

SELECTMEN’S MEETING AGENDA*

Donn B. Griffin Room, Town Hall

732 Main Street, Harwich, MA

Regular Meeting 6:30 P.M.

Monday, October 1, 2018

**As required by Open Meeting Law, you are hereby informed that the Town will be video and audio taping as well as live broadcasting this public meeting. In addition, anyone in the audience who plans to video or audio tape this meeting must notify the Chairman prior to the start of the meeting.*

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. WEEKLY BRIEFING

IV. PUBLIC COMMENTS/ANNOUNCEMENTS

A. Barnstable County Independence Scroll - *signature requested by Peter Hughes*

V. CONSENT AGENDA

A. Approve minutes –

1. May 7, 2018 Regular Meeting

2. May 8, 2018 Regular Meeting

3. September 10, 2018 Regular Meeting

B. Accept resignation of Larry Cole from Harwich Energy Committee and as Harwich representative to CVEC effective September 30, 2018

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

A. Cape Light Compact’s Three-Year Plan – *Maggie Downey*

VII. NEW BUSINESS

A. Annual Meetings with the Selectmen:

1. Waterways Committee

2. Historic District/Historical Commission

B. Board of Selectmen FY20 Budget Message

C. Authorize Chair to sign Change Order for the Saquatucket Landside Project in the amount of \$87,450

D. Liquor/Entertainment License Violation – Ember – *recommend referring this matter to Hearing Officer/Town Administrator*

E. Resignation of Ernest Crabtree as a full member of the Conservation Commission and appointment to Conservation Commission as an associate member

F. Appointment of John Ketchum as a full member of the Conservation Commission and as the Commission’s representative to Community Preservation Committee

G. Proposed Harwich Center Initiative Committee – *Larry Ballantine*

VIII. OLD BUSINESS

A. Tax Collection – breakdown of legal costs

B. Status of Outreach Coordinator RFP

C. Board Policy on Access to Town Counsel

D. Town Administrator authority to approve contracts and approval of Capital items over 50K

IX. CONTRACTS

A. Assistance to Fire Fighters Grant Program funding

B. Community Center EMS \$55,839 – 25A Procurement

X. TOWN ADMINISTRATOR’S REPORT

A. Contracts under \$50,000:

1. King Information Systems for records management - \$39,824

2. Town Hall EMS, Police Station EMS, Fire EMS – Total \$80,968

3. Centralized EMS \$6,231 – DPW funded

4. Bike Crossing System \$24,500

B. Cable License Renewal

C. Liquor License update – additional 3 licenses – status

D. Announcement – Administration’s Wastewater Meeting - October 3, 2018 at 6 pm – Cultural Ctr.

E. Departmental Reports

XI. SELECTMEN’S REPORT

A. Goals and Objectives

XII. ADJOURNMENT

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

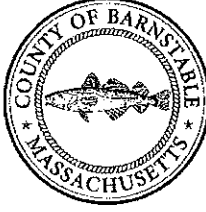
Authorized Posting Officer:

Posted by: _____
Town Clerk

Ann Steidel, Admin. Secretary

Date: _____
September 27, 2018

The County of Barnstable



Declaration of Independence 1774-2018

Whereas there have been of late several acts of the British Parliament passed tending to introduce an unjust and partial administration of justice; to change our free constitution into a state of slavery and oppression, and to introduce Popery in some parts of British America, &c.:

Therefore, we the subscribers do engage and declare that we will not accept of any commission in consequence of, or in any conformity to, said acts of Parliament, nor upon any unconstitutional regulations;

And that if either of us is required to do any business in our offices in conformity to said acts or any way contrary to the charter of this province,

We will refuse it although we may thereby lose our commissions.

Originally Signed on Sept. 27, 1774

James Otis, Thomas Smith, Joseph Otis, Nymphas Marston, Shearjashub Bourne, David Thacher, Daniel Davis, Melatiah Bourne, Edward Bacon, Isaac Hinckley, Solo. Otis, Kenelm Winslow, Richard Bourne

Reaffirmed and Ratified on This Day Sept. 27, 2018

Board of Regional Commissioners

Leo G. Cakounes, Chair

Ronald R. Beaty, Vice Chair

Mary Pat Flynn, Commissioner

**MINUTES
SELECTMEN'S MEETING
Harwich Community Center, Room #4
100 Oak Street
Regular Session 6:00 P.M.
Monday, May 7, 2018**

SELECTMEN PRESENT: Ballantine, Brown, Howell, Kavanagh, MacAskill

OTHERS PRESENT: Town Administrator Christopher Clark, Interim Assistant Town Administrator Robert Lawton, Carol Coppola – Finance Director, Finance Committee members: Jack Brown (Chair), Ed McManus, Jon Chorey, Angelo LaMantia, Laurie Gillespie-Lee, Dana DeCosta, Mark Ameres.

Chairman MacAskill called the meeting to order at 6:00 p.m.

PRE TOWN JOINT MEETING WITH FINANCE COMMITTEE

- A. Indefinite Postponement of Article 26 – Construction of Pet Crematory/Fund Equipment for Pet Crematory

Mr. Howell moved to reconsider and indefinitely postpone Article 26 – Construction of Pet Crematory/Fund Equipment for Pet Cemetery. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

- B. Indefinite Postponement of Article 31 - Monomoy School Regional Agreement Amendments

Mr. Ballantine moved to indefinitely postpone Article 31 - Monomoy School Regional Agreement Amendments. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

- C. Review and Potential Revisions to Motions for Annual Town Meeting Articles

No action was taken on this item.

- D. Other Matters

No action was taken on this item.

ADJOURNMENT

Ms. Brown moved to adjourn at 6:25 p.m. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel
Recording Secretary

**MINUTES
SELECTMEN'S MEETING
Harwich Community Center, Room #4
100 Oak Street
Regular Session 6:00 P.M.
Tuesday, May 8, 2018**

SELECTMEN PRESENT: Ballantine, Brown, Kavanagh (**arrived at 6:55 p.m.**), MacAskill

OTHERS PRESENT: Town Administrator Christopher Clark, Interim Assistant Town Administrator Robert Lawton, and others.

Chairman MacAskill called the meeting to order at 6:50 p.m.

PRE TOWN JOINT MEETING WITH FINANCE COMMITTEE

A. Change Orders for Saquatucket Harbor Project

Mr. Ballantine moved to approve change orders for the Saquatucket Harbor Project in the amount of \$465,790. Ms. Brown seconded the motion and the motion carried by a unanimous vote (3-0-0).

B. Review and Potential Revisions to Motions for Annual Town Meeting Articles

Mr. Ballantine moved to accept and adopt Article 48 – Reserve for Future Appropriation Amounts from FY2018 Community Preservation Fund Estimated Annual Revenues. Ms. Brown seconded the motion and the motion carried by a unanimous vote (4-0-0).

Mr. Ballantine moved to accept and adopt Article 66 – Stabilization Fund in the amount of \$630,000 from free cash. Ms. Brown seconded the motion and the motion carried by a unanimous vote (4-0-0).

ADJOURNMENT

Mr. Ballantine moved to adjourn at 6:58 p.m. Ms. Brown seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel
Recording Secretary

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, SEPTEMBER 10, 2018
6:30 P.M.**

SELECTMEN PRESENT: Ballantine, Howell, Kavanagh, MacAskill, McManus

OTHERS PRESENT: Town Administrator Christopher Clark, Assistant Town Administrator Evan Melillo, Chief Clarke, Carolyn Carey, Scott Tyldesley, John Rendon, Cyndi Williams, and others.

WEEKLY BRIEFING

Chief Clarke announced that there will be a 9/11 Memorial Ceremony at the Public Safety Facility tomorrow at 10:00 a.m.

PUBLIC COMMENTS/ANNOUNCEMENTS

Ms. Williams announced the winners for the parade float contest as follows:

- Best overall – Jack Conway Realty
- Most Town Spirit – Harwich Town Band
- Most Fun – Drummer Queens Band

She further announced other upcoming Cranberry Festival Events including fireworks on September 15 at 8:00 p.m. Mr. McManus reported that Beach Day at Red River Beach was well attended.

CONSENT AGENDA

- A. Approve Minutes – August 20, 2018 Regular Meeting
- B. Accept the resignation of Joan Felahi as a full member of the Council on Aging
- C. Accept the gift of an Eastern Redbud tree in memory of Jacob Spitz to be planted at Island Pond Cemetery
- D. Approve the request by Eversource to install approximately 40 feet of conduit/cable under the roadway to provide service to the homeowner at 14 Hudson Lane

Mr. McManus moved approval of the Consent Agenda. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

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

- A. Presentation – Intermunicipal Agreement between Barnstable County IT and the Town of Harwich – Bill Travers

Mr. Travers provided an overview of the proposal which included an assessment of technical infrastructure and services, network IT support services and project needs which isolates and corrects the issues causing the problems. He described services they provide to other towns as well. Mr. Clark said the idea is for FY19 for them to come in and do the study, have the back up that we need, and then we'll incorporate those elements into the FY20 budget for whatever recommendation comes back. He said he expects the recommendation to be back in about 60 days. Mr. Travers said they would be able to start work right away.

Mr. Howell discussed his interest in system vulnerability and recovering data and he questioned if they are able to get into remote screen work and Mr. Travers indicated that they have that capacity. He took questions and comments from the Board regarding software platforms and productivity. There was no vote on this item.

NEW BUSINESS

- A. Request permission to refinance affordable home on Driftwood Drive as required by Deed Rider

Mr. Howell questioned if this is just to refinance and not to put on an addition or anything else and Mr. Stewart said that is correct. Mr. McManus moved that we approve of the refinancing request for 16 Driftwood Lane. Mr. MacAskill seconded the motion and the motion carried by a unanimous vote.

- B. Winter Boat Storage at Saquatucket Harbor

Mr. Rendon discussed the need for winter boat storage and outlined his letter to the Board dated September 5, 2018 as follows:

At a public hearing on November 28, 2016, the Board of Selectmen approved a request for the Harbormaster Department to offer winter boat storage service at Saquatucket Harbor. The following year, based upon expressed sentiment from a commercial provider at the May 2017 Annual Town Meeting, the winter storage policy outlined in the Harbor Management Plan was revoked by the Board of Selectmen. As evident from the letters attached as enclosure 1 from boaters with permitted slips at Saquatucket Harbor, there is still a real need for available boat storage at Saquatucket Municipal Marina for larger deep draft boats. These larger boats have tall superstructures or masts that make it impossible to transport over the road. Having the ability to haul the boat out at the Saquatucket Harbor boat ramp using a local commercial hauler and then store in the west side parking lot would greatly benefit the boater. The Town would offer storage service only, and any minor work such as preventative maintenance, winterizing, shrink wrap, etc would be done by owner or local commercial providers. Similar to the policy that was approved in November 2016, I recommend that the period for landside boat storage run from November 1 through May 15 annually at a cost of \$22 per foot.

Paul Duffy of 1 Belmont Road explained that his vessel has a 5 foot draft and 60 foot tall mast and he is seeking winter boat storage. He said can go to Mattapoisett, Sandwich, or Sesuit but there is no service provider in Town that can provide this service to him. He asked that the Harbormaster be able to rent space for vessels that fit his profile. He noted that there are probably 30-50 potential customers for the service in Harwich and Chatham.

Ted Baylis said he has a boat he'd like to store at Saquatucket and in years past he had to take it to Mattapoisett due to lack of available facilities here. He said there is a waiting list at Stage Harbor Marine and they can only store about 12 boats. He said it will create more business for the local boatyards who will need to come in to do winterizing as well as maintain and paint in the spring.

John Our, owner of Harwich Port Boatyard, said he'd love to lease the property and he only has 20 slips but he can take on some more boats on his other properties. He commented that this is how he

maintains his employees during the winter. He said he would be more than interested in leasing the property to give these boat owners a place to go and keeping the business in Town.

Mr. Duffy noted that Mr. Our's operation was not set up to handle his boat.

Mr. Barry Bessette said it's difficult for sailboat owners to take the mast off the boat and only very few places can store the boat mast upright. He said this need is for sailboats or big boats.

Mr. Rick Reed said he made the mistake of hauling his boat along the road because he could find a spot and it was not easy. He stressed that there is a clear need for this service.

Mr. Ballantine said he would like to see us try to lease it out again. He said maintenance and washing should be done in a place where they're trapping the wastewater so it's not getting into the harbor.

Mr. MacAskill agreed and said he is against storing boats there and there is at least one business owner in Town that can accommodate them. He said we have a new facility and having boats in shrink wrap there for up to seven months is a disservice to the Town.

Mr. McManus said he has no problem with having boats stored here and it makes sense.

Mr. Clark explained that under the procurement law we can only do a three year lease and we were trying to accommodate the construction so that's why we did the one year lease. He said we recognized that it wasn't profitable and since we knew we had the snack shack and other items coming up, we asked to go from three years to ten years to give the business community some longevity but that component of it got voted down so we are limited to just doing the three years and anything beyond that we would have to go to Town Meeting.

Mr. Howell noted that the last time this went before Town Meeting it got turned down and it wasn't because of the term of the lease but rather that they didn't want to do it. He stressed the need for this to go back to Town Meeting as the only honest way of approaching this.

Chairman Kavanagh said that is not necessarily what she took from Town Meeting and she heard something different. She said she doesn't necessarily know that people understood at Town Meeting that there was a lack of storage for these boats. She said she would be in favor of putting an RFP back out. Mr. Our took questions from Ms. Kavanagh about ability to provide this service at Saquatucket Harbor. Mr. Our said the Town Meeting article indicated that it would be for any amount of time up to ten years. He indicated that he would be interested in renting the area from the ramp to a portion of the lot outside of the state jurisdiction that is not under the high tension wires.

Mr. Ballantine said to Mr. Howell that he read the discussion differently that we don't want to compete with local businesses and in this case we aren't competing but adding to their business. He said he doesn't see this as going against public opinion. Mr. Rendon pointed out that right now we don't have the authority to use the recycling system and he commented that the boat owners don't necessarily have to have their hulls pressure washed. He said they could be pressure washed on the trailer prior to storing at the marina. He noted that they have always allowed minor maintenance to be done at the site. Mr. Clark discussed the insurance requirements. Mr. Howell said he would be willing to support going out to bid for a lease with a five to ten year threshold but doesn't see a

downside to going back to Town Meeting. Mr. Clark suggested doing something contingent on Town Meeting approval.

Mr. Rendon said we didn't go to Town Meeting to ask them to vote on winter boat storage but rather received feedback on an article that involved a number of different items. He said they just received input on this issue and it is not what was voted on so he doesn't see how we are going against the will of Town Meeting. Chairman Kavanagh said it wasn't about boat storage but rather the term of the lease.

Mr. Ballantine moved that we prepare and send a Request for Proposal to lease Saquatucket Harbor for winter boat storage for a lease duration of three years. Mr. McManus seconded the motion. Mr. MacAskill said he'd like to see a proposal from the Harbormaster as to the defined area, the amount of boats, and the requirements for boat size. Chairman Kavanagh noted that they would be bringing the RFP back for comments and to be voted on. Mr. Ballantine said Mr. MacAskill's requests should be identified in the RFP.

Mr. Howell said he would be very disappointed if we just went for this three year bid so he will be voting no on this. He said he would be very enthusiastic about putting it out in two chunks with an option to renew so that Town Meeting gets this. Mr. McManus noted that this would mean there would be no boat storage there this year and to make sure that there is interest among local businesses we ought to put out the option that we do have the authority to put out a three year lease and they may be fine with that and if they want to push for a longer term we can do that at a later time. Chairman Kavanagh added that we can let Town Meeting decide if they want to go further than the three years. Mr. MacAskill agreed with Mr. Howell's remarks. At the Board's request, Mr. Ballantine repeated his motion as follows: I move that we prepare and send a Request for Proposal for winter boat storage at Saquatucket Harbor for a three year period. Mr. McManus seconded the restated motion.

The motion carried by a 3-2-0 vote with Mr. MacAskill and Mr. Howell in opposition.

C. K P Law Legal representation – discussion

Mr. Howell said tonight he only wanted to deal with our obligations for our current counsel. He noted there is no back up as he has asked the Finance Director and Administration for any contract or MOA we have with KP Law and he questioned on what basis we are paying them. He said he would like to address the quality of their services at another meeting. Mr. Clark indicated that it is an "at will" position so at any point the Board can solicit other attorneys to come in. Mr. Howell noted that we have not made yearly appointments but at this point he just wanted to establish that there is no binding agreement and said he would like to have a fuller discussion on our representation at another time. Mr. Howell said he would develop back-up for this discussion. Mr. McManus asked to find out the last time we made the yearly appointment of Town Counsel. Mr. MacAskill asked to broaden this to the other counsels as well. Mr. Ballantine said they should address reporting structures as well.

TOWN ADMINISTRATOR'S REPORT

A. CDM Smith Progress Report – Sewer Collection System Phase II

Mr. Clark reported that we have planned to have a more in depth discussion on sewer issues later this month. He said he booked an information session on October 3rd at 6:00 p.m. Mr. Ballantine asked that this be shared with the Wastewater Support Committee.

B. DHY Special Legislation Update

The Board agreed that this should be a major agenda item on an upcoming agenda.

C. Dredging Grant in the amount of \$36,000

Mr. Clark reported that we received the dredging grant in the amount of \$36,000.

D. Departmental Reports

There was no discussion on this item.

SELECTMEN'S REPORT

The Board discussed committee vacancies and upcoming events.

ADJOURNMENT

Mr. MacAskill moved to adjourn at 8:25 p.m. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel
Recording Secretary



Lawrence P. Cole, PhD
3 Parsons Path
Harwich, MA 02645-3307
coleslawone@yahoo.com
(508) 432-2464



September 4, 2018

~~Mrs. Julie Kavanagh, Chairman
Harwich Board of Selectmen
732 Main Street
Harwich, MA 02645~~

*Mrs. Anita Doucette
Harwich Town Clerk*

Anita:
Dear ~~Chairman Kavanagh~~:

This is to tender my resignation as Harwich Director of the Cape and Vineyard Electric Cooperative and as a member of the Harwich Energy Committee, effective September 30, 2018. That date will see me through the CVEC annual meeting, and allow sufficient time for the Energy Committee to complete its review of the energy efficiency measures designed into the new Harbor Master buildings at Saquatucket Harbor, Fire Station 2 in East Harwich, and the cart barn at Cranberry Valley Golf Course.

Thanks to your interest in renewable energy, and leadership in that direction, the Town is well on its way to becoming a Green Community, and is pursuing its opportunities under the State's SMART program. The Energy Committee is gratified by the Board's and the Town Administrator's positive response to our urging that these initiatives be undertaken.

It is desirable that my replacement in both positions, but particularly at CVEC, have some relevant background knowledge and experience in the energy field: technology, industry structure, economics, regulation, finance and/or accounting. At the local level, it is useful that committee members be able to explain utility bills to customers, especially residential.

It has been a privilege to work on behalf of the energy interests of the Town of Harwich. Your and the Board's support for those efforts is much appreciated.

Yours Truly,

Larry Cole

Building on success:
Update on Cape Light Compact's
2019-2021
Three-Year Energy Efficiency Plan

**Cape Light
Compact**



Working Together Toward A Smarter Energy Future

Agenda for Presentation



- Overview of Cape Light Compact (CLC)
- Three Year Energy Efficiency Plan – Cape Light Compact Enhancements and New Opportunities
 - 2019-2021 is the fourth 3-year Energy Efficiency Plan filed by the Program Administrators (PAs).
 - PAs = Cape Light Compact and & Investor Owned Utilities (e.g. Eversource)

Cape Light Compact



- Award-winning energy services organization operated by the 21 towns on Cape Cod and Martha's Vineyard
- Mission: serve customers through delivery of
 - proven energy efficiency programs
 - effective consumer advocacy
 - competitive power supply and green aggregation
- Model for other community choice aggregation programs in MA and nationally



Background on Three-Year Energy Efficiency Plan



- 2008 Massachusetts Green Communities Act (GCA) mandates *“electric and natural gas resource needs shall first be met through all available energy efficiency and demand reduction resources that are cost effective or less expensive than supply.”*
- 2018 Amendments to the GCA:
 - Explicitly allows for cost effective energy storage and other active demand management technologies
 - Adds cost-effective strategic electrification
 - Explicitly authorizes renewable funding through EE funds
 - Changes cost-effectiveness requirement from program level to sector level (increases flexibility)
- Meetings with Department of Energy Resources and the Attorney General indicate Program Administrators’ 2019-2021 Energy Efficiency Plans should comply with amendments
- Compact works collaboratively with seven other statewide PAs to provide cost-effective energy efficiency programs. These programs are most commonly known as Mass Save®.

