen participants on the Assistant Town Administrator Search Committee and Mr. MacAskill reported that they were all interviewed by him and Mr. LaMantia. Mr. Clark noted that there were 94 applicants and he will be setting up a schedule and sending materials to those on the Committee. He said that he hopes to have someone on board in October.

Mr. Clark reported that the trees at the Elementary School are sickly and are slated to come down as they are unsafe. Mr. MacAskill stated that we should find out if they have a planting plan to replace them.

### **ADJOURNMENT**

Chairman Hughes adjourned the meeting at 9:05 p.m.

Respectfully submitted,

Ann Steidel  
Recording Secretary

**MINUTES  
SELECTMEN'S MEETING  
TOWN OF CHATHAM TREATMENT PLANT  
59 SAM RYDER ROAD, CHATHAM  
WEDNESDAY, JULY 29, 2015  
2:00 P.M.**

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

**OTHERS PRESENT:** Town Administrator Christopher Clark, Robert Duncanson, and others.

**AGENDA**

- A. Tour of the Chatham Facility with Selectmen, Town Administrator, Harwich  
(educational purposes only)

The Board members toured the facility. No action was taken.

Submitted by,

Ann Steidel  
Recording Secretary



OFFICE OF THE SELECTMEN  
 732 MAIN STREET  
 HARWICH, MA 02645  
 Telephone: (508) 430-7513



APPLICATION FOR LICENSE/PERMIT

PLEASE CHECK

ROAD RACE                       CRAFT FAIR                       OTHER

IN ACCORDANCE WITH THE PROVISIONS OF THE STATUTES RELATING THERETO, APPLICATION AS STATED ABOVE IS HEREBY MADE BY:

NAME OF BUSINESS HARWICH FIRE ASSOCIATION PHONE 508-737-3352

BUSINESS ADDRESS \_\_\_\_\_

MAILING ADDRESS PO BOX 23 HARWICH PORT 02646

PLEASE STATE THE PURPOSE FOR WHICH LICENSE/PERMIT IS REQUESTED 4<sup>TH</sup> ANNUAL 5K TO BENEFIT HFA AND THE FAMILY PANTRY. LAST YEAR WE WERE ABLE TO DONATE \$1,000.00 TO SUPPORT OUR LOCAL FAMILY PANTRY.

DESCRIPTION OF ROAD RACE/CRAFT FAIR/OTHER EVENT TO BE LICENSED, PLEASE LIST DATE, TIME, LOCATION/ROUTE, ETC.

DATE SEPT 26 2015

TIME 10 AM

ROUTE/LOCATION SEE ATTACHED

(please use reverse side if necessary)

Justine Rivalery  
 Signature of Applicant

TREASURER

Title

04-2579900

Social Security Number of Federal Identification Number

Tax Exempt ID (for non-profit organizations)

Signature of Individual or Corporate Name

By Corporate Officer (if applicable)

\*\*\*REGULATORY COMPLIANCE FORM\*\*\*

THE EVENT(S) TO BE LICENSED AS DESCRIBED HEREIN HAVE BEEN REVIEWED AND APPROVED BY:

[Signature] 8/10/15  
Police Department Date

\_\_\_\_\_  
Building Commissioner Date

\_\_\_\_\_  
Recreation & Youth Commission Date

\_\_\_\_\_  
Board of Health Date

[Signature] 8/10/15  
Fire Department Date

\*\*\*Required signatures are to be obtained by the Applicant prior to submission of application with the Selectmen's Office.

\_\_\_\_\_  
\_\_\_\_\_

For Office Use Only

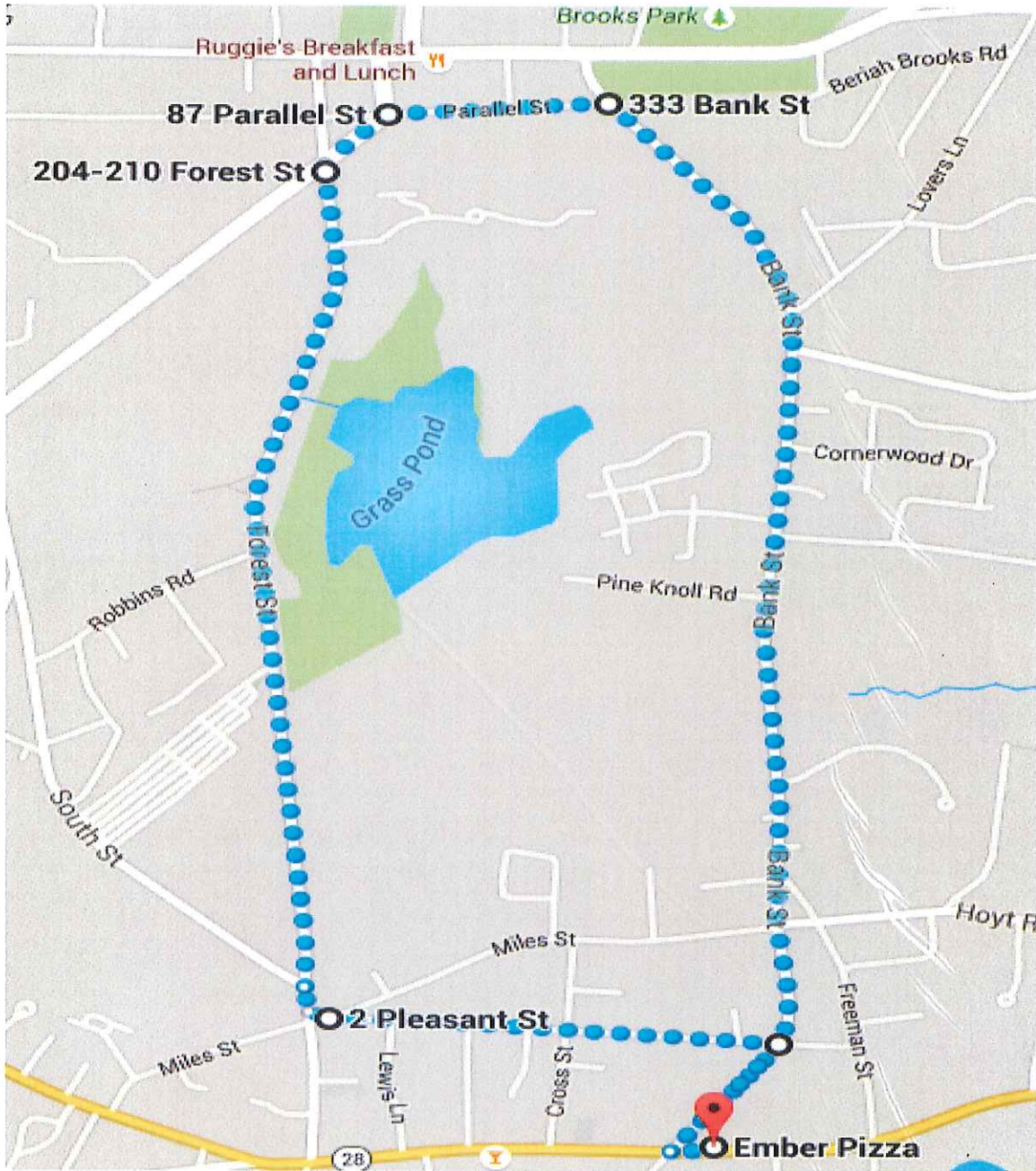
FEE \_\_\_\_\_ CASH \_\_\_\_\_ CHECK \_\_\_\_\_

FOR \_\_\_\_\_

REVIEWED BY \_\_\_\_\_

DATE LICENSE ISSUED \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_



- Race Start/Finish at Ember back driveway
- Right out onto Bank Street
- Left On Pleasant Street
- Right onto South (very short distance) to Forest Street
- Right onto Sisson Road (short distance)
- Right onto Parallel Street
- Right onto Bank Street
- Left into Ember to the timing chute



**RUN DOWN BY THE SOUND 5K ROAD RACE**  
*HFA supporting our community since 1929*

The Harwich Fire Association is holding its 4<sup>th</sup> annual Run Down By The Sound 5K Road Race on Saturday, September 26, 2015 funds to benefit The Family Pantry and the Harwich Fire Association.

Our not for profit organization strives to help improve the community as well as the members of the Harwich Fire Department, with donations such as yours we will be able to continue with our mission.

Our Sponsorship levels as follows:

Bronze:	Donation amount \$100.00	Gift in kind
Silver:	Donation amount \$250.00	Logo on our T-Shirt
Gold:	Donation amount \$500.00	Logo on our T-Shirt Mention on our website Mile Marker advertisement Logo on Finish line banner

The last year we were able to donate \$1,000.00 to the Cape Cod Family Pantry with support from our sponsors and runners. Please show your interest and support for sponsorship by contacting us at [hfatreasurer@gmail.com](mailto:hfatreasurer@gmail.com).

Sincerely,

Justyne L. Walorz  
Harwich Fire Association Treasurer

**Post Office Box 23, Harwichport, Massachusetts 02646**



# Harwich Council on Aging

100 Oak Street, Harwich, MA 02645

Council 508-430-7550  
Outreach 508-430-7551

August 8, 2015

Board of Selectmen  
Chairman  
732 Main Street  
Harwich, MA 02645

Dear Mr. Chairman;

Please accept as gifts to the Council on Aging Gift Account #14085004 a donation totaling \$1274.00 deposited with the Town Treasurer. A thank you note has been sent.

Sincerely,

Barbara-Anne Foley  
Harwich COA Director





## Ann Steidel

---

**From:** peter hughes <phughes41@comcast.net>  
**Sent:** Sunday, August 16, 2015 8:09 AM  
**To:** Ann Steidel  
**Subject:** FW: Plans for the future

Hello Ann.... Please check the first harbor item below for potential inclusion in the consent agenda for 10/24/15 BOS meeting.

Peter

--

---

**From:** "W. Matthew Hart" <mhart2@comcast.net>  
**Date:** Tuesday, August 11, 2015 at 11:59 AM  
**To:** peter hughes <phughes41@comcast.net>, Chris Clark <cclark@town.harwich.ma.us>  
**Cc:** "Rendon, John" <jrendon@town.harwich.ma.us>, Sandy Robinson <srobinson@town.harwich.ma.us>  
**Subject:** Plans for the future

Good morning Peter and Chris:

Thank you for supporting the Saq Dev Com's request for the Harbor Demolition and Beautification Fund last night; I just hope it works?.

Looking ahead I need your assistance in two previously discussed areas.

First, I understood over a month ago that the two Harwich Harbor Funding regulations (Descriptions) I provide to you both of you (that were voted in at Town Meeting three years ago) were going to be included in the next BOS Consent Agenda so that they could be included in the Harbor Management Plan under "definitions"? What happened?

Two, I understood several months ago that a plan for a documented Financial Structure to finance the 20 year bond for replacing the Saquatucket Marina would be finalized this summer in a positive effort to avoid the Town Meeting Warrant rat race later this year? I know that Dave Ryan was working on this and that now we have a new financial person; but the clock is still ticking.

We are going to have bids returned next week for the Marina design... and soon we will have the design and pricing for the Marina.

But we still do not have a Structured Financial Plan to repay the Bond and that needs to be included as part of the Saquatucket Marina Waterside Replacement Warrant in a few months.

What can I do to help move these two previously agreed to items ahead and completed?

Thank you again in advance.

Matt

## Ann Steidel

---

**From:** Christopher Clark  
**Sent:** Monday, August 17, 2015 8:16 AM  
**To:** Ann Steidel  
**Subject:** FW: Matt Hart

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

**From:** W. Matthew Hart [mailto:mhart2@comcast.net]  
**Sent:** Tuesday, June 30, 2015 4:32 PM  
**To:** Christopher Clark <cclark@town.harwich.ma.us>  
**Subject:** Re: Matt Hart

Chris:

11:00 am is fine, thanks.

Matt

---

Matt,

Can we move our meeting from 10 to 11 tomorrow? I have a quick errand to run at 10:30 and don't want to interrupt our meeting. If not we can still do the meeting at 10 but will need to step out for a short bit at 10:30.

Chris

To discuss the WWC HMP additional definitions request. And briefly discuss the next steps in the formation of the Harbor/Waterways Enterprise funding' for next year's Town Meeting for financing of the replacement of Saquatucket (Waterside & Landside) Marina and Harbormaster buildings.

Hi Ann

I'm not sure if we are talking about the same "changes" or not? I'm scheduled to meet with Chris to discuss two additions to the "HMP Definitions" (below) on July 1st 2016 so I believe they would not be part of the BOS Consent Agreement item until after that meeting.

Now John has the Temporary Boat Slip rate change maybe that is what you are referring to?

Thanks and have a great day.

Matt

At a regularly scheduled Harwich Waterways Committee on April 15, 2015 the committee unanimously approved the motion for these two Harwich Town Charter items (that were previously approved at a Town Meeting four years ago) be included in the Harwich Harbor Management under "Definitions".

#### WATERWAYS CAPITAL IMPROVEMENT RECEIPTS RESERVE FUND

A Town of Harwich, MA Capital Improvements Receipts Reserve fund pursuant to the provisions of M.G.L. Chapter 40, Section 5 F is to be funded by separate fees. The Waterways Users Capital Fee, which is an annual fee for all designated boats using the Town of Harwich waters that includes a fee specific to holders of town slips and moorings will be deposited in this Waterways Capital Improvement Receipts Reserve Fund and used for Waterways capital improvements. Expenditures requests from this fund by the Harbormaster to be approved by a vote of an Annual Town Meeting.

#### WATERWAYS IMPROVEMENT AND MAINTENANCE FUND

A Town of Harwich Municipal Waterways Improvement and Maintenance Fund for all mooring fees collected by the Town and one-half the boating excise taxes collected shall be deposited into this fund annually and used in accordance with the purposes of the Municipal Waterways Improvement and Maintenance Fund, pursuant to M.G.L. Chapter 40, Section 5G and Chapter 91, Section 10 A to act fully thereon. Expenditures request from this fund by the Harbormaster to be approved by the Town Administrator.

[X]

Matt and John,

I was told that there would be changes to the Harbor Management Plan for their June 29th agenda. Please be aware that I would need them by Wednesday to put in the Board's packets.

Thanks –

Ann

## Ann Steidel

---

**From:** Kathleen Isernio <kisernio@monomoy.edu>  
**Sent:** Monday, August 17, 2015 12:24 PM  
**To:** Ann Steidel  
**Cc:** Scott Carpenter; Christopher Clark  
**Subject:** HES Sign  
**Attachments:** image0203.pdf

Ann,  
At a meeting held today with Chris and Andy where this was discussed, Scott Carpenter is requesting to be placed on the August 24th BOS agenda to request, per section Article VI Section 6.1 of our Lease Agreement, the installation of a new sign at the Elementary School. Attached is a mockup of the sign being requested.

Please confirm with Mr Carpenter.

Thank you,  
*Katie Isernio*

Kathleen Isernio  
Business Manager  
Monomoy Regional School District  
Business Office  
425 Crowell Road  
Chatham, MA 02633  
Tele: (508) 945-5148  
Fax: (508) 945-5133  
kisernio@monomoy.edu

**Please note that the Secretary of State has determined that email from public agencies is public record. Please consider this correspondence privileged and confidential. If you have received this in error, please delete or contact the public school district.**

*Monomoy Regional School District does not discriminate based upon race, color, religion, gender, national origin, age, disability, sexual orientation, gender identity or any other class protected by federal, state or local law.*

## ARTICLE VI: USE OF LEASED PREMISES

6.1 Permitted Uses. The School District shall use the Leased Premises solely for the Permitted Uses. The School District shall keep the Leased Premises in good order, reasonable wear and tear and damage by fire or other casualty only excepted, and shall not commit or permit the School District's servants, agents, or invitees to commit waste to the Leased Premises. The School District agrees not to erect any signs on the Leased Premises, including on the exterior of the buildings, without the prior written consent of the town in which the real estate is located, which consent shall not be unreasonably withheld.

6.2 Use of Leased Premises by Towns for Emergencies. The Towns reserve the right to use the Leased Premises, in the case of emergencies officially declared by any public body for any use normally associated with such emergencies (emergency shelters, storage of emergency supplies, etc.), free of any charges by the School District. The Towns and the School District shall, upon execution of this Lease, develop and approve a policy defining the use of the Leased Premises for emergencies.

6.3 Use of Leased Premises by Towns for Towns-wide Meetings. The Towns reserve the right to use the Leased Premises for town-wide meetings, including annual and special town meetings. The Towns shall reimburse the School District for any additional costs directly related to the use of the Leased Premises by the Towns. The Towns and the School District shall, upon execution of this Lease, develop and approve a policy defining the use of the Leased Premises for town-wide meetings and reimbursement for costs..

6.4 Compliance with Laws, Regulations, and Codes: Hazardous Substances. The School District acknowledges that no trade or occupation shall be conducted on the Leased Premises, or use made thereof, that will be unlawful, improper, offensive, or contrary to any federal, state, or local laws, regulations, codes and ordinances, including, but not limited to, those that relate to health and safety, and those of the Board of Fire Insurance Underwriters. Without limiting the generality of the foregoing, the School District shall not bring, or permit to be brought or kept, on the Leased Premises, or elsewhere on the Leased Premises, any hazardous, toxic, inflammable, combustible, or explosive fluid, material, chemical, or substance, including without limitation any item defined as hazardous pursuant Chapter 21E of the Massachusetts General Laws and federal and other state laws ("Hazardous Substances"). The School District hereby agrees to indemnify and hold harmless the Towns, and those claiming by, through, and under the Towns, from and against any and all liability, loss, damage, costs, expenses (including, without limitation, reasonable attorneys' fees and expenses), causes of action, suits, claims, demands, or judgments of any nature in any way suffered, incurred, or paid as a result of any release or threatened release of Hazardous Substances on or from the Leased Premises that is caused or exacerbated by the School District, its agents, employees, contractors, representatives, or invitees, except to the extent caused by the negligent acts or omissions of the Towns. The provisions of this Section shall survive the expiration or earlier termination of the Lease.



