

SELECTMEN'S MEETING AGENDA*

Donn B. Griffin Room, Town Hall

732 Main Street, Harwich, MA

Regular Meeting 6:30 P.M.

Monday, October 16, 2017

**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 COMMENT/ANNOUNCEMENTS

V. CONSENT AGENDA

- A. Vote to remove Tom Stello as a member of the Planning Board per the recommendation of the Planning Chair due to lack of attendance

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

- A. Green Communities Presentation and Participation – Seth Pickering, S.E. Regional Coordinator
- B. Annual Meetings with the Selectmen:
 - 1. Voter Information Committee
 - 2. Bikeways Committee
 - 3. Trails Committee

VII. NEW BUSINESS

- A. Proposed Wireless Communications Lease RFP for property located at 196 Chatham Road
- B. Request from Cemetery Commission to name the pet burial ground the “Christine Wood Memory Garden”
- C. Reconsideration of FY 18 Disposal Area Fees – C&D rate increase
- D. New Open Meeting Law Update
- E. Tax Collection Policy & Procedure
- F. Discussion on State Bid Process and Procurement
- G. Policy for Approval of Municipal Contracts
- H. Support of the Cape Cod Tech High School building project - discussion

VIII. OLD BUSINESS

- A. Draft Electronic Communications Policy for Elected Officials and members of boards, committees and commissions

IX. TOWN ADMINISTRATOR'S REPORT

- A. Saquatucket Development Landside update
- B. Cape Cod Tech School – Explanation of the October 24, 2017 vote
- C. Design plan for the Station 2 renovation project
- D. Departmental Weekly Reports

X. SELECTMEN'S REPORT

- A. Power Point Presentation on Audit
- B. Budget Warrant Timeline

XI. ADJOURNMENT

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

Authorized Posting Officer:

Posted by: _____
Town Clerk

Sandra Robinson, Admin. Secretary

Date: _____
October 12, 2017

Sandy Robinson

From: Michael MacAskill
Sent: Wednesday, October 11, 2017 4:04 PM
To: Sandy Robinson
Subject: Fw: Harwich Planning Board Vacancies

From: Larry Brophy
Sent: Thursday, October 5, 2017 11:47 AM
To: Michael MacAskill; Christopher Clark
Subject: Harwich Planning Board Vacancies

October 5, 2017

Mike,

I write to discuss the current Harwich Planning Board vacancies. As you know there now seems to be one full member and two alternate member vacancies.

I do not know the current status of Tom Stello. He has missed all the Planning Board meetings since June. He has not been sworn in and seems to want to resign. I have not contacted Mr. Stello since Selectman Howell told me it was inappropriate for me to contact him and discuss his status on the Planning Board. Thus, I would suggest the BOS take appropriate action to clarify his current situation.

I further understand there are two outstanding applications for Planning Board vacancies. These applications are Mike Glynn and Linda Cebula. I know and have spoken with Mr. Glynn, I know his educational background as well as life and employment experience. I think he would make an excellent member of the Planning Board and recommend his appointment.

I also know Linda Cebula's education and her experience both in the private sector and her elected and appointed experience as well as her previous service on the Planning Board. Taking Ms. Cebula's overall town experience and the Selectman Howell's statement he would do his best to reappoint her if a vacancy became available I would also recommend her reappointment.

Therefore, the two vacancies could be immediately filled and when the BOS decides on the status of Mr. Stello's appointment that vacancy could be filled with a qualified applicant.

Thanking you in advance for the BOS consideration and filling out the Planning Board membership as we enter a critical time when some members head south and quorum difficulties often arise as well as starting of a Comprehensive Plan. Please feel free to contact me if you have any questions.

Respectfully submitted,

Lawrence E. Brophy
Chairman, Harwich Planning Board

Creating a Clean, Affordable and Resilient Energy Future for the Commonwealth



COMMONWEALTH OF MASSACHUSETTS

*Charles D. Baker, Governor
Matthew A. Beaton, Secretary
Judith Judson, Commissioner*

**The Green Communities Division
Partnering with Massachusetts
Cities and Towns**

*Seth Pickering
Southeast Regional Coordinator*

*Town of Harwich
Green Communities
Presentation*

*Board of Selectmen
October 16, 2017*

Green Communities Division

Serves as the hub for all Massachusetts cities and towns on energy matters



Creating a Clean, Affordable and Resilient Energy Future for the Commonwealth



GOING GREEN, WHAT DOES IT MEAN?

Cities, towns and other local governmental bodies can reduce their energy costs by:

1. Establishing an Energy Committee / Designating an Energy Officer
2. Establishing an energy baseline for municipal buildings, schools, streetlights and all vehicles
3. Performing Energy Audits on municipal buildings
4. Implementing energy efficiency measures (e.g. town investments, utility rebates and incentives, grant programs and performance contracting)
5. Changing behaviors: (e.g. energy conservation policies)
6. Exploring renewable energy opportunities



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Green Communities Division - Programs & Resources for Municipalities

- Green Communities Designation and Grant Program
- MassEnergyInsight (MEI) energy tracking and analysis tool
- Municipal Energy Efficiency Program
- Energy Management Services Technical Assistance
- Municipal Energy Technical Assistance Grants (META)
- Partnerships with MassCEC –
Solarize Mass and Community Energy Strategic Planning
- Website filled with tools & resources
www.mass.gov/energy/greencommunities
- Email updates via listserv – Sign up by sending an email to:
join-ene-greencommunities@listserv.state.ma.us

CLEAN
ENERGY
NEWS



Creating a Clean, Affordable and Resilient Energy Future for the Commonwealth



GREEN COMMUNITIES DESIGNATION and GRANT PROGRAM



Massachusetts
DEPARTMENT OF ENERGY RESOURCES



Commonwealth of Massachusetts

Charles D. Baker Governor Karyn E. Polito Lt. Governor Matthew A. Beaton EOEAA Secretary Judith F. Judson DOER Commissioner

DESIGNATED 2016

Provides grants to *qualifying* communities to fund energy efficiency initiatives, renewable energy, innovative projects

Qualification Criteria

1. Adopt as-of-right siting, in designated locations, for RE/AE generation, or RE/AE R&D, or RE/AE manufacturing
2. Adopt expedited (12 month) application/permitting process
3. Establish an energy use baseline with a plan to reduce baseline by 20% in 5 years
4. Purchase only fuel-efficient vehicles
5. Require new residential construction and new commercial and industrial real estate construction to minimize life-cycle energy costs (**Adopt Stretch Code - 780 CMR 115, Appendix AA**)



<http://www.mass.gov/eea/energy-utilities-clean-tech/green-communities/gc-grant-program/>

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Green Communities Designation and Grant Flowchart

Step 1

- Review Green Communities Designation Criteria Guidance
- Contact your Green Communities Regional Coordinator

Step 2

- Discuss Green Communities Designation with Local Government
- Receive local approval to apply for Green Communities status

Step 3

- Meet the 5 Green Communities Criteria and submit a Designation Application
- Receive Green Community Designation from DOER
- Apply for Green Community Grants



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Criteria 1 – As-Of-Right Siting

For at least one of the following:

1. Renewable or Alternative Energy Generating Facilities or;
2. Renewable or Alternative Energy Research and Development (R&D) Facilities or;
3. Renewable or Alternative Energy Manufacturing Facilities in designated locations.



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Criteria 2 – Expedited Permitting



12 months: date of initial application to date of final approval

1. Applies only to the proposed facilities subject to the as-of-right siting provision.
2. Can apply the MGL c 43D permitting process to these zoning districts



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Criteria 3 – Energy Baseline & 20% Energy Reduction