Calendar of Events



Date	Action
November 2017 – February 2018	Stakeholder Engagement Meetings to help inform the 2019-2021 EE Plan
April 30, 2018	Compact & all PAs submitted draft 2019-2021 Statewide EE Plans
September 14, and October 10, 2018	Second draft of Plan submitted Third draft of Plan due
October 31	Compact & all PAs file final 2019-2021 Statewide EE Plan with Department of Public Utilities

We Want Your Feedback:

- Cape Light Compact’s online survey – www.capelightcompact.org/eeplan
- Email – info@capelightcompact.org

Overview of Compact Programs



Sector	Program	Initiative
Residential	Residential New Buildings	Residential New Homes & Renovations
	Residential Existing Buildings	Residential Coordinated Delivery
		Residential Conservation Services
		Residential Retail
	Residential Behavior & Active Demand Reduction	
Income-Eligible	Income-Eligible Existing Buildings	Income-Eligible Coordinated Delivery
Commercial & Industrial	C&I New Buildings	C&I New Buildings and Major Renovations
	C&I Existing Buildings	C&I Existing Building Retrofit
		C&I New & Replacement Equipment
		C&I Active Demand Reduction

Residential is non-income eligible, 61% + of state median income and includes multi-family (5+ units)

Income Eligible is up to 60% state median income, fuel assistance, and other income eligible benefits

Commercial and Industrial is businesses (including non-profits, churches, etc.), industrial, and municipal

CLC Specific Program Enhancements

**Cape Light
Compact**



Working Together Toward A Smarter Energy Future

Enhanced Residential Coordinated Delivery Offerings



Statewide Offerings	Continue Current CLC Enhancements
90% with no cap on insulation measures for: <ul style="list-style-type: none">- Landlords that agree to complete whole-building scoped weatherization work	100% with no cap on insulation measures for: <ul style="list-style-type: none">- Year-round tenants (who pay their own electric bill)
Gas PAs serve gas heated homes, and electric PAs serve all other fuels	Serve customers with natural gas heated homes who prefer to be served by the Compact

Enhanced Residential Income Verification Offerings



- Continue Compact-specific income verification for low-income customers

Household Members	60% State Median Income (SMI)
1	\$35,510
2	\$46,437
3	\$57,363
4	\$68,289

- Continue Compact-specific income verification for customers 61-80% of SMI

Household Members	61-80% SMI
1	\$35,510 - \$47,550
2	\$46,437 - \$61,915
3	\$57,363 - \$76,484
4	\$68,289 - \$91,052

Enhanced Residential Behavior & Demand Management Offerings



- Behavior & Demand Management
 - Considering implementing a home energy report (e.g., OPower)

UtilityCo

1515 N. Courthouse Road, Floor 8
Arlington, VA 22201-2909

601 443 7 985 0101 14881 12995

JANE JOHNSON
3024 WAVELEY ST
APT. B
SAN FRANCISCO, CA 94131-1245
AUTOM-DIGIT 12945

Home Energy Report

November 21, 2015
Account number 8249865991

We've put together this report to help you understand your energy use and what you can do to save.

Find a list of rebates and energy-saving products and services you can buy.
www.utilityco.com/rebates

Home Energy Reports—designed just for you



Why you're receiving this report

Based on your energy trends, you've been selected for our Home Energy Report program. We think you have great potential to save.

Throughout the year, you'll get customized reports with:

- Insights into how you compare to similar homes in your area
- Personalized tips to help you save
- A visual snapshot on your progress over time

See back for frequently asked questions.

Here's how you compare to neighbors



Oct 21, 2015 - Nov 21, 2015

This is based on 87 similar homes within approx. 4 miles. Efficient neighbors are the 20% who use the least amount of natural gas. See back for details.

! You're using more than your neighbors.

8% more natural gas than average neighbors

Tips from efficient neighbors

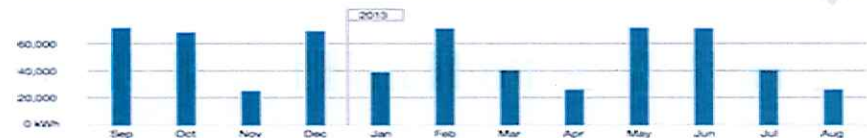
Unplug electronics when they're not in use
Save up to \$75 per year



Replace your inefficient light bulbs
Save up to \$30 over the bulb life

Track your progress

✓ This billing period, you used 36% less than last billing period.



Save on your next bill



Replace your old refrigerator

Your refrigerator is on 24 hours a day, seven days a week. As a result, it uses more electricity than any other appliance.

You could save up to 40% on your refrigerator's energy costs when you replace a model manufactured before the year 2001 with an efficient ENERGY STAR® unit.

Remember that models with a freezer on the top are generally more efficient than side-by-side models.

Save up to \$45 per year

Frequently asked questions

What's a kWh?
A kilowatt hour (kWh) is a way to measure electricity use. A 100-watt lightbulb uses 1 kWh every 10 hours.

How is my comparison calculated?
Your electricity use is compared to homes with a similar size, building type, and heating system. You can view your home information at <http://test.opower.com>.

Why does DGE send these reports?
When customers save energy, we get closer to meeting our state energy efficiency goals. It's good for everyone.

How do I stop receiving reports?
Call (800) 555-5555.

We're here to help

► <http://www.opower-test.com/>

► test.client@example.com

► (555) 555-5555

Find more energy saving purchases

► <http://www.opower-test.com/rebate>

UtilityCo 10

Enhanced Residential Offering Strategic Electrification



- Objectives
 - 700 total non-gas heated participants, tiered services by income
 - Additional incentives for low-income (up to 60%), moderate income (61-80%) and extended moderate income (81-120%) customers
 - Convert oil, propane, electric resistance heat to cold climate heat pumps
 - Install PV systems to support electrification of heating system, reduce GHG emissions, offset increased electricity usage
 - Install battery storage for demand response and resiliency

Enhanced Residential Demonstration



- Look to explore ways to incentivize connected devices (i.e., smart appliances, WiFi thermostats, plug load controllers, etc.) to reduce residential energy use.

Summary of Enhancements for C&I Programs



- Continue enhancements for thermal measures in the New Construction and Major Renovation program as well as the C&I Retrofit program
- Municipalities – 7% of total C&I customers
 - Incentives (up to 100%) for greater cost coverage with equipment maintenance training to ensure savings with board approval for projects over \$150,000.
- Continue to offer Small Business incentives up to 100% as well as a zero-interest financing option
- Continue to offer a Business Energy Audit (BEA) which offers 100% incentive coverage for certain instant savings measures (ex. efficient lighting, water saving measures, etc.)
- Non-profits
 - Up to 100% coverage for recommended improvements
 - For 501 (c)(3) that promotes economic, social, cultural development on Cape or Vineyard or to organizations providing services to the low income population
 - Operating ≥ 3 years with unrestricted annual op. rev. $< \$15M$
- Main Streets Initiative

Enhancements for Residential and C&I Programs



- Exploring residential battery storage to reduce peak demand in homes that have distributed energy resources
 - Will then look to investigate the potential for offering this to C&I customers
- Explore ways to reduce demand through Electric Vehicle Charging
 - Shifting charging to off-peak hours

Thank You!

April and September Draft Plans

<https://www.capelightcompact.org/eeplan/>

Feedback

- Cape Light Compact's online survey
www.capelightcompact.org/eeplan

- Email

info@capelightcompact.org

**Cape Light
Compact**



Working Together Toward A Smarter Energy Future

Harwich Waterways Committee Annual Report to Board of Selectmen for 2018:

The Town of Harwich Waterways Committee has had another successful year of progress and growth thanks to the efforts of the Harwich residents, the Harbormaster's Department, the Natural Resource Department, Waterways Committee, GEI Consulting and Eastward Building Contractors for their professional services. This includes the successful design and construction of the Saquatucket Marina Waterside replacement and the Saquatucket Landside projects.

The Waterways Committee has worked closely and successfully with the local boaters, residents, Board of Selectmen and the Harbormaster's Department toward achieving the Harwich Waterways objectives and goals. The Waterways meetings have been well attended, and the member's attendance, interaction and participation have been, again this year commendable.

Projects in 2018:

Saquatucket Municipal Marina Waterside:

The Capital Saquatucket Harbor 'Waterside' project to replace the Saquatucket Municipal Marina docks, piles, and services including the dredging of approximately 18,300 cubic yards of material from the harbor is completed.

Saquatucket Municipal Marina Landside:

The Capitol Saquatucket Harbor 'Landside' project to replace the Harbormaster's Office, Public Boardwalk, Nitrogen Reduction Septic System and Slip Holders Rest Rooms along with the new Snack Bar, Harbormaster Maintenance building and lower Parking Lot is close to being completed. Soon the new Landscaping in both areas of the Landside will begin.

The progress with the relocation of passenger ticketing, the addition of Artist Shacks and the Public Bidding on the leased operation of the Snack Shack is still moving ahead, with plans to be complete in 2019.

2018 Budget:

The Harbormaster Department again exceeded the previous year's revenue. The department collected \$ 1.1 Million in revenue for the fiscal year 2018. This revenue includes the 10%

rate increase, the eleven additional new slips and is despite the reduction of winter seasonal slip rentals, due to the marina docks construction replacements.

Public Safety:

This past boating season the Harbormaster Department responded to 53 maritime assistance cases. These incidents included 13 boat tows, 3 groundings, 3 boat de-watering, 2 person(s) (PIW's) rescued 'Person In Water', 15 Violation Enforcements, 4 Pollution related, 5 Medical with Fire/Rescue and miscellaneous events involving Police, like stopping thieves from trying to steal a large fishing boat from the docks.

Dredging:

In addition to the Saquatucket Marina's 18,500 square feet of dredging; there was 8,357 square feet in the Saquatucket Channel, 6,740 square feet in the Allen Harbor Channel, and plans for removal of 4,000 square feet of sand to be removed from Round Cove in October. These combined 15,097 square feet of clean dredged sand that came from these Channels was delivered as outer beach nourishment material placed on Nantucket Sound Harwich public beaches.

Harbor Management Plan:

Harbor Management Regulation Changes that were approved.

- 1) Issuance of Special Purpose Mooring Permit
- 2) Issuance of new Class A Permit

Project Plans for 2019:

- 1) Wixon Dock, access, parking area, stormwater drainage project
- 2) Renovating of the Allen Harbor Jetty
- 3) Renovation of Round Cove, Ramp and Dock Float.

Respectfully submitted,



W. Matthew Hart,

Chairman Harwich Waterway Committee

Fiscal year 2020 budget message

Selectmen desire a budget that is within proposition 2 ½ limits without the need for a general override. If the budget can meet this limit and have limited new hires than they would be considered.

Avoid the use of capital exclusions and only limited use of debt exclusions. Anticipated for debt exclusion on our traditional road maintenance program and lower County Road initiative differed from last year.

Group health insurance continue efforts to control costs with further concepts to more fully implement the high deductible offering include additional incentives.

Selectmen to lead the initiative on assess reuse apartment bylaw updates. The concept is to promote aging in place with supplemental income within the existing dwelling footprint.

Selectmen to work with the Affordable Housing Trust to identify parcels for development into affordable housing units.

Continues to promote efforts to work cooperatively with other communities when it is in the best interests of the town of Harwich such as Dennis, Harwich, and Yarmouth community partnership on wastewater.

Work to establish a broad board policy for employee retention.

Continue to work closely with the Chamber to promote the town of Harwich and the needs of its local businesses.

Continue to monitor & assess the funding needs of the Wastewater Reserve Fund to ensure funding is available for the associated needs.

Assess Wastewater Communication to residents to ensure consistent message and information is disseminated to citizens. Assess project oversight needs and related funding mechanism.

Continue to work with County to address IT issues town wide & reserve funds for required improvements.

Continue oversight of departmental overtime and work with Departments to address OT issues and concerns.

Continue to assess OPEB costs and different revenue streams to fund costs.

Sandy Robinson

From: John Rendon
Sent: Wednesday, September 26, 2018 11:57 AM
To: Sandy Robinson
Cc: Ann Steidel; Christopher Clark
Subject: BOS Mtg Agenda Item
Attachments: PCO #25.pdf; Barrows.pdf; Lynch Paving.pdf

Sandy,

Attached is a Change Order for the SAQ Landside Project that requires BOS approval. Can you please include it on the agenda for the 10/1 meeting. Thanks.

John C. Rendon
Harbormaster
Town of Harwich
774 212-6193 (c)

CHANGE ORDER



Print-date 9-26-2018
Change Order ID PCO #25

155 Crowell Road
Chatham, MA 02633
Phone: 508-945-2300
Fax: 508-945-2374

Owner Info
John Rendon
715 Main Street
Harwich Port, MA 02646
Phone: 774-212-6193

Job Info
715 Main Street
Harwichport, MA 02646

CHANGE ORDER

Squatucket Harbor Landside Redevelopment HBM BLDG

CO ID	Created / Approved Date	Price
PCO #25	9-26-2018	\$87,450.00

Description

Prepare Downey Property for Paving
Prepare Downey property for paving. All work included on attached proposal. Barrows Excavating Labor & Materials \$79,500 O&P \$7,950 Total \$87,450

Status

Signature

Date

Approved by: _____

_____/_____/_____

Approval Comments

Please Note: A signature of Approval OR Electronic Acceptance is required before change order is effective. This change order becomes part of the existing contract.

TOTAL AMOUNT OF CHANGE ORDER: \$87,450.00

Work Not Included:

- Any inside plumbing
- Movement of any large sub surface boulders
- Movement of any underground utilities IE water, electric, gas, phone or cable. This work would be performed by Barrows Excavating for an additional fee
- Movement of any fences, sheds or other obstacles that may be encountered that are not otherwise noted in above included work
- Any upgrades to electrical service

The material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner, for the sum of \$ 79,500.00

With payment to be made as follows:

Note – This proposal may be withdrawn by us if not accepted within 30 days. Any alteration or deviation from above specifications involving extra cost will be executed only upon written order and will become an extra charge over and above the estimate; payment for the extra is due in full before the change is made. Alterations and deviations from the above proposal may be due to unsuitable/impervious soil conditions or water table elevations not being favorable. All agreements contingent upon strikes, accidents, or delays beyond our control. In the event that any underground utilities are obstructing the system, the customer is responsible for the cost of resituating them. We are not responsible for any irrigation lines, trees, bushes, shrubs or plants unless specified in writing by Barrows Excavating. Barrows Excavating is not responsible for driveway damage due to the weight of equipment/machinery. *Loam and see will be spread once; however, maintenance and guarantee of growth are the homeowners' responsibility.

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outline above.

Customer Signature _____

Date _____

Signature _____

Authorized Barrows Excavating Representative

Lawrence-Lynch Corp.
 PO Box 913
 Falmouth, MA 02541
 Phone 508.548.1800
 www.lawrencelynch.com



To: Town Of Harwich Dept. Of Public Works	Contact: Chris Nickerson
Address: P.O. Box 1543, 273 Queen Anne Road Harwich, MA 02645	Phone: 508-430-7555 Fax: 508-430-7598
Project Name: Saquatucket Harbor Improvements - Former Downey Property	Bid Number:
Project Location: Off Rt 28, Harwich, MA	Bid Date: 9/24/2018

Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
STANDARD PAVING AREA					
01	Fine Grade & Roll	3,335.00	SY	\$1.10	\$3,668.50
02	2 Inch Hot Mix Asphalt Binder Course	375.00	TON	\$95.10	\$35,662.50
03	1 Inch Hot Mix Asphalt Top Course - Includes Tack Coat	190.00	TON	\$95.10	\$18,069.00
04	Hot Mix Asphalt Escalation To September 2018 At \$550.00	565.00	TON	\$6.74	\$3,808.10
Total Price for above STANDARD PAVING AREA Items:					\$61,208.10
POROUS PAVING AREA					
05	Fine Grade & Compact	515.00	SY	\$1.10	\$566.50
06	4 Inch Hot Mix Asphalt Porous Paving - 2 Courses	120.00	TON	\$150.50	\$18,060.00
06a	Hot Mix Asphalt Escalation To September 2018 At \$550.00	120.00	TON	\$6.74	\$808.80
Total Price for above POROUS PAVING AREA Items:					\$19,435.30
STANDARD PAVING AREA - OPTION					
07	2 1/2 Inch Hot Mix Asphalt Binder Course	468.00	TON	\$95.10	\$44,506.80
07a	Hot Mix Asphalt Escalation To September 2018 At \$550.00	468.00	TON	\$6.74	\$3,154.32
08	1 1/2 Inch Hot Mix Asphalt Top Course - Includes Tack Coat	280.00	TON	\$95.10	\$26,628.00
08a	Hot Mix Asphalt Escalation To September 2018 At \$550.00	280.00	TON	\$6.74	\$1,887.20
Total Price for above STANDARD PAVING AREA - OPTION Items:					\$76,176.32

Notes:

- The hot mix asphalt unit prices shown for items 02,03,07 and 08 are contract prices from the February 2018 County bid which was based on the MDOT liquid asphalt value of \$427.50 per ton at the time of the bid. Escalation adjustment to current liquid asphalt value are listed in items 04, 06a, 07a and 08a.
- Acceptable base material, furnished, placed and rough graded by others.

<p>ACCEPTED: The above prices, specifications and conditions are satisfactory and are hereby accepted.</p> <p>Buyer: _____</p> <p>Signature: _____</p> <p>Date of Acceptance: _____</p>	<p>CONFIRMED: Lawrence-Lynch Corp</p> <p>Authorized Signature: _____</p> <p>Estimator: Rick LeClerc 508-548-1800 rleclerc@lawrencelynch.com</p>
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HARWICH Police

DEPARTMENT

183 Sisson Road, Harwich, MA 02645

Tel 508-430-7541 Fax 508-432-2530



DAVID J. GUILLEMETTE
Chief of Police

THOMAS A. GAGNON
Deputy Chief

Memorandum

TO: Board of Selectmen
Christopher Clark
Town Administrator

FROM: David J. Guillemette
Chief of Police

DATE: September 11, 2018

SUBJECT: Liquor / Entertainment License violation report



In accordance with Town of Harwich Liquor License Regulations section 1.16 I would like to bring to the board's attention entertainment license violations, in the form of live or recorded music being played after 10 pm, which occurred at Ember Restaurant on various dates from June through September 7, 2018.

The attached violation reports are for your consideration as to whether to hold a public hearing on the matter.

- Officers involved in responding to noise complaints can be made available for testimony at any hearing.



HARWICH Police

DEPARTMENT

183 Sisson Road, Harwich, MA 02645


Tel 508-430-7541 Fax 508-432-2530



DAVID J. GUILLEMETTE
Chief of Police

THOMAS A. GAGNON
Deputy Chief

MEMORANDUM

Date: September 10, 2018
To: Chief David J. Guillemette
From: Lt. Kevin Considine 
Re: Entertainment Violation at Ember

Chief,

Please find below the entertainment violations we have had at Ember, 600 Route 28.

1. On June 19, 2018 at 10:01 p.m. the Harwich Police Department received a call from the overnight manager at the Melrose Senior Living Complex complaining of loud music coming from Ember. Sgt. Adam Hutton responded and arrived at 10:13 p.m. and could clearly hear music coming from Ember. Sgt. Hutton made contact with the manager, Scott McMahon and Scott was advised of the complaint. At this time, there was a DJ playing music outside. Scott apologized and immediately turned off the music. Scott made contact with the business owner and relayed to Sgt. Hutton that the DJ was supposed to be moved inside at 10 p.m. The DJ was not moved in and was still playing music outside on the patio at 10:13 p.m. Scott told Sgt. Hutton there was a misunderstanding between the owner and the DJ. (please see attached police report).
2. Following our procedure for the first violation of the season, I sent Justin Brackett (owner) a letter explaining the violation advising this was their first written warning for the season. I also followed up with a phone call and spoke to Scott the manager advising them him this letter was coming (please see attached letter).
3. On September 7, 2018 at approximately 9:58 p.m. Officer Tegan DeBaggis was dispatched to Ember for a noise complaint. The reporting party from the Melrose, _____ was calling. Also calling at the same time was a different reporting party, _____ who resides behind the Melrose at _____ Bay View Road. Officer DeBaggis arrived in the area at 10:07 p.m. and she could plainly hear music coming from the outside speakers on the patio at Ember. Officer DeBaggis made contact with the manager at Ember and advised him of the complaint. The

manager stated it was not live music. Officer DeBaggis explained to him that establishments were made aware that amplified music was covered under their entertainment license. The music was shut off.

As a follow up to this call, Lt. Considine made phone contact with the reporting party from Bay View Road, [redacted] told me the music was extremely loud at this house when he called. [redacted] also told me he also owns a house on Woodland Road (a considerable distance away) and he also hears loud music from that location as well. [redacted] told me he has been at Ember at 10 p.m. and has seen the live music end and the outside speakers get turned up loud after 10 p.m. to play recorded music.

SUPPLEMENTAL NARRATIVE FOR SERGEANT ADAM E HUTTON

Ref: 18-6913-OF

18-7149 - On 6/19/2018 at approximately 2201hrs, Officers were advised by dispatch about a call from the overnight manager at the Melrose complaining of loud outside music at Ember Pizza. I arrived in the area at approximately 2213hrs and could clearly hear music coming from the Ember Pizza establishment. I then went to make contact with manager Scott McMahon. I advised Scott of the complaint and that it was a violation because it was approximately 2220hrs at this point. Scott apologized and immediately had the music turned off. Scott also spoke with his boss and relayed that there was a misunderstanding because the DJ was supposed to be inside the establishment and then the noise would not have been heard outside. Rather than move the music inside, Scott just shut it down for the evening.

SUPPLEMENTAL NARRATIVE FOR PATROL TEGAN M DEBAGGIS

Ref: 18-6913-OF

The following is the report of Officer Tegan DeBaggis.

- 1.) On Friday September 7, 2018, at approximately 9:58 PM I was dispatched to Ember Pizza for a noise complaint. The caller, a resident of the Melrose, reported loud outdoor music. While enroute Dispatch advised a second complaint for the same issue had come in from a caller on Bayview Rd.
- 2.) I arrived in the area at 10:07 PM and heard plainly audible music coming from speakers outside. I did not drive by and assess whether the noise level was permissible (within 150 ft) as all entertainment licenses only permit amplified music at establishments until 10:00 PM.
- 3.) I made contact with the manager at Ember and advised him of the complaint. He stated it was not live music, and I explained to him that all establishments were made aware that amplified music of any sort was covered under their entertainment license. I advised him it would be noted that the amplified music continued until 10:13 PM. He did immediately turn the music off after being advised of the violation.

Respectfully submitted _____ #192

Officer Tegan M. DeBaggis



HARWICH Police

DEPARTMENT

183 Sisson Road, Harwich, MA 02645

Tel 508-430-7542

Fax 508-432-2530



Justin R. Brackett
Ember Pizza, Inc.
d/b/a Ember
600 Route 28
Harwich Port, Ma 02646

 COPY

Dear Mr. Brackett,

This letter is to inform you of a noise violation which occurred on June 19, 2018. As our procedure for violations, we offer establishments one written warning per season. This serves as your written warning for the violation dated above. I also placed a call to Scott McMahon (Manager) on July 30th and advised him that I would be sending this letter to you.