"BEFORE"

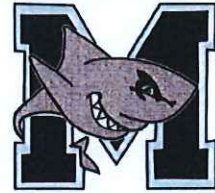
"AFTER"

# HARWICH ELEMENTARY SCHOOL



*Home of the Sharks*

*263 South Street*



Marquee -- changeable black lettering

Marquee -- changeable black lettering

## Ann Steidel

---

**From:** peter hughes <phughes41@comcast.net>  
**Sent:** Sunday, August 16, 2015 8:25 AM  
**To:** Ann Steidel  
**Subject:** FW: Election Worker List

Hello Ann... This topic should be included in the consent agenda for 8/24/15 BOS meeting.

Best regards,  
Peter

--

---

**From:** peter hughes <phughes41@comcast.net>  
**Date:** Thursday, August 13, 2015 at 12:45 PM  
**To:** Pat Switchenko <pswitchenko@verizon.net>  
**Cc:** Dick Bowers <papadickoncapecod@comcast.net>, Eric & Gayle Carroll <ge.carroll@comcast.net>  
**Subject:** Election Worker List

Anita Doucette the Town Clerk called this afternoon to advise that Susan Mills & Dorothy Parkhurst can not be on the election worker list since they are Registrars.

At our upcoming meeting we need to vote to remove them from the list and add two others. Anita suggests Don Howell and Debra Sementa both of whom are registered Republicans and have expressed an interest in serving.

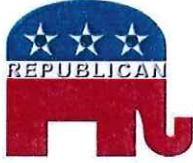
Suggest you amend the agenda and add this topic and the names to it.

We will also need a letter requesting the elimination of Susan & Dorothy and the addition of Don and Debra. Sorry for the inconvenience .

Peter

--





Harwich Republican Town Committee  
P O Box 1374  
Harwich, MA 02645

**To: Harwich Board of Selectmen**

**Subject: Updated Republican Election Worker List**

**At its August 20th, 2015 meeting, the Harwich Republican Town Committee voted to remove Susan Mills and Dorothy Parkhurst from the election workers list and added Donald Howell and Deborah Sementa. The updated list is attached and hereby submitted for your approval.**

**Best regards,**

  
**Peter Hughes, Chairman  
Harwich Republican Town Committee**



**Attachment**

**cc: Town Clerk**

## 2015 Republican Election Workers

Ruth Barnett	18 Rainbow Way, Harwich	432-3648
David Bassett	8 Moody Road, Harwich Port	237-1514
Emily Brutti	28 Hillcrest Drive, Harwich	
Dorothy Hemmings-Bassett	8 Moody Road, Harwich Port	237-1514
Janet Bowers	142 Kendrick Rd, Harwich	432-8895
Richard Bowers	P O Box 244, Harwich	432-8895
Eric Carroll	434 Lower County Road, Harwich Port	432-9316
Gayle Carroll	434 Lower County Road, Harwich Port	432-9316
Lee Chase	2 Robbins Road, Harwich Port	432-2236
Judy Davis	170 Gorham Rd, Harwich Port	432-9312
Marjorie Frith	231 Route 28 23, West Harwich	430-1104
Richard Gomes	15 Ridgevale Rd, South Harwich	432-1431
Jeffrey Hadley	29 Scotlin Way, Harwich	432-3124
Sandra Hall	24 Intervale Ln, Box 426, South Harwich	432-1963
Donald Howell	14 Haskell Lane, Harwich	430-1672
Linda Hughes	41 Martha Ln, Box 54, South Harwich	432-7512
Janet Kaiser	4 Spring Tide Lane, Harwich	432-3277
Ann Kaplan	154 Clearwater Dr, Harwich	432-9886
Barbara Madson	247 Church St, Harwich	432-2945
Beverly Millar	11 Carriage Lane, Harwich	432-3142
MaryAnn Pina	3 Frances Road, Harwich	432-8455
Deborah Sementa	1 Captain Bearse Rd, Harwich	432-6147
Judith Sullivan	4 Paddock Road, Harwich	432-5526
Pat Switchenko	3 Riley Road, Harwich	432-2458
Lou Urbano	152 Riverside Drive, West Harwich	858-922-4212
Sally Urbano	152 Riverside Drive, West Harwich	425-583-8494

## Ann Steidel

---

**From:** Bob Cafarelli <[rcafarelli@town.harwich.ma.us](mailto:rcafarelli@town.harwich.ma.us)>  
**Sent:** Thursday, August 20, 2015 8:31 AM  
**To:** Christopher Clark; Sandy Robinson; Ann Steidel; John Rendon  
**Subject:** Saquatucket Harbor Improvements  
**Attachments:** contract.DOC

The opening for the RFP for engineering services for the improvements to Saquatucket Harbor was at 2:00 PM, Thursday, August 13. Only one company responded to our RFP, Bourne Consulting Engineering, P.C.

Their submittal was very thorough, with all required paperwork. Their price proposal was considered reasonable and well within the appropriation for this project. Their references are good. They also did a fine job for Harwich in the design and construction supervision of the new Wychmere Pier.

I have discussed this with John Rendon, and we are both in agreement to recommend award of the Saquatucket Improvements Engineering Design to Bourne Consulting Engineering, P.C. for the sum of \$186,454.

Attached is a proposed Agreement.

Bob

*Robert Cafarelli, P.E.*

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

## AGREEMENT

### **ENGINEERING SERVICES /SAQUATUCKET HARBOR IMPROVEMENTS**

The following provisions shall constitute an Agreement between the Town of Harwich, acting by and through its Board of Selectmen, hereinafter referred to as "Town", and **Bourne Consulting Engineering, P.C.**, hereinafter referred to as "Engineer", effective as of the 24th day of August, 2015. In consideration of the mutual covenants contained herein, the parties agree as follows:

#### **ARTICLE 1: SCOPE OF WORK:**

The Engineer shall perform all work and furnish all services necessary for the design and permitting of a number of improvements to Saquatucket Harbor including:

- New floating docks and walkways
- New electrical plumbing and wi-fi to docks
- New fire suppression system
- New bubbler system
- Handicap accessibility to passenger vessels
- Dredging of portion of harbor

The Engineer shall perform all work in accordance with the requirements and scope of services contained in the Town's request for proposals and the Engineer's proposal.

One reproducible copy of all documents, plans, designs and reports, in whatever form, delivered to the Owner (the "Documents") shall become the property of the Owner upon payment thereof to the Engineer, and the Owner shall have the right to use, copy and reproduce the Documents in connection with the development, amendment and implementation of the project plan, provided, however, that the Owner shall not have ownership of the Engineer's certification or stamp. The Engineer shall not be responsible for changes made in the Documents by anyone other than the Engineer.

The Town represents that execution of this Agreement shall serve as authorization for the Engineer's personnel to enter upon the Property to conduct site examinations and other work as required to perform the scope of work.

**ARTICLE 2: TIME OF PERFORMANCE:**

The Engineer shall perform the required services expeditiously and shall complete all work and services required hereunder in accordance with the requirements of the Town, and no later than June 30, 2016.

**ARTICLE 3: COMPENSATION:**

The Town shall pay the Engineer for the performance of the work outlined as Tasks 1 through 4 in the RFP and the Engineer's Cost Proposal the contract sum of One Hundred Eighty Six Thousand Four Hundred Fifty Four Dollars (\$186,454). Payment shall be made monthly, against invoices submitted by the Engineer, and shall be in the same proportion of the contract sum as the percentage of services completed to the total scope of services as of the invoice date. Additional services shall be subject to the approval of the Town.

**ARTICLE 4: CONTRACT DOCUMENTS:**

The following documents form the Contract and all are as fully a part of the Contract as if attached to this Agreement or repeated herein:

1. This Agreement.
2. Amendments or other changes mutually agreed upon between the parties.
3. Request for Proposal and Engineer's Proposal

In the event of conflicting provisions, those provisions most favorable to the Town shall govern.

**ARTICLE 5: CONTRACT TERMINATION:**

The Town may suspend or terminate this Agreement by providing the Engineer with ten (10) days written notice for the reasons outlined as follows:

1. Failure of the Engineer, for any reason, to fulfill in a timely and proper manner its obligations under this Agreement.
2. Violation of any of the provisions of this Agreement by the Engineer.
3. A determination by the Town that the Engineer has engaged in fraud, waste, mismanagement, misuse of funds, or criminal activity with any funds provided by this Agreement.

The Town may terminate the Agreement without cause upon ten (10) days written notice to the Engineer. In the event such termination for convenience occurs, the Town shall pay the Engineer for all services to the time of termination. The Engineer may terminate the Agreement for failure of the Town to make payment when due, or, upon thirty days' written notice, for the Town's violation of the terms of the Agreement and failure to cure the violation within the notice period.

**ARTICLE 6: INDEMNIFICATION:**

The Engineer shall, indemnify and hold harmless the Town and its officers, and all employees from and against any and all claims, demands, liabilities, actions, causes of action, costs and expenses to the extent caused by or arising out of the Engineer's breach of this Agreement or the negligence or misconduct of the Engineer or the Engineer's agents or employees in the completion of the services performed under this Agreement, but only to the extent caused by the negligence error or emissions of the Engineer. The Engineer shall be solely responsible for all local taxes or contributions imposed or required under the Social Security, Workers' Compensation, and income tax laws. Further, the Engineer shall defend, indemnify and hold harmless the Town with respect to any damages, expenses, or claims arising from or in connection with any of the work performed or to be performed under this Agreement. This shall not be construed as a limitation of the Engineer's liability under the Agreement or as otherwise provided by law.

**ARTICLE 7: AVAILABILITY OF FUNDS:**

The compensation provided by this Agreement is subject to the availability and appropriation of funds.

**ARTICLE 8: APPLICABLE LAW:**

The Engineer agrees to comply with all applicable local, state and federal laws, regulations and orders relating to the completion of this Agreement. This Agreement shall be governed by and construed in accordance with the law of the Commonwealth of Massachusetts.

**ARTICLE 9: ASSIGNMENT/SUBCONTRACTORS/CONSULTANTS:**

The Engineer shall not make any assignment of this Agreement without the prior written approval of the Town. The Engineer shall not use or employ consultants for any portion of the scope of work without the prior approval of the Town.

**ARTICLE 10: AMENDMENTS:**

All amendments or any changes to the provisions specified in this Agreement can only occur when mutually agreed upon by the Town and Engineer. Further, such amendments or changes shall be in writing and signed by officials with authority to bind the Town. No amendment or change to the contract provisions shall be made until after the written execution of the amendment or change to the Agreement by both parties.

The undersigned, Andrew Gould, in compliance with the Commonwealth of Massachusetts General Laws (Ter. Ed) Chapter 44, Section 31C, certifies that an appropriation in the amount required for this contract is available out of Account Number 01633A2.615019.

Andrew Gould  
Andrew Gould, Finance Director/Town Accountant

**ENGINEER:**

**THE TOWN:**

Bourne Consulting Engineering, P.C.

Harwich Board of Selectmen

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

\_\_\_\_\_

\_\_\_\_\_  
Title:

\_\_\_\_\_

\_\_\_\_\_  
Date:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**ATTEST:**

Name: \_\_\_\_\_

Title: \_\_\_\_\_





August 12, 2015

Town of Harwich  
732 Main Street  
Harwich, MA 02645

Attention: Christopher Clark, Town Administrator

**RE: Saquatucket Harbor Improvements BCE# P35-717**  
**SUBJ.: RFP Response for Design, Permitting & Construction Oversight Services**

Dear Mr. Clark:

Bourne Consulting Engineering (*BCE*) is pleased to submit our price proposal for providing **Engineering Services for Saquatucket Harbor Improvements** to the Town of Harwich. This section of the proposal is being submitted under separate cover in accordance with the RFP.

Please find attached our Fee Summary Sheet which provides a breakdown by task. We have also included a man-hour and expense breakdown of our fees for your information.

Within the fee structure we have identified additional services that may be required depending on the available information that currently existing. These include the following:

- Geotechnical Investigation - may be required if insufficient historic information is found to design mooring piles for marina.
- Hydrographic Survey - may be required for regulatory filings if hydrographic survey is over 5 years old
- Dredge Material Biological Testing - may be required for offshore disposal of dredge material.

We thank you for the opportunity to submit this proposal. We believe that we have presented a sound project approach along with a competitive engineering fee and hope you find that this proposal satisfactorily addresses your needs.

If you have any questions, or would like to discuss our project approach and understanding further, please do not hesitate to contact us.

Respectfully submitted,

**BOURNE CONSULTING ENGINEERING, P.C.**

Ronald R. Bourne, PE  
President

Enclosures

# Bourne Consulting Engineering

## Town of Harwich

### SAQUATUCKET HARBOR IMPROVEMENTS

#### FEE SUMMARY

<u>Project Phases</u>	<u>FEE</u>
<b>Task 1 –PROJECT COORDINATION</b>	\$ 30,344.00
<b>Task 2 –DESIGN DEVELOPMENT:</b>	
Part I - Project Startup, Field Investigation & Confirmation of Conditions	\$ 28,715.00
Part II - Design Development	\$ 29,284.00
<b>Task 3 – REGULATORY REVIEW</b>	\$ 53,127.00
<b>Task 4 – FINAL DESIGN</b>	\$ 44,984.00
<b>SUB-TOTAL</b>	<u>\$ 186,454.00</u>

#### Fee By Consultant:

BCE	\$152,354
Onsite Engineering-	\$ 6,000
RDK Engineers	\$ 28,100
<b>TOTAL:</b>	<u>\$186,454</u>

#### SUBJECT TO APPROPRIATION:

<b>Task 5 – BIDDING AND NEGOTIATION PHASE</b>	\$ 7,000.00
<b>Task 6 - CONSTRUCTION ADMINISTRATION</b>	\$ 52,500.00
<b>CONSTRUCTION OVERSIGHT</b>	\$ 70,000.00
<b>Task 7 – AS-BUILT PLANS AND CERTIFICATES OF COMPLIANCE</b>	\$ 5,897.00
<b>SUB-TOTAL</b>	<u>\$ 135,397.00</u>

#### Fee By Consultant:

BCE -	\$120,447
Onsite Engineering -	\$ 2,800
RDK Engineers -	\$ 12,150
<b>TOTAL:</b>	<u>\$135,397</u>

#### ADDITIONAL SERVICES:

<b>GEO -TECHNICAL SERVICES (Budget - in water borings)</b>	\$ 15,000.00
<b>HYDROGRAPHIC SURVEY</b>	\$ 4,100.00
<b>BIOLOGICAL TESTING ** if required</b>	By solicitation

**Saquatucket Harbor Improvements  
Town of Harwich**

**SCOPE OF SERVICES**

**Assumptions**

- Design based on GZA/Vine layout provided in RFP with **BCE** passenger vessel layout (final alternative to be determined)
- Existing topographic and hydrographic survey available in AutoCAD compatible format suitable for base plan
- Existing geotechnical information sufficient for marina reconfiguration
- Project is considered maintenance with reconstruction in new footprint and not expansion
- Existing pier side water, electrical and sewer adequate for proposed marina modifications
- Aeration compressor is adequate for new marine configuration
- No special studies included for shellfish and eelgrass or other environmental resources.
- Regulatory Assumptions:
  - No Chapter 91 Zone of Reconfiguration (ZOR) exists for marina
  - Proposed changes within original footprint of marina
  - No improvement dredging required
  - Cape Cod Commission filing and review not required (based on no expansion of marina)
  - No biological testing has been included, if required price quotes would be obtained

**Task 1. Project Coordination - Team Meetings and Communication**

1. Prepare and submit project schedule and update at monthly meetings and distribute with meeting notes.
2. Attend monthly project coordination meeting with Town. Anticipate meetings to occur first week of each month.
3. Have conference calls on as-needed basis. Presume monthly on average. **BCE** to provide conference call numbers and access codes
4. **BCE** to coordinate meetings and conference calls based on established contact list.
5. Prepare meeting agendas and meeting notes. Distribute meeting/conference call notes within one week. Identify specific action items/project issues with recommendations for resolution.
6. Attend public hearings for regulatory process to include MEPA ENF and Harwich Conservation Commission (budget 2) as well as pre-application meeting with other agencies as required. No other formal public meetings anticipated. Prepare graphics for meetings as required for presentation

**Task 2. Design Development - Development of Design Plans and Specifications**

**Part I - Project Startup, Field Investigation and Confirmation of Conditions**

1. Research available information for site - DCR / Regulatory Approvals
2. Create project base plan of existing conditions based on available information and present:
  - a. Existing topographic survey(s)
  - b. Existing hydrographic survey(s) - within last 5 years
  - c. Existing utility information
  - d. Existing resource delineation survey(s)
  - e. Geotechnical information
3. Perform site review
  - a. Verify existing condition plans
  - b. Confirmation of adequacy of existing utility services
  - c. Take grab samples of proposed dredge areas for preliminary characterization of dredge material - 4 to 6 samples
    - i. Perform limited testing to determine physical/chemical properties
4. Reconfirm/locate resource limits including if any eelgrass
5. Prepare updated existing condition plan
6. Identify items requiring further investigation, if required.
7. Prepare Proposed Base Plans of new marina layout and passenger vessel docking
  - a. Illustrate post dredge drafts and shoreline and utility connections
  - b. Identify key construction elements and shoreline impacts
  - c. Present to the Town's Project Team for confirmation/approval

**Part II - Design Development**

Develop design of project sufficient for identification and quantifying of all significant elements including:

1. Analysis of loads and establishment of design criteria
  - a. Wind and wave loads
  - b. Vessel berthing loads
  - c. Utility loads and sizing requirements
  - d. ADA / MAAB access requirements
2. Dredge volume determination
  - a. Develop proposed dredge depth profiles
  - b. Compute dredge volume based on latest hydrographic information
3. Physical sizing
  - a. Walkway and float configuration and sizing
  - b. Shoreline access gangways with lengths and widths
  - c. Float mooring piles location and quantity
  - d. Utility pedestals and location
  - e. Electrical service and general distribution
  - f. Water service and distribution
  - g. Aeration de-icing system distribution

4. Prepare Design Development Plans
  - a. Proposed plan with dimensions and layout
  - b. Typical detailed plans and sections
  - c. Identification of materials
5. Prepare construction cost estimate broken down by major elements
6. Submission of Documents for Review
  - a. Submit four (4) paper copies and two (2) electronic copies (PDF and DWG format) of plans and specifications.
7. Review submission with Project Team and incorporate changes and comments into design.