On June 19, 2018 at 10:01 p.m. the Harwich Police received a call from the overnight manager at the Melrose complaining of loud music from Ember. The officer arrived at 10:13 p.m. and could clearly hear music coming from Ember. The officer made contact with Scott McMahon and Scott was advised of the complaint. Scott apologized and immediately had the music turned off. Scott spoke to you and it was relayed to the officer that this was a misunderstanding as the DJ was supposed to be moved inside at 10 p.m.

Since this night, and as I told Scott over the phone today, there have been no other valid complaints. I appreciate this and the work you and Scott have done to make sure the music is ended at 10 p.m.

Sincerely,

Lt. Kevin Considine
Operations Division



HARWICH Police

DEPARTMENT


183 Sisson Road, Harwich, MA 02645

Tel 508-430-7542

Fax 508-432-2530



MEMORANDUM

Date: September 17, 2018
To: Chief David J. Guillemette
From: Lt. Kevin Considine 
Re: **Additional** Entertainment Violations at Ember

Chief,

Please find below the entertainment violations we have had at Ember, 600 Route 28, since the last memo dated September 10, 2018.

1. On Thursday evening September 13, 2018 at 9:17 p.m. we received a call from Marcia Caissey reporting loud music coming from Ember. The caller reported the music could be heard through her closed windows.
2. Officer DeBaggis responded and parked at Snow Inn Road. Snow Inn Road is at a distance greater than 150 feet. Officer DeBaggis reported the music coming from Ember was plainly audible.
3. Officer DeBaggis made contact with the manager, Scott McMahon, and advised him of the complaint. Scott told Officer DeBaggis it was only 9:30 p.m. and the noise from the entertainment was at the same level every night. Scott was advised of the violation and the noise could be heard from over 150 feet.
4. On Friday evening September 14, 2018 at 9:15 p.m. we received a call from Marcia Caissey from 29 Pleasant Street calling in a noise complaint from Ember. Officer Petell arrived at 29 Pleasant Road to speak to the reporting party. From 29 Pleasant, Officer Petell reported hearing very loud, plainly audible music coming from Ember.
5. At 9:20 p.m. Officer Petell traveled to Ember. Officer Petell reported he could still hear the music at the intersection of Cross Street and Rt. 28. Officer Petell arrived at Ember and confirmed the noise violation.

Officer Petell met with the manager, Scott McMahon, and advised Scott of the valid complaint.

6. Officer Petell then went back to speak to the resident at 29 Pleasant. While standing in the front yard, Officer Petell could hear the music again coming from Ember start back up again. Officer Petell drove back to Ember and confirmed the music was turned back up. While Officer Petell was exiting his vehicle, Ember advised Officer Petell that the last song was over and the music was turned off.

Please see the report from Officer DeBaggis and Officer Petell as well as the log entry for this case.

The following is the report of Officer Tegan DeBaggis.

- 1.) At approximately 9:17 PM on Thursday September 13, 2018, I was dispatched to Ember Pizza for a noise complaint. The caller was calling from #29 Pleasant St and reported they could hear music through their closed windows.
- 2.) I arrived in the area and observed there to be live entertainment on the patio consisting of a solo musician playing guitar and singing. As I drove by the music seemed louder than usual. I drove to Snow Inn Rd and parked my cruiser and rolled down the windows. The music was still plainly audible at this location, over 150 feet away from the property line.
- 3.) I made contact with the manager Scott and advised him of the complaint. He stated the music was at the same volume level every night there was live entertainment, and that it was only 9:30 PM. I advised him it was clearly audible from over 150 feet away which was a violation regardless of the time allotted on their entertainment license.
- 4.) Scott immediately turned the music down. There were no further calls for noise complaints for the remainder of the shift.

Respectfully submitted _____ #192

Officer Tegan M. DeBaggis

SUPPLEMENTAL NARRATIVE FOR PATROL SUPERVISOR PETER P PETELL

Ref: 18-6913-OF

To: Harwich Police Department, Case #18-6913-OF

From: Patrol Investigator Peter Petell, Badge #07-2

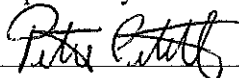
Date: Friday, September 14, 2018

Subject: Noise Bylaw Violation: Ember Pizza

Reference: Case #18-12483

1. On Friday, September 14, 2018, at approximately 9:15pm, Harwich Patrol Investigator Peter Petell responded to a concerned citizen's complaint regarding loud music and signing coming from Ember Pizza, situated at 600 Route 28 Harwich, MA.
2. Patrol Investigator Petell arrived at 29 Pleasant Street and spoke to the reporting party. It should be noted that 29 Pleasant Street is approximately 0.4 miles away from Ember Pizza, 600 Route 28. While standing in the front yard of 29 Pleasant Street, the officer heard very loud, plainly audible music (bass, guitar, and drums) and the loud voice of a male singer.
3. At approximately 9:20pm, Patrol Investigator Petell began to drive towards Ember Pizza from 29 Pleasant Street. Once on Route 28, near Cross Street, the officer continued to hear the loud music and singing. While driving southbound on Route 28 towards Ember Pizza, the music and singing intensified. Patrol Investigator Petell then confirmed the plainly audible music and singing was emanating from Ember Pizza. The officer observed a male singer playing a guitar situated in front of Ember Pizza (facing Route 28) on the outdoor patio.
4. Patrol Investigator Petell made contact with the restaurant's manager, Scott McMahon. McMahon was advised of the noise bylaw violation. Subsequently, McMahon advised the entertainer to quiet his amplification system.
5. Patrol Investigator Petell returned back to 29 Pleasant Street to inform the complainant of the call's outcome. The officer continued to hear very loud, plainly audible music (bass, guitar, and drums) and the loud voice of a male singer coming from the direction of Ember Pizza. The officer drove back to the vicinity of Ember pizza and confirmed the plainly audible music (bass, guitar, and drums) and the loud voice of a male singer was again coming from Ember Pizza. Patrol Investigator Petell heard the male singer exclaim, "Last song everybody!" The officer stood by to ensure the outdoor entertainment ceased at 10:00pm.

Respectfully Submitted,



Patrol Investigator Peter Petell, Badge #07-2

Harwich Police Department, Detective Division

Ann Steidel

From: Amy Usowski
Sent: Thursday, September 27, 2018 8:42 AM
To: Ann Steidel
Subject: FW: Resignation from Conservation Commission

And here is what he sent Anita...
Amy

-----Original Message-----

From: Ernest Crabtree [mailto:ernestcrabtree@gmail.com]
Sent: Tuesday, September 25, 2018 2:34 PM
To: Anita Doucette <adoucette@town.harwich.ma.us>
Cc: Amy Usowski <ausowski@town.harwich.ma.us>
Subject: Resignation from Conservation Commission

Anita,
Amy asked that I give you a letter advising of my intent to resign as an active member of the Conservation Commission. Unfortunately, I am out of town for the next week. As soon as I return, I will drop off a letter for you. In the meantime, I hope this e-mail will provide the notice needed so that our current Alternate Member can assume my position on the Commission.
Thank You-
Ernest Crabtree

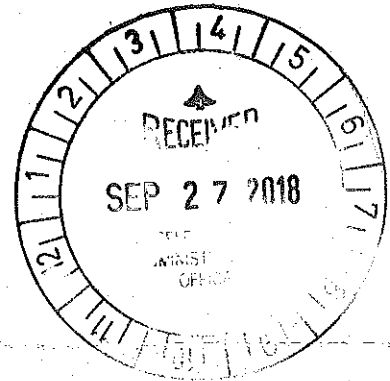
Sent from my iPad



Ernest G. Crabtree
176 Great Western Rd.
Harwich, MA 02645

September 20, 2018

Board of Selectmen
Town of Harwich
732 Main St.
Harwich, MA 02645



Dear Sirs,

Please accept my resignation as a voting member of the Harwich Conservation Commission. Due to personal reasons I do not feel I can commit the time required by the position. With your permission, I respectfully request to become an Associate Member so I can continue to participate in the important work of the Conservation Commission as time permits.

Thank You


Ernest Crabtree

cc: Anita Doucette, Town Clerk
Amy Usowski, Conservation Administrator





TOWN OF

HARWICH

*732 Main Street
Harwich, MA 02645*

CONSERVATION COMMISSION

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

September 13, 2018

**To: The Harwich Board of Selectmen
From: Amy Usowski, Conservation Administrator**

**RE: Appointment of John Ketchum as Conservation Commission representative to the
Community Preservation Committee**

The Harwich Conservation Commission voted on August 1, 2018 to make alternate member John Ketchum their representative to the Community Preservation Committee. Mr. Ketchum would have liked to be a full member of the Conservation Commission, however at the time of his application, the Conservation Commission had a full board. Though an alternate, Mr. Ketchum has done his homework as would a full member of the commission: he reads his packet of materials, attends site visits, and attends and participates in commission meetings. The Conservation Commission felt he would be a good addition to the Community Preservation Committee, and hopes that the Board of Selectmen looks favorably upon this as well.

Sandy Robinson

From: Amy Usowski
Sent: Thursday, September 20, 2018 8:33 AM
To: Sandy Robinson
Cc: Larry Ballantine; Don Howell; Julie Kavanagh; Michael D. MacAskill
Subject: RE: John Ketchum

Hi Sandy,

Conservation Commissioner Ernest Crabtree, who has had a bit of an issue making meetings consistently, is going to ask the Town Clerk and the BOS to resign as a full member of the Conservation Commission and to be an associate member. He said he will have this in by Friday. The Cons Comm is supporting of making John Ketchum a full member of the Commission. Mr. Ketchum is agreeable to being a full member of the Conservation Commission as well as their liason to CPC. Because Mr. Crabtree cannot get his resignation in until the end of this week at the earliest, can you please put a place holder on the October 1 BOS agenda for these items? Once we get Mr. Crabtree's official resignation we can put it on definitely for that date. Thanks!

Amy Usowski
Conservation Administrator
Town of Harwich
(508)430-7538

September 25, 2018

Harwich Board of Selectmen
Town Hall
Harwich, MA 02645

Dear Board of Selectmen:

I respectfully urge you to favorably consider the Resolution before you, submitted by Selectman Ballantine, requesting Board approval to establish a 2018 Special Committee to Review and Report with Recommendations on the matter of the Planned Revitalization of Harwich Center.

Having been a resident of Harwich Center for some 75 years, I am quite familiar with the major changes that have taken place to the village. I am also aware of, but less familiar with, the many studies that have taken place over time seeking to unlock actions to reverse what so many of us see as the downward spiral of the Town's important center community. I am not so naive to think that another committee will magically break the mold of past reports and discussions, conceptual ideas and recommendations, but with few if any signs of real follow through. I certainly do not have the answers as to why earlier efforts were largely unsuccessful. I am sure all parties began their challenge with high hopes and great expectations, as this Committee similarly feels.

What I sense may be somewhat different this time is that first, we have the benefit of these many earlier and thought-filled studies based on much prior legwork, providing a strong base to gather and quickly build upon. Secondly, I am hopeful we can assemble a broad, experienced, dedicated mix of influential public and private citizens. The Committee's charge is to examine and consider both economic as well as design oriented actions; "thinking out of the box", searching out potential sources of financing, learning from successful initiatives of other similarly challenged municipalities. Its overarching focus is to offer implementable objectives. That is the committee's action oriented goal. We expressly eschew the thought of being added to that list of thoughtful studies which fell short of its objectives and little tangible gain.

Our goal is not to replace or usurp the dedicated efforts of existing Town Boards, such as the Planning Board, the Board of Appeals, the Historic District Commission, the Housing Authority, and so forth. We seek their valued input, experience and cooperation. These Boards and Committees comprise highly informed public officials working with private citizens who have unmeasured amounts of knowledge to share and guide our effort. We want their input and reactions. We pledge to actively seek such direction as we progress in our work.

The clock is ticking. Certain efforts, impacting important pieces of the Center's dynamic, are presently in various stages of consideration and action. Others are sure to follow to further potentially cloud the landscape. It's much easier to work with a somewhat known domain than one moving in often conflicting or less publicly beneficial directions. Thus, establishing this panel at this time while the canvas is still reasonably unfettered is important. We are requesting your authority to launch this effort. We expect to communicate with the Board as frequently as you may desire but with the expectation of having reportable content by this time in 2019. It is an important challenge to undertake and having this fixed deadline better insures a successful and actionable product.

Your favorable action on the Resolution before you is respectfully requested,

Paul Doane

Ann Steidel

From: Sandy Robinson
Sent: Tuesday, September 25, 2018 2:05 PM
To: Ann Steidel
Subject: FW: Harwich Center Initiative Committee
Attachments: Harwich Center Initiative Comm.docx

*Sandra Robinson
Selectmen/Administrator's Office
Town of Harwich
srobinson@town.harwich.ma.us
(508) 430-7513 ext. 3320*

From: Larry Ballantine
Sent: Tuesday, September 25, 2018 12:36 PM
To: Julie Kavanagh <jkavanagh@townofharwich.us>; Christopher Clark <cclark@town.harwich.ma.us>
Cc: Sandy Robinson <srobinson@town.harwich.ma.us>; Paul Doane <paulvdoane@gmail.com>
Subject: Harwich Center Initiative Committee

Julie, I would like to add the subject proposed committee to the 10.1.18. As noted in the subject document, we've had numerous discussions over the years on possible actions to re-vitalize Harwich Center. Mr. Paul Doane and others would like to take another run at this which, if successful, would greatly benefit all in Harwich.

Thanks,

Larry

Harwich Center Initiative Committee

Background

The Town of Harwich has initiated several efforts aimed at improving Harwich Center and achieving a more cohesive and attractive center. Some, but not all, related activities (reports attached):

- Harwich Center Initiative Committee Study by the Cecil Group in 2000
- Harwich Center Technical Study by the Cape Cod Commission in 2009 to help prioritize the actions suggested in the 2000 report
- Community Center, 2018 Harwich Center to the Cultural Center Sidewalk ADA project.

The town staff, interested stakeholders, consultants and the Cape Cod Commission have each attempted to develop a vision for the area. Each have also had extensive discussions directed toward prioritization steps to implement a Harwich Center Vision.

Some of the vision goals have been to:

- identify community needs
- envision what a revitalized Harwich Center can be
- review solutions other locales have applied to similar problems
- developing specific design actions
- explore possible implementation steps to realize the vision

As Harwich shows economic and residential improvements, e.g., Harwich Port businesses, Saquatucket Harbor, E. Harwich Fire Station, Brook Library, Cultural Center it is appropriate to form a committee of interested stakeholders with the support of town staff to take another look at Harwich Center.

Ad Hoc Committee membership and terms. The committee shall consist of seven interested members with the support of the Town Planner and other staff as requested. Appointments to the committee will be prioritize based on interest in Harwich center, experience in village revitalization, knowledge to “Smart Growth” development recommendations and grant writing experience to help gain any necessary funding.

As this is not a standing committee, appointments thereto shall not exceed December 31, 2019, prior to which recommendations shall be developed, presented and discussed with the Board of Selectmen.

Charge. The Town of Harwich wishes to create a plan that will stimulate the economic vitality of Harwich Center and improve the area visually and functionally that results in a walkable, sustainable, vibrant and cohesive village. Housing possibilities ranging from work-force to market rate housing will also be explored to help increase the variety of housing available in Harwich.

Meetings and Recommendations. The committee shall meet at sufficient intervals to submit a report no later than December 15th of 2019 but shall meet no less than once a month to that end. Periodic status reports shall be made to the Board of Selectmen at no less than 60 days intervals.

LEGAL FEES PAID

BERENSON & BLOOM

all invoices associated with
title research, letters sent,
payment plan assignment

FY 2018	Invoice	Inv Date	Warrant	Check #	Amount	Added to tax liens	Not yet billed	added to liens	Paid prior to added fees	Notes
March	10639	05/29/2018	T18059	204336	2,356.75					
April	10692	05/29/2018	T18059	204336	3,500.11	5,106.79			750.07	Includes March & April
May	10750	06/30/2018	T18066	205463	1,889.96					
June	10811	06/30/2018	T18066	205463	80.00					
June	10792	06/30/2018	T18066	205463	2,455.66	4,371.22		54.40		includes May & June
FY 2019										
July	10869	08/27/2018	T19012	206366	2,389.50	2,296.70		92.80		
August	10930	09/18/2018	T19015	206898	1,793.40	1,577.16		(134.40)	350.64	
September								240.00		
Total billed for Attorney Bloom					14,465.38	13,351.87		252.80	1,100.71	14,705.38 tax lien accounts

COPPOLA & COPPOLA

FY 2018	Invoice	Inv Date	Warrant	Check #	Amount	Added to tax liens	Not yet billed	added to liens	Paid prior to added fees	Notes
June 2016	1092 JUNE 30, 2016	07/18/2017	T18004	198238	3,807.10					prior year bill not received, pertaining to Echo Woods re-assessment
June 2017	1087	06/21/2018	T18063	204933	2,431.25					Echo Woods reassessed bills
September 2017	1720	02/20/2018	T18042	202368	2,351.25	140.00				Echo Woods , see note below*
December 2017	1946	02/13/2018	T18041	202250	3,552.50	2,240.00				FY 2016 tax taking processing
January 2018	1947	02/20/2018	T18042	202368	833.75					FY 2016 tax taking processing
April 2018	2112	05/01/2018	T18055	203708	819.17					Sykes foreclosures
April 2018	2111	05/01/2018	T18055	203708	3,311.25	3,061.67				Sykes foreclosures/Fy 16 TT final
June 2018	2302	06/30/2018	T18066	205509	536.26					Sykes foreclosures
					17,642.53	5,441.67				

Part I ADMINISTRATION OF THE GOVERNMENT**Title IX** TAXATION**Chapter** COLLECTION OF LOCAL TAXES**60****Section 15** FEES OF COLLECTOR

Section 15. The following interest, charges and fees, and no other, when accrued, shall severally be added to the amount of the tax and collected as a part thereof:?

1. For interest, as provided by law;
2. For each written demand provided for by law, not more than \$30;
3. For preparing advertisement of sale or taking, \$10 for each parcel of real estate included in the advertisement and the necessary legal fees for search of title;
4. For advertisement of sale or taking in newspaper, the cost thereof;
5. For posting notices of sale or taking, \$5 for each parcel or real estate included in the notice;
6. For affidavit, \$10 for each parcel of land included therein;
7. For recording affidavit, the cost thereof;
8. For preparing deed or instrument of taking, \$10;

9. For the issuance and delivery of a warrant to an officer, \$10;
10. For notice by mail or other means to the delinquent that warrant to collect has been issued, \$12;
11. For exhibiting a warrant to collect or delivering a copy thereof to the delinquent or his representative or leaving it at his last and usual place of abode or of business, and without distraint or arrest, \$17.
12. For distraining goods of the delinquent, \$10 and the necessary cost thereof;
13. For the custody and safekeeping of the distrained goods of the delinquent, the cost thereof, for a period not exceeding seven days, together with the expense of parking, storage, labor and towing or teaming, and other necessary expenses;
14. For selling goods distrained, the cost thereof;
15. For arresting the body, the necessary costs of the arresting officer and the cost of the travel, at the rate of \$.30 per mile, from the office of the collector to the place where the arrest is made;
16. For custody of the body arrested, if payment of the delinquent tax is not made forthwith, \$10, and in addition thereto travel at the rate of \$.30 per mile from the place of arrest to the jail or, if payment is made before commitment to jail, for the distance from the place where the arrest is made to the place where payment is made;
17. For service of demand and notice under section fifty-three, if served in the manner required by law for the service of subpoenas on witnesses in civil cases, the cost thereof, but not more than \$40;
18. For the mailing of each written demand or notice by registered mail, the cost thereof.

19. For the recording of the instrument of taking under section 54, the cost thereof.

The collector shall account to the town treasurer for all interest, charges and fees collected by him; but the town shall reimburse or credit him for all expenses incurred by him hereunder, including all lawful charges and fees paid or credited by him for collecting taxes.

The collector may, in his discretion, waive such interest, charges and fees when the total amount thereof is \$15 or less.

HARWICH BOARD OF SELECTMEN
Access to Town Counsel

I. Appointment

Town Counsel should be appointed annually by the Board of Selectmen pursuant to their powers of appointment under Section 3-6-1 of the Harwich Home Rule Charter. The Board may appoint Special Town Counsel from time to time to advise them either in a particular area of the law, such as labor relations or real estate or for any particular project identified by the Board of Selectmen.

II. Access

When Town funds are utilized to secure counsel, access to Town Counsel, by any Board or employee under the jurisdiction of the Board of Selectmen, shall be approved in one of the following ways:

1. By a vote of the Board of Selectmen,
2. With the authorization of the Chairman of the Board of Selectmen when emergency circumstances exist, or
3. Through the Town Administrator

In the event of approvals under 2 or 3 above, any such approval shall be reported to the entire Board as soon as practical.

Access shall be limited to the particular matter described in the request, whether that request shall be for a one time opinion, or ongoing legal advice. Once the immediate reason for the access no longer exists, a new request for access should be submitted to the Board, the Chairman or the Town Administrator.

It is the intent of this policy to coordinate the expenditure of Town funds for legal representation. It is also the intent of this policy to address all issues thoroughly and expeditiously so that all members of an affected Board or commission, once access to counsel has been approved, have the necessary information to render the decision for which they are charged.

Whenever practical, all questions from any Board or commission member shall be directed, in writing or in person, at a single meeting as approved by the Board of Selectmen. Written questions shall be all-inclusive and shall be reviewed by the relevant Board or commission in final draft prior to submission to counsel with a copy sent to the Board of Selectmen.

III. Litigation

The Town shall defend itself against all lawsuits. An exception to this policy shall be those situations where an applicant has received relief from a particular board such as the Board of Appeals, and in the opinion of Town Counsel, the burden of defending that relief more appropriately shall fall to the applicant and not to the Town of Harwich. This exemption to the

policy shall always require the opinion of Town Counsel. That opinion shall be subject to appeal to the Board of Selectmen by any department employee or resident of the Town.

No litigation, whether initial enforcement action or appeals of earlier decisions, shall be initiated without an affirmative vote of the Board of Selectmen at a duly posted meeting of the Board where such matters shall have been discussed and voted upon. All relevant milestones shall be promptly reported the Board of Selectmen.