**Task 3. Regulatory Review - Development, Submission and Tracking of Permit Applications**

1. Coordination and Tracking
  - a. Develop Regulatory Status Report (spreadsheet) for regulatory approvals required with
    - i. Identification of approval required, agency contact person and contact information (phone/email)
    - ii. Filing numbers and filing dates
    - iii. Identification of next steps and estimate approval date
    - iv. Last contact and project status
  - b. Update report on monthly basis for Project Meeting
2. Sediment Sampling and Analysis for Dredging
  - a. Perform review of historic dredge material sampling and testing program
  - b. Prepare and submit proposed dredge project to DEP WPC -WQC and USACE
    - i. For determination of sampling and testing requirements
  - c. Perform required sampling based on approved plan
    - i. Based on four (4) locations
    - ii. Depth shall be to historic depths with 1 foot overdredge
    - iii. Effort performed under supervision of field engineer
  - d. Perform Sample Testing as required
    - i. Composite samples as allowed
    - ii. Confirm testing requirements based on material grain sizes
    - iii. Perform physical and chemical testing as defined by USACE and MA DEP
      1. 4 samples assumed to be composited into 2 for final chemical testing if required.
  - e. Prepare letter report and review findings with Town Project Team and project impacts for disposal alternatives
  - f. Submit test results to USACE and DEP
3. Prepare MEPA ENF, presumed required, prior to filing of any other approvals
  - a. Preparation of application form(s) and address all relevant elements
  - b. Preparation of Project narrative providing history and justification of project
  - c. Identification of resources and methods for mitigation/minimization of impacts
  - d. Incorporation of plans illustrating project limits, resources and changes including historic dredge limits

- e. Submit to Project Team for review and comment
  - f. Incorporation comments as required
  - g. Submission of ENF with distribution as required (after final Project Team/Town review and signature)
  - h. Provide public advertising as required
  - i. Attend and present project at public site meeting
  - j. Provide responses to ENF comments developed during public review process
4. Prepare Harwich Conservation Commission Notice of Intent for proposed project
- a. Based on MEPA Certificate indicating no EIR required (Presumed outcome)
  - b. Update Project narrative
  - c. Prepare all forms and notifications for Wetland Regulations and Town Wetland Regulations
  - d. Incorporate project narrative including responses comments and issues raised during ENF
  - e. Provide all support documentation including dredge material sampling and testing
  - f. Delineate all wetland boundaries and resource areas as required
  - g. Prepare mitigation plan as well as shell fish relocation plan if required
  - h. Prepare plans in required format and provide copies as required
  - i. Submit package to Project Team for review and comment
    - i. Incorporation of comments as required
  - j. Submit application to Harwich Conservation Commission
  - k. Identify and notify abutters in accordance with NOI filing requirements (certified mail)
  - l. Provide distribution of NOI filing as required including:
    - i. MA DEP SERO – 2 copies
    - ii. Other regulatory agencies
    - iii. Town of Harwich
  - m. Present project at public hearing (Budget 2 meetings)
  - n. Provide additional information as may be requested by Commission
  - o. Record Order of Conditions
5. Cape Cod Commission
- a. Although not anticipated due to the type of project, the Harwich Conservation Commission has the opportunity to request a CCC review process
6. Prepare joint DEP Chapter 91 Waterways License / Water Quality Application
- a. Prepare application, plans, narrative, justification for marine reconfiguration and maintenance dredging
  - b. Include all support documentation of dredge material sampling and testing
  - c. Submit package to Project Team for review and comment
    - i. Incorporation comments as required.
  - d. Submit to MA DEP as required for review and processing
  - e. Provide joint notification of abutters and placement of legal advertisement
  - f. No meetings anticipated
  - g. Provide coordination throughout review and approval process
  - h. Address public comments as may be required
  - i. Record approval as required

7. Prepare USACE application as a MA General Programmatic Permit - Pre-Construction Notification (PCN)
  - a. Prepare application, plans, narrative, justification for maintenance dredging
  - b. Submission based on GP PCN filing
  - c. All support documentation of dredge material sampling and testing
  - d. Submit package to Project Team for review and comment
    - i. Incorporation comments as required.
  - e. Submit to MA DEP as required for review and processing
  - f. No meetings anticipated
  - g. Provide coordination throughout review and approval process
8. CZM Coastal Consistency Filing and Review - not anticipated for GP-PCN review
  - a. Although not anticipated due to the type of project, CZM has the opportunity to request it during USACE review process
9. Consultant Coordination
  - a. *BCE* to provide coordination with Town and regulatory agencies to expedite review process and minimize delays in project review and approval.
  - b. Submit 2 copies of all filings and final permits and licenses on DVD to Project Team at time of submissions
  - c. Filings to be recorded as required

**Task 4. Final Design and Construction Documents**

**Final Design Plan and Detail Review, Specifications, Bid Documents, and Cost Estimate**

1. Perform Final Design of all elements for marina reconstruction including:
  - a. Float layout, sizes and materials including
    - i. Fairway layout and sizes
  - b. Gangway locations, sizes and landside connections
  - c. Upland improvements for ADA access to passenger vessels
  - d. Pile mooring layout and installation requirements
  - e. Utility pedestals with water and electrical with distribution lines
  - f. Fire suppression system
  - g. Aeration system for winter de-icing
    - i. Compressor modifications
    - ii. Air line distribution
  - h. Dredge limits and handling/disposal requirements
2. Prepare final Construction Documents for 90% review including:
  - a. Final construction drawings
  - b. Final technical specifications
  - c. Regulatory conditions
  - d. Attachment as required
  - e. Detailed construction cost estimate
  - f. Prepare draft bid documents utilizing Town standard documents
  - g. Provide Town Bid and Contract Documents for review
    - i. Bid schedule with quantities
    - ii. Engineer's estimate in bid schedule format
    - iii. Probable dates for advertising, pre-bid, bid due date

3. Submit package to Project Team for review and comment
  - a. Present package at Project Coordination Meeting
  - b. Incorporation of comments as required.
4. Submit Final Bid and Contract Documents with Construction Drawings - 100%
  - a. Finalized Bid and Contract Documents
    - i. Submit for final review
  - b. Submit five (5) final copies of the Bidding Documents
  - c. Submit opinion of probable Construction Cost - revised as required
  - d. Submit two (2) electronic copies (PDF format on DVD or memory stick)

**FOLLOWING TASKS ARE SUBJECT TO APPROPRIATION**

**Task 5. Bidding and Negotiation Phase**

Assist Town during Bid Phase including:

1. Assist Town in Advertising of Project
2. Provide Bid documents by electronic format
3. Attend pre-bid meeting and present project
4. Maintain prospective bidders list as required
5. Answer questions by addenda as may be required
6. Provide assistance to Project Team as required for process
7. Attend Bid Opening, provide review of all bids
  - a. Provide bid tabulation sheet
8. Provide summary of bids with recommendation for award
  - a. Review documentation of contractor references

**Task 6. Construction Administration and Oversight**

1. Attend required pre-construction conferences
2. Provide clarification of contract documents as required
3. Review and approve or deny shop drawings and change orders
  - a. Provide responses to RFI's
4. Provide full time construction oversight
  - a. Prepare daily inspection reports and photo documentation of work.
5. Provide weekly construction updates as needed with site photographs in a PDF format.
6. Hold weekly on-site construction meetings with project partners and construction foreman
  - a. Prepare weekly agenda and meeting notes
7. At project completion, provide:
  - a. Electronic copies of:
    - i. all field reports and photographs
    - ii. Weekly reports
    - iii. Shop drawings
  - b. Record of change orders and drawing approvals/modifications



**Task 7. As-Built Documents - Plans and Certificates of Compliance**

1. Field survey for preparation of As Built Plans. (to be required of Contractor)
2. Prepare Draft As-Built Plans and Requests for Certificates of Compliance
  - a. Submit for review and comment by Project Team.
  - b. Incorporate changes as may be required
3. Submit Final As-Built Plans and Requests for Certificates of Compliance to the Harwich Conservation Commissions and MassDEP.
4. Record Certificates of Compliance
5. Provide four (4) paper copies and two electronic files (on DVD or memory stick) of As Built Plans, and Certificates of Compliance

**BOURNE CONSULTING ENGINEERING**

DESIGN & ENGINEERING SERVICES - FEE DEVELOPMENT																				Expenses	Hours	Total	Sub Total		
<b>PROJECT:</b> Saquatucket Harbor Improvements																				Date:	August 12, 2015				
<b>CLIENT:</b> Town of Harwich																									
<b>Project No.:</b> P33-717																									
Bourne Consulting Engineering										Onsite Engineering					RDK Inc.					Total Team					
Prin	PM	Sr Eng	Engr Diver	Sr Engr	Engr Diver	Engr Diver	Envr Diver	CADD	AA	RW	LA	EPM	Pengr Elec	Pengr Pimbg	Pengr FP	CADD	Expenses	Hours	Total	Sub Total					
RRB	RJT	RW	ADP	BAP	KDB	DJC	CRB	JSF	CEM	PS	RLW	PMM	AT	TG	JS	RH									
\$190	\$170	\$105	\$125	\$105	\$100	\$75	\$75	\$66	\$70	\$100	\$100	\$190	\$110	\$150	\$150	\$60									
<b>FINAL DESIGN / CONTRACT DOCUMENTS</b>																									
<b>Task 1. Project Team Meetings and Communication</b>																									
																	\$ -	0	\$0						
Project Schedule w/ monthly updates																	\$ -	10	\$0						
Month Coordination Meetings																	\$ -	32	\$4,228						
Conference calls - 1 per month																	\$ 900.00	112	\$14,340						
Coordination of Meetings																	\$ -	10	\$2,700						
Prepare Agendas / Meeting Notes																	\$ -	6	\$2,020						
Attend Public Meetings																	\$ -	5	\$2,850						
ENF																	\$ -	8	\$0						
Conservation Commission(2)																	\$ 90.00	8	\$930						
Graphics Preparation																	\$ 180.00	20	\$2,592						
																	\$ -	4	\$684						
																				\$ 30,344					
<b>Task 2. Design Development - Development of Design Plans and Specifications</b>																									
<b>Part I - Project Startup, Field Investigation and Confirmation of Conditions</b>																									
Research available information for site																	\$ -	2	\$0						
Create project base plan																	\$ -	4	\$1,350						
Existing topographic survey(s)																	\$ -	4	\$1,476						
Existing hydrographic survey																	\$ -	2	\$596						
Existing utility information																	\$ -	2	\$596						
Existing resource delineation survey(s)																	\$ -	4	\$1,874						
Geotechnical information																	\$ -	2	\$464						
Perform site review																	\$ -	4	\$740						
Confirmation existing utilities																	\$ 465.00	16	\$7,535						
Perform initial sampling / Testing 4-6 samp																	\$ -	4	\$400						
Reconfirm/locate resource areas																	\$ 2,500.00	4	\$3,334						
Prepare update existing condition plan																	\$ -	8	\$2,224						
Identify items requiring further investigation																	\$ -	4	\$2,154						
Prepare Proposed Base Plans																	\$ -	2	\$950						
Post dredge drafts / shoreline / utilities																	\$ -	1	\$190						
Identify key construction elements / impacts																	\$ -	8	\$4,092						
Present for confirmation/approval - Task 1																	\$ -	4	\$740						
																	\$ -	0	\$0						
																				\$ 28,715					
<b>Part II - Design Development</b>																									
Analysis of loads and est. design criteria																	\$ -	4	\$0						
Wind and wave loads																	\$ -	8	\$1,080						
Vessel berthing loads																	\$ -	4	\$1,400						
Utility loads and sizing requirements																	\$ -	6	\$870						
Dredge volume determination																	\$ -	0	\$0						
Develop proposed dredge depth profiles																	\$ -	4	\$1,476						
Compute dredge volume																	\$ -	2	\$596						
Physical sizing																	\$ -	1	\$496						
Walkway and float config. and sizing																	\$ -	0	\$0						
Shoreline access gangways																	\$ -	4	\$1,436						
Float mooring piles																	\$ -	2	\$756						
Utility pedestals and location																	\$ -	1	\$180						
Electrical service and distribution																	\$ -	1	\$1,372						
Water service and distribution																	\$ -	1	\$906						
Aeration de-icing system distribution																	\$ -	1	\$1,746						
																	\$ -	16	\$2,026						

**BOURNE CONSULTING ENGINEERING**

Prepare Design Development Plans																	\$ -	0	\$0
Proposed base plan and layout	2		4		8		8		2		2	2	2				\$ -	30	\$2,908
Typical detailed plans and sections			4		4		8		2		2	2	2				\$ -	24	\$2,268
Identification of materials			2		2		4										\$ -	8	\$624
Construction cost estimate	1		2		4				1		1	5	5	5			\$ -	24	\$3,020
Submission of Documents for Review																	\$ -	0	\$0
Submit 4 paper 2 Elec copies	1		2		2		4		2		1	1	1	1	2		\$ -	17	\$1,654
Review submission with Project Team	6		6		6		6										\$ -	18	\$2,046
Incorporate changes into design.	4		4				4				2	2	2	4			\$ -	22	\$2,424
<b>Task 3. Regulatory Review -Development, Submission and Tracking of Permit Applications</b>																			
<b>Coordination and Tracking</b>																			
Develop Regulatory Status Report	1		1		2												\$ -	4	\$425
Update report on monthly basis	2		2		8												\$ -	12	\$1,150
<b>Sediment Sampling and Analysis for Dredging</b>																			
Review of historic dredge sampling	1		4				4										\$ -	9	\$854
Submit for S&T plan to DEP WPC & USACE	1		4		4		4										\$ -	13	\$1,154
Obtain Sampling and testing req.			2		2												\$ -	4	\$360
Perform required sampling																	\$ -	0	\$0
Perform Sampling - 2 days			2		16												\$ 7,000.00	18	\$8,410
Composite samples as allowed			3		3												\$ -	6	\$540
Perform physical / chemical testing																	\$ 11,000.00	0	\$11,000
Letter report and review findings	2		4		4												\$ -	10	\$1,060
Submit test results to USACE and DEP			1		2		2										\$ -	5	\$395
<b>MEPA ENF Process</b>																			
Preparation of application form(s)	2		2		4												\$ -	8	\$850
Preparation of Project narrative	1		4		4												\$ -	9	\$890
Identification of resources / mitigation			4		4												\$ -	8	\$720
Incorporation of plans illustrating project	1		2				6										\$ -	9	\$776
Submit to Project Team for review/comment			2		2												\$ -	4	\$342
Incorporation Town comments	1		4		2		4										\$ -	11	\$1,004
Submission of ENF with distribution																	\$ -	0	\$0
Provide public advertising	1		1		2												\$ 350.00	4	\$775
Project Site Mtg in Task 1																	\$ -	0	\$0
Provide responses to ENF comments	1		4														\$ -	5	\$590
<b>Harwich Conservation Commission</b>																			
Update Project Narrative	1		2		2												\$ -	5	\$530
Prepare all forms and notifications			2		4												\$ -	6	\$510
Provide all support documentation	1		3		3												\$ -	7	\$710
Delineate wetland boundaries and resources			1		4		4										\$ -	9	\$669
Prepare mitigation plan-shell fish /eel grass	1		2		4		4										\$ -	11	\$944
Prepare final subm. plans and documents	2		4		4		8										\$ -	18	\$1,588
Submit to Project Team for review			1		1												\$ -	2	\$180
Incorporation comments as required.	1		2														\$ -	3	\$380
Submit to Harwich Conservation Commission																	\$ -	0	\$0
Notify abutters (certified mail)			2		2		4										\$ -	8	\$640
Provide distribution of NOI filing	2		3		2		4										\$ 100.00	11	\$1,185
MA DEP SERO - 2 copies																	\$ -	0	\$0
Other regulatory agencies																	\$ -	0	\$0
Town of Harwich																	\$ -	0	\$0
Project Mtg in Task 1																	\$ -	0	\$0
Provide additional information	2		4		4												\$ -	10	\$1,024
Record Order of Conditions			1														\$ 75.00	1	\$180
<b>DEP - Joint Chp 91 / WQC Submission</b>																			
Prepare application, plans, narrative,	2		4		4												\$ -	10	\$1,060
Include all support documentation			2		4		4										\$ -	10	\$774
Submit to Project Team for review	1		1		1												\$ -	3	\$350
Incorporation comments as required.																	\$ -	0	\$0
Submit to MA DEP for review and processing	1		4		4												\$ -	9	\$890
Provide notification of abutters/legal adv.	1		2		2		2										\$ -	7	\$670
No meetings anticipated																	\$ -	0	\$0
Address public comments	1		4		4												\$ -	9	\$890
Record approval as required			1		1		1										\$ 300.00	3	\$550
<b>USACE - MA GP - Pre-Construction Notification (PCN)</b>																			
Prepare application, plans, narrative,	1		2		2												\$ -	5	\$530