HARWICH BOARD OF SELECTMEN

ADOPTED: October 17, 2005

Harwich, Massachusetts

AMENDED: N/A

POLICY FOR APPROVAL OF MUNICIPAL CONTRACTS

At a Public Meeting of the Harwich Board of Selectmen held on November 10, 2014, the Board voted to adopt the following policy for the approval of municipal contracts:

Whereas, under the Harwich Home Rule Charter, Chapter 4 Section 4-3-2 (i), the Town Administrator is "Responsible for the purchasing of services, supplies, materials, and equipment for all town divisions, departments, and offices, excepting those for the school department, water department, and the Brooks Free Library.";

It shall be the policy of the Harwich Board of Selectmen to authorize the Town Administrator to approve and execute all contracts procured under the Town Administrator's authority that are under \$50,000 in total value and for the Board of Selectmen to approve and execute all contracts procured under the Town Administrator's authority that are \$50,000 and over in total value.

Project Name: AFG Grant Program TM Year and Article #: 2018 Art 9 Item 3

Appropriation: \$3750 Town

Low Bidder: State Contract FIR04

Bid Price: \$ 57,467

Grant # 70,866 +

7/30/18 Revised Procurement Checklist

Please complete checklist below for contracts requiring Selectmen* signature **before Wednesday morning**** in order to get sign-off approval from the Town Administrator or the Assistant Town Administrator.

*Note: contracts (not grants) below \$50,000 can be signed by Town Administrator.

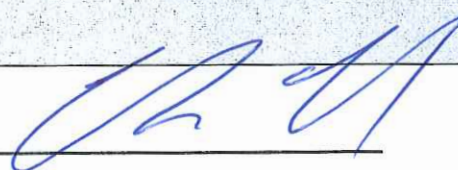
- 1. Please provide a **separate page titled "Summary of Project"** which includes:
 - a. Provide how many bidders there were, the range of bids, and apparent low bidder.
 - b. Identify the funding source, such as article number and amount approved.
 - c. Include what you feel is pertinent, but keep this section to 4 sentences or less.

2. Finance Director has signed that funds are available: Carol Caputo Account # 01220A2 / 618009

3. Please provide a single **copy of the bid packet** along with all supporting documents.

4. Please use K-P Law provided standardized contracts.

<u>Buildings and Public Works</u>	<u>Goods and Services</u>
<input type="checkbox"/> C1. Please show Prevailing Wage was used.	<input checked="" type="checkbox"/> GS1. If procured using the State Bid List :
<input type="checkbox"/> C2. If construction is near \$10,000 you also need:	<input checked="" type="checkbox"/> a. Over \$25,000 please show project was on the Capital Plan.
<input type="checkbox"/> a. Written spec sheet.	<input type="checkbox"/> GS2. If project is over \$5,000 :
<input type="checkbox"/> b. Advertised for two weeks on Central Register and COMMBUYS.	<input type="checkbox"/> a. Please provide written spec sheet used and who it was sent to.
<input type="checkbox"/> c. Apparent low bidder posted to Town website.	<input type="checkbox"/> b. Maximum contract length is three years.
<input type="checkbox"/> C3. If construction over \$25,000 you need C1, C2, as well as:	<input type="checkbox"/> GS3. If project is over \$50,000 :
<input type="checkbox"/> a. Show project was in the Capital Plan.	<input type="checkbox"/> a. Show project was advertised for two weeks in a newspaper and on COMMBUYS.
<input type="checkbox"/> b. Show that 50% payment bond was in bids.	<input type="checkbox"/> b. Show project utilized sealed bids.
<input type="checkbox"/> C4. If construction over \$50,000 you need C1, C2, C3, as well as:	<input type="checkbox"/> c. Apparent low bidder posted to Town website.
<input type="checkbox"/> a. Bid Bond of 5% of total value.	<input type="checkbox"/> GS4. If project is over \$100,000 :
<input type="checkbox"/> b. Sealed Bids.	<input type="checkbox"/> a. Show project was advertised for two weeks in COMMBUYS and Goods and Services Bulletin.
<input type="checkbox"/> c. End of Public Works construction requirements	<input type="checkbox"/> b. Show project utilized sealed bids.
<input type="checkbox"/> C5. If Building estimated construction costs are over \$100,000 and estimated design costs are over \$10,000 you'll need to follow the Designer Selection RFQ process:	Note 1: If lowest bidder was found to be either not responsive or not responsible, the Town may begin negotiations with next lowest bidder.
<input type="checkbox"/> a. Advertise in Central Register and local newspaper for two weeks.	Note 2: Bids may be negotiated downwards but never higher than original quote.
<input type="checkbox"/> b. Set a designer fee or price ceiling.	Note 3: Municipalities shall not provide a down payment, deposit, or provide funding before possession of purchased item.
<input type="checkbox"/> c. Use Standard Designer Application Form	
<input type="checkbox"/> C6. If Building construction over \$150,000 you'll need C1, C2, C3, C4, C5, as well as:	
<input type="checkbox"/> a. 100% payment bond was in bids.	
<input type="checkbox"/> b. 100% performance bond was in bids.	
<input type="checkbox"/> c. DCAMM certified bidders.	
<input type="checkbox"/> i. DCAMM certified sub-bids if over \$25,000.	
<input type="checkbox"/> C7. If Building construction over \$10,000,000 you'll need C1, C2, C3, C4, C5, C6, as well as:	
<input type="checkbox"/> a. Solicit qualifications prior to sealed bids.	

Signature of Town Administrator or Assistant Town Administrator: 

Note: Failure to gain sign-off **before Wednesday at noon results in the contract being delayed to the next meeting.



Harwich Fire Department



Fire Suppression

Prevention

Emergency Services

Norman M. Clarke Jr., **Chief of Department**

David J. LeBlanc, Deputy **Fire Chief**

Funding Source: Article 9 Item 3 – Spring 2018 ATM – Town appropriation - \$3750

Project Explanation: Assistance to Firefighters Grant Program Funding - \$70,866 (95%) Town Funding - \$3543 (5%) Equipment - \$58,905 Training - \$15,504

Summary: The fire department received a Federal grant to replace all of our nozzles, hydrant valves, intake valves, the aerial master stream device (ladder pipe) and to purchase four portable master stream devices. This program will allow us to standardize our equipment and also modernize the equipment we have been using. There was also money for training included in the award. That money will be used to train the firefighters on the new equipment. There is no contract for these purchases as this equipment that is available off State contract, and we will be using the quotations provided as the purchasing documents.

Vendors: Massachusetts State Contract - FIR04

Firematic Supply Co 23 Birch Street Milford, MA 01757 Tel: 978-422-3560

Fire Tech and Safety 100 Business Park Dr., Unit 6 Tyngsborough, MA 01879 1-800-256-8700

Part 1: Replace all 1 3/4" and 2 1/2" nozzles with solid ball smooth bore nozzles. \$18,126.00

- 20 – 1 3/4" Nozzles with 7/8" smooth bore tip
- 04 – Combination nozzle tips; 160gpm/50psi
- 12 – 2 1/2" Nozzles with 1 3/16" smooth bore tip
- 04 – Combination tips; 250gpm/50psi

Part 2: Replace all intake valves and hydrant valves \$24,740.00

- 08 – Hydrant intake valve. Valves with solid ball, 4" inch stortz connection, 6" swivel connection
- 04 – Hydrant Assist valve. Valves with 4 inch stortz connection, 6" steamer connection

Part 3: Replace Aerial Master Stream Device \$3,881.00

- 01 – Aerial mounted ladder pipe with 2 1/2" swivel connection and thread 2 1/2" tip. Capable of flowing 600gpm.

Part 4: Purchase portable master stream devices. Capable of flowing 500gpm. \$10,720.00

- 04 – Portable Master stream device. 500gpm with 2 1/2" swivel connection.
- 04 – Rapid Attack Nozzle.
- 04 – Mounting Bracket

Total	\$57,467.00
Town Match	\$03,543.00
Federal Funds	\$53,924.00

*GPM = Gallon per minute *PSI = Pounds Per Square Inch

FIREMATIC SUPPLY CO., INC.

23 Birch Street, Milford, Mass. 01757
 Phone: 978-815-5181 FAX: (978) 422-9621
 pcavalieri@firematic.com
 WebSite: www.firematic.com

Quote



DATE 9/18/2018	PAGE 1
QUOTE NUMBER QT59516	
EXPIRE DATE 10/18/2018	

Quoted To
 Deputy Dave LeBlanc
 Harwich Fire Dept.
 175 SISSON ROAD
 HARWICH, MA 02645-2616

Ship To
 Harwich Fire Dept.
 175 SISSON ROAD
 HARWICH, MA 02645-2616

CUSTOMER NO. 3270	CONTRACT NO. FIR-04	PHONE NO. (508)430-7546	SALESPERSON PETE CAVALIERI	CUSTOMER PO. NO.
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LINE NO.	ITEM NUMBER	DESCRIPTION	QTY ORDERED	UNIT PRICE	EXTENDED PRICE
1	ELKXDSHUTOFF15	1.5" XD SHUTOFF (SPECIFY IN/OUT THREADS) No PG, 1.5"NH INLET X 1.5 NH DISCHARGE	20	317.00	6,340.00
2	ELK187XD	187XD SHORT BARREL SMOOTH BORE 1.5" (SPECIFY THREAD & DIAM) 1.5NH INLET, 7/8" DISCHARGE	20	99.00	1,980.00
3	ELKXDSHUTOFF25	2.5" XD SHUTOFF (SPECIFY IN/OUT THREADS) NO PG, 2.5NH INLET, 1.5NH DISCHARGE (LEADER THREAD).	12	416.00	4,992.00
4	ELKCHIEFXD15MRT	CHIEF XD 1.5" MID-RANGE TIP AS PER CONFIG.	4	406.00	1,624.00
5	ELKCHIEFXD15HRT	CHIEF XD 1.5" HIGH-RANGE TIP AS PER CONFIG.	4	502.00	2,008.00
6	ELK187XD	187XD SHORT BARREL SMOOTH BORE 1.5" (SPECIFY THREAD & DIAM) 1-1/2" NH inlet, 1-3/16" discharge	12	98.50	1,182.00

Comments PRICE INCLUDES SHIPPING

Amount By: **18,126.00**
PETE CAVALIERI

SIGNATURE _____

DATE _____

FIRE TECH & SAFETY OF NEW ENGLAND, INC.
 100 Business Park Dr., Unit 6
 Tyngsborough, MA 01879
 1-800-256-8700 Fax (978) 649-6833

Quote

Date	Quote #
9/18/2018	184227

Name / Address
HARWICH FIRE DEPT-MA 175 SISSON RD HARWICH, MA 02645



Project	Terms	Rep
	Net 30	JL

Qty	Description	Unit Price	Total
8	TASK FORCE JUMBO LOW PROFILE BALL INTAKE VALVE, 4" SWIVEL STORZ X 6" THREADED SWIVEL	1,895.00	15,160.00
4	TASK FORCE OASIS HYDRANT ASSIST VALVE W/SHUTOFF SHIPPING AND HANDLING INCLUDED IN PRICE	2,395.00 0.00	9,580.00 0.00

Signature:	Date:	Total	\$24,740.00
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FIREMATIC SUPPLY CO., INC.

23 Birch Street, Milford, Mass. 01757
 Phone: 978-815-5181 FAX: (978) 422-9621
 pcavalleri@firematic.com
 WebSite: www.firematic.com

Quote



DATE 9/18/2018	PAGE 1
QUOTE NUMBER QT67310	
EXPIRE DATE 10/18/2018	

Quoted To	Deputy LeBlanc Harwich Fire Dept. 175 SISSON ROAD HARWICH, MA 02645-2616
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Ship To	Harwich Fire Dept. 175 SISSON ROAD HARWICH, MA 02645-2616
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CUSTOMER NO. 3270	CONTRACT NO. FIR-04	PHONE NO. (508)430-7546	SALESPERSON PETE CAVALIERI	CUSTOMER PO. NO.
----------------------	------------------------	----------------------------	-------------------------------	------------------

LINE NO.	ITEM NUMBER	DESCRIPTION	QTY ORDERED	UNIT PRICE	EXTENDED PRICE
1	ELK8296	RAM XD MONITOR	4	2,082.00	8,328.00
2	ELK8296MB	MOUNTING BRACKET FOR RAM	4	141.00	564.00
3	ELK3896	RAPID ATTACK NOZZLE	4	457.00	1,828.00

Comments PRICE INCLUDES SHIPPING

Amount **10,720.00**
By: **PETE CAVALIERI**

SIGNATURE _____

DATE _____

FIREMATIC SUPPLY CO., INC.

23 Birch Street, Milford, Mass. 01757
 Phone: 978-815-5181 FAX: (978) 422-9621
 pcavalieri@firematic.com
 WebSite: www.firematic.com

Quote



DATE 9/18/2018	PAGE 1
QUOTE NUMBER QT67311	
EXPIRE DATE 10/18/2018	

Quoted To
 Deputy LeBlanc
 Harwich Fire Dept.
 175 SISSON ROAD
 HARWICH, MA 02645-2616

Ship To
 Harwich Fire Dept.
 175 SISSON ROAD
 HARWICH, MA 02645-2616

CUSTOMER NO. 3270	CONTRACT NO. FIR-04	PHONE NO. (508)430-7546	SALESPERSON PETE CAVALIERI	CUSTOMER PO. NO.
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LINE NO.	ITEM NUMBER	DESCRIPTION	QTY ORDERED	UNIT PRICE	EXTENDED PRICE
1	AKR1496	1496 LADDER PIPE COMPL, 2 1/2" NH LW	1	3,355.00	3,355.00
2	AKR1496MF	MOUNTING FIXTURE FOR 1496 LADDER PIPE	1	224.00	224.00
3	AKR489X25CPX115	489 PLAIN DELUGE TIP 2-1/2", CH PL, 1 1/2" TIP	1	302.00	302.00

Comments PRICE INCLUDES FREIGHT

Amount By: **3,881.00**
 PETE CAVALIERI

SIGNATURE _____

DATE _____

Evan Melillo

From: John Giorgio <JGiorgio@k-plaw.com>
Sent: Wednesday, September 26, 2018 2:28 PM
To: Evan Melillo; Sean Libby
Cc: Christopher Clark
Subject: RE: 25A Procurement

sure

John W. Giorgio, Esq.
KP | LAW
101 Arch Street, 12th Floor
Boston, MA 02110
O: (617) 556 0007
D: (617) 654 1705
F: (617) 654 1735
C: (617) 785 0725
jgiorgio@k-plaw.com
www.k-plaw.com

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From: Evan Melillo [mailto:emelillo@town.harwich.ma.us]
Sent: Wednesday, September 26, 2018 2:21 PM
To: John Giorgio <JGiorgio@k-plaw.com>; Sean Libby <slibby@townofharwich.us>
Cc: Christopher Clark <cclark@town.harwich.ma.us>
Subject: RE: 25A Procurement

John,

Would you mind writing a couple sentences confirming that 25A was followed correctly in relation to the 5 energy contracts?

Thank you,

Evan N. Melillo
Assistant Town Administrator
Harwich, MA 02645
(508)430-7513 x3315

From: John Giorgio [mailto:JGiorgio@k-plaw.com]
Sent: Wednesday, September 26, 2018 1:17 PM
To: Sean Libby <slibby@townofharwich.us>; Evan Melillo <emelillo@town.harwich.ma.us>
Cc: Christopher Clark <cclark@town.harwich.ma.us>
Subject: RE: 25A Procurement

Project Name: Community Center ENS TM Year and Article #: 18 ART 10 Appropriation: \$ 140,000.00
 Low Bidder: N/A Bid Price: \$ 55,839.00

7/30/18 Revised Procurement Checklist


Please complete checklist below for contracts requiring Selectmen* signature **before Wednesday morning**** in order to get sign-off approval from the Town Administrator or the Assistant Town Administrator.

*Note: contracts (not grants) below \$50,000 can be signed by Town Administrator.

- 1. Please provide a **separate page titled "Summary of Project"** which includes:
 - a. Provide how many bidders there were, the range of bids, and apparent low bidder.
 - b. Identify the funding source, such as article number and amount approved.
 - c. Include what you feel is pertinent, but keep this section to 4 sentences or less.
- 2. Finance Director has signed that funds are available: Carl Coppola Account # 618010 01421AZ/
- 3. Please provide a single **copy of the bid packet** along with all supporting documents. Specs of Project.
- 4. Please use K-P Law provided standardized contracts.

5A.

<u>Buildings and Public Works</u>	<u>Goods and Services</u>
<input type="checkbox"/> C1. Please show Prevailing Wage was used. <input type="checkbox"/> C2. If construction is near \$10,000 you also need: <ul style="list-style-type: none"> <input type="checkbox"/> a. Written spec sheet. <input type="checkbox"/> b. Advertised for two weeks on Central Register and COMMBUYS. <input type="checkbox"/> c. Apparent low bidder posted to Town website. <input type="checkbox"/> C3. If construction over \$25,000 you need C1, C2, as well as: <ul style="list-style-type: none"> <input type="checkbox"/> a. Show project was in the Capital Plan. <input type="checkbox"/> b. Show that 50% payment bond was in bids. <input type="checkbox"/> C4. If construction over \$50,000 you need C1, C2, C3, as well as: <ul style="list-style-type: none"> <input type="checkbox"/> a. Bid Bond of 5% of total value. <input type="checkbox"/> b. Sealed Bids. <input type="checkbox"/> c. End of Public Works construction requirements <input type="checkbox"/> C5. If Building estimated construction costs are over \$100,000 and estimated design costs are over \$10,000 you'll need to follow the Designer Selection RFQ process: <ul style="list-style-type: none"> <input type="checkbox"/> a. Advertise in Central Register and local newspaper for two weeks. <input type="checkbox"/> b. Set a designer fee or price ceiling. <input type="checkbox"/> c. Use Standard Designer Application Form <input type="checkbox"/> C6. If Building construction over \$150,000 you'll need C1, C2, C3, C4, C5, as well as: <ul style="list-style-type: none"> <input type="checkbox"/> a. 100% payment bond was in bids. <input type="checkbox"/> b. 100% performance bond was in bids. <input type="checkbox"/> c. DCAMM certified bidders. <ul style="list-style-type: none"> <input type="checkbox"/> i. DCAMM certified sub-bids if over \$25,000. <input type="checkbox"/> C7. If Building construction over \$10,000,000 you'll need C1, C2, C3, C4, C5, C6, as well as: <ul style="list-style-type: none"> <input type="checkbox"/> a. Solicit qualifications prior to sealed bids. 	<input type="checkbox"/> GS1. If procured using the State Bid List : <ul style="list-style-type: none"> <input type="checkbox"/> a. Over \$25,000 please show project was on the Capital Plan. <input type="checkbox"/> GS2. If project is over \$5,000 : <ul style="list-style-type: none"> <input type="checkbox"/> a. Please provide written spec sheet used and who it was sent to. <input type="checkbox"/> b. Maximum contract length is three years. <input type="checkbox"/> GS3. If project is over \$50,000 : <ul style="list-style-type: none"> <input type="checkbox"/> a. Show project was advertised for two weeks in a newspaper and on COMMBUYS. <input type="checkbox"/> b. Show project utilized sealed bids. <input type="checkbox"/> c. Apparent low bidder posted to Town website. <input type="checkbox"/> GS4. If project is over \$100,000 : <ul style="list-style-type: none"> <input type="checkbox"/> a. Show project was advertised for two weeks in COMMBUYS and Goods and Services Bulletin. <input type="checkbox"/> b. Show project utilized sealed bids. <p>Note 1: If lowest bidder was found to be either not responsive or not responsible, the Town may begin negotiations with next lowest bidder.</p> <p>Note 2: Bids may be negotiated downwards but never higher than original quote.</p> <p>Note 3: Municipalities shall not provide a down payment, deposit, or provide funding before possession of purchased item.</p>

Signature of Town Administrator or Assistant Town Administrator: 

Note: Failure to gain sign-off **before Wednesday at noon results in the contract being delayed to the next meeting.

OFFICE OF THE TOWN ADMINISTRATOR

Phone (508) 430-7513

Fax (508) 432-5039



Christopher Clark, *Town Administrator*
Evan Melillo, *Assistant Town Administrator*

732 MAIN STREET, HARWICH, MA 02645

Summary of Project

Project Name: Energy Management System

Funding Source: Funded in 2018 by Article 10, the appropriation is for \$140,000.

Summary: Funding will be used to update the energy management systems along with other energy conservation projects at the Town Hall, the Community Center, Fire Station One, the Police Department, and Centralizing Operations. Each building is addressed in separate contracts, due to the differing nature of energy projects. Work will be conducted in conjunction with Cape Light Compact.

Procurement Information: These projects were procured under Chapter 25A. Town Counsel confirmed that procurement was done correctly since the five projects are at separate facilities. No single project went above \$100,000.

MEMORANDUM

To: Christopher Clark, Town Administrator

From: Sean Libby, Facilities Maintenance Manager 

Re: Energy Management System Replacement

Date: 18 September 2018

Article 10 from the May 2018 ATM approved funds to include \$140,000.00 earmarked for updating or replacing the energy management system in the Town Hall, Community Center, Fire Station One, and Police department. Each building will be addressed in separate contracts as they are all differing in nature of work. As these are energy conservation projects working with Cape Light Compact representative they are not subject to further solicitation. We have used Rise Engineering in the past with outstanding results. I am requesting that this contract be approved and signed so we can move forward with this project. Please let me know if you have any further questions.

CC: Lincoln Hooper, DPW Director



Summary of Project

Harwich Town Clerk
232 Main Street
Harwich, MA 02645

Project Name: Records Management

Funding Source: Funded by Article 50 in 2018, the appropriation was for \$40,000, with a winning bid of \$39,824.

Summary: The management system will be used to maintain Town records, and ensure that relevant documents are posted online so that they may be of use to the greater public. Furthermore, records which are deemed to no longer be of use will be identified for destruction and destroyed, after confirmation from the Attorney General's Office that they are no longer needed.

Bidding information: This project was procured using the State Bid List. There was one bidder for this project, King Information Systems.

Project Name: Records Management TM Year and Article #: 2018 #50 Appropriation: \$ 40,000

Low Bidder: King Information Systems Bid Price: \$ 39,824

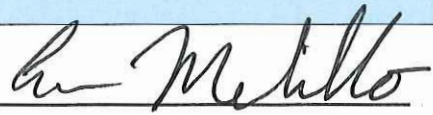
7/11/18 Revised Procurement Checklist

Please complete checklist below for contracts requiring Selectmen* signature **before Wednesday morning**** in order to get sign-off approval from the Town Administrator or the Assistant Town Administrator.

*Note: contracts (not grants) below \$50,000 can be signed by Town Administrator.

- 1. Please provide a **separate page titled "Summary of Project"** which includes:
 - a. How many bidders there were, the range of bids, low bid, and the winning bidder. →
 - b. Identify the funding source, such as article number and amount approved.
 - c. Include what you feel is pertinent, but keep this section to 4 sentences or less. →
- 2. Finance Director has signed that funds are available: Carl Cappola Account # 80271292 / 618505
- 3. Please provide a single **copy of the bid packet** along with all supporting documents.
- 4. Please use K-P Law provided standardized contracts.

<u>Buildings and Public Works</u>	<u>Goods and Services</u>
<input type="checkbox"/> C1. Please show Prevailing Wage was used. <input type="checkbox"/> C2. If construction is near \$10,000 you also need: <ul style="list-style-type: none"> <input type="checkbox"/> a. Written spec sheet. <input type="checkbox"/> b. Advertised for two weeks on Central Register and COMMBUYS. <input type="checkbox"/> c. Apparent low bidder posted to Town website. <input type="checkbox"/> C3. If construction over \$25,000 you need C1, C2, as well as: <ul style="list-style-type: none"> <input type="checkbox"/> a. Show project was in the Capital Plan. <input type="checkbox"/> b. Show that 50% payment bond was in bids. <input type="checkbox"/> C4. If construction over \$50,000 you need C1, C2, C3, as well as: <ul style="list-style-type: none"> <input type="checkbox"/> a. Bid Bond of 5% of total value. <input type="checkbox"/> b. Sealed Bids. <input type="checkbox"/> c. KP Law signed to form and reviewed bonds: _____ d. End of Public Works construction requirements <input type="checkbox"/> C5. If Building estimated construction costs are over \$100,000 and estimated design costs are over \$10,000 you'll need to follow the Designer Selection RFQ process: <ul style="list-style-type: none"> <input type="checkbox"/> a. Advertise in Central Register and local newspaper for two weeks. <input type="checkbox"/> b. Set a designer fee or price ceiling. <input type="checkbox"/> c. Use Standard Designer Application Form <input type="checkbox"/> C6. If Building construction over \$150,000 you'll need C1, C2, C3, C4, C5, as well as: <ul style="list-style-type: none"> <input type="checkbox"/> a. 100% payment bond was in bids. <input type="checkbox"/> b. 100% performance bond was in bids. <input type="checkbox"/> c. DCAMM certified bidders. <ul style="list-style-type: none"> <input type="checkbox"/> i. DCAMM certified sub-bids if over \$25,000. <input type="checkbox"/> C7. If Building construction over \$10,000,000 you'll need C1, C2, C3, C4, C5, C6, as well as: <ul style="list-style-type: none"> a. Solicit qualifications prior to sealed bids. 	<input checked="" type="checkbox"/> GS1. If procured using the State Bid List : <ul style="list-style-type: none"> <input checked="" type="checkbox"/> a. Over \$25,000 please show project was on the Capital Plan. <input type="checkbox"/> GS2. If project is over \$5,000 : <ul style="list-style-type: none"> <input type="checkbox"/> a. Please provide written spec sheet used and who it was sent to. <input type="checkbox"/> b. Maximum contract length is three years. <input type="checkbox"/> GS3. If project is over \$50,000 : <ul style="list-style-type: none"> <input type="checkbox"/> a. Show project was advertised for two weeks in a newspaper and on COMMBUYS. <input type="checkbox"/> b. Show project utilized sealed bids. <input type="checkbox"/> c. Apparent low bidder posted to Town website. <input type="checkbox"/> GS4. If project is over \$100,000 : <ul style="list-style-type: none"> <input type="checkbox"/> a. Show project was advertised for two weeks in COMMBUYS and Goods and Services Bulletin. <input type="checkbox"/> b. Show project utilized sealed bids. <p>Note 1: If lowest bidder was found to be either not responsive or not responsible, the Town may begin negotiations with next lowest bidder.</p> <p>Note 2: Bids may be negotiated downwards but never higher than original quote.</p> <p>Note 3: Municipalities shall not provide a down payment, deposit, or provide funding before possession of purchased item.</p>

Signature of Town Administrator or Assistant Town Administrator: 

Note: Failure to gain sign-off **before Wednesday at noon results in the contract being delayed to the next meeting.

TOWN OF HARWICH
ANNUAL TOWN MEETING
MAY 7, 2018

COMMUNITY PRESERVATION ACTIVITIES UNDER \$50,000

ARTICLE 50: To see if the Town will vote to raise and appropriate and/or transfer from the Community Preservation Act, a sufficient sum of money to fund the items in the table below consistent with their respective applications. Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund from which the appropriation is made as specified in the chart below, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$139,740

	<u>Project</u>	<u>Purpose</u>	<u>Amount</u>	<u>Appropriation Source</u>
1	Albro House Status Assessment	Assessment of the structure of the house for future use.	2,500	Historic Reserve
2	Mt. Pleasant Cemetery Gravestone Preservation	Preservation of the gravestones.	49,900	Historic Reserve
3	Pleasant Lake Ave Crossing Lights	Installation of pedestrian warning lights on the bike trail.	27,000	Undesignated Reserve
4	Library Preservation & Digitization of the Harwich Oracle maintained at Brooks Free Library	Digitization of paper copies.	10,340	Historic Reserve
5	Contracting for Records Retention	Records retention specialist firm to cull through historic documents.	40,000	Historic Reserve
6	Community Development Partnership	Fund educational training activities related to Affordable Housing and enter into a grant agreement with the Community Development Partnership	10,000	Community Housing Reserve
		TOTAL		

**H-1 ALBRO HOUSE – BUILDING CONDITIONS ASSESSMENT & EVALUATION
 PASSED 7 TO 0.**

**H-6 MOUNT PLEASANT CEMETERY GRAVESTONE CONSERVATION.
 PASSED 7 TO 0.**

Article 50:

REC-16 PLEASANT LAKE AVENUE CROSSING LIGHTS. PASSED 4 TO 3.

**H-2 PRESERVATION AND DIGITIZATION OF THE HARWICH ORACLE
NEWSPAPER. PASSED 7 TO 0.**

**H-4 PRESERVATION AND ARCHIVING OF PUBLIC RECORDS STORAGE AT
HARWICH COMMUNITY CENTER. PASSED 7 TO 0.**

CH-7 CAPE HOUSING INSTITUTE. PASSED 6 TO 0 (1 RECUSAL).

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND
ADOPTED AND THAT \$139,740 BE TRANSFERRED FROM COMMUNITY
PRESERVATION ACT FUNDS FOR THIS PURPOSE BY REQUEST OF THE CPC.
VOTE: YES-5, NO-0.**

Refer to the Community Preservation Report under Article 48.

MOTION: (Jack Brown, Chairman-Finance Committee) I move that this article be
accepted and adopted and that \$139,740 be transferred from community preservation act
funds as identified on the chart in the warrant for this purpose. Duly seconded

ACTION: Motion carried.

A true copy:

Attest:

Anita N. Doucette, MMC/CMMC
Town Clerk

TOWN OF HARWICH - COMMUNITY PRESERVATION COMMITTEE

**2016 CPA PROJECT FUNDING REQUEST APPLICATION
for
2017 ANNUAL TOWN MEETING**

Project Funding Request Application - FISCAL YEAR 2016-2017

APPLICANT INFORMATION

Applicant/ Organization:

Submission Date:

Address: Anita Doucette, Town Clerk
Town Hall
732 Main Street
Harwich, MA 02645
Phone: 508-430-7516 ext 5
EMAIL Address: adoucette@town.harwich.ma.us

Project Manager:
Phone:
EMAIL Address:

Town Committee or Board (if applicable):

Second Contact Person- name, address, phone number, email:
Carolyn Carey
508-430-7568

PROJECT INFORMATION ccarey@town.harwich.ma.us

PROJECT TITLE:

PROJECT AMOUNT REQUESTED: \$40,000.00

PROJECT DESCRIPTION: Records Management - Town Hall

This project would be the implementation of a Records Management Program with regard to the archival of the Town Records. This project would be including and not limited to all Town Hall Records that are currently stored in the basement of this building.

The goal is to have these archival records to be stored in one central location

CPA CATEGORY: Please select all that apply

Open Space
Community Housing
Historic Preservation ✓
Recreation

HOW DOES THIS PROJECT FIT INTO HARWICH'S LOCAL COMPREHENSIVE PLAN and/or other PLANS?

Preservation of historic town documents/records

HOW DOES THIS PROJECT BENEFIT THE CITIZENS OF HARWICH? IF APPROPRIATE, HAS THE APPLICANT SOUGHT PUBLIC OPINION OR INPUT? AND IF NOT, WHY NOT?

Citizens will be offered one central location to access the Public Records.

ESTIMATED START DATE: July 2017

ESTIMATED COMPLETION DATE: (Three years from the release of funds (July, 2017) - funds may be rescinded automatically; waivers may be sought)

PLEASE LIST OTHER COMMISSIONS/BOARDS/COMMITTEES/ORGANIZATIONS that may have involvement, jurisdiction, partnering, etc:

Working with Carolyn Carey, Community Center Director and Sean Libby to contract a secure portion of the Community Center building to store these records

Describe their response:

Carolyn has submitted an application to fund the construction of this project and we are eager for its completion.

PROJECT BUDGET: Attach project budget estimates for your funding request. If the request involves a Town-owned asset, provide the project's projected operating expenses, including maintenance.

COST ESTIMATE(S): Attach cost estimates or firm quotes (if available) for all projects.

LAND and/or BUILDING ACQUISITION PROJECTS: Attach surveys, appraisals and agreements, if available. Please set forth name of present owner and attach copy of deed conveying property unto present owner. In addition to property address, please provide Harwich Assessor's Office identification (Map#, Parcel #). For proposed Open Space land purchases, be prepared to discuss public access with the Committee.

CPA Funds Received Previous Year(s) For This Project (if applicable):

Fiscal Year	Total Cost	CPC Funds Approved	Town Meeting Article #
2011-12			
2012-13			
2013-14			
2014-15			
2015-16			

If project is expected to continue over more than one year, or if funding the project via full or partial bonding is anticipated, please detail the cost of project on the following chart (narrative explanation should be attached on a separate sheet).

Fiscal Year	Total Cost	CPC Funds Requested	Other Funding Sources	Estimated Funds from Other Sources
2015-16				
2016-17				
2017-18				
2018-19	\$40,000	\$40,000.00		

ATTESTATION: I HEREBY ATTEST THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Signature - Chief Executive Officer or Chief Administrative Officer or Board Chair **Title**

For Community Preservation Committee Use:

Project Request received on: _____ Associated Town Committee(s): (initial)

Date(s) Reviewed On: _____

Final Determination:

Approved: _____ Denied: _____ Date: _____

CPC Contact Information:

Robert MacCready - Housing Authority maccready@haconcapecod.org
 Robert Bradley - Historical Commission bradleybob60@yahoo.com
 David Nixon - Rec.&Youth Commission cdeescamp1@hotmail.com
 Katherine Green - Real Estate&Open Space ksgr58@gmail.com
 Walter Diggs - Conservation Commission cordovawwd@aol.com
 Cindi Maule - Selectmen's Appointee cmaule@haconcapecod.org
 Dan Tworek - Selectmen's Appointee dtworek@comcast.net
 Jim Atkinson - Planning Board 47jimmy@comcast.net

Please submit your project paperwork (12 complete copies) to:
 Harwich Community Preservation Committee
 c/o Harwich Town Hall, 732 Main Street, Harwich, MA 02645

ARCHIVES PROJECT COST SUMMARY

- 1. EQUIPMENT (30 SECTIONS SHELVING), INCLUDING INSTALLATION & SHIPPING = \$13,320.00.**

- 2. SUPPLIES (BOXES/LABELS/DATABASE), INCLUDING SHIPPING = \$4,129.00.**

- 3. LABOR (SUPERVISOR/2 STAFFERS), INCLUDING EXPENSES = \$21,875.00.**

PROJECT GRAND TOTAL = \$39,324.00

RECORDS CENTER

A. Hard Copy or Film Storage	\$ 9.15 per cubic ft./yr.
B. Receiving & Shelving	\$ 3.90 per cubic ft.
C. Retrievals	\$ 11.75 each
D. Bulk Retrievals	\$ 65.75 per hour
E. Customer Requested Callbacks	\$ 5.80 per call
F. Photocopies	\$ 1.40 each
G. Destruction	\$ 5.70 per cubic ft.
H. Handling	\$ 4.85 envelope/postage
I. Pick-Up & Delivery	\$126.00 per hour/man & van
J. Extra Labor	\$ 84.00 per hour
K. Box Retrieval	\$ 12.15 each
L. Fireproof Storage	\$100.00 per cubic ft./yr.

NOTE: New minimum charges as of 4/1/16 will be \$10.00 per month.
All yearly minimum bills will be \$120.00.

SUMMARY

Our report contains *all* of the necessary ingredients that you will need for a successful Records Management program with regard to your archival records. The implementation of these recommendations will allow you to *reduce* overhead, *increase* efficiency, *expedite* service, and *minimize* the risk of legal exposure.

We hope that your future purchases of filing and storage equipment, filing supplies, and all other record-keeping materials would be more coordinated and standardized. By so doing, you can avoid small mistakes that lead to trouble, minimize your costs, and obtain quantity discounts, *as well as* many other benefits.

We *also* hope that the completeness, the professionalism, and the expertise reflected in this report will convince you to simply set your priorities, and turn the implementation work over to our excellent staff. We are confident that you will find them to be *extremely* efficient, unobtrusive, and very knowledgeable and helpful!

NOTE: After 30 days, any price changes that have taken place will become effective. All prices quoted are "plus shipping".

CAPITAL PROJECTS REQUEST

1. Department: Town Clerk/Administration
 3. Contact Person: Anita Doucette
 Phone #: 508-430-7516
 Email Address: adoucette@town.harwich.ma.us

2. Date Prepared: 9/25/17

4. Project Title:
Records Retention

5. Department Priority: High
 Sequence: _____

6. Purpose of Project Request Form:
Add a new item to the program

7. Location: Town Hall, 732 Main Street

8. Description: This would provide a comprehensive records inventory, an analysis of files and space and more specific recommendations and suggestions on how best to maintain, control and preserve historic records currently stored in the basement of Town Hall.

9. Justification and Useful Life:
 Critical to ensure the preservation of records.

10. Requested Cost Estimates for:

2019*	2020*	2021	2022	2023	2024	2025

If your estimate is indexed for inflation, indicate adjustment percentage (%) used: _____

Multi-Phase Project: Yes or No How many years to complete? 3+ Reliability of Cost Estimates: Strong, Average, Weak

11. Project Cost Summary:

Property acquisition:	
Planning / Engineering / Legal:	
Construction:	
Furnishings / Equipment:	
Contingency / Other:	\$40,000
TOTAL COST:	40,000

12. Recommended Method of Financing:

Taxes / Current revenues:	
Grants:	
Finance - Lease / Bonds:	
Capital reserve:	
Other: CPA Funds	
TOTAL FINANCING: 40,000	\$ 40,000

13. Net Impact on Operating Costs (+ or -):

<u>Direct Operating Costs</u>	
Personnel: # of employees:	
Personnel: Full Salary/Benefit (
Purchased services:	
Materials and supplies:	
Equipment purchases:	
Utilities:	
Other:	
<u>Indirect Operating Costs</u>	
Fringe benefits:	
General administrative costs:	
Other:	
TOTAL OPERATING COSTS:	\$ -

14. Net Impact on Municipal Income (+ or -):

Taxes:	
Other income/Grants:	
Gain or loss from sale of replaced asset:	
TOTAL IMPACT ON INCOME:	\$ -

Reserved:

Committee Sign-Off: _____

Town Administrator Sign-Off: _____

COC Sign-Off: _____

*Individual sheet p/vehicle. Provide Fleet schedule with anticipated replacements.

AGREEMENT FOR TOWN OF HARWICH

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 King Information Systems, Inc., with an address of 3 Edgewater Dr Norwood MA 02062 hereinafter referred to as "Contractor", effective as of the 14th day of September, 2018. In consideration of the mutual covenants contained herein, the parties agree as follows:

ARTICLE 1: SCOPE OF WORK:

The Contractor shall perform all work and furnish all services necessary to provide the Town with Records Management Archive System, including the scope of services set forth in Attachment A.

ARTICLE 2: TIME OF PERFORMANCE:

The Contractor shall complete all work and services required hereunder commencing Oct 15, 2018 through Nov 16, 2018

ARTICLE 3: COMPENSATION:

The Town shall pay the Contractor for the performance of the work outlined in Article 1 above the contract sum of \$ 39824.⁰⁰. The Contractor shall submit monthly invoices to the Town for services rendered, which will be due 30 days following receipt by 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. All attachments to the Agreement.

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 Contractor with ten (10) days written notice for the reasons outlined as follows:

1. Failure of the Contractor, 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 Contractor.
3. A determination by the Town that the Contractor has engaged in fraud, waste, mismanagement, misuse of funds, or criminal activity with any funds provided by this Agreement.

Either party may terminate this Agreement at any time for convenience by providing the other party written notice specifying therein the termination date which shall be no sooner than thirty (30) days from the issuance of said notice. Upon receipt of a notice of termination from the Town, the Contractor shall cease to incur additional expenses in connection with the Agreement. Upon such termination, the Contractor shall be entitled to compensation for all satisfactory work completed prior to the termination date as determined by the Town. Such payment shall not exceed the fair value of the services provided hereunder.

ARTICLE 6: INDEMNIFICATION:

The Contractor shall defend, indemnify and hold harmless the Town and its officers, agents, and all employees from and against claims arising directly or indirectly from the contract. Contractor 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 Contractor 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 Contractor'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 Contractor 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:

The Contractor shall not make any assignment of this Agreement without the prior written approval of the Town.

ARTICLE 10: AMENDMENTS:

All amendments or any changes to the provisions specified in this Contract can only occur when mutually agreed upon by the Town and Contractor. 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 Contract by both parties.

ARTICLE 11: INDEPENDENT CONTRACTOR:

The Contractor acknowledges and agrees that it is acting as an independent contractor for all work and services rendered pursuant to this Agreement and shall not be considered an employee or agent of the Town for any purpose.

ARTICLE 12: INSURANCE:

The Contractor shall be responsible to the Town or any third party for any property damage or bodily injury caused by it, any of its subcontractors, employees or agents in the performance of, or as a result of, the work under this Agreement. The Contractor and any subcontractors used hereby certify that they are insured for workers' compensation, property damage, personal and product liability. The Contractor and any subcontractor it uses shall

purchase, furnish copies of, and maintain in full force and effect insurance policies in the amounts here indicated.

General Liability

Bodily Injury Liability:	\$1,000,000 per occurrence
Property Damage Liability	\$ 500,000 per occurrence
(or combined single limit)	\$1,000,000 per occurrence

Automobile Liability

Bodily Injury Liability:	\$1,000,000 per occurrence
Property Damage Liability	\$ 500,000 per occurrence
(or combined single limit)	\$1,000,000 per occurrence

Workers' Compensation Insurance

Coverage for all employees in accordance with Massachusetts General Laws

Professional Liability Insurance

Minimum Coverage	\$1,000,000 per occurrence
------------------	----------------------------

Prior to commencement of any work under this Agreement, the Contractor shall provide the Town with Certificates of Insurance which include the Town as an additional named insured and which include a thirty day notice of cancellation to the Town.

ARTICLE 13: SEVERABILITY:

If any term or condition of this Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by the court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby unless one or both parties would be substantially or materially prejudiced.

ARTICLE 14: ENTIRE AGREEMENT:

This Agreement, including all documents incorporated herein by reference, constitutes the entire integrated agreement between the parties with respect to the matters described. This

Agreement supersedes all prior agreements, negotiations and representations, either written or oral, and it shall not be modified or amended except by a written document executed by the parties hereto.

ARTICLE 15: COUNTERPARTS:

This Agreement may be executed in any number of counterparts, each of which shall be deemed to be a counterpart original.

CERTIFICATION AS TO PAYMENT OF STATE TAXES

Pursuant to Chapter 62C of the Massachusetts General Laws, Section 49A(b), I, Carol A. Blood, authorized signatory for the Contractor do hereby certify under the pains and penalties of perjury that said Contractor has complied with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

04.2778332
Social Security Number or
Federal Identification Number

King Information Systems, Inc
Signature of Individual or
Corporate Name
By: Carol A. Blood
Corporate Officer Vice President
(if applicable)

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the
day and year first above written.

King Information Systems, Inc
CONTRACTOR
By
Carol A. Blood

TOWN OF HARWICH
by its Board of Selectmen Over \$50,000

Carol A. Blood Vice Pres.
Printed Name and Title

Approved as to Availability of Funds:
Carol A. Blood (\$ 39,824)
Finance Director Contract Sum

by its Town Administrator Under \$50,000
[Signature]
Town Administrator (Pravenny)



KING INFORMATION SYSTEMS, INC.