\$ 29,284

\$ 25,348



**BOURNE CONSULTING ENGINEERING**

FOLLOWING TASKS SUBJECT TO APPROPRIATION																			
CONSTRUCTION PHASE																			
Task 5. Bidding and Negotiation Phase																			
															\$ -	0	\$0		
Assist Town in Advertising of Project	1	2	3												\$ -	6	\$735		
Provide Bid documents by electronic format	1	1					2	1							\$ -	5	\$497		
Attend pre-bid meeting / present project		6													\$ 90.00	6	\$840		
Maintain prospective bidders list			2												\$ 78.00	2	\$288		
Prepare addenda as may be required		2	2					2							\$ -	6	\$660		
Assistance to Project Team	2	2	1												\$ -	5	\$695		
Attend Bid Opening, provide review of all bids			6					2							\$ 90.00	8	\$920		
Provide bid tabulation sheet	1	1	4												\$ -	6	\$715		
Provide summary of bids with recom.	1	2	4						1	1	1	1			\$ -	11	\$1,440		
Review contractor references			2												\$ -	2	\$210		
																		\$ 7,000	
Task 6. Construction Administration and Oversight																			
Construction Administration																			
Attend pre-construction conference		6	6												\$ -	0	\$0		
Provide clarification of contract documents	1	4	4					1	1	1	1	1			\$ 90.00	12	\$1,470		
Review / approve shop drawings/change orders			16	40	16	4		4	1	7	6	5			\$ -	14	\$1,790		
Provide responses to RFI's	4		12	16	8	1		1	1	5	5	4			\$ -	95	\$8,746		
Hold weekly on-site construction meetings (24)	24		144					8							\$ -	56	\$5,858		
Provide weekly construction updates			24												\$ 2,160.00	176	\$22,160		
Prepare weekly agenda and meeting notes			48												\$ -	24	\$2,520		
At project completion, provide															\$ -	48	\$5,040		
Electronic copies of															\$ -	0	\$0		
all field reports and photographs	1	4	12												\$ -	0	\$0		
Weekly reports			2	4											\$ -	17	\$1,930		
Shop drawings			2	4			8								\$ -	6	\$670		
Record of change orders/approvals	1	2	4												\$ -	14	\$1,198		
Construction Oversight															\$ 278.00	7	\$1,118		
Provide full time construction oversight,				800											\$ 5,000.00	800	\$65,000	\$ 52,500	
Daily inspection reports/photo documentation								8	1	8	8	8			\$ 730.00	33	\$5,000		
																		\$ 70,000	
Task 7. As-Built Plans and Certificates of Compliance																			
Field survey As Built Plans. (Contractor)															\$ -	0	\$0		
Prepare Draft As-Built Plans and COC	1	1	4		8	2				2	2	2	4		\$ -	0	\$0		
Submit for review and comment			1	2			1			1	1	1	1		\$ -	26	\$2,503		
Incorporate changes as my be required	1	1	1		4					1	1	1	2		\$ -	8	\$875		
Submit Final As-Built Plans and COC			1				1			1	1	1	2		\$ -	12	\$1,194		
Record Certificates of Compliance							1			1	1	1	2		\$ -	7	\$725		
Provide four (4) paper / 2 electronic copies			1				2								\$ 75.00	2	\$335		
															\$ -	3	\$265		
																		\$ 5,897	
<b>TOTAL HOURS</b>															\$ 8,591	1,417	135,397	\$ 135,397	
<b>Man Days</b>																		\$ 126,806	
																		\$8,591	
																		\$135,397	

**Bid Opening Minutes**  
*Thursday, August 13, 2015*  
**MUDDY CREEK BRIDGE RESTORATION PROJECT**

At 2:00 P.M., August 13, 2015, in the presence of Paul Sweetser and Robert Duncanson , Bob Cafarelli received and opened sealed bids for the Muddy Creek Bridge Restoration Project. Representatives from many of the bidding companies were also present.

Eight bids were received. Results of the bid opening are as follows (bid price represents total bid price from low to high):

<b>Company Name</b>	<b>Bid Price</b>
MAS Building and Bridge	\$4,791,311.80
MIG Corporation, Inc.	\$4,847,357.42
Northern Construction Service, LLC	\$4,878,357.42
J.F. White Construction	\$5,085,480.00
A.A. Will Corporation	\$5,337,368.00
E.T & L. Corp	\$5,835,108.00
R. Zoppo Corp.	\$6,232,608.70
LMH Construction LLC	\$6,482,507.50

Representatives were allowed to review bids.

The bids will be reviewed for completeness and accuracy.

The bid opening was adjourned at 2:20 pm

Notes by: Bob Cafarelli, Town Engineer

## Ann Steidel

---

**From:** Robert Cafarelli  
**Sent:** Thursday, August 20, 2015 8:05 AM  
**To:** Christopher Clark  
**Cc:** Ann Steidel; Sandy Robinson  
**Subject:** FW: Muddy Creek Bridge Project Bidding Review  
**Attachments:** Contract Award Recommendation Letter 2015-08-19.pdf; Contractor Reference Project Check and Verification 2015-08-19.pdf; MAS\_BUILDING&BRIDGE\_Contract Book Bid Table Check.pdf

Award of the contract for the Muddy Creek Bridge project is recommended for the low bidder, MAS Building and Bridge for the bid amount \$4,791,311.80.

Find attached the Contract Award Recommendation Letter from CDR Maguire, the reference project check, and the bid table check.

Thanks,

*Robert Cafarelli, P.E.*

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

**AGREEMENT**  
**Muddy Creek Restoration Bridge Project**

THIS AGREEMENT, made this 24th day of August, 2015, by and between the party of the first part, the Town of Harwich, hereinafter called "OWNER," acting herein through its Board of Selectmen, and the party of the second part, MAS Building and Bridge doing business as a corporation located in the Town of Norfolk County of Norfolk, and State of Massachusetts hereinafter called "CONTRACTOR."

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the OWNER, the CONTRACTOR hereby agrees with the OWNER to commence and complete the project described as follows: "**Muddy Creek Restoration Bridge Project, Route 28 Over Muddy Creek, Bridge No. C-07-005 = H-10-012 (BNJ)**", hereinafter called the PROJECT, for the sum of FOUR MILLION SEVEN HUNDRED NINETY ONE THOUSAND THREE HUNDRED ELEVEN DOLLARS AND EIGHTY CENTS (\$4,791,311.80) and all extra work in connection therewith, under the terms as stated in the Contract Documents; and at his (its or their) own proper cost and expense to furnish all the materials, supplies, machinery equipment, tools, superintendence, labor, insurance, and other accessories and services necessary to complete the PROJECT in accordance with the conditions and prices stated in Section 00300 FORM OF GENERAL BID, Section 00700 GENERAL CONDITIONS, and Section 00800 SUPPLEMENTAL GENERAL CONDITIONS, the Plans, which include all maps, plates, blue prints, and the Specifications and Contract Documents as prepared by the OWNER.

The CONTRACTOR hereby agrees to commence work under this Contract on or before a date to Be specified in written "Notice to Proceed" of the OWNER.

The CONTRACTOR further agrees to substantially complete the project by May 20, 2016.

The CONTRACTOR further agrees to pay as liquidated damages the sum of Two Thousand Dollars (\$2000.00) for each consecutive calendar day thereafter that the work is not complete. The Bidder also agrees to pay Five Thousand Dollars (\$5000.00) for each consecutive calendar day after May 30, 2016, that work is not substantially complete, as provided in the Liquidated Damages Paragraph of Article 8 of Section 00800 ADDENDUM TO SUPPLEMENTARY CONDITIONS.

The CONTRACTOR agrees not to discriminate against or exclude any person from participation herein on grounds of race, religion, color, sex, age or national origin; and that it shall take affirmative actions to ensure that applicants are employed, and that employees are treated during their employment, without regard to race, religion, color, sex, age, handicapped status, or national origin.

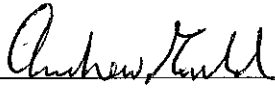
The CONTRACTOR agrees not to participate in or cooperate with an international boycott, as defined in Section 999 (b)(3)and (4) of the Internal Revenue Code of 1986, as amended, or engage in conduct declared to be unlawful by Section 2 of Chapter 151 E of the Massachusetts General Laws.



The OWNER agrees to pay the CONTRACTOR in current funds for the performance of the contract, subject to additions and deductions, as provided in Section 00700 GENERAL CONDITIONS, and to make payments on account thereof as provided in Article 9 of Section 00700 GENERAL CONDITIONS.

IN WITNESS WHEREOF, the parties to these presents have executed this contract in two (2) counterparts, each of which shall be deemed an original, in the year and day first above mentioned.

The undersigned, Andrew Gould, in compliance with the Commonwealth of Massachusetts General Laws (Ter. Ed) Chapter 44, Section 31C, certifies that an appropriation in the amount required for this contract is available out of Account Number 04252.614027.

  
\_\_\_\_\_  
Andrew Gould, Finance Director/Town Accountant

**CONTRACTOR:**

Company Name:

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

Title:

Date:

\_\_\_\_\_

**THE TOWN:**

Harwich Board of Selectmen

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**ATTEST:**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**PERFORMANCE BOND**

KNOW ALL PERSONS BY THESE PRESENTS: that

\_\_\_\_\_  
(Name of Contractor)

\_\_\_\_\_  
(Address of Contractor)

a \_\_\_\_\_, hereinafter called  
(Corporation, Partnership, of Individual)

PRINCIPAL, and

\_\_\_\_\_  
(Name of Surety)

\_\_\_\_\_  
(Address of Surety)

hereinafter called SURETY, are held and firmly bound unto TOWN OF HARWICH, A MUNICIPAL CORPORATION, IN BARNSTABLE COUNTY, MASSACHUSETTS hereinafter called OWNER, in the total aggregate penal sum of (100% OF TOTAL BID AMOUNT) \$ \_\_\_\_\_

(\_\_\_\_\_ Dollars)  
(words)

in lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION is such that whereas, the PRINCIPAL entered into a certain CONTRACT with the OWNER, dated this \_\_\_\_\_ day of \_\_\_\_\_, 2015, a copy of which is hereto attached and made a part hereof for the services of:

**“Muddy Creek Restoration Bridge Project, Route 28 Over Muddy Creek, Bridge No. C-07-005 = H-10-012 (BNJ)”**

NOW, THEREFORE, if the PRINCIPAL shall well, truly and faithfully perform its duties, all the undertakings, covenants, terms, conditions, and agreements of said CONTRACT during the original term thereof, and any extensions thereof which may be granted by the OWNER, with or without notice to the SURETY and during the one year guaranty period and if the PRINCIPAL shall satisfy all claims and demands incurred under such contract, and shall fully indemnify and save harmless the OWNER from all costs and damages which it may suffer by reason of failure to do so, and shall reimburse and repay the OWNER all outlay and expense which the OWNER may incur in making good any default, then this obligation shall be void, otherwise to remain in full force and effect.

PROVIDED, that beneficiaries or claimants hereunder shall be limited to the SUBCONTRACTORS, and persons, firms, and corporations having a direct contract with the PRINCIPAL, or its SUBCONTRACTORS.

PROVIDED, FURTHER, that the said SURETY for the value received hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the contract or to the WORK to be performed there under or the SPECIFICATIONS accompanying the same shall in any way affect its obligation on this BOND, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of this contract or to the WORK or to the SPECIFICATIONS.

PROVIDE, FURTHER, that no suit or action shall be commenced hereunder by any claimant: (a) Unless claimant, other than one having a direct contract with the PRINCIPAL, shall have given written notice to any two of the following: The PRINCIPAL, the OWNER, or the SURETY above named within ninety (90) days after such claimant did or performed the last of the work or labor, or furnished the last of the materials for which said claim is made, stating with substantial accuracy the amount claimed and the name of the party to whom the materials were furnished, or for whom the work or labor was done or performed. Such notice shall be served by mailing the same by registered mail or certified mail, postage prepaid, in an envelope addressed to the PRINCIPAL, OWNER, or SURETY, at any place where an office is regularly maintained for the transaction of business, or served in any manner in which legal process may be served in the state in which the aforesaid project is located, save that such service need not be made by a public officer. (b) After the expiration of one (1) year following the date of which PRINCIPAL ceased work on said CONTRACT, is being understood, however, that if any limitation embodied in the BOND is prohibited by any law controlling the construction hereof, such limitation shall be deemed to be amended so as to be equal to the minimum period of limitation permitted by such law.

PROVIDED, FURTHER, that it is expressly agreed that this BOND shall be deemed amended automatically and immediately, without formal and separate amendments hereto, upon amendment to the Contract not increasing the contract price more than 20 percent, so as to bind the PRINCIPAL and the SURETY to the full and faithful performance of the Contract as so amended. The term "Amendment", wherever used in the BOND and whether referring to this BOND, the contract or the loan Documents shall include any alteration, addition, extension or modification of any character whatsoever.

PROVIDE FURTHER, that no final settlement between the OWNER and the CONTRACTOR shall abridge the right of any beneficiary hereunder, whose claim may be unsatisfied.

WITNESS WHEREOF, this instrument is executed in three (3) counterparts, each of which shall be deemed an original, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

\_\_\_\_\_  
Principal

\_\_\_\_\_  
(Principal Secretary)

(SEAL)

BY:

---

(Witness as to Principal)

---

(Address)

ATTEST:

---

(Witness as to Surety)

BY:

---

(Attorney in-fact)

NOTE: Date of BOND must not be prior to date of Contract. If CONTRACTOR is a partnership, all partners should execute BOND.

IMPORTANT: Surety companies executing BONDS must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the Commonwealth of Massachusetts.

**LABOR AND MATERIALS BOND**

KNOW ALL PERSONS BY THESE PRESENTS: that

\_\_\_\_\_  
(Name of Contractor)

\_\_\_\_\_  
(Address of Contractor)

a \_\_\_\_\_, hereinafter called  
(Corporation, Partnership, of Individual)

PRINCIPAL, and

\_\_\_\_\_  
(Name of Surety)

\_\_\_\_\_  
(Address of Surety)

hereinafter called SURETY, are held and firmly bound unto TOWN OF HARWICH, A MUNICIPAL CORPORATION, IN BARNSTABLE COUNTY, MASSACHUSETTS hereinafter called OWNER, in the total aggregate penal sum of (100% OF TOTAL BID AMOUNT)\$ \_\_\_\_\_

(\_\_\_\_\_ Dollars)  
(words)

in lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION is such that whereas, the PRINCIPAL entered into a certain CONTRACT with the OWNER, dated this \_\_\_ day of \_\_\_\_\_, 2015, a copy of which is hereto attached and made a part hereof for the services of:

**“Muddy Creek Restoration Bridge Project, Route 28 Over Muddy Creek, Bridge No. C-07-005 = H-10-012 (BNJ)”**

NOW, THEREFORE, if the PRINCIPAL shall promptly make payment to all persons, firms, subcontractors and corporations furnishing materials for or performing labor in the prosecution of the WORK provided for in such CONTRACT, and any authorized extensions or modification thereof, including all amounts due for materials, lubricants, oil, gasoline, coal and coke, repairs on machinery, equipment and tools, consumed or used in connection with the construction of such WORK and all insurance premiums on said WORK, and for all labor cost incurred in such WORK, and to any mechanic or material man lien holder whether it acquired its lien by operation of State of Federal law; then this obligation shall be void, otherwise to remain in full force and effect.

PROVIDED, that beneficiaries or claimants hereunder shall be limited to the SUBCONTRACTORS, and persons, firms, and corporations having a direct contract with the PRINCIPAL, or its SUBCONTRACTORS.

PROVIDED, FURTHER, that the said SURETY for the value received hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the contract or to the WORK to be performed there under or the SPECIFICATIONS accompanying the same shall in any way affect its obligation on this BOND, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of this contract or to the WORK or to the SPECIFICATIONS.

PROVIDE, FURTHER, that no suit or action shall be commenced hereunder by any claimant: (a) Unless claimant, other than one having a direct contract with the PRINCIPAL, shall have given written notice to any two of the following: The PRINCIPAL, the OWNER, or the SURETY above named within ninety (90) days after such claimant did or performed the last of the work or labor, or furnished the last of the materials for which said claim is made, stating with substantial accuracy the amount claimed and the name of the party to whom the materials were furnished, or for whom the work or labor was done or performed. Such notice shall be served by mailing the same by registered mail or certified mail, postage prepaid, in an envelope addressed to the PRINCIPAL, OWNER, or SURETY, at any place where an office is regularly maintained for the transaction of business, or served in any manner in which legal process may be served in the state in which the aforesaid project is located, save that such service need not be made by a public officer. (b) After the expiration of one (1) year following the date of which PRINCIPAL ceased work on said CONTRACT, is being understood, however, that if any limitation embodied in the BOND is prohibited by any law controlling the construction hereof, such limitation shall be deemed to be amended so as to be equal to the minimum period of limitation permitted by such law.