3 Edgewater Drive Norwood, MA 02062 (781) 762-6477 FAX (781) 769-1236
Branch Office 2701 Boston Road, Wilbraham, MA 01095 (413) 599-1377

TOWN OF HARWICH ARCHIVES PROJECT COST SUMMARY

1. EQUIPMENT (25 SECTIONS SHELVING), INCLUDING
INSTALLATION & SHIPPING = \$11,100.00

2. SUPPLIES (BOXES/LABELS/DATABASE),
INCLUDING SHIPPING = \$3,814.00

3. LABOR (SUPERVISOR/2 STAFFERS),
INCLUDING EXPENSES = \$24,910.00

PROJECT GRAND TOTAL = \$39,824.00

Christopher Clark, Town Administrator

Date

Patricia M. Tigue, President

Date



KINGINF-01

DKULICK

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

09/14/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER License # 1780862 HUB International New England 600 Longwater Drive Norwell, MA 02061-9146	CONTACT NAME:		
	PHONE (A/C, No, Ext): (781) 792-3200	FAX (A/C, No): (781) 792-3400	
INSURED King Information Systems Inc. 3 Edgewater Drive Norwood, MA 02062	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A : Arbella Protection Insurance Company.		41360
	INSURER B : Safety Insurance Company		39454
	INSURER C : Allmerica Financial Benefit Insurance Company		41840
	INSURER D :		
	INSURER E :		
INSURER F :			

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:


THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:	X		8500022622	05/01/2018	05/01/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000
B	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY			1710661	10/19/2017	10/19/2018	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			4600022623	05/01/2018	05/01/2019	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	W2ND643505	08/07/2018	08/07/2019	PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 Town of Harwich is included as Additional Insured for General Liability per the policy provisions if required as such in a written contract with the Named Insured which has been executed prior to a loss/claim.

CERTIFICATE HOLDER

CANCELLATION

Town of Harwich 732 Main Street Harwich, MA 02645	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

Project Name: Police Station EMS TM Year and Article #: 18 ART 10 Appropriation: \$ 140,000.00
 Low Bidder: Rise Engineering Bid Price: \$ 19208.49

7/30/18 Revised Procurement Checklist

Please complete checklist below for contracts requiring Selectmen* signature **before Wednesday morning**** in order to get sign-off approval from the Town Administrator or the Assistant Town Administrator.

*Note: contracts (not grants) below \$50,000 can be signed by Town Administrator.

- 1. Please provide a **separate page titled "Summary of Project"** which includes:
 - a. Provide how many bidders there were, the range of bids, and apparent low bidder.
 - b. Identify the funding source, such as article number and amount approved.
 - c. Include what you feel is pertinent, but keep this section to 4 sentences or less.
- 2. Finance Director has signed that funds are available: Con [Signature] Account # 618010 01421A21
- 3. Please provide a single **copy of the bid packet** along with all supporting documents. N/A
- 4. Please use K-P Law provided standardized contracts.

25A

Buildings and Public Works	Goods and Services
<input type="checkbox"/> C1. Please show Prevailing Wage was used.	<input type="checkbox"/> GS1. If procured using the State Bid List :
<input type="checkbox"/> C2. If construction is near \$10,000 you also need: <ul style="list-style-type: none"> <input type="checkbox"/> a. Written spec sheet. <input type="checkbox"/> b. Advertised for two weeks on Central Register and COMMBUYS. <input type="checkbox"/> c. Apparent low bidder posted to Town website. 	<input type="checkbox"/> a. Over \$25,000 please show project was on the Capital Plan.
<input type="checkbox"/> C3. If construction over \$25,000 you need C1, C2, as well as: <ul style="list-style-type: none"> <input type="checkbox"/> a. Show project was in the Capital Plan. <input type="checkbox"/> b. Show that 50% payment bond was in bids. 	<input type="checkbox"/> GS2. If project is over \$5,000 : <ul style="list-style-type: none"> <input type="checkbox"/> a. Please provide written spec sheet used and who it was sent to. <input type="checkbox"/> b. Maximum contract length is three years.
<input type="checkbox"/> C4. If construction over \$50,000 you need C1, C2, C3, as well as: <ul style="list-style-type: none"> <input type="checkbox"/> a. Bid Bond of 5% of total value. <input type="checkbox"/> b. Sealed Bids. <input type="checkbox"/> c. End of Public Works construction requirements 	<input type="checkbox"/> GS3. If project is over \$50,000 : <ul style="list-style-type: none"> <input type="checkbox"/> a. Show project was advertised for two weeks in a newspaper and on COMMBUYS. <input type="checkbox"/> b. Show project utilized sealed bids. <input type="checkbox"/> c. Apparent low bidder posted to Town website.
<input type="checkbox"/> C5. If Building estimated construction costs are over \$100,000 and estimated design costs are over \$10,000 you'll need to follow the Designer Selection RFQ process: <ul style="list-style-type: none"> <input type="checkbox"/> a. Advertise in Central Register and local newspaper for two weeks. <input type="checkbox"/> b. Set a designer fee or price ceiling. <input type="checkbox"/> c. Use Standard Designer Application Form 	<input type="checkbox"/> GS4. If project is over \$100,000 : <ul style="list-style-type: none"> <input type="checkbox"/> a. Show project was advertised for two weeks in COMMBUYS and Goods and Services Bulletin. <input type="checkbox"/> b. Show project utilized sealed bids.
<input type="checkbox"/> C6. If Building construction over \$150,000 you'll need C1, C2, C3, C4, C5, as well as: <ul style="list-style-type: none"> <input type="checkbox"/> a. 100% payment bond was in bids. <input type="checkbox"/> b. 100% performance bond was in bids. <input type="checkbox"/> c. DCAMM certified bidders. <ul style="list-style-type: none"> <input type="checkbox"/> i. DCAMM certified sub-bids if over \$25,000. 	<p>Note 1: If lowest bidder was found to be either not responsive or not responsible, the Town may begin negotiations with next lowest bidder.</p> <p>Note 2: Bids may be negotiated downwards but never higher than original quote.</p> <p>Note 3: Municipalities shall not provide a down payment, deposit, or provide funding before possession of purchased item.</p>
<input type="checkbox"/> C7. If Building construction over \$10,000,000 you'll need C1, C2, C3, C4, C5, C6, as well as: <ul style="list-style-type: none"> <input type="checkbox"/> a. Solicit qualifications prior to sealed bids. 	

Signature of Town Administrator or Assistant Town Administrator: [Signature]

Note: Failure to gain sign-off **before Wednesday at noon results in the contract being delayed to the next meeting.

OFFICE OF THE TOWN ADMINISTRATOR

Phone (508) 430-7513

Fax (508) 432-5039



Christopher Clark, *Town Administrator*
Evan Melillo, *Assistant Town Administrator*

732 MAIN STREET, HARWICH, MA 02645

Summary of Project

Project Name: Energy Management System

Funding Source: Funded in 2018 by Article 10, the appropriation is for \$140,000.

Summary: Funding will be used to update the energy management systems along with other energy conservation projects at the Town Hall, the Community Center, Fire Station One, the Police Department, and Centralizing Operations. Each building is addressed in separate contracts, due to the differing nature of energy projects. Work will be conducted in conjunction with Cape Light Compact.

Procurement Information: These projects were procured under Chapter 25A. Town Counsel confirmed that procurement was done correctly since the five projects are at separate facilities. No single project went above \$100,000.

MEMORANDUM

To: Christopher Clark, Town Administrator

From: Sean Libby, Facilities Maintenance Manager *SL*

Re: Energy Management System Replacement

Date: 18 September 2018

Article 10 from the May 2018 ATM approved funds to include \$140,000.00 earmarked for updating or replacing the energy management system in the Town Hall, Community Center, Fire Station One, and Police department. Each building will be addressed in separate contracts as they are all differing in nature of work. As these are energy conservation projects working with Cape Light Compact representative they are not subject to further solicitation. We have used Rise Engineering in the past with outstanding results. I am requesting that this contract be approved and signed so we can move forward with this project. Please let me know if you have any further questions.

CC: Lincoln Hooper, DPW Director

Police

Project Name: Howich Town Hall EMS TM Year and Article #: 18 MF 10 Appropriation: \$ 140,000.00

Low Bidder: Rise Engineering Bid Price: \$ 13375.67

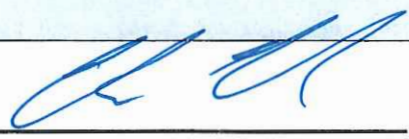
7/30/18 Revised Procurement Checklist

Please complete checklist below for contracts requiring Selectmen* signature **before Wednesday morning**** in order to get sign-off approval from the Town Administrator or the Assistant Town Administrator.

*Note: contracts (not grants) below \$50,000 can be signed by Town Administrator.

- 1. Please provide a **separate page titled "Summary of Project"** which includes:
 - a. Provide how many bidders there were, the range of bids, and apparent low bidder.
 - b. Identify the funding source, such as article number and amount approved.
 - c. Include what you feel is pertinent, but keep this section to 4 sentences or less.
- 2. Finance Director has signed that funds are available: Carl Lopez Account # 618010 01421A21
- 3. Please provide a single **copy of the bid packet** along with all supporting documents. N/A
- 4. Please use K-P Law provided standardized contracts.

	<u>Buildings and Public Works</u>		<u>Goods and Services</u>
15A	<input type="checkbox"/> C1. Please show Prevailing Wage was used.	<input type="checkbox"/>	GS1. If procured using the State Bid List :
	<input type="checkbox"/> C2. If construction is near \$10,000 you also need: <ul style="list-style-type: none"> <input type="checkbox"/> a. Written spec sheet. <input type="checkbox"/> b. Advertised for two weeks on Central Register and COMMBUYS. <input type="checkbox"/> c. Apparent low bidder posted to Town website. 	<input type="checkbox"/>	<input type="checkbox"/> a. Over \$25,000 please show project was on the Capital Plan.
	<input type="checkbox"/> C3. If construction over \$25,000 you need C1, C2, as well as: <ul style="list-style-type: none"> <input type="checkbox"/> a. Show project was in the Capital Plan. <input type="checkbox"/> b. Show that 50% payment bond was in bids. 	<input type="checkbox"/>	<input type="checkbox"/> GS2. If project is over \$5,000 : <ul style="list-style-type: none"> <input type="checkbox"/> a. Please provide written spec sheet used and who it was sent to. <input type="checkbox"/> b. Maximum contract length is three years.
	<input type="checkbox"/> C4. If construction over \$50,000 you need C1, C2, C3, as well as: <ul style="list-style-type: none"> <input type="checkbox"/> a. Bid Bond of 5% of total value. <input type="checkbox"/> b. Sealed Bids. <input type="checkbox"/> c. End of Public Works construction requirements 	<input type="checkbox"/>	<input type="checkbox"/> GS3. If project is over \$50,000 : <ul style="list-style-type: none"> <input type="checkbox"/> a. Show project was advertised for two weeks in a newspaper and on COMMBUYS. <input type="checkbox"/> b. Show project utilized sealed bids. <input type="checkbox"/> c. Apparent low bidder posted to Town website.
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	<input type="checkbox"/> C6. If Building construction over \$150,000 you'll need C1, C2, C3, C4, C5, as well as: <ul style="list-style-type: none"> <input type="checkbox"/> a. 100% payment bond was in bids. <input type="checkbox"/> b. 100% performance bond was in bids. <input type="checkbox"/> c. DCAMM certified bidders. <ul style="list-style-type: none"> <input type="checkbox"/> i. DCAMM certified sub-bids if over \$25,000. 		<p>Note 1: If lowest bidder was found to be either not responsive or not responsible, the Town may begin negotiations with next lowest bidder.</p> <p>Note 2: Bids may be negotiated downwards but never higher than original quote.</p> <p>Note 3: Municipalities shall not provide a down payment, deposit, or provide funding before possession of purchased item.</p>
	<input type="checkbox"/> C7. If Building construction over \$10,000,000 you'll need C1, C2, C3, C4, C5, C6, as well as: <ul style="list-style-type: none"> a. Solicit qualifications prior to sealed bids. 		

Signature of Town Administrator or Assistant Town Administrator: 

Note: Failure to gain sign-off **before Wednesday at noon results in the contract being delayed to the next meeting.

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Christopher Clark, *Town Administrator*
Evan Melillo, *Assistant Town Administrator*

732 MAIN STREET, HARWICH, MA 02645

Summary of Project


Project Name: Energy Management System

Funding Source: Funded in 2018 by Article 10, the appropriation is for \$140,000.

Summary: Funding will be used to update the energy management systems along with other energy conservation projects at the Town Hall, the Community Center, Fire Station One, the Police Department, and Centralizing Operations. Each building is addressed in separate contracts, due to the differing nature of energy projects. Work will be conducted in conjunction with Cape Light Compact.

Procurement Information: These projects were procured under Chapter 25A. Town Counsel confirmed that procurement was done correctly since the five projects are at separate facilities. No single project went above \$100,000.

MEMORANDUM

To: Christopher Clark, Town Administrator
From: Sean Libby, Facilities Maintenance Manager 
Re: Energy Management System Replacement
Date: 18 September 2018

Article 10 from the May 2018 ATM approved funds to include \$140,000.00 earmarked for updating or replacing the energy management system in the Town Hall, Community Center, Fire Station One, and Police department. Each building will be addressed in separate contracts as they are all differing in nature of work. As these are energy conservation projects working with Cape Light Compact representative they are not subject to further solicitation. We have used Rise Engineering in the past with outstanding results. I am requesting that this contract be approved and signed so we can move forward with this project. Please let me know if you have any further questions.

CC: Lincoln Hooper, DPW Director

Project Name: Harwich Fire Dept EMS TM Year and Article #: 18 ART 10 Appropriation: \$ 140,000.00
 Low Bidder: Rise Engineering Bid Price: \$ 48,384.00

7/30/18 Revised Procurement Checklist

Please complete checklist below for contracts requiring Selectmen* signature **before Wednesday morning**** in order to get sign-off approval from the Town Administrator or the Assistant Town Administrator.

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- 1. Please provide a **separate page titled "Summary of Project"** which includes:
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 - b. Identify the funding source, such as article number and amount approved.
 - c. Include what you feel is pertinent, but keep this section to 4 sentences or less.
- 2. Finance Director has signed that funds are available: Carl Caputo Account # 01421A21 618010
- 3. Please provide a single **copy of the bid packet** along with all supporting documents. *N/A*
- 4. Please use K-P Law provided standardized contracts.

15A

<u>Buildings and Public Works</u>	<u>Goods and Services</u>
<input type="checkbox"/> C1. Please show Prevailing Wage was used.	<input type="checkbox"/> GS1. If procured using the State Bid List :
<input type="checkbox"/> C2. If construction is near \$10,000 you also need: <ul style="list-style-type: none"> <input type="checkbox"/> a. Written spec sheet. <input type="checkbox"/> b. Advertised for two weeks on Central Register and COMMBUYS. <input type="checkbox"/> c. Apparent low bidder posted to Town website. 	<input type="checkbox"/> a. Over \$25,000 please show project was on the Capital Plan.
<input type="checkbox"/> C3. If construction over \$25,000 you need C1, C2, as well as: <ul style="list-style-type: none"> <input type="checkbox"/> a. Show project was in the Capital Plan. <input type="checkbox"/> b. Show that 50% payment bond was in bids. 	<input type="checkbox"/> GS2. If project is over \$5,000 : <ul style="list-style-type: none"> <input type="checkbox"/> a. Please provide written spec sheet used and who it was sent to. <input type="checkbox"/> b. Maximum contract length is three years.
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Signature of Town Administrator or Assistant Town Administrator: 

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Christopher Clark, *Town Administrator*
Evan Melillo, *Assistant Town Administrator*

732 MAIN STREET, HARWICH, MA 02645

Summary of Project

Project Name: Energy Management System

Funding Source: Funded in 2018 by Article 10, the appropriation is for \$140,000.

Summary: Funding will be used to update the energy management systems along with other energy conservation projects at the Town Hall, the Community Center, Fire Station One, the Police Department, and Centralizing Operations. Each building is addressed in separate contracts, due to the differing nature of energy projects. Work will be conducted in conjunction with Cape Light Compact.

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MEMORANDUM

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Re: Energy Management System Replacement
Date: 18 September 2018

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CC: Lincoln Hooper, DPW Director

Project Name: Central EMS TM Year and Article #: N/A Appropriation: \$ _____
 Low Bidder: Rise Engineering Operating Budget Bid Price: \$ 6231.00

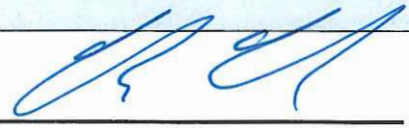
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 - b. Identify the funding source, such as article number and amount approved.
 - c. Include what you feel is pertinent, but keep this section to 4 sentences or less.
- 2. Finance Director has signed that funds are available: Carl Cochran Account # 014212/529000
- 3. Please provide a single **copy of the bid packet** along with all supporting documents.
- 4. Please use K-P Law provided standardized contracts.

<u>Buildings and Public Works</u>	<u>Goods and Services</u>
<p>5A. <input type="checkbox"/> C1. Please show Prevailing Wage was used.</p> <p><input type="checkbox"/> C2. If construction is near \$10,000 you also need:</p> <ul style="list-style-type: none"> <input type="checkbox"/> a. Written spec sheet. <input type="checkbox"/> b. Advertised for two weeks on Central Register and COMMBUYS. <input type="checkbox"/> c. Apparent low bidder posted to Town website. <p><input type="checkbox"/> C3. If construction over \$25,000 you need C1, C2, as well as:</p> <ul style="list-style-type: none"> <input type="checkbox"/> a. Show project was in the Capital Plan. <input type="checkbox"/> b. Show that 50% payment bond was in bids. <p><input type="checkbox"/> C4. If construction over \$50,000 you need C1, C2, C3, as well as:</p> <ul style="list-style-type: none"> <input type="checkbox"/> a. Bid Bond of 5% of total value. <input type="checkbox"/> b. Sealed Bids. <input type="checkbox"/> c. End of Public Works construction requirements <p><input type="checkbox"/> C5. If Building estimated construction costs are over \$100,000 and estimated design costs are over \$10,000 you'll need to follow the Designer Selection RFQ process:</p> <ul style="list-style-type: none"> <input type="checkbox"/> a. Advertise in Central Register and local newspaper for two weeks. <input type="checkbox"/> b. Set a designer fee or price ceiling. <input type="checkbox"/> c. Use Standard Designer Application Form <p><input type="checkbox"/> C6. If Building construction over \$150,000 you'll need C1, C2, C3, C4, C5, as well as:</p> <ul style="list-style-type: none"> <input type="checkbox"/> a. 100% payment bond was in bids. <input type="checkbox"/> b. 100% performance bond was in bids. <input type="checkbox"/> c. DCAMM certified bidders. <ul style="list-style-type: none"> <input type="checkbox"/> i. DCAMM certified sub-bids if over \$25,000. <p><input type="checkbox"/> C7. If Building construction over \$10,000,000 you'll need C1, C2, C3, C4, C5, C6, as well as:</p> <ul style="list-style-type: none"> <input type="checkbox"/> a. Solicit qualifications prior to sealed bids. 	<p><input type="checkbox"/> GS1. If procured using the State Bid List:</p> <ul style="list-style-type: none"> <input type="checkbox"/> a. Over \$25,000 please show project was on the Capital Plan. <p><input type="checkbox"/> GS2. If project is over \$5,000:</p> <ul style="list-style-type: none"> <input type="checkbox"/> a. Please provide written spec sheet used and who it was sent to. <input type="checkbox"/> b. Maximum contract length is three years. <p><input type="checkbox"/> GS3. If project is over \$50,000:</p> <ul style="list-style-type: none"> <input type="checkbox"/> a. Show project was advertised for two weeks in a newspaper and on COMMBUYS. <input type="checkbox"/> b. Show project utilized sealed bids. <input type="checkbox"/> c. Apparent low bidder posted to Town website. <p><input type="checkbox"/> GS4. If project is over \$100,000:</p> <ul style="list-style-type: none"> <input type="checkbox"/> a. Show project was advertised for two weeks in COMMBUYS and Goods and Services Bulletin. <input type="checkbox"/> b. Show project utilized sealed bids. <p>Note 1: If lowest bidder was found to be either not responsive or not responsible, the Town may begin negotiations with next lowest bidder.</p> <p>Note 2: Bids may be negotiated downwards but never higher than original quote.</p> <p>Note 3: Municipalities shall not provide a down payment, deposit, or provide funding before possession of purchased item.</p>



Signature of Town Administrator or Assistant Town Administrator: _____

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Phone (508) 430-7513

Fax (508) 432-5039



Christopher Clark, *Town Administrator*
Evan Melillo, *Assistant Town Administrator*

732 MAIN STREET, HARWICH, MA 02645

Summary of Project

Project Name: Energy Management System


Funding Source: Funded in 2018 by Article 10, the appropriation is for \$140,000.

Summary: Funding will be used to update the energy management systems along with other energy conservation projects at the Town Hall, the Community Center, Fire Station One, the Police Department, and Centralizing Operations. Each building is addressed in separate contracts, due to the differing nature of energy projects. Work will be conducted in conjunction with Cape Light Compact.

Procurement Information: These projects were procured under Chapter 25A. Town Counsel confirmed that procurement was done correctly since the five projects are at separate facilities. No single project went above \$100,000.

MEMORANDUM

To: Christopher Clark, Town Administrator

From: Sean Libby, Facilities Maintenance Manager 

Re: Energy Management Central Unit

Date: 18 September 2018

Article 10 from the May 2018 ATM approved funds to include \$140,000.00 earmarked for updating or replacing the energy management system in the Town Hall, Community Center, Fire Station One, and Police department. This central unit will allow all installed systems to communicate together and will be purchased through the Facility Maintenance Operating Budget. As this is an energy conservation project working with Cape Light Compact representative it is not subject to further solicitation. We have used Rise Engineering in the past with outstanding results. I am requesting that this contract be approved and signed so we can move forward with this project. Please let me know if you have any further questions.

CC: Lincoln Hooper, DPW Director

Project Name: Harwich Bike Crossing TM Year and Article #: 50 Appropriation: \$ 27,000
 Low Bidder: Cross Alert Systems Bid Price: \$ 24,500

7/11/18 Revised Procurement Checklist

Please complete checklist below for contracts requiring Selectmen* signature **before Wednesday morning**** in order to get sign-off approval from the Town Administrator or the Assistant Town Administrator.

*Note: contracts (not grants) below \$50,000 can be signed by Town Administrator.



- 1. Please provide a **separate page titled "Summary of Project"** which includes:
 - a. How many bidders there were, the range of bids, low bid, and the winning bidder.
 - b. Identify the funding source, such as article number and amount approved.
 - c. Include what you feel is pertinent, but keep this section to 4 sentences or less.
- 2. Finance Director has signed that funds are available: Carol Coppola Account # 802912921 / 618503
- 3. Please provide a single **copy of the bid packet** along with all supporting documents.
- 4. Please use K-P Law provided standardized contracts.

Buildings and Public Works	Goods and Services
<input type="checkbox"/> C1. Please show Prevailing Wage was used.	<input type="checkbox"/> GS1. If procured using the State Bid List :
<input type="checkbox"/> C2. If construction is near \$10,000 you also need: <ul style="list-style-type: none"> <input type="checkbox"/> a. Written spec sheet. <input type="checkbox"/> b. Advertised for two weeks on Central Register and COMMBUYS. <input type="checkbox"/> c. Apparent low bidder posted to Town website. 	<input type="checkbox"/> a. Over \$25,000 please show project was on the Capital Plan.
<input type="checkbox"/> C3. If construction over \$25,000 you need C1, C2, as well as: <ul style="list-style-type: none"> <input type="checkbox"/> a. Show project was in the Capital Plan. <input type="checkbox"/> b. Show that 50% payment bond was in bids. 	<input checked="" type="checkbox"/> GS2. If project is over \$5,000 : <ul style="list-style-type: none"> <input checked="" type="checkbox"/> a. Please provide written spec sheet used and who it was sent to. <input checked="" type="checkbox"/> b. Maximum contract length is three years.
<input type="checkbox"/> C4. If construction over \$50,000 you need C1, C2, C3, as well as: <ul style="list-style-type: none"> <input type="checkbox"/> a. Bid Bond of 5% of total value. <input type="checkbox"/> b. Sealed Bids. <input type="checkbox"/> c. KP Law signed to form and reviewed bonds: _____ <input type="checkbox"/> d. End of Public Works construction requirements 	<input type="checkbox"/> GS3. If project is over \$50,000 : <ul style="list-style-type: none"> <input type="checkbox"/> a. Show project was advertised for two weeks in a newspaper and on COMMBUYS. <input type="checkbox"/> b. Show project utilized sealed bids. <input type="checkbox"/> c. Apparent low bidder posted to Town website.
<input type="checkbox"/> C5. If Building estimated construction costs are over \$100,000 and estimated design costs are over \$10,000 you'll need to follow the Designer Selection RFQ process: <ul style="list-style-type: none"> <input type="checkbox"/> a. Advertise in Central Register and local newspaper for two weeks. <input type="checkbox"/> b. Set a designer fee or price ceiling. <input type="checkbox"/> c. Use Standard Designer Application Form 	<input type="checkbox"/> GS4. If project is over \$100,000 : <ul style="list-style-type: none"> <input type="checkbox"/> a. Show project was advertised for two weeks in COMMBUYS and Goods and Services Bulletin. <input type="checkbox"/> b. Show project utilized sealed bids.
<input type="checkbox"/> C6. If Building construction over \$150,000 you'll need C1, C2, C3, C4, C5, as well as: <ul style="list-style-type: none"> <input type="checkbox"/> a. 100% payment bond was in bids. <input type="checkbox"/> b. 100% performance bond was in bids. <input type="checkbox"/> c. DCAMM certified bidders. <ul style="list-style-type: none"> <input type="checkbox"/> i. DCAMM certified sub-bids if over \$25,000. 	<p>Note 1: If lowest bidder was found to be either not responsive or not responsible, the Town may begin negotiations with next lowest bidder.</p> <p>Note 2: Bids may be negotiated downwards but never higher than original quote.</p> <p>Note 3: Municipalities shall not provide a down payment, deposit, or provide funding before possession of purchased item.</p>
<input type="checkbox"/> C7. If Building construction over \$10,000,000 you'll need C1, C2, C3, C4, C5, C6, as well as: <ul style="list-style-type: none"> a. Solicit qualifications prior to sealed bids. 	

Signature of Town Administrator or Assistant Town Administrator: *Carol Coppola*

Note: Failure to gain sign-off **before Wednesday at noon results in the contract being delayed to the next meeting.

OFFICE OF THE TOWN ADMINISTRATOR

Phone (508) 430-7513

Fax (508) 432-5039

Christopher Clark, *Town Administrator*
Evan Melillo, *Assistant Town Administrator*

732 MAIN STREET, HARWICH, MA 02645



Summary of Project

Project Name: Harwich Bike Crossing

Funding Source: Funded by Article 50, the appropriation is for \$27,000 from undesignated reserve Community Preservation Commission funds.

Summary: Funding will be used for a bike alert system, which will be made up of two poles that will send a radio signal when motion is detected, to nearby intersection poles. After the signal is received, the poles will alert oncoming motorists that a cyclist will be entering the intersection, with the goal of preventing a collision.

Bidding information: The project was advertised, and Cross Alert Systems submitted the lone bid. There will be a cost of \$13,500 for two alert poles at the intersection, and \$5,750 for each additional pole for a warning system at two approaches to the roadway. The total is \$24,500.

HARWICH BIKE CROSSING
BID PROPOSAL FORM

The undersigned proposes to provide the a new solar powered, motion activated bike path flashing beacon system as specified in the bid documents to be delivered to the Harwich Highway Department. **This bid is for the delivery of two side mounted signals for this one crossing, with each signal working in a coordinated way with the signal on the opposite side of the street.**

A detail of the base with installation instructions will also be provided. The contract price is specified below:

Total Delivered Price Per Bid Specifications: \$ 13,000.00


In Written Words Thirteen thousand ^{xx}/100

ALTERNATE BID 1:

Provide price for an additional pole for early warning approach which is capable of being caused to flash by radio signal when pole at intersection detects motion. Pole is to flash amber when motion detected. The Town may or may not choose to purchase one or two of these items:

Total Delivered Price Per Bid Specifications (Each): \$ 5,750.00

In Written Words Five thousand Seven hundred and Fifty dollars ^{xx}/100



Signature of person signing bid or proposal

Cross Alert Systems

Name of Business

**CERTIFICATION OF COMPLIANCE
M.G.L. Chapter 62C, Section 49A**

Pursuant to Section 49A of Chapter 62C of the General Laws of Massachusetts, I hereby certify that I have complied with all Laws of the Commonwealth of Massachusetts relating to taxes.

This statement is made under the pains and penalties of perjury this 2 day of August, 2018

Cross Alert Systems
Printed Name of Individual or Corporation:

Kenneth Block, President
Name and Title of Corporate Officer (if applicable):

[Signature]
Signature of Individual or Corporate Officer:

42-1567731
Social Security or Federal Identification Number:

CERTIFICATION OF NON-COLLUSION

The undersigned certifies under the penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the work "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

Signed: [Signature]

Printed Name: Kenneth J Block

Date: 8/2/18

Name of Business: Cross Alert Systems

KJR

SPECIFICATIONS

Specifications for a Solar Powered, Motion Activated Active Warning Beacon System

Part 1 General

1.1 Summary

1.1.1 The purpose of this specification is to describe the minimum acceptable design for a solar powered, motion activated bike path flashing beacon system that uses radio signaling for communication between the poles. This system will be designed to operate up to 20 hours per day, 7 days per week. The system shall be designed to operate with no loss of load during all months of the year. The system shall be capable of running for one month off of battery alone, with no solar re-charge. The system will be capable of being activated by motion detection (microwave) and/or push button control. The flashing duration shall be programmable. There shall be a timer clock to deactivate the system (if desired) during nighttime hours. The system shall be capable of supporting as many as 8 poles at one intersection, all of which are capable of being caused to flash by radio signal when one pole either detects motion or senses that a push button has been activated. The system must maintain a bihourly count of trail usage statistics for a minimum of 6 months. This data must be downloadable wirelessly.

This bid is for the delivery of two side mounted signals for this one crossing, with each signal working in a coordinated way with the signal on the opposite side of the street. This Bid is also for optional early warning beacons activated by the crossing beacons.

1.2 Warranty

1.2.1 A minimum of two year warranty from the date of system installation will be required for all system components (exclusive of acts of God or vandalism). The battery will be warranted for 4 years. The solar panel will be warranted for 7 years.

Part 2 Products

2.1 General

2.1.1 All equipment shall be UL or CSA/UL listed, except for equipment for which UL is not an established test standard. The radio device must be FCC certified.

2.2 Solar Panel

2.2.1 The solar panel shall be a 20 watt unit capable of keeping the battery fully recharged with a maximum of 2 hours a day of direct sunlight.

2.3 Battery

2.3.1 The battery shall be a sealed, maintenance free gel cell lead acid 12 volt DC battery. The battery should be specific to solar applications. The battery should have sufficient power to run the pole for one month without re-charge from the solar cell.

2.4 Signal Beacon

2.4.1 All signal beacons (red and amber) should be ITE compliant. Minimally, the 12" amber beacon should have a color of 529(nm) and luminosity of 892(cd), while the 8" red beacon should have a color of 626(nm) and luminosity of 162(cd). Beacons shall be housed in appropriate aluminum housings fitted with visors.

2.5 System Schematic

2.5.1 The Town of Harwich will install the system. Contractor must supply Town with details of all bases and mounting hardware, with adequate installation instructions.

2.6 Radio Subsystem

2.6.1 The radio unit will be a 2-way communications device with a range of at least 600 feet. This unit must be FCC certified. The unit shall use a frequency in the 900 MHz range and utilize spread spectrum, frequency hopping technologies. Up to 8 poles must be supported with the radio technology.

2.7 Motion sensor

2.7.1 The system shall be capable of being activated by motion along the path. The motion detector should be either an infrared or microwave device. The detector must not have a dead zone directly adjacent to the pole. The detector should be capable of detecting motion along the trail up to 100 feet from the pole.

2.8 Trail counter

2.8.1 The system must keep a bi-hourly count of trail activity and make the count available via wireless download. The system should be capable of storing 6 months of trail counts locally at the pole. If chosen by the Town, a downloader device shall be delivered with the system to wirelessly retrieve data from the pole

AGREEMENT FOR TOWN OF HARWICH

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 Cross Alert, with an address of 20 Altieri Way #3, Warwick, RI, 02886 hereinafter referred to as "Contractor", effective as of the 12th day of March, 2018. In consideration of the mutual covenants contained herein, the parties agree as follows:

ARTICLE 1: SCOPE OF WORK:

The Contractor shall perform all work and furnish all services necessary to provide the Town with a Bike Crossing Beacon System, including the scope of services set forth in Attachment A.

ARTICLE 2: TIME OF PERFORMANCE:

The Contractor shall complete all work and services required hereunder commencing October 1, 2018 through November 30.

ARTICLE 3: COMPENSATION:

The Town shall pay the Contractor for the performance of the work outlined in Article 1 above the contract sum of \$ 24,500. The Contractor shall submit monthly invoices to the Town for services rendered, which will be due 30 days following receipt by 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. All attachments to the Agreement.

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

ARTICLE 5: CONTRACT TERMINATION:

(KB)

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

1. Failure of the Contractor, 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 Contractor.
3. A determination by the Town that the Contractor has engaged in fraud, waste, mismanagement, misuse of funds, or criminal activity with any funds provided by this Agreement.

Either party may terminate this Agreement at any time for convenience by providing the other party written notice specifying therein the termination date which shall be no sooner than thirty (30) days from the issuance of said notice. Upon receipt of a notice of termination from the Town, the Contractor shall cease to incur additional expenses in connection with the Agreement. Upon such termination, the Contractor shall be entitled to compensation for all satisfactory work completed prior to the termination date as determined by the Town. Such payment shall not exceed the fair value of the services provided hereunder.

ARTICLE 6: INDEMNIFICATION:

The Contractor shall defend, indemnify and hold harmless the Town and its officers, agents, and all employees from and against claims arising directly or indirectly from the contract. Contractor 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 Contractor 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 Contractor'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 Contractor 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:

The Contractor shall not make any assignment of this Agreement without the prior written approval of the Town.

ARTICLE 10: AMENDMENTS:

All amendments or any changes to the provisions specified in this Contract can only occur when mutually agreed upon by the Town and Contractor. 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 Contract by both parties.

ARTICLE 11: INDEPENDENT CONTRACTOR:

The Contractor acknowledges and agrees that it is acting as an independent contractor for all work and services rendered pursuant to this Agreement and shall not be considered an employee or agent of the Town for any purpose.

ARTICLE 12: INSURANCE:

The Contractor shall be responsible to the Town or any third party for any property damage or bodily injury caused by it, any of its subcontractors, employees or agents in the performance of, or as a result of, the work under this Agreement. The Contractor and any subcontractors used hereby certify that they are insured for workers' compensation, property damage, personal and product liability. The Contractor and any subcontractor it uses shall

A handwritten signature or set of initials, possibly 'BD', located in the bottom right corner of the page.

purchase, furnish copies of, and maintain in full force and effect insurance policies in the amounts here indicated.

General Liability

Bodily Injury Liability:	\$1,000,000 per occurrence
Property Damage Liability	\$ 500,000 per occurrence
(or combined single limit)	\$1,000,000 per occurrence

Automobile Liability

Bodily Injury Liability:	\$1,000,000 per occurrence
Property Damage Liability	\$ 500,000 per occurrence
(or combined single limit)	\$1,000,000 per occurrence

Workers' Compensation Insurance

Coverage for all employees in accordance with Massachusetts General Laws

Professional Liability Insurance

Minimum Coverage	\$1,000,000 per occurrence
------------------	----------------------------

Prior to commencement of any work under this Agreement, the Contractor shall provide the Town with Certificates of Insurance which include the Town as an additional named insured and which include a thirty day notice of cancellation to the Town.

ARTICLE 13: SEVERABILITY:

If any term or condition of this Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by the court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby unless one or both parties would be substantially or materially prejudiced.

ARTICLE 14: ENTIRE AGREEMENT:

This Agreement, including all documents incorporated herein by reference, constitutes the entire integrated agreement between the parties with respect to the matters described. This



Agreement supersedes all prior agreements, negotiations and representations, either written or oral, and it shall not be modified or amended except by a written document executed by the parties hereto.

ARTICLE 15: COUNTERPARTS:

This Agreement may be executed in any number of counterparts, each of which shall be deemed to be a counterpart original.



CERTIFICATION AS TO PAYMENT OF STATE TAXES

Pursuant to Chapter 62C of the Massachusetts General Laws, Section 49A(b), I, Kenneth J. Block, authorized signatory for the Contractor do hereby certify under the pains and penalties of perjury that said Contractor has complied with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support.


42-1567731
Social Security Number or
Federal Identification Number

Cross Alert Systems
Signature of Individual or
Corporate Name

By:
Corporate Officer
(if applicable)

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the day and year first above written.

CONTRACTOR
By



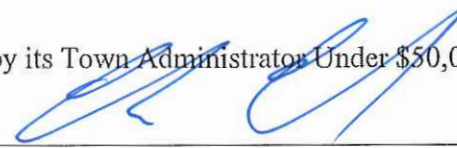
Kenneth J. Block president
Printed Name and Title

TOWN OF HARWICH
by its Board of Selectmen Over \$50,000

Approved as to Availability of Funds:

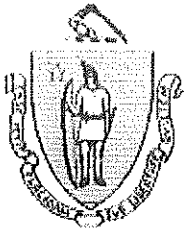
 (\$ 24,500)
Finance Director Contract Sum

by its Town Administrator Under \$50,000



Town Administrator



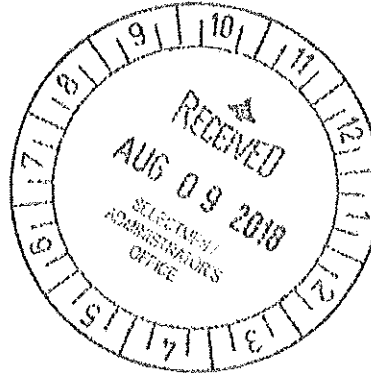


**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

1000 Washington Street, Suite 820
Boston, MA 02118-6500
Telephone: (617) 305-3580
www.mass.gov/dtc

CHARLES D. BAKER
GOVERNOR
KARYN E. POLITO
LIEUTENANT GOVERNOR

JAY ASH
SECRETARY OF HOUSING AND
ECONOMIC DEVELOPMENT
JOHN C. CHAPMAN
UNDERSECRETARY
OFFICE OF CONSUMER AFFAIRS AND
BUSINESS REGULATIONS
KAREN CHARLES PETERSON
COMMISSIONER



August 8, 2018
Chairman Board of Selectmen
Town Hall
732 Main St.
Harwich MA 02645

Re: License Expiration Notice

Dear Chairman:

According to the Department of Telecommunications and Cable's (Department) records, your cable television license (license) with Comcast Cable Communications, Inc. expires on 8/1/2021. Federal law provides for a formal renewal process that begins between 36 and 30 months before a license expires. As the Issuing Authority, you may begin the process of determining your community's cable-related needs and review Comcast Cable Communications, Inc.'s performance under the current license. This is known as the "ascertainment process." You must notify Comcast Cable Communications, Inc. if you elect to begin the ascertainment process. You may also be required to begin the ascertainment process if you receive a notice from Comcast Cable Communications, Inc. invoking the formal renewal process; you must begin the ascertainment process within six months of receiving such notice.

You may want to form a cable advisory committee (CAC) as part of the formal renewal process and delegate to it certain duties. If you form a CAC, please provide the Department with the name and contact information for at least one CAC member. I have enclosed a fact sheet describing the typical responsibilities of a CAC, and please see M.G.L. c. 268A concerning potential conflicts of interest for both municipal officials and CAC members.

For your convenience, the Department has prepared a "Practical Guide to Cable Television License Renewal" that is available at www.mass.gov/dtc. The Department is also available to advise you regarding your duties and rights during the renewal process. While we cannot assist you with substantive negotiations, we would be happy to meet with you and/or your CAC to discuss procedural requirements.

If you would like to schedule a meeting or if you have any questions regarding the renewal process, please contact the Department at 617-305-3580 or dtc.efiling@mass.gov.

Sincerely,

Shonda D. Green
Department Secretary



COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

Cable Advisory Committee

Under Massachusetts regulations, an Issuing Authority ("IA"), such as the mayor of a city or the board of selectmen of a town, may appoint a Cable Advisory Committee ("CAC") to advise the IA throughout the licensing process. 207 C.M.R. § 3.01(3). In many instances, the CAC remains as an active committee throughout the term of the license. Currently, there are over 280 CACs in the Commonwealth. The composition of the CAC is determined by the IA, including the number of members on the CAC.

The IA may, at its discretion, define the role and responsibilities of the CAC to the extent permitted under G.L. c. 166A. Thus, there is almost complete local control as to the tasks assigned to an advisory committee, so long as these tasks do not conflict with the statutory requirements of the IA in G.L. c. 166A. While an IA may delegate to a CAC the authority to negotiate a license agreement, an IA may not delegate authority to execute such an agreement. CAC responsibilities vary according to the current status of the license or the objectives of the IA. The following list includes some typical responsibilities assigned to CACs in the Commonwealth:

- Inform and educate the public about cable television service;
- Assess the cable needs of the community and recommend policy changes;
- Conduct regular meetings with cable company representatives to discuss matters of mutual interest;
- Report to the IA on company compliance with the license;
- Supervise the cable operator's response to complaints;
- Respond to citizen's questions regarding the cable television system; and
- Keep abreast of community programming issues.

CACs are considered "governmental bodies" within the purview of the Massachusetts Conflict of Interest law, G.L. c. 268A.

Recognizing that CACs fulfill an important and valuable link between the IA, the licensee, and the citizens of the community, the Department of Telecommunications and Cable ("Department") seeks to build positive professional relationships with the CACs. The Department's staff works closely with local committees to educate them on the licensing process and improve information-sharing.

The Department's program includes an informational presentation available to communities. Please contact the Department to schedule a presentation or to discuss any cable licensing matter.

CABLE TELEVISION LICENSE RENEWAL PROCESS

A PRACTICAL GUIDE

Updated March 2015

**Prepared by the Massachusetts Department of
Telecommunications and Cable**

**1000 Washington Street, Suite 820
Boston, MA 02118-6500
617-305-3580
www.mass.gov/dtc**

INTRODUCTION

This Practical Guide is presented by the Massachusetts Department of Telecommunications and Cable ("Department") in our supervisory role with respect to cable television licensing. Under both federal and Massachusetts law, no cable operator may construct and/or operate a cable television system in a community without first obtaining a license. In Massachusetts, the city manager, mayor or board of selectmen is responsible for issuing a license and, hence, is designated as the Issuing Authority. Since Massachusetts law limits the term of a license, Issuing Authorities must periodically review and renew licenses. The Department oversees the licensing renewal process, which has been established under federal law, and supplemented by our regulations.

By establishing a formal renewal process, Congress sought to protect a municipality's right to a cable system that is responsive to the needs and interests of the local community. Congress also sought to protect cable operators, which have invested in infrastructure in a community, from an unfair denial of a renewal license. The Department's goal in developing this Practical Guide is to ensure that both municipalities and cable operators are aware of their rights and responsibilities as they contemplate license renewal and to guide them through the process.

In this Practical Guide, the Department first presents an overview of the role of government in cable television licensing. We describe each level of regulatory oversight with a focus on the resources available to Issuing Authorities. Next, the Department outlines the formal renewal process, highlighting the rights and responsibilities of each party under that process. Lastly, we discuss an alternative method by which parties may negotiate informally to reach an agreement. Since there are no procedural protections in informal negotiations, we recommend that this method be used only where there are no contested issues between the parties.