PROVIDED, FURTHER, that it is expressly agreed that this BOND shall be deemed amended automatically and immediately, without formal and separate amendments hereto, upon amendment to the Contract not increasing the contract price more than 20 percent, so as to bind the PRINCIPAL and the SURETY to the full and faithful performance of the Contract as so amended. The term "Amendment", wherever used in the BOND and whether referring to this BOND, the contract or the loan Documents shall include any alteration, addition, extension or modification of any character whatsoever.

PROVIDE FURTHER, that no final settlement between the OWNER and the CONTRACTOR shall abridge the right of any beneficiary hereunder, whose claim may be unsatisfied.

WITNESS WHEREOF, this instrument is executed in three (3) counterparts, each of which shall be deemed an original, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

\_\_\_\_\_  
Principal

\_\_\_\_\_  
(Principal Secretary)

(SEAL)

BY:

---

(Witness as to Principal)

---

(Address)

ATTEST:

---

(Witness as to Surety)

BY:

---

(Attorney in-fact)

NOTE: Date of BOND must not be prior to date of Contract. If CONTRACTOR is a partnership, all partners should execute BOND.

IMPORTANT: Surety companies executing BONDS must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the Commonwealth of Massachusetts.



**Bid Opening Minutes**  
**Thursday, August 13, 2015**  
**MUDDY CREEK BRIDGE RESTORATION PROJECT**

At 2:00 P.M., August 13, 2015, in the presence of Paul Sweetser and Robert Duncanson , Bob Cafarelli received and opened sealed bids for the Muddy Creek Bridge Restoration Project. Representatives from many of the bidding companies were also present.

Eight bids were received. Results of the bid opening are as follows (bid price represents total bid price from low to high):

<b>Company Name</b>	<b>Bid Price</b>
MAS Building and Bridge	\$4,791,311.80
MIG Corporation, Inc.	\$4,847,357.42
Northern Construction Service, LLC	\$4,878,357.42
J.F. White Construction	\$5,085,480.00
A.A. Will Corporation	\$5,337,368.00
E.T & L. Corp	\$5,835,108.00
R. Zoppo Corp.	\$6,232,608.70
LMH Construction LLC	\$6,482,507.50

Representatives were allowed to review bids.

The bids will be reviewed for completeness and accuracy.

The bid opening was adjourned at 2:20 pm

Notes by: Bob Cafarelli, Town Engineer



**CDR** | **MAGUIRE**

August 19, 2015

Mr. Christopher Clark  
Town Administrator  
Town of Harwich  
732 Main Street  
Harwich, MA 02645  
**Attention:** Robert Cafarelli, PE, Town Engineer

Project: Muddy Creek Restoration Bridge Project- Route 28 (Orleans Road) over Muddy Creek  
Project Location: Chatham/Harwich, MA  
MassDOT Permit No. 5-2013-0354

**Subject: Project Bid Award Recommendation**

Dear Mr. Clark :

CDR Maguire (CDRM) has reviewed the project lowest bid quantity and bid table, conducted the reference project check of the lowest bid contractor (**MAS Building and Bridges Inc.**). The quantities reviewed are reasonably accurate and adequate to construct the project. The feedbacks of the contract's project reference are favorable. Below is the summary of the lowest three bid prices received:

Rank	Company	Bid Price	% Difference from Average	% Difference from Low Bid
1	MAS Building & Bridge, INC	\$4,791,311.80	-0.99%	0.00%
2	MIG Corporation, INC	\$4,847,357.42	0.17%	1.17%
3	Northern Construction Service, LLC	\$4,878,286.00	0.81%	1.82%

**AVERAGE:** \$4,838,985.07

We therefore recommend that the contract be awarded to the apparent low bidder of MAS Building and Bridge Inc. for the bid amount of **\$4,791,311.80**.

Please feel free to call me at 401-437-5631 if you have questions.

Very truly yours,

CDR Maguire Inc.

  
Yihui Peter Wu, P.E.

Project Manager



## **Muddy Creek Restoration Bridge Project**

Lowest Bidder: **MAS Building and Bridge, Inc.**

### **Contractor Project Reference Check by: CDR Maguire, 8/19/2015**

The reference projects are selected from the projects list provided by the contractor "MAS Builders and Bridges", considering project similarity in complexity, scale, and project owners.

**1. Project: Padelford Street over Route 24 Bridge Replacement, Berkley, MA**

**MassDOT District 5** – spoke with Mike Deverix (508) 884-4362 - *Assistance Construction Engineer*

- 1.) What type of work did they do for you on the project?
  - a. Accelerated Bridge Construction techniques for Berkeley Bridge (design/build).
  - b. Culvert replacement with GRS/IBS structure.
- 2.) Were you happy with their quality of work?
  - a. MassDOT was extremely happy with MAS. Great quality of work, met all milestones.
- 3.) Did they stay on schedule and complete the project on time?
  - a. Yes. Due to such a small time constraint, MAS was able to meet all project milestones in time.
- 4.) Did they remain within the budget?
  - a. yes
- 5.) Did you have any problems with them?
  - a. None.
- 6.) Would you want to work with them again and/or refer them to others?
  - a. Yes, MAS is active with current MassDOT projects.

**2. Project: United States Coast Guard Pier and Bulkhead Rehabilitation, Boston, MA**

**United States Coast Guard** – spoke with Stan Wilczynski (617) 850-2704 - *Project Manager*

- 1.) What type of work did they do for you on the project?
  - a. Demo and construction of a sheet pile bulkhead in Boston, MA.
- 2.) Were you happy with their quality of work?
  - a. Yes.
- 3.) Did they stay on schedule and complete the project on time?
  - a. Yes. The job was short, only three months, but MAS finished 2 weeks ahead of schedule.



- 4.) Did they remain within the budget?
  - a. The site conditions turned out different than what it was anticipated, so there were changes to the original work budget, however, MAS negotiated the changes fairly.
- 5.) Did you have any problems with them?
  - a. None.
- 6.) Would you want to work with them again and/or refer them to others?
  - a. Yes, absolutely.

3. **Project: Lawrence Road Bridge over the Spicket River Bridge Replacement , Salem, NH**

**Town of Salem** – spoke with Bob Puff, Director of Engineering for the Town of Salem, NH. (603) 890-2033.

- 1.) What type of work did they do for you on the project?
  - a. Bridge replacement (Town built/federally funded). MAS did a fine job. It was overall a difficult problem, but MAS worked with the Town of Salem well.
- 2.) Were you happy with their quality of work?
  - a. Yes, they did a fine job. There were a lot of utility relocations which the Town worked ahead of time for the Contractor to avoid issues.
- 3.) Did they stay on schedule and complete the project on time?
  - a. The project was not finished on time, not at the contractor's fault, but due to several constraints. The Town granted MAS additional time to complete the job.
- 4.) Did they remain within the budget?
  - a. They were several legitimate change orders for this project, and MAS negotiated them reasonably with the Town.
- 5.) Did you have any problems with them?
  - a. None.
- 6.) Would you want to work with them again and/or refer them to others?
  - a. Yes. There was a recent project open for bid, and the Town of Salem mentioned they were happy to see MAS on the bid list, however, they did not have the lowest bid.

4. **Project: West Dudley Bridge Replacement , Dudley, MA**

**MASSDOT District 3**-spoke with Linda Terry - (508) -929-3814 – Claims analysis at MassDOT District 3. During the Dudley project, Ms. Terri was the Area Supervisor (Resident Engineer's supervisor - David Winfoloski 774-292-2021)

- 1.) What type of work did they do for you on the project?
  - a. Great quality of work.
- 2.) Were you happy with their quality of work?
  - a. Yes.
- 3.) Did they stay on schedule and complete the project on time?
  - a. Due to construction issues, additional Environmental Permits were required and the timeline was extended. MAS was able to complete the job within the extended period.
- 4.) Did they remain within the budget?



**CDR** | MAGUIRE

- a. Overall on budget. There were some over runs and un-expected items but MAS managed it with MassDOT well.

5.) Did you have any problems with them?

- a. There were a few minor issues dealing with some of the personnel but Ms. Terry refers to some of the discussions as "part of the industry and the nature of the business."

6.) Would you want to work with them again and/or refer them to others?

- a. Yes, they were fairly good.

MAS Building & Bridge BID TABLE

Town of Harwich



Muddy Creek Restoration Bridge Project  
 Bridge No. C-07-005 = H-10-012 (BNJ)

Route 28 over Muddy Creek

Bid Date: 8/13/2015

Compiled: 8/17/2015

TOWN OF HARWICH, MASSACHUSETTS  
 Muddy Creek Restoration Bridge Project  
 Bridge No. C-07-005 = H-10-012 (BNJ)

Index	Item No.	Approximate Quantity	Item Description (1)	Unit Price (2)	Total Price (3)
				dollars	dollars
1	100.01	1	SCHEDULE OF OPERATIONS	\$ 50,000.00	\$ 50,000.00
			At		
			Per Lump Sum		
2	101.	1	CLEARING AND GRUBBING	\$ 24,000.00	\$ 24,000.00
			At		
			Per Acre		
3	102.	0.5	SELECTIVE CLEARING AND THINNING	\$ 1.00	\$ 0.50
			Per Acre		
4	102.51	10	INDIVIDUAL TREE PROTECTION	\$ 150.00	\$ 1,500.00
			Per Each		
5	102.61	200	REMOVE AND DISPOSE EXISTING 6" GAS	\$ 2.70	\$ 540.00
			Per Foot		
6	102.62	200	REMOVE AND DISPOSE EXISTING ABANDONED TELEPHONE WIRE AND CONDUIT	\$ 2.00	\$ 400.00
			Per Foot		
7	104.	5	TREE REMOVED - DIAMETER 24 INCHES AND OVER	\$ 550.00	\$ 2,750.00
			Per Each		
8	120.1	5300	UNCLASSIFIED EXCAVATION	\$ 20.50	\$ 108,650.00
			Per Cubic Yard		

Total this sheet (4) \$ 187,840.50

MAS Building & Bridge BID TABLE

Town of Harwich



Muddy Creek Restoration Bridge Project

Bridge No. C-07-005 = H-10-012 (BNJ)

Route 28 over Muddy Creek

Bid Date: 8/13/2015

Compiled: 8/17/2015

TOWN OF HARWICH, MASSACHUSETTS  
Muddy Creek Restoration Bridge Project  
Bridge No. C-07-005 = H-10-012 (BNJ)

Index	Item No.	Approximate Quantity	Item Description (1)	Unit Price (2)	Total Price (3)
				dollars	dollars
9	123.	3600	MUCK EXCAVATION	\$ 48.50	\$ 174,600.00
			Per Cubic Yard		
10	140.	1800	BRIDGE EXCAVATION	\$ 10.00	\$ 18,000.00
			Per Cubic Yard		
11	141.1	100	TEST PIT FOR EXPLORATION	\$ 63.00	\$ 6,300.00
			Per Cubic Yard		
12	144.	370	CLASS B ROCK EXCAVATION	\$ 38.00	\$ 14,060.00
			Per Cubic Yard		
13	150.	1170	ORDINARY BORROW	\$ 0.01	\$ 11.70
			Per Cubic Yard		
14	151.	460	GRAVEL BORROW	\$ 45.00	\$ 20,700.00
			Per Cubic Yard		
15	151.2	380	GRAVEL BORROW FOR BACKFILLING STRUCTURES AND PIPES	\$ 50.00	\$ 19,000.00
			Per Cubic Yard		
16	153.1	107	CONTROLLED DENSITY FILL - NON-EXCAVATABLE	\$ 146.00	\$ 15,622.00
			Per Cubic Yard		
17	156.	55	CRUSHED STONE	\$ 43.00	\$ 2,365.00
			Per TON		
18	156.01	222	CRUSHED STONE CONSTRUCTION ACCESS APRON	\$ 6.00	\$ 1,332.00
			Per Sq. Yard		
				Total this sheet (4)	\$ 271,990.70

MAS Building & Bridge BID TABLE

Town of Harwich



Muddy Creek Restoration Bridge Project  
 Bridge No. C-07-005 = H-10-012 (BNJ)

Route 28 over Muddy Creek

Bid Date: 8/13/2015

Compiled: 8/17/2015

TOWN OF HARWICH, MASSACHUSETTS  
 Muddy Creek Restoration Bridge Project  
 Bridge No. C-07-005 = H-10-012 (BNJ)

Index	Item No.	Approximate Quantity	Item Description (1)	Unit Price (2)	Total Price (3)
				dollars	dollars
19	156.13	50	CRUSHED STONE FOR INTEGRAL ABUTMENT PILES   Per TON	\$ 78.00	\$ 3,900.00
20	156.2	550	CRUSHED STONE FOR SLOPE TREATMENT   Per TON	\$ 38.00	\$ 20,900.00
21	156.9	800	CRUSHED STONE FOR CHANNEL PAVING FOUNDATION   Per TON	\$ 40.00	\$ 32,000.00
22	170.	3300	FINE GRADING AND COMPACTING   Per Sq. Yard	\$ 2.60	\$ 8,580.00
23	201.	4	CATCH BASIN   Per Each	\$ 2,200.00	\$ 8,800.00
24	201.31	1	SPECIAL CATCH BASIN (CURB OPENING)   Per Each	\$ 2,200.00	\$ 2,200.00
25	205.	5	LEACHING BASIN - PRECAST   Per Each	\$ 2,000.00	\$ 10,000.00
26	221.	6	FRAME AND COVER   Per Each	\$ 700.00	\$ 4,200.00
27	222.1	4	FRAME AND GRATE - MASSDOT CASCADE TYPE   Per Each	\$ 850.00	\$ 3,400.00
28	241.12	80	12 INCH REINFORCED CONCRETE PIPE   Per Foot	\$ 41.00	\$ 3,280.00
29	242.12	5	12 INCH REINFORCED CONCRETE PIPE FLARED END   Per Each	\$ 615.00	\$ 3,075.00
Total this sheet (4)				\$	100,335.00



MAS Building & Bridge BID TABLE

Town of Harwich



Muddy Creek Restoration Bridge Project  
 Bridge No. C-07-005 = H-10-012 (BNJ)  
 Route 28 over Muddy Creek

Bid Date: 8/13/2015  
 Compiled: 8/17/2015

TOWN OF HARWICH, MASSACHUSETTS  
 Muddy Creek Restoration Bridge Project  
 Bridge No. C-07-005 = H-10-012 (BNJ)

Index	Item No.	Approximate Quantity	Item Description (1)	Unit Price (2)	Total Price (3)
				dollars	dollars
30	258.	30	STONE FOR PIPE ENDS   Per Sq. Yard	\$ 50.00	\$ 1,500.00
31	402.	140	DENSE GRADED CRUSHED STONE FOR SUB-BASE   Per Cubic Yard	\$ 56.00	\$ 7,840.00
32	415.	630	PAVEMENT MICROMILLING   Per Sq. Yard	\$ 13.00	\$ 8,190.00
33	440.	1180	CALCIUM CHLORIDE FOR ROADWAY DUST CONTROL   Per LB	\$ 0.80	\$ 944.00
34	443.	2	WATER FOR ROADWAY DUST CONTROL   Per MGL	\$ 280.00	\$ 560.00
35	451.	1	HMA FOR PATCHING   Per TON	\$ 180.00	\$ 180.00
36	452.	240	ASPHALT EMULSION FOR TACK COAT   Per GAL	\$ 8.25	\$ 1,980.00
37	453.	770	HMA JOINT SEALANT   Per Foot	\$ 3.10	\$ 2,387.00
38	454.5	320	LATEX MODIFICATION OF HMA   Per TON	\$ 11.00	\$ 3,520.00
39	455.23	180	SUPERPAVE SURFACE COURSE - 12.5 (SSC - 12.5)   Per TON	\$ 163.00	\$ 29,340.00
40	455.32	140	SUPERPAVE INTERMEDIATE COURSE - 19.0 (SIC - 19.0)   Per TON	\$ 163.00	\$ 22,820.00
				Total this sheet (4)	\$ 79,261.00

MAS Building & Bridge BID TABLE

Town of Harwich



Muddy Creek Restoration Bridge Project  
 Bridge No. C-07-005 = H-10-012 (BNJ)

Route 28 over Muddy Creek

Bid Date: 8/13/2015

Compiled: 8/17/2015

TOWN OF HARWICH, MASSACHUSETTS  
 Muddy Creek Restoration Bridge Project  
 Bridge No. C-07-005 = H-10-012 (BNJ)

Index	Item No.	Approximate Quantity	Item Description (1)	Unit Price (2)	Total Price (3)
				dollars	dollars
41	455.42	240	SUPERPAVE BASE COURSE - 37.5 (SBC - 37.5)   Per TON	\$ 158.00	\$ 37,920.00
42	456.	560	WARM MIX ASPHALT PAVEMENT   Per TON	\$ 3.75	\$ 2,100.00
43	470.	3	HOT MIX ASPHALT BERM, TYPE A   Per TON	\$ 180.00	\$ 540.00
44	482.3	500	SAWING ASPHALT PAVEMENT   Per Foot	\$ 3.75	\$ 1,875.00
45	504.	420	GRANITE CURB TYPE VA4 - STRAIGHT   Per Foot	\$ 29.00	\$ 12,180.00
46	505.	150	GRANITE CURB TYPE VA5 - STRAIGHT   Per Foot	\$ 35.00	\$ 5,250.00
47	509.	15	GRANITE TRANSITION CURB FOR WHEELCHAIR RAMPS - STRAIGHT   Per Foot	\$ 34.00	\$ 510.00
48	514.	2	GRANITE CURB INLET - STRAIGHT   Per Each	\$ 360.00	\$ 720.00
49	514.11	1	GRANITE INLET STONE FOR SPECIAL CATCH BASIN   Per Each	\$ 220.00	\$ 220.00
50	622.1	401	STEEL W BEAM HIGHWAY GUARD (SINGLE FACED/WOOD POSTS)   Per Foot	\$ 22.00	\$ 8,822.00
Total this sheet (4)				\$	70,137.00

MAS Building & Bridge BID TABLE

Town of Harwich



Muddy Creek Restoration Bridge Project  
 Bridge No. C-07-005 = H-10-012 (BNJ)

Route 28 over Muddy Creek

Bid Date: 8/13/2015

Compiled: 8/17/2015

TOWN OF HARWICH, MASSACHUSETTS  
 Muddy Creek Restoration Bridge Project  
 Bridge No. C-07-005 = H-10-012 (BNJ)

Index	Item No.	Approximate Quantity	Item Description (1)	Unit Price (2)	Total Price (3)
				dollars	dollars
51	622.3	7	STEEL W BEAM HIGHWAY GUARD - CURVED(SINGLE FACED/WOOD POSTS)   Per Foot	\$ 26.00	\$ 182.00
52	622.4	1	STEEL W BEAM HIGHWAY GUARD BURIED END(SF/WOOD POSTS)   Per Each	\$ 1,000.00	\$ 1,000.00
53	627.1	1	STEEL W BEAM TERMINAL SECTION (SINGLE FACED)   Per Each	\$ 50.00	\$ 50.00
54	627.6	4	STEEL HIGHWAY GUARD TRANSITION BEAM   Per Each	\$ 200.00	\$ 800.00
55	628.21	4	BRIDGE RAIL TO HIGHWAY GUARD RAIL TRANSITION   Per Each	\$ 2,500.00	\$ 10,000.00
56	635.1	1060	HIGHWAY GUARD REMOVED AND DISCARDED   Per Foot	\$ 2.50	\$ 2,650.00
57	657.1	150	TEMPORARY FENCE AND GATES   Per Foot	\$ 12.50	\$ 1,875.00
58	690.01	40	RESTORE ENDS OF STONE HEADWALLS IN CEMENT MORTAR   Per Foot	\$ 205.00	\$ 8,200.00
59	697.	1230	SEDIMENTATION FENCE   Per Foot	\$ 4.00	\$ 4,920.00
60	697.2	390	FLOATING SILT FENCE   Per Foot	\$ 16.00	\$ 6,240.00
61	698.2	134	GEOTEXTILE FABRIC FOR SUBSURFACE DRAINAGE   Per Sq. Yard	\$ 3.60	\$ 482.40
Total this sheet (4)				\$	36,399.40

MAS Building & Bridge BID TABLE

Town of Harwich



Muddy Creek Restoration Bridge Project

Bridge No. C-07-005 = H-10-012 (BNJ)

Route 28 over Muddy Creek

Bid Date: 8/13/2015

Compiled: 8/17/2015

TOWN OF HARWICH, MASSACHUSETTS  
Muddy Creek Restoration Bridge Project  
Bridge No. C-07-005 = H-10-012 (BNJ)

Index	Item No.	Approximate Quantity	Item Description (1)	Unit Price (2)	Total Price (3)
				dollars	dollars
62	698.3	2200	GEOTEXTILE FABRIC FOR SEPARATION	\$ 2.50	\$ 5,500.00
			Per Sq. Yard		
63	701.2	20	CEMENT CONCRETE WHEELCHAIR RAMP	\$ 90.00	\$ 1,800.00
			Per Sq. Yard		
64	702.	41	HOT MIX ASPHALT WALK SURFACE	\$ 180.00	\$ 7,380.00
			Per TON		
65	710.3	4	BOUND - LETTERED GRANITE	\$ 500.00	\$ 2,000.00
			Per Each		
66	714.12	2	CONSERVATION FOUNDATION MONUMENTS REMOVED, STOCKPILED & RESET	\$ 495.00	\$ 990.00
			Per Each		
67	741.	10	ENGINEERS FIELD OFFICE AND EQUIPMENT (TYPE B)	\$ 2,000.00	\$ 20,000.00
			Per Month		
68	748.	1	MOBILIZATION	\$ 130,000.00	\$ 130,000.00
			Per Lump Sum		
69	751.	171	LOAM BORROW	\$ 40.00	\$ 6,840.00
			Per Cubic Yard		
70	756.	1	NPDES STORMWATER POLLUTION PREVENTION PLAN	\$ 6,000.00	\$ 6,000.00
			Per Lump Sum		
71	765.	1410	SEEDING	\$ 1.80	\$ 2,538.00
			Per Sq. Yard		
72	765.31	1410	SEED FOR EROSION CONTROL	\$ 1.60	\$ 2,256.00
			Per Sq. Yard		
Total this sheet (4)				\$	185,304.00

MAS Building & Bridge BID TABLE

Town of Harwich



Muddy Creek Restoration Bridge Project

Bridge No. C-07-005 = H-10-012 (BNJ)

Route 28 over Muddy Creek

Bid Date: 8/13/2015

Compiled: 8/17/2015

TOWN OF HARWICH, MASSACHUSETTS  
Muddy Creek Restoration Bridge Project  
Bridge No. C-07-005 = H-10-012 (BNJ)

Index	Item No.	Approximate Quantity	Item Description (1)	Unit Price (2)	Total Price (3)
				dollars	dollars
73	765.4	1410	SEEDING - RESTORATION MIX   Per Sq. Yard	\$ 1.80	\$ 2,538.00
74	767.12	2600	COMPOST FILTER TUBE   Per Foot	\$ 5.50	\$ 14,300.00
75	767.72	540	TURF REINFORCING MAT   Per Sq. Yard	\$ 5.00	\$ 2,700.00
76	767.77	30	COMPOSTED MULCH FOR RIP RAP SLOPES   Per Sq. Yard	\$ 20.00	\$ 600.00
77	769.	560	PAVEMENT MILLING MULCH UNDER GUARD RAIL   Per Foot	\$ 6.00	\$ 3,360.00
78	827.33	4	ABUTMENT WARNING SIGN (H1-3) - ALUMINUM PANEL (TYPE A)   Per Each	\$ 142.00	\$ 568.00
79	830.211	2	PROJECT FUNDING SOURCE SIGN   Per Each	\$ 900.00	\$ 1,800.00
80	832.	34	WARNING-REGULATORY AND ROUTE MARKER - ALUM. PANEL (TYPE A)   Per Sq. Foot	\$ 10.40	\$ 353.60
81	833.5	20	DEMOUNTABLE REFLECTORIZED DELINEATOR - GUARD RAIL   Per Each	\$ 5.00	\$ 100.00
82	833.7	2	DELINEATION FOR GUARD RAIL TERMINI   Per Each	\$ 35.00	\$ 70.00
83	847.1	64	SIGN SUP (N/GUIDE)+RTE MKR W/1 BRKWAY POST ASSEMBLY - STEEL   Per Each	\$ 94.00	\$ 6,016.00
Total this sheet (4)				\$	32,405.60

MAS Building & Bridge BID TABLE

Town of Harwich



Muddy Creek Restoration Bridge Project  
 Bridge No. C-07-005 = H-10-012 (BNJ)

Route 28 over Muddy Creek

Bid Date: 8/13/2015

Compiled: 8/17/2015

TOWN OF HARWICH, MASSACHUSETTS  
 Muddy Creek Restoration Bridge Project  
 Bridge No. C-07-005 = H-10-012 (BNJ)

Index	Item No.	Approximate Quantity	Item Description (1)	Unit Price (2)	Total Price (3)
				dollars	dollars
84	850.41	960	ROADWAY FLAGGER   Per Hour	\$ 0.01	\$ 9.60
85	852.	550	SAFETY SIGNING FOR CONSTRUCTION OPERATIONS   Per Sq. Foot	\$ 19.00	\$ 10,450.00
86	853.1	30	PORTABLE BREAKAWAY BARRICADE TYPE III   Per Each	\$ 115.00	\$ 3,450.00
87	853.2	140	TEMPORARY CONCRETE BARRIER   Per Foot	\$ 33.00	\$ 4,620.00
88	853.41	1	TEMP.IMP.ATTENUATOR FOR SHLDR, INCAPABLE OF REDIRECTION   Per Each	\$ 3,100.00	\$ 3,100.00
89	853.411	1	TEMP.IMP.ATTENUATOR FOR SHLDR, INCAPABLE OF REDIRECTION R&R   Per Each	\$ 740.00	\$ 740.00
90	856.12	360	PORTABLE CHANGEABLE MESSAGE SIGN   Per UD	\$ 18.00	\$ 6,480.00
91	859.	7200	REFLECTORIZED DRUM   Per DD	\$ 0.22	\$ 1,584.00
92	860.06	1510	6 INCH REFLECTORIZED WHITE LINE (PAINTED)   Per Foot	\$ 0.50	\$ 755.00
93	861.06	1500	6 INCH REFLECTORIZED YELLOW LINE (PAINTED)   Per Foot	\$ 0.50	\$ 750.00
94	866.06	1510	6 INCH REFLECTORIZED WHITE LINE (THERMOPLASTIC)   Per Foot	\$ 1.00	\$ 1,510.00
Total this sheet (4)				\$	33,448.60

MAS Building & Bridge BID TABLE

Town of Harwich



Muddy Creek Restoration Bridge Project  
 Bridge No. C-07-005 = H-10-012 (BNJ)

Route 28 over Muddy Creek

Bid Date: 8/13/2015

Compiled: 8/17/2015

TOWN OF HARWICH, MASSACHUSETTS  
 Muddy Creek Restoration Bridge Project  
 Bridge No. C-07-005 = H-10-012 (BNJ)

Index	Item No.	Approximate Quantity	Item Description (1)	Unit Price (2)	Total Price (3)
				dollars	dollars
95	867.06	1500	6 INCH REFLECTORIZED YELLOW LINE (THERMOPLASTIC)   Per Foot	\$ 1.00	\$ 1,500.00
96	874.2	8	TRAFFIC SIGN REMOVED AND RESET   Per Each	\$ 220.00	\$ 1,760.00
97	874.4	5	TRAFFIC SIGN REMOVED AND STACKED   Per Each	\$ 35.00	\$ 175.00
98	942.124	1880	STEEL PILE HP 12 X 84   Per Foot	\$ 85.50	\$ 160,740.00
99	947.	107	TEST PILE   Per Foot	\$ 145.00	\$ 15,515.00
100	948.31	1	STATIC - CYCLIC (EXPRESS) LOAD TEST   Per Each	\$ 60,000.00	\$ 60,000.00
101	948.4	3	DYNAMIC LOAD TEST PREPARATION   Per Each	\$ 2,300.00	\$ 6,900.00
102	948.41	3	DYNAMIC LOAD TEST BY CONTRACTOR   Per Each	\$ 5,200.00	\$ 15,600.00
103	948.5	21	PILE SHOES   Per Each	\$ 200.00	\$ 4,200.00
104	983.1.	1700	RIPRAP   Per TON	\$ 40.00	\$ 68,000.00
105	988.	1200	CHANNEL PAVING   Per Sq. Yard	\$ 139.00	\$ 166,800.00
Total this sheet (4)				\$	\$ 501,190.00

MAS Building & Bridge BID TABLE

Town of Harwich



Muddy Creek Restoration Bridge Project  
 Bridge No. C-07-005 = H-10-012 (BNJ)

Route 28 over Muddy Creek

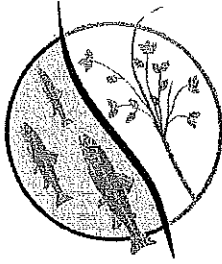
Bid Date: 8/13/2015

Compiled: 8/17/2015

TOWN OF HARWICH, MASSACHUSETTS  
 Muddy Creek Restoration Bridge Project  
 Bridge No. C-07-005 = H-10-012 (BNJ)

Index	Item No.	Approximate Quantity	Item Description (1)	Unit Price (2)	Total Price (3)
				dollars	dollars
106	991.1	1	CONTROL OF WATER - STRUCTURE C-07-005 = H-10-012(BNJ)	\$ 348,000.00	\$ 348,000.00
			Per Lump Sum		
107	992.33	1	TEMPORARY SUPPORT FOR GAS MAIN	\$ 80,000.00	\$ 80,000.00
			Per Lump Sum		
108	995.01	1	BRIDGE STRUCTURE - BRIDGE NUMBER C-07-05 = H-10-012 (BJN)	\$ 2,865,000.00	\$ 2,865,000.00
			Per Lump Sum		
				Total this sheet (4)	\$ 3,293,000.00
				Total All Sheets (5)	\$ 4,791,311.80





Massachusetts Department of Fish and Game

## Division of Ecological Restoration

**Invested in Nature and Community**

*Tim Purinton, Director*



**Charles D. Baker**  
*Governor*

**Karyn E. Polito**  
*Lieutenant Governor*  
**Matthew A. Beaton**  
*Secretary*

**George N. Peterson, Jr.**  
*Commissioner*  
**Mary-Lee King**  
*Deputy Commissioner*

August 19, 2015

Christopher Clark  
Town of Harwich  
732 Main Street  
Harwich, MA 02645-2717

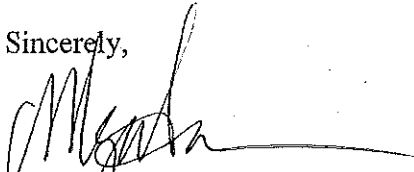
RE: Notice to Proceed—GRANT CONTRACT:  
Muddy Creek Restoration Bridge Project, Harwich MA

Dear Christopher,

This letter is to serve as Notice to Proceed for the Scope of Work and budget under the enclosed executed contract document ID MUDDYCRKCON2HARF1617 between the Division of Ecological Restoration, and the Town of Harwich for a grant to support construction and related activities for the Muddy Creek Restoration Bridge Project in Harwich, Massachusetts. The Notice to Proceed is effective as of today for work through June 30, 2017.

Please feel free to call if you have any questions. Thanks very much; we are glad to be working with Town of Harwich on this project.

Sincerely,



Megan Sampson  
Program Administrator

# **BOS Consolidated FY16 Goals & Objectives Worksheet**

## **Introduction**

Based upon the individual goals and objectives input I received from the BOS I segmented the items into the categories shown below. The intent is to see if we can consolidate these into one or two goals & objectives per category. Some items may be classified as "to do" rather than a goal & objective.

At the BOS meeting of June 15, 2015 individual selectmen were assigned the major categories of goals & objectives with the task of finalizing the wording for their assigned section(s). The results are shown in the text as bold .

## **Information Technology ( Linda )**

### **IT #1: Town Email Addresses & Use**

**To enhance communications between town agencies and the residents of the town, provide all Committees / Boards / Commissions with a town email address and identify these email addresses on the town website. Create a BOS policy to require that all communications between the public and boards, committees and commissions be made through the town email system.**

### **IT #2: On-Line Permitting**

**Our permitting departments have implemented an electronic permit application(s) for internal use. After testing the on-line permitting system with user focus groups, expand the on-line permitting system for use by the public. Monitor customer satisfaction and identify enhancements for future implementation.**

### **IT #3: Remote Meeting Participation Enhancements & Live Broadcasting**

**Current technology in use for remote participation by members of boards / committees / commissions does not provide for the public or the external participant to adequately hear comments and respond to the meeting activities. In an effort to improve the**

**usefulness of remote participation assess the needs and requirements for system upgrades to enhance the quality of remote meeting participation. Define the equipment and technology needed for live broadcasting of BOS meetings. The assessment shall include equipment and installation costs as well as personnel impacts and a timeline for implementation.**

IT overview along with providing all town employees and committees town email addresses and assist in setting up as needed to enhance communication between town employees and the public.

All committees and individual BOS will be provided with town email address. These will be posted on town website and all will transition to using these addresses. Enhance communications between committees and residents.

Request that all permitting departments implement the electronic / on-line permitting within the next 3 months.

Implement and expand on line permitting to the public.

Request that appropriate town personnel develop the plan to upgrade the system used for remote participation at BOS and other meetings so that it is easier to use, and keeps both the TV audience and people sitting in the meeting room engaged with the remote participant. The goal would be to have the system in place by 12/1/15 .

## **Middle School Repurpose ( Angelo & Michael )**

Develop additional plans and costs associated with the potential uses of the Middle School property, including establishing boundary lines.

Develop additional details / costs associated with the potential uses of the Harwich Middle School. Include the economics associated with any and all options. In demolition scenario evaluate the cost / benefit of installing and operating a solar installation similar to the landfill PV system.

Determine best way to achieve a resolution; ballot question, town wide survey / questionnaire. Ballot question with 3 to 4 questions and you get to pick one .

Develop a plan and cost associated with a town re-use of the middle school. Work with a select committee and our town professionals along with professional help as needed to layout a use plan and get costs associated with a reasonable rehab of space for specific uses .Present options at 2016 ATM .

In all cases develop life cycle costs which define capital costs, operating expenses , revenue stream and tax implications. Time line should be 20 years of life.

## **Wastewater ( Michael )**

Develop a water / wastewater organizational structure such as a water / Wastewater Department Head reporting to the TA .

Enter into negotiations with Chatham BOS regarding the potential costs, timing and details for the treatment of up to 350,000 gallons of sewage from the East Harwich area.

Complete negotiations with Chatham for the use of the treatment plant. Includes timing and costs. Establish water / sewer department.