The guidance we provide herein offers both Issuing Authorities and cable operators direction on the most prudent manner in which to proceed under the rules established by Congress so that each party's rights and interests are protected. The information in this Practical Guide is necessarily general in nature. The Practical Guide is not a substitute for particularized advice from an attorney. In addition, federal and Massachusetts laws and regulations are subject to change. Therefore, persons should refer to the current Massachusetts General Laws, the Code of Massachusetts Regulations, the federal Communications Act of 1934, as amended, or the appropriate federal rules and regulations, or they may consult the Department with case-specific questions.

THE ROLE OF GOVERNMENT

Licenses to construct and/or operate cable television systems are granted by the "Issuing Authority" of a city or town. Pursuant to section 1 of chapter 166A of the Massachusetts General Laws, the Issuing Authority is the mayor of a city, the board of selectmen of a town, or the city manager of a city with a plan D or E charter. The Issuing Authority decides initially whether to go forward with the licensing process, recommends services and terms to be included in the license, and decides whether to grant a license. Upon license renewal, the Issuing Authority reviews the performance of the cable operator, determines the services and terms to be included in the renewal license, and decides whether to grant a renewal license.

The Issuing Authority takes these actions within the framework provided by federal and state law. Congress has enacted a series of laws that establish many of the substantive and procedural requirements governing cable television licensing. For example, federal law requires that each operator obtain a license to service a particular area, and that the license be non-exclusive. Federal law also specifically addresses local access programming and franchise fees. Further, federal law establishes the process by which licenses are granted and renewed. The Federal Communications Commission ("FCC") is charged with ensuring that cable operators and licensing authorities comply with federal law.

In addition to federal oversight regulation, many states have enacted laws regarding cable television regulation. In Massachusetts, the Department oversees cable television licensing and ensures that municipalities and cable operators comply with both federal and state law, particularly where state law is more restrictive than federal law. For example, state law limits the term of a license to 15 years for an initial license and ten years for a renewal license. The Department also acts as an appellate body, as a cable operator may appeal to the Department for review of an Issuing Authority decision.

Since it is the Department's enabling legislation and regulations promulgated thereunder that establish the regulatory framework for Issuing Authorities to follow, the Competition Division has created the position of Municipal Liaison to bridge these two bodies. The Municipal Liaison's chief function is to assist municipal officials as they work through the licensing process. The Municipal Liaison will meet with local governments to explain the statutory and regulatory requirements. The Department maintains, as public records available for inspection, a copy of each license granted in Massachusetts. In addition, we maintain, on our website, an electronic library of many of the licenses executed in Massachusetts. By providing this assistance, the Department seeks to ensure that Issuing Authorities act in compliance with federal and state law to obtain a license that best serves the needs of the community.

THE FORMAL RENEWAL PROCESS

Under federal and Massachusetts law, cable operators may not provide cable television service without obtaining a license from the Issuing Authority. Congress anticipated that cable operators would seek renewal licenses in order to continue providing cable television service in areas where money has been invested in infrastructure. Congress also recognized that municipalities should review the performance of a cable operator and ensure that the operator continues to meet the community's needs and interests. Thus, Congress established a formal renewal process that considers each of these interests. By following the formal renewal process, Issuing Authorities protect their right to a cable television system that serves the needs and interests of the community and cable operators protect their investment from a unfair denial of a renewal license. An Issuing Authority or cable operator must explicitly invoke the protections of the formal renewal process. Generally, each party must notify the other that it intends to proceed under the formal process.

The framework set forth by federal law provides a 36-month period in which to conduct license renewal proceedings. This 36-month period is often referred to as the "Renewal Window." The process consists of two phases: 1) reviewing the cable operator's performance under the current license and ascertaining the needs and interests of the community ("Ascertainment"); and 2) applying the results of the first phase to the review of the cable operator's proposal. The Department recommends that a municipality complete the first phase within 24 months. At most, the ascertainment phase should not extend longer than 30 months. This timeframe affords the municipality sufficient time to review and consider the cable operator's proposal and make a determination whether to grant renewal of the license before the current license expires.

PHASE I -ASCERTAINMENT

COMMENCEMENT

The formal renewal process must begin between 36 and 30 months prior to expiration of the license. The Issuing Authority may commence the formal renewal process on its own initiative and must inform the cable operator that it has done so. While there is no specific action that an Issuing Authority must take in order to demonstrate it has commenced the formal renewal process, the Issuing Authority should perform some tangible act to begin to ascertain the community's cable-related needs and interests. For example, the Issuing Authority could begin to survey the community or hold a public hearing.

Most often, the cable operator will request, in writing, that the Issuing Authority commence the renewal process. The cable operator will make this request between 36 and 30 months prior to the expiration of the license. If the cable operator requests that the Issuing Authority commence the renewal process, the Issuing Authority must begin ascertaining the community's cable-related needs and interests within six months of receiving the cable operator's request.

In either case, the letter requesting commencement of the formal license renewal process or advising that a community has commenced the formal renewal process is called a "Renewal Letter." The Renewal Letter is often referred to as the "626 letter" (626 refers to the section of the federal Communications Act that sets forth the franchise renewal process).

The protections of the formal renewal process must be invoked in a timely manner, that is between 36 and 30 months prior to the expiration of the current license. If neither the Issuing Authority nor the cable operator requests commencement of the formal process within this period, the

opportunity to conduct the renewal license under the formal renewal process expires and neither party is able to claim the protections provided by federal law.

ASCERTAINMENT

Ascertainment is a series of actions taken by the Issuing Authority by which the Issuing Authority reviews the cable operator's performance under the existing license and identifies the cable-related needs and interests of the community. Many Issuing Authorities find it helpful to appoint a committee to assist in gathering information about a cable operator's performance and the community's needs and interests. The size and make-up of the cable advisory committee ("CAC") is determined by the Issuing Authority, and its members may include both residents and non-residents of the community. A CAC is considered a governmental body within the purview of the Massachusetts conflict of interest laws, at General Laws chapters 268A and 268B, and is subject to the guidelines contained therein.

The Issuing Authority, in appointing a CAC, should define the CAC's role and duties. Under Massachusetts law, only the Issuing Authority may make the final licensing decision. However, this does not preclude the Issuing Authority from relying on the CAC's recommendations.

An Issuing Authority and its CAC may choose a wide variety of methods to assess the cable operator's past performance and determine the future needs and interests of the community. An Issuing Authority may:

- Hold a public hearing. While a public hearing is required after receipt of the cable operator's proposal as part of the Issuing Authority's deliberative process, some municipalities choose to hold additional hearings during the ascertainment phase to solicit input from the community with respect to the cable operator's performance as well as the future needs and interests of the community;
- Conduct a municipality-wide survey;
- Meet with community organizations such as schools, senior citizen centers, and police and fire services to determine their proposed needs;
- Review the current license held by the cable operator in the municipality to determine, for example, which terms and conditions have been particularly beneficial to the community;
- Review the cable operator's financial forms (CTV Forms 200 and 400);
- Review consumer complaint records, including CTV Form 500 and municipal records;
- Obtain and review a map of the service area (often referred to as a street or strand map) to determine, in part, whether there are unserved parts of the community;
- Tour the cable operator's technical facilities (i.e., headend) and PEG access studio; and
- Review licenses granted by other communities in Massachusetts (many have been filed electronically and are available at the Department's web page).

There is no law or regulation that explicitly establishes a deadline by which an Issuing Authority must complete ascertainment. The Department has interpreted federal law as requiring Issuing Authorities to complete ascertainment no later than six months prior to the current license expiration date. The better practice, however, is to ensure that ascertainment is complete 12 months prior to license expiration in order to maximize the amount of time an Issuing Authority has to review a cable operator's proposal. Under federal law, a cable operator may not submit a formal renewal proposal until the Issuing Authority has completed ascertainment. This timeline allows a cable operator to respond to the results of the ascertainment studies in preparing its proposal. Upon receipt of the proposal, an Issuing Authority has only four months, or until the expiration of the current license, whichever occurs first, to make a determination on the proposal. Prolonging completion of the ascertainment thus reduces the amount of time during which an Issuing Authority may review and deliberate on a cable operator's proposal.

Under Massachusetts regulations, the Issuing Authority must notify the cable operator in writing upon completion of ascertainment. In its written notification, the Issuing Authority must specifically state the date that ascertainment was complete. The Issuing Authority should provide its ascertainment results as a part of a Request for Proposals ("RFP"). Presenting the ascertainment results to the cable operator is critical in demonstrating the community's needs and without it, a proposal in response to an RFP may not accurately represent the community's needs.

As part of the RFP, the Issuing Authority may provide the cable operator with a draft license in its RFP that contains terms and conditions consistent with the ascertainment results. The Issuing Authority should provide a reasonable deadline for the cable operator to respond to the RFP, that is, to submit what is known as the Formal Renewal Proposal. Generally, a period of at least 30 days is considered a reasonable response time. However, in establishing a deadline for responses, the Issuing Authority must be aware of the length of time remaining before the current license expires.

PHASE II -REVIEW OF PROPOSAL

After the Issuing Authority has completed ascertainment, the cable operator may (on its own initiative) or must (within the time frame established by the Issuing Authority in the RFP) submit its renewal proposal. The cable operator submits its proposal on the Department's Form 100 and often supplements it with additional information.

Upon receipt of the proposal, the Issuing Authority must:

- 1) provide prompt public notice that the cable operator has submitted a renewal proposal;
and
- 2) during the four-month period that begins upon the receipt of the proposal, renew the franchise or issue a preliminary assessment that the franchise should not be renewed; and
- 3) at the request of the cable operator or on its own, commence an administrative proceeding to consider whether:
 - A) the cable operator has substantially complied with the material terms of the existing franchise and with applicable law;
 - B) the quality of the cable operator's service, including signal quality, response to consumer complaints, and billing practices, but without regard to the mix or quality of cable services or other services provided over the cable system, has been reasonable in light of community needs;

- C) the cable operator has the legal, financial, and technical ability to provide the services, facilities, and equipment as set forth in the cable operator's proposal; and
- D) the cable operator's proposal is reasonable to meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

If the Issuing Authority determines, upon initial review of the proposal, that it will accept the cable operator's proposal and grant the license, there is no need to commence an administrative proceeding. Nonetheless, under the Department's regulations, the Issuing Authority must conduct a public hearing to allow the public an opportunity to comment on the cable operator's proposal.

The administrative proceeding is an evidence gathering proceeding that must be conducted so as to afford both the Issuing Authority and cable operator due process, including the right to introduce evidence, question witnesses, and require the production of evidence. If the Issuing Authority bases the preliminary denial of the renewal proposal on criteria (A) or (B), the Issuing Authority must provide the cable operator with notice of non-compliance and an opportunity to cure.

At the conclusion of the administrative proceeding, the Issuing Authority must issue a written decision granting or denying the cable operator's proposal for renewal.

GRANTING A RENEWAL LICENSE

If the Issuing Authority determines that the cable operator satisfies each of the four criteria, and decides to grant a renewal license to the cable operator, the Issuing Authority must issue a public, written statement detailing the reasons for the grant of the renewal. The Issuing Authority must file a copy of the issuing statement, renewal license, and license application (Form 100) with the Department within seven days of granting the license. In addition, the Department requests that the Issuing Authority also submit the license in electronic format.

DENYING A RENEWAL LICENSE

If the Issuing Authority determines that the cable operator has failed to satisfy one or more of the criteria, and has not cured any claimed non-compliance, the Issuing Authority must issue a written statement detailing the reasons for its denial within 14 days of the decision to deny. The written decision must include the basis for the denial, that is, identify which of the four criteria the cable operator did not satisfy. The Issuing Authority must file a copy of this statement along with the renewal proposal (Form 100) with the Department.

APPEAL OF ISSUING AUTHORITY DECISION

A cable operator who is aggrieved by a decision of an Issuing Authority to deny a renewal license may appeal to the Department for review of that decision. Any such appeal must be filed within 30 days of the date of the Issuing Authority decision.

INFORMAL NEGOTIATIONS

While Congress established the formal renewal process, Congress also determined that where Issuing Authorities and cable operators are able to negotiate an agreement outside of the formal renewal process, they should be allowed to do so in a manner that best fits the parties' needs. That is, where a municipality has a good working relationship with a cable operator and there are no compliance issues, the parties are not required to follow the formal process. Rather, the parties may negotiate an agreement informally. Since there are no procedural safeguards in informal negotiations, this method should be used only where there are no contested issues between the parties.

When negotiating informally, a cable operator may submit a proposal for the renewal of a license at any time, and the Issuing Authority may, after affording the public adequate notice and an opportunity to be heard, grant or deny such a proposal. By negotiating informally, parties avoid the time requirements of the formal process. For example, Issuing Authorities are not obligated to review a cable operator's proposal within 120 days, as required under the formal process. However, even with informal negotiations, state law requires that the Issuing Authority hold a public hearing on the cable operator's proposal.

There is no regulatory requirement that an Issuing Authority conduct ascertainment if it chooses to negotiate with a cable operator rather than follow the formal process. Nevertheless, the Issuing Authority's negotiating position can only be enhanced if it has ascertainment results to substantiate its requests. It is highly recommended that an Issuing Authority conduct some form of ascertainment prior to entering into negotiations with a cable operator.

In practice, cable operators in Massachusetts will often request an Issuing Authority to commence the formal renewal process, but simultaneously request that the parties negotiate informally. Thus, the parties actually enter into informal negotiations while conducting the formal renewal process. While this is acceptable, there are two potential areas where confusion may result:

1) The Nature of the Proposal - Formal Proposal versus Informal Proposal

There is a distinction between a proposal submitted for discussion purposes and one that is submitted as a formal renewal proposal, namely, the submission of the formal renewal proposal triggers the 120-day review period. In order to avoid any confusion or violation of process, an Issuing Authority negotiating informally should ensure that the cable operator identify any informal proposal submitted as "Informal" or "For Informational Purposes Only."

2) "Reservation of Rights"

As indicated above, often a cable operator will request that the parties negotiate informally, while "reserving its rights" under the formal renewal process. In essence, the cable operator protects itself from an unfair license denial, but is relieved of following the strict time requirements of the formal process. The Issuing Authority is similarly relieved of the strict requirements of the formal process, including the requirement to conduct ascertainment. However, it is unlikely that a decision to deny a license will stand without appropriate ascertainment to support it. Thus, it is recommended that an Issuing Authority conduct ascertainment even when negotiating informally. Moreover, if informal negotiations do not result in a renewal license, the cable operator may revert back to the formal process, and submit a formal renewal proposal for the Issuing Authority's consideration. The review is limited to 120 days under federal law. Therefore, in order to ensure that sufficient time exists

for the Issuing Authority to review a formal proposal, the Department recommends that an Issuing Authority complete ascertainment 12 months prior to the license expiration date, but absolutely no later than six months prior to the license expiration date.

Informal negotiations may be a productive and efficient means for many Issuing Authorities and cable operators to reach mutually agreeable license terms, particularly where the parties have developed a solid professional relationship. However, where a party which has agreed to proceed informally has "reserved its rights" under the formal renewal process, both parties should proceed with the understanding that the requirements of the formal process may become applicable.

REFERENCES

RELEVANT LAWS AND REGULATIONS

Massachusetts General Laws, Chapter 166A

Code of Massachusetts Regulations, 207 C.M.R. §§ 3.00-10.00

United States Code, 47 U.S.C. § 546

ADDITIONAL RESOURCES

Information regarding cable television licensing may be found on the Department's website at www.mass.gov/ocabr/government/oca-agencies/dtc-lp/competition-division/cable-tv-division/municipal-info/. The Department's website also provides several licenses in electronic format that are available for download.

A comprehensive glossary of cable-related terms is available on the Department's website at www.mass.gov/ocabr/government/oca-agencies/dtc-lp/competition-division/cable-tv-division/glossary-of-cable-television-terms.html.

SPECIAL LEGISLATION TO INCREASE ANNUAL LIQUOR LICENSES

ARTICLE 41: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for three (3) additional all alcohol on premises liquor licenses, bringing the number of said licenses from fifteen (15) to eighteen (18), as set forth below, said licenses not to be transferred to any other locations; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition, and to act fully thereon. By request of the Board of Selectmen.

The petition for special legislation shall take the following form:

**AN ACT AUTHORIZING THE TOWN OF HARWICH TO ISSUE THREE
ADDITIONAL LIQUOR LICENSES.**

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

SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws or any other general or special, rule or regulation to the contrary, the licensing authority of the town of Harwich may grant three (3) additional licenses for the sale of all alcoholic beverages to be consumed on premises under section 12 of said chapter 138 as follows: one license to Blue Stripe LLC d/b/a Cape Sea Grille, to be exercised at 31 Sea St., in the Town of Harwich Port; one license to Ember Pizza, Inc. d/b/a Ember, to be exercised at 600 Route 28, in the Town of Harwich Port; and one license to Pleasant Bay Group Inc. d/b/a Wequassett Inn, to be exercised at 2173 Route 28, in the Town of Harwich. Licenses granted under this section shall be subject to all of said chapter 138 except said section 17.

(b) Once issued, the licensing authority shall not approve the transfer of a license issued under this act to any other location, but it may grant a license to a new applicant at the same location if the applicant files with the authority a letter from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

(c) If any of the licenses granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority, which may then grant the license to a new applicant at the same location under the same conditions as specified in this act.

SECTION 2. This act shall take effect upon passage.
and to act fully thereon. By request of the Board of Selectmen.

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND
ADOPTED. VOTE: YES-5, NO-0.**

MOTION: (Jack Brown, Chairman-Finance Committee) I move that this article be accepted and adopted as printed in the warrant. Duly seconded

ACTION: Motion carried.

BUDGET/WARRANT TIME LINE 2018-2019

Friday, August 24, 2018	Capital Budget Instructions submitted by T A to Departments	
Friday, September 21, 2018	Deadline for submission of Department Capital Budgets to the T A	
Monday, September 24, 2018	TA presents BOS with 5-Year Financial Plan	Charter 9-2-1/on or before October 1st
TBD	MRSD meeting with B O S and Fincom to discuss enrollments by class and demographics, including a five year projection of same.	
Monday, October 1, 2018	Deadline for submission of Community Preservation requests	
Monday, October 1, 2018	BOS Budget Message to guide TA in developing budget Requests - Including Board agreed to goals	Charter 9-2-2/on or before the first Tuesday in October
Monday, October 22, 2018	Capital Outlay Committee submits 7-yr Capital Outlay plan to T A	
Wednesday, October 31, 2018	Operating Budget instructions submitted to departments by T A	
Tuesday, November 13, 2018	Preliminary meeting with B O S and Fincom to discuss budget guidelines for the FY 20 MRSD budget	
Tuesday, November 13, 2018	Meeting with B O S and Fincom to discuss initial look at MRSD FY 18 budget	
Friday, November 30, 2018	Deadline for submission of department operating budgets to T A	Charter 9-2-3/on or before the 1st Friday of December
Friday, November 30, 2018	Deadline for submission of departmental warrant articles to T A	
Monday, December 10, 2018	B O S Review and discussion of potential warrant articles	
Monday, December 10, 2018	TA submits 7-yr Capital Outlay Plan to joint meeting of BOS/ Finance Committee	Charter 9-6-3/during the month of December
Monday, December 24, 2018	MRSD School Vacation	
Monday, January 7, 2019	BOS/FINCOM/Capital Outlay Committee hold joint Public Hearing on submitted Capital Outlay Plan	Charter 9-6-4/on or before the 2nd Friday in January
Friday, January 25, 2019	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, January 28, 2019	Meeting with B O S and Fincom to discuss first draft budget and five-year plan with MRSD and Cape Cod Tech	
February – March	Fincom review of budgets and articles	
Monday, February 4, 2019	Last BOS meeting before Annual Warrant closes	
Friday, February 8, 2019	Article deadline – Warrant closes Noon deadline	Charter 2-2-1/Bylaw 1-101 2nd Friday in February by 12:00 Noon

Monday, February 11, 2019	TA presents budget and budget message to B O S and Fincom	Charter 9-2-4/on or before the 2nd Tuesday of February
Monday, February 18, 2018	MRSD School Vacation	
Tuesday, February 19, 2019	1 st draft Warrant to BOS (presented at meeting)	
Tuesday, February 19, 2019	Articles submitted to Finance Committee by B O S	General By-Laws I, § 271-1.B. Not later than 14 days after article deadline
Monday, February 25, 2019	BOS required to submit final budget to Finance Committee	Charter 9-3-2 / on or before the 4th Tuesday of February
February 2019	MRSD to submit final line item budget to B O S and Fincom for inclusion in the ATM Warrant	
Saturday, March 2, 2019 (TENTATIVE)	Selectmen and Finance Committee Budget Presentations	
Monday, March 4, 2019	Joint budget/article hearing BOS/Finance Committee	
March, 2019	BOS reviews Warrant articles	
Monday, March 4, 2019	VOTE to sign final Annual Town Meeting Warrant	No new information or changes will be added to the Warrant after this date
Monday, March 4, 2019	Vote to open Special Town Meeting Warrant	All Special Town Meeting Articles must be received 40 days prior to STM
No later than Monday, March 18, 2019	Article funding review by B O S	
Monday, March 18, 2019	BOS votes Special Warrant BOS votes Ballot	
not later than Monday, March 25, 2019	FINCOM submits written recommendations on Budget/Warrant. Joint budget /article hearing with B O S and Fincom reconciliation	Charter 9-3-3/by March 31st
Not later than Monday, March 25, 2019	Fincom conducts one or more hearings on budget	Charter 9-3-3 by March 31st
March 25, 2019	Ballot to Town Clerk	
Monday, April 1, 2019	Send Warrant to Printer Send Warrant to Chronicle (April 18th publication)	Printer needs 2 weeks. Chronicle needs 1 week before publish date
Monday, April 15, 2018	MRSD School Vacation	
Friday, April 19, 2019	Warrants available for public distribution	Charter 2-2-2/14 days prior to Town Meeting
Monday, May 6, 2019	First night of Annual Town Meeting and Special Town Meeting	Charter 2-3-1/1st Monday in May
Tuesday, May 21, 2019	Annual Town Elections	Charter 8-1-1/3rd Tuesday in May