Develop a plan for increased public education and involvement along with the outreach associated with it on complex issues such as wastewater.

RFP for remediation of Hinckley's Pond to evaluate technology and cost candidates. Develop a plan for storm water collection as part of the solution.

Evaluate the creation of a Water / Wastewater Enterprise fund.

## **MRSD ( Peter )**

### **MRSD #1: Funding Formula**

**In coordination with BOS / FinCom / MRSD develop a funding formula for the MRSD budget which is sustainable by the community and provides sufficient funding for education. As a baseline start with :  $\text{Funding} = + 2-1/2\% + ( 0.4 )( \text{Growth } \$ ) +/- ( \text{E\&D} )$  workable for the next 5 years.**

Work with MRSD / FinCom to develop a MRSD funding formula such as :  $= 2-1/2\% + ( 0.4 )( \text{Growth } \$ ) +/- ( \text{E\&D} )$  workable for the next 5 years.

Among BOS / FinCom / MRSD develop a funding formula that is sustainable by the community and continues to provide adequate funding for education.

## **Town Buildings ( Jannell )**

Albro House – develop the estimated costs to renovate the property, including potential uses. Develop plan and execute.

Develop and implement a plan to bring back and make effective use of Albro House.

Develop a Town Building / Grounds Maintenance Assessment and determine priorities.

Develop a comprehensive property assessment for all town buildings and properties. Determine priorities and include cost estimates and timelines.

Review of all town owned properties and vacant or partially used buildings. What do we have and what are we doing with it ?

Develop plans and timeline for the use , sale or demolition of town owned buildings to include middle school, current town hall, Bank St fire station, Albro House and West Harwich School. The timing should allow articles ( if required ) to be prepared for town meeting.

Review & replan the department move around and associated reallocation of space.

## **Financial ( Linda )**

### **Fin #1: FY17 Budget**

**Develop FY17 budget within the limits of Prop 2-1/2 , minimizing the use of capital exclusions. Include line item provisions where the Town is lacking either adequate services to the public or expenses for departmental objectives. Implement allocation of these indirect costs into each department budget: commercial insurance, health and other employee benefits, retirement and depreciation.**

### **Fin #2: Town Positions Assessment**

**Complete an assessment of all town positions to determine continuing need for the position as well as potential enhancements**

**by consolidation and / or outsourcing . Also identify new position needs and requirements.**

### **Fin #3: Public Outreach Financial Software**

**To increase the public's knowledge and access to Town budgets, assess the ability to implement a commercially available software package such as Visual . In addition to municipal information include Cape Tech and MRSD information. The intent is to allow access to the information via a link from the Town website.**

Develop FY17 budget within the limits of Prop 2-1/2 and minimize the use of capital exclusions to balance the budget.

Develop a forward looking debt schedule for the next seven years. Existing debt, new debt as a result of ATM / Ballot plus latest Capital Plan. Provide in graphic form to illustrate the 7 years ahead.

FY17 budget – develop within prop 2-1/2 and with indirect costs allocated to departments.

Implement Visual software package to better inform the public regarding town budget details.

Break down tax bills to show the cost of the following: Municipal, Water, MRSD, Cape Tech & Debt Service.

Arrange to provide to all departments the cost basis for any activities for which a fee is set. This is not a requirement that fees must match costs, but rather that there must be an understanding of total costs before any fee can be set. This should include the Community Center , the building operating costs for use in setting the "rent".

## **Administrative ( Linda )**

### **Admin #1: Town Administrator Goals & Objectives**

**Agree to a mutually acceptable set of measurable goals & objectives for the Town Administrator for FY16. Define quarterly review dates for status reports by the Town Administrator to the BOS. Include easily defined timelines and benchmarks for**

**completion of each goal / objective. Establish the FY16 TA performance evaluation method and format to be used which should include an assessment as to how the department heads completed their respective goals / objectives.**

### **Admin #2: Annual Town Meeting Information**

**To improve the understanding of the Warrant for the Annual Town Meeting and any Special Town Meetings by the voters, develop and implement a “ Pre-Town Meeting(s) “ to review relevant segments of the budget as well as clear explanation of articles and their impact on the Town. This may take the form of several voter information sessions , newspaper articles, Channel 18 broadcasts and / or Town wide informational sessions.**

Establish procurement and purchasing under an existing staff person , suggestion Town Engineer.

Establish personnel function, both for administration and for management resources. May be done by two different staff members.

Encourage Town Administrator to review all town positions to determine if any activity should be outsourced, consolidated with another position or requires additional personnel.

Develop / execute pre-town meeting to enhance information to voters.

Define a clear set of goals & objectives with / for the Town Administrator.

Agree upon TA performance evaluation method & tools. Suggest cleaning up the form / method used in May 2015 for this purpose.

Review TA performance on goals & objectives quarterly and adjust as necessary .

## **Economic Development ( Michael & Jannell )**

### **Econ #1 : Support Our Business Community**

**Establish policies, procedures, relationships and infrastructure that supports a vibrant and sustainable Harwich business community.**

**Econ #2 : Continue to Create & Maintain a Business Friendly Environment within Town Government**

**Continue to provide a streamlined regulatory process and business friendly staff, volunteers and elected officials . Encourage and support new small businesses in Harwich.**

**Econ #3 : Enhance and Maximize the Town / Chamber of Commerce Relationship**

**Work with the Harwich Chamber of Commerce to maximize the effectiveness of the HCC branding activity which seeks to promote Harwich as a destination as well as a great place to own & operate a business. Continue to provide financial support for our business community.**

**Econ #4 : The Health & Well Being of Harwich Businesses**

**Work with the Chamber to define the state of business in Harwich. Define issues of importance to Harwich businesses and evaluate the costs of doing business including fees & costs in comparison to neighboring towns. Make recommendations for improvements as necessary.**

Expand economic growth, redevelopment, and new development to increase year round employment and tourism . How ???

Continue efforts to support affordable housing.



Memorandum of Understanding  
between  
the Monomoy Regional School District, Town of Chatham  
and the Town of Harwich  
August \_\_, 2015

Whereas, it is acknowledged that municipal financial resources primarily come from property tax, all parties seek a reasonable estimation of revenue availability over the next five years. In order to achieve some sense of fiscal discipline, the parties acknowledge that the below formula will be used to determine available financial resources and agree to attempt to keep overall costs within the set limits unless Proposition 2 1/2 exceptions to exceed are utilized for specific budgetary purposes. Such as the debt exclusion was used to fund the newly constructed Monomoy Regional High School.

The formula used below is designed to have some flexibility depending upon economic circumstances in larger economy. Other significant factors include state funding of Chapter 70, School Choice, Charter School Impacts, Circuit Breaker and Regional Transportation. These items can play a significant role in funding public education.

1. Property tax estimated per year at 3.25%. This number reflects the increase allowed under proposition 2 1/2 of 2.5% with the additional balance coming from new growth which is an expansion of the property tax base due to improvements. (An example of new growth is a vacant parcel one year that becomes a newly constructed home the next). [Since 2009 our base Levy limit percent increase has ranged from a low of 3.58% to a high of 4.1%]
2. Local Receipts provided that they sustainably increase at between 3% to 4%, then the 3.25% overall would stand. If local receipts fall below 3% then the property tax would be reduced to 3%. If local receipts are greater than 4%, then the property tax estimated per year total would be increased to 3.5%.
3. The excess and deficiency account utilized by Monomoy Regional School District would agree to be used to fund capital and one-time expenses provided the amount is above targeted limits. The excess and deficiency account would be attempted to be utilized to stabilize costs over time.

The parties agree to the above for a period of five years at which time said formula could be subject to continuation or adjustment.

\_\_\_\_\_  
Town of Chatham, BOS Chair    Monomoy RS District, Chair    Town of Harwich, BOS Chair

\_\_\_\_\_  
Town of Chatham, Finance Committee Chair    Town of Harwich, Finance Committee Chair

**BUDGET/WARRANT TIME LINE 2015-2016**

Friday, August 28, 2015	Capital Budget Instructions submitted by T A to Departments	
Thursday, September 24, 2015	Deadline for submission of Department Capital Budgets to the T A	
Monday, September 28, 2015	TA presents BOS with 5-Year Financial Plan	<b>Charter 9-2-1/on or before October 1<sup>st</sup></b>
Monday, September 28, 2015	MRSD meeting with B O S and Fincom to discuss enrollments by class and demographics, including a five year projection of same.	
Thursday, October 1, 2015	Deadline for submission of Community Preservation requests	
Monday, October 5, 2015	BOS Budget Message to guide TA in developing budget Requests - Including Board agreed to goals	<b>Charter 9-2-2/on or before the first Tuesday in October</b>
Friday, October 30, 2015	Capital Outlay Committee submits 7-yr Capital Outlay plan to T A	
Monday, November 2, 2015	Preliminary meeting with B O S and Fincom to discuss budget guidelines for the FY 16 MRSD budget	
Monday, November 2, 2015	Operating Budget instructions submitted to departments by T A	
Friday, November 27, 2015	Deadline for submission of department operating budgets to T A	<b>Charter 9-2-3/on or before the 1<sup>st</sup> Friday of December</b>
Monday, December 4, 2015	Deadline for submission of departmental warrant articles to T A	
Monday, December 7, 2015	B O S Review and discussion of potential warrant articles	
TBD	Meeting with B O S and Fincom to discuss initial look at MRSD FY 16 budget	
Monday, December 14, 2015	TA submits 7-yr Capital Outlay Plan to joint meeting of BOS/ Finance Committee	<b>Charter 9-6-3/during the month of December</b>

Monday, January 4, 2016	BOS/FINCOM/Capital Outlay Committee hold joint public hearing on submitted Capital Outlay Plan	<b>Charter 9-6-4/on or before the 2<sup>nd</sup> Friday in January</b>
Friday, January 29, 2016	All items to be bid must have specifications in TA's office by 12:00 P.M. to be assured of bid process for Town Meeting	
Monday, February 8, 2015	Meeting with B O S and fincom to discuss first draft budget and five year plan with MRSD	
Monday, February 8, 2016	TA presents budget and budget message to B O S and Fincom	<b>Charter 9-2-4/on or before the 2<sup>nd</sup> Tuesday of February</b>
February – March	Fincom review of budgets and articles	
Monday, February 8, 2016	Last BOS meeting before Annual Warrant closes	
Friday, February 12, 2016	Article deadline – Warrant closes Noon deadline	<b>Charter 2-2-1/Bylaw 1-101 2<sup>nd</sup> Friday in February by 12:00 Noon</b>
Tuesday, February 16, 2016	1 <sup>st</sup> draft Warrant to BOS (presented at meeting)	
Monday, February 22, 2016	Articles submitted to Finance Committee by B O S	<b>General By-Laws I, § 271-1.B. Not later than 14 days after article deadline</b>
Monday, February 22, 2016	BOS required to submit final budget to Finance Committee	<b>Charter 9-3-2 / on or before the 4<sup>th</sup> Tuesday of February</b>
Monday, February 22, 2016	MRSD to submit final line item budget to B O S and Fincom for inclusion in the ATM Warrant	
Tuesday, February 23, 2016	Joint budget/article hearing BOS/Finance Committee (if needed)	
February 16 – February 29, 2016	BOS reviews Warrant articles	
Monday, March 7, 2016	VOTE to sign final Annual Town Meeting Warrant	
Monday, March 14, 2016	Vote to open Special Town Meeting Warrant	<b>All Special Town Meeting Articles must be received 40 days prior to STM</b>

No later than March 21, 2016	Article funding review by B O S	
Monday, March 21, 2016	BOS votes Special Warrant BOS votes Ballot	
March 22, 2016	Ballot to Town Clerk	
not later than Monday, March 28, 2016	FINCOM submits written recommendations on Budget/Warrant.  Joint budget /article hearing with B O S and Fincom reconcillation	<b>Charter 9-3-3/by March 31<sup>st</sup></b>
Not later than March 28, 2016	Fincom conducts one or more hearings on budget	<b>Charter 9-3-3 by March 31<sup>st</sup></b>
Not later than Friday, April 1, 2016	Fincom submits final recommendations to B O S office for insertion in warrant	
April 2016	Send Warrant to Printer Send Warrant to Chronicle <b>(April 14<sup>th</sup> publication)</b>	Printer needs at least 2 weeks. Chronicle needs 1 week before publish date
Friday, April 15, 2016	Warrants available for public distribution	<b>Charter 2-2-2/14 days prior to Town Meeting</b>
Monday, May 2, 2016	First night of Annual Town Meeting	<b>Charter 2-3-1/1<sup>st</sup> Monday in May</b>
Tuesday, May 17, 2016	Annual Town Elections	<b>Charter 8-1-1/3<sup>rd</sup> Tuesday in May</b>

INNOVATIVE ALTERNATIVE ONSITE

SEPTIC SYSTEMS FOR THE REMOVAL OF NITROGEN IN

BARNSTABLE COUNTY

What role should they play in  
Comprehensive Wastewater  
Management Plans?



June 17, 2015

Amy Usowski  
Town of Harwich, Conservation Administrator  
732 Main Street  
Harwich, MA 02645



**RE: Concerns Regarding 2015 YOP for ROWs 302, 303 & 347 in Harwich, MA**

Dear Ms Usowski,

I have been forwarded your letter to William Hayes dated June 9, 2015 regarding the proposed follow up application of herbicides in Harwich by NSTAR Electric d.b.a. Eversource. I apologize for the delay in response. Below please find responses to concerns and suggestions you bring up in your letter of March 18, 2015. The responses below relate to the application of herbicides by NSTAR under an Integrated Vegetation Management (IVM) program as permitted under the Massachusetts Department of Agricultural Resources (DAR). It is important to point out to the Harwich Conservation Commission that the proposed application in 2015 is a potential follow up spot application of last year's program. As such, NSTAR does not expect there to be much target vegetation that will require treatment. After a field audit that will take place this summer a determination may be that there is no further application required.

"We strongly suggest that NSTAR does not use herbicides at all within wetlands or in close proximity, or in the mapped vernal pools."

Pursuant to 333 CMR 11.04 (4) (c) (2), based upon the results of two ROW wetland impact studies, the Massachusetts Department of Agricultural Resources in consultation with the Department of Environmental Protection and the VMP Advisory Panel, made a determination that herbicides, when used at various utilities including electric lines and gas pipelines, under the guidance of an IVM program and other conditions as set forth in the determination, have less impact on wetlands than mechanical only techniques. Therefore in accordance with the conditions of the Department's determination, NSTAR will selectively apply herbicides to wetland sites, except within ten feet of standing and flowing water.

It is important to point out that NSTAR only uses herbicides that are on the Massachusetts Sensitive Materials List and are safe to use within wetland habitat areas.

"If maintenance must be completed within the wetland or vernal pools we encourage the removal of trees by using chainsaws or brush mowers."

As stated above, NSTAR does not apply herbicides in areas of standing water or within 10 feet of standing water. If vegetation incompatible with our ROW is growing within these wet locations, they will be removed by mechanical means.

"Small shrubby vegetation or groundcover should be left untouched to prevent erosion and to provide wildlife habitat."

The purpose and objective of an Integrated Vegetation Management (IVM) program is to promote an early successional habitat. As such, small shrubby and ground cover is not the target of this application.

"We are extremely concerned about the negative impacts of incorrect application, or the application at all, that herbicides can have on our ecosystem and sole-source aquifer."

Incorrect application of herbicides is also a concern of NSTAR. Therefore, NSTAR only contracts with applicators licensed in Massachusetts and takes care to review company safety and compliance records prior to hiring. In addition, during application, the Massachusetts Department of Agriculture (DAR) performs unscheduled inspections of work crews to ensure accurate mixtures of herbicides and compliant application techniques.

“If herbicides must be used in sensitive wetland areas or neat wells, we would like request your assurance that the techniques outlined in your 5 year VMP will be followed by the contractors.”

The 5-year VMP and annual YOP is the foundation of our permit from MA DAR and sets forth the conditions of our program that must be followed by the applicators we employ.

“Sensitive areas need to be marked our in the field by someone who knows how to identify wetland species or rare species prior to application.”

As stated above, NSTAR application may occur within wetland areas. Therefore, it is not essential that these areas be identified in the field. It is important to again point out that this year’s potential application is only a follow up spot application. As such, NSTAR does not expect there to be much target vegetation needing to be treated.

“It is a concern of the Commission that the three companies who will be performing the work are from Western Massachusetts, New York, and Maine, where vegetation types are different and where a crew might not be familiar with the local species.”

The intent of the NSTAR IVM program is to target species within the ROW that are incompatible with our electric delivery system. The work crews hired to perform this work are well aware of the species that need to be targeted. If there are species specific to Cape Cod that are not known to the crew, then it will not be on this list and therefore not a target of this program.

“We also have several farms and cranberry bogs along the ROW’s and wish to convey how important it is that the operators remain the required 100’ from these farms, for the health of the crops, animals, environment, and citizens.”

Abutters to the ROW are all notified of the proposed application. If any of these abutters have a question or a concern, they can contact NSTAR at the number provided in the notification. NSTAR is unaware of any required 100 foot buffer from farms.

If you have any additional questions or concerns, please do not hesitate to call or email.

Sincerely,



Kevin McCune  
Supervisor, Licensing & Permitting  
Eversource Energy  
Email: [Kevin.mccune@eversource.com](mailto:Kevin.mccune@eversource.com)  
Office: 781-441-3808

Cc:  
William Hayes, Eversource Transmission Arborist  
Michael McClean, Massachusetts DAR



TOWN OF

HARWICH



*732 Main Street  
Harwich, MA 02645*

**CONSERVATION COMMISSION**

**(508)-430-7538 FAX (508)430-7531**

**June 9, 2015**

William Hayes, Senior Transmission Arborist  
Eversource  
Vegetation Management  
One NSTAR Way, SE – 370  
Westwood, MA 02090

Dear Mr. Hayes,

This letter is a follow-up to a letter that was dated March 18, 2015 by this Commission to you in response to the request for input NStar, now Eversource, requested from various towns regarding the application of herbicides on Town Right-of-Ways in the fall of 2015.

As we have not gotten a response to this original letter, we wanted to follow up with an additional copy of it and of the more specific wetland plans generated by this department. We wish to ensure that wetlands in the vicinity of the rights-of-ways in Harwich are adequately protected, and that your contractors are aware of exactly where wetlands and state-mapped vernal pools are.

Please let us know that you are in receipt of these letters and maps. If you have any questions or would like a copy of these maps electronically please do not hesitate to contact us. Thank you.

Amy Usowski  
Conservation Administrator  
Town of Harwich

cc: Micheal McClean  
Director of Rights-of-Ways Programs  
Massachusetts Pesticide Bureau  
251 Causeway Street, Suite 500  
Boston, Ma 02114



**OFFICE OF THE TOWN ADMINISTRATOR**

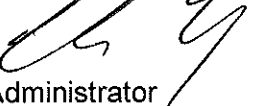
Phone (508) 430-751

Fax (508) 432-5039



**Christopher Clark, Town Administrator**

732 MAIN STREET, HARWICH, MA 02645

To: Board of Selectmen  
From: Christopher Clark, Town Administrator   
Cc: John Rendon, Harbormaster  
Re: Proposal to Recycle the Bank Street Firehouse by St. Mary of Magdala Church  
Date: August 20, 2015

---

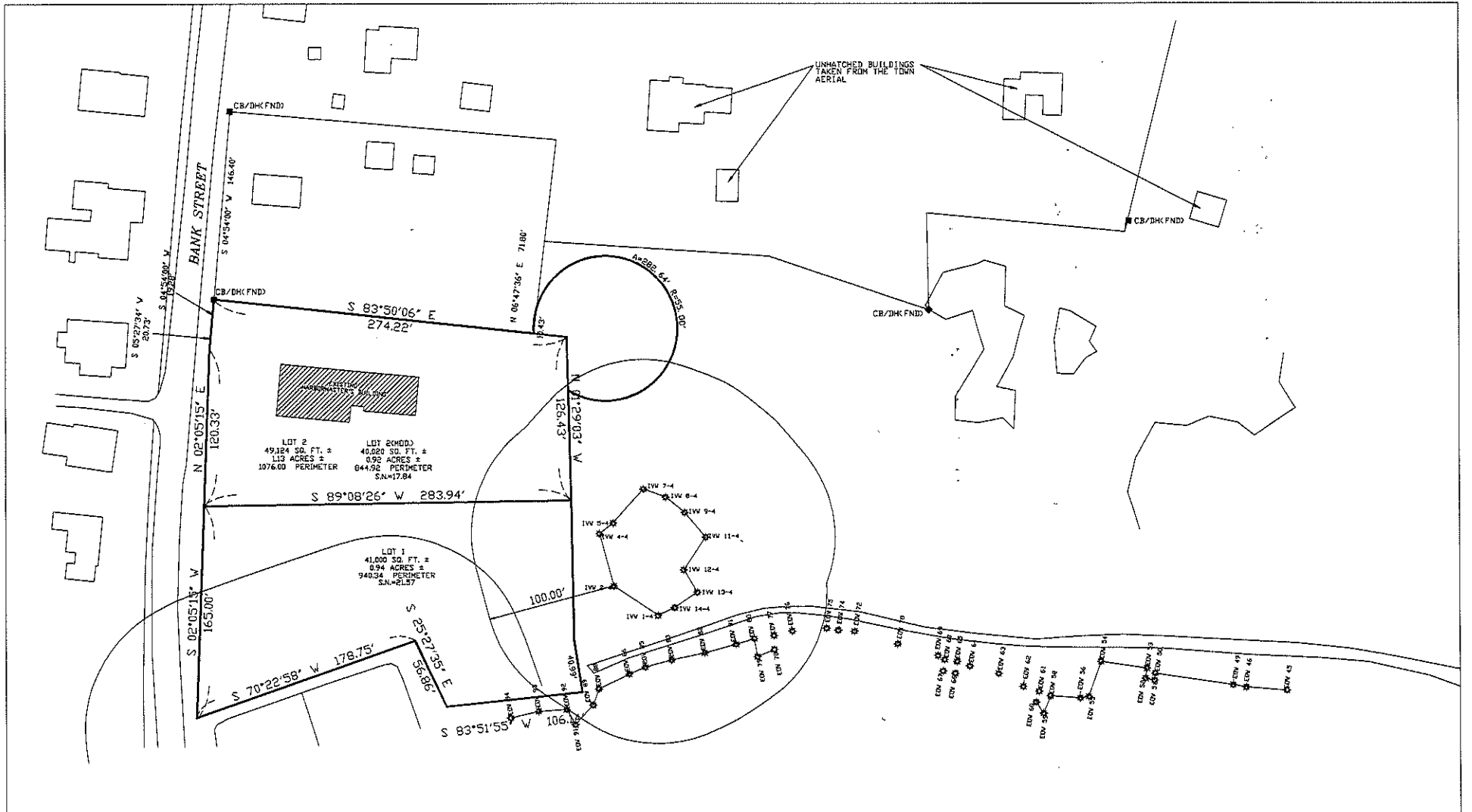
Administration is in receipt of a request from representatives of St. Mary of Magdala Church to take ownership of 203 Bank St. the former fire station and current Harbormaster repair facility. The proposal is straightforward and attached. I do wish to point out that there is a process that has been established by the Board of Selectmen and laid out by Massachusetts General Laws Chapter 30B procurement law. In general, the process includes the determination that the property is surplus, an appraisal needs to be completed on the property, a bid process needs to be undertaken, and then with Board of Selectmen approval of the sale as well as Town Meeting approval before the sale can then be completed.

In an effort to put this request into context, working with the Harbormaster and the Town Engineer, I have done a history on the property as well as a discussion about its current use by the Town of Harwich. Several years ago there was an effort to sell the property that included not only the Fire Station parcels but also the back parcels. The neighbors expressed concern over this and ultimately the town designated the back to parcels as Conservation property. I have requested that the Town Engineer prepare a plan of land that lays out potential lots. A plan was prepared in 2007 that lays out parcels. Recently, the Town Engineer has re-looked at the site for lot layout compliant with zoning. We have included these plans as informational only for the Board.

The Harbormaster has expressed concern that the site is currently utilized for his repair operations and storage. The Town is engaged in a review of the Saquatucket Harbor landside redevelopment. One of the concepts included in this plan is to locate the Harbormaster's repair and storage operations closer to the harbors. The decision regarding this location and the overall redevelopment plan for Saquatucket is still in the developmental stages. Whereas, the relocation of the Harbormaster's use of this building is anticipated at a future date, it is not imminent to the timelines laid out in the proposal submitted.

I have attached a map that shows one of the closest abutters to the property is the Harwich Conservation Trust. I have had an initial discussion with Michael Lach, Executive Director about the Church's proposal and the interests of Harwich Conservation Trust. I believe that at a minimum the Trust would like to maintain its current arrangement with the Town to allow for parking to occur on the Town's property for access to the Trust property to the south. I believe that the Harwich Conservation Trust would like to preserve the current arrangement as well as would be considering any sale by the Town of property that abuts to be an area of interest.

I believe that the various elements highlighted above should be taken into consideration in regards to progressing this request. I do believe that the timeline laid out in the request is overly aggressive in light of a due diligence process of informing the neighbors and completing the necessary work that needs to be done under the procurement law.



PLAN OF LAND  
 LOCATED IN  
 HARWICH, MASSACHUSETTS  
 SHOWING  
 WETLAND DELINEATION



AUGUST 20, 2015 SCALE: 1"=50'  
 HARWICH ENGINEERING DEPARTMENT  
 732 MAIN STREET  
 HARWICH, MA 02645

# PROPOSAL TO RECYCLE THE BANK STREET FIREHOUSE, HARWICH, MA ST. MARY OF MAGDALA CHURCH

## Background

St. Mary of Magdala Church, Inc. (SMMC) had its origins at the weekly Mass offered at Evensong Retreat Center. The number of people attending on a regular basis grew steadily from 2003 on and in 2006 the community began to organize itself and develop an annual budget. In 2010 the community requested that the Revs. James and Marie David serve as its co-pastors, and began the process of incorporation in the Commonwealth of Massachusetts. It was granted status as a non-profit corporation by the Commonwealth in early 2011, and was recognized by the IRS as a 501(c)3 organization in 2012. St. Mary of Magdala Church is affiliated with the Ecumenical Catholic Diocese of New England.

Today St. Mary of Magdala Parish has some 50 families (75 individuals) on its rolls. The community gathers weekly for worship, renting space from Evensong Retreat Center for its church space. For the past two years plans have been under way toward acquiring its own permanent space for worship. Steps have been taken to ensure the financial viability of such a move and the community is now ready to proceed toward its goal. Richard Waystack introduced us to the possibility of utilizing this property by recycling the present building and saving taxpayers funds that can be utilized for better purposes.

St. Mary of Magdala Church has found a spiritual home in Harwich. Through our pastors we are an active church member of the Harwich Clergy Association, and one of our pastors (Rev. James David) has served as a volunteer chaplain for the Harwich Police Dept. since 2005. SMMC has participated financially and through volunteers in the 2006 Harwich Habitat Build, the 2013 Harwich/Orleans Church Habitat Build in Orleans, and the 2015 Harwich Habitat Build. SMMC and Pilgrim Congregational Church are partners in preparing monthly meals for the Cape Nutrition Mission Program which provides meals for those in need in Hyannis. Our annual Charitable Gift Fund has supported Harwich-based and other Cape charities over the past three years, including WE CAN, the joint SMMC/Pilgrim Church Nutrition Mission Project, and The Children's Center. Given our deep connection to the Harwich community we would very much like our permanent home to be in Harwich.

## Proposal

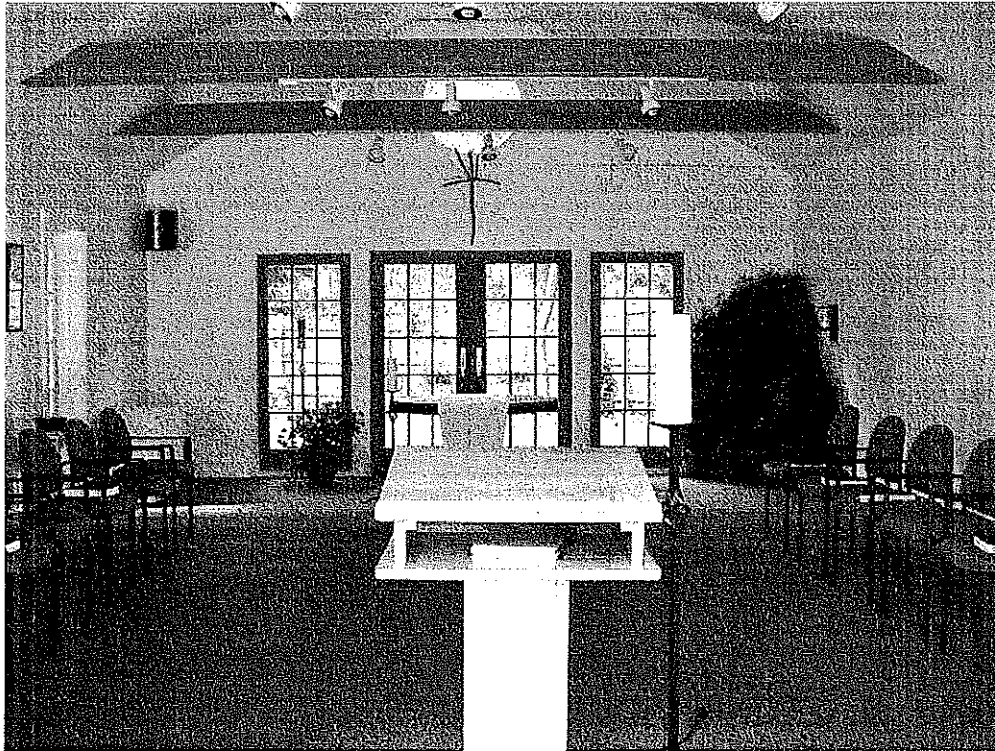
We are respectfully proposing that, rather than see the town tear down the old firehouse at 203 Bank Street, St. Mary of Magdala Church could take ownership of the property and upgrade it to serve as our House of Worship. There are five lots involved in the property. We propose to offer the Town of Harwich \$50,000 to take ownership of the lot on which the present firehouse sits, as well as two of the other lots [Map 23, parcels B-2, B-2-1, and B3]. The agreement would include granting the town an easement in perpetuity for parking to serve the adjoining conservation area. Only utilizing the three parcels would eliminate the issues that have occurred in the past with the neighbors who were concerned with increased potential development allowed by the paper road and acreage in the rear.

We would propose to take possession of the property in October of 2015, or as soon as possible after a fall 2015 town meeting. This would allow us to modify and upgrade the building for our occupancy by late spring of 2016. Our plan would be to rehab the firehouse so that the exterior would have the look of a white clapboard church building with a small steeple; current roofs would be replaced. The plan would be for landscaping immediately around the building to provide a serene and peaceful setting, and parking to the south for about 70 cars. The interior design would provide worship space for 75 people, a parish hall, and offices for our pastors. The second floor would be left untouched for now. The style of interior design would be very similar to the space at Evensong Retreat Center where the church has been meeting for the past nine years. The second page has photographs showing our intentions.

St. Mary of Magdala Church, PO Box 774, Harwich Port, MA 02646 508-432-0027  
Co Pastors: Rev. James F. David (508-737-1899 [jim@evensongretreat.com](mailto:jim@evensongretreat.com)) and  
Rev. Marie S. David (508-737-2883 [marie@evensongretreat.com](mailto:marie@evensongretreat.com))

# PROPOSAL TO RECYCLE THE BANK STREET FIREHOUSE, HARWICH, MA ST. MARY OF MAGDALA CHURCH

(page 2)



Interior of St. Mary of Magdala Chapel at Evensong Retreat Center



Labyrinth immediately behind present chapel

## Ann Steidel

---

**From:** Christopher Clark  
**Sent:** Wednesday, August 19, 2015 12:14 PM  
**To:** Ann Steidel  
**Cc:** peter hughes; John Giorgio  
**Subject:** FW: Town Counsel Hourly Rate

Ann,

Please include this at this point under the town administrator's announcements for the August 24 meeting. I am CCing Peter on this as well so he's aware. I believe that it is reasonable that the last time that Kopelman and Paige increased its rates were in August 2009 was by 5 dollars per hour. I do also concur with John on the perspective that Kopelman and Paige has provided numerous instances of successful defense of the town. I do believe that for general counsel services that the town should continue to utilize the services of this firm.

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

---

**From:** John Giorgio [mailto:JGiorgio@k-plaw.com]  
**Sent:** Wednesday, August 19, 2015 9:25 AM  
**To:** Christopher Clark <cclark@town.harwich.ma.us>  
**Subject:** Town Counsel Hourly Rate

Chris:

I hope all is well and that you are enjoying your summer. I wanted to make a request to the Board of Selectmen through you. . The firm is proposing that we adjust the hourly rate for legal services charged to the Town from \$170 an hour to \$175 an hour. This would be effective on September 1, 2015.

Kopelman and Paige last raised its billable hour rate in Harwich in August 2009 from \$165 to \$170. We always strive to keep our rates as low as possible, knowing how difficult recent years have been for municipal budgets with reductions in local aid and increases in the public's needs for municipal services. Despite the firm's careful management of expenses, the cost of doing business increases for us each year.

I think, and I would hope that the Board of Selectmen, the Town Administration, and department heads would agree, that the quality of the legal services that we provide to the Town has been outstanding. Unlike other firms that practice in the municipal law field, we devote almost our entire practice to municipal law, foregoing all private work against municipalities to ensure that we are never making arguments on behalf of private clients that would be inconsistent with the interests of our municipal clients. As a result, we cannot use other higher rate private practice areas to subsidize our municipal law practice. There are, I believe, considerable benefits to having a firm as your Town Counsel that is exclusively

dedicated to municipal law. Our current body of legal work and experience is not only unsurpassed by any other practitioners or law firms practicing in this area, but, as we continue to work on behalf of municipalities, we deepen our municipal law expertise each year. This, in turn, enables the firm to respond to requests for legal services in ever increasing efficiency. I would anticipate, therefore, that even with the proposed rate increase, any increase in cost to the Town for our delivery of legal services should be modest, absent of course of any major new cases or significant out of the ordinary projects requiring legal representation.

Once again, thank you for your consideration of the proposed rate increase. Since the Board of Selectmen is the appointing authority for Town Counsel, I would appreciate your bringing this request to the Board for approval. If you or the Board of Selectmen have any questions, I would, of course, be pleased to respond.

Thank you.

John

John W. Giorgio, Esq.  
Kopelman and Paige, P.C.  
101 Arch Street  
12<sup>th</sup> Floor  
Boston, MA 02110  
[jgiorgio@k-plaw.com](mailto:jgiorgio@k-plaw.com)  
Phone: (617) 556-0007  
Fax: (617) 654-1735  
Mobile Phone: (617) 785-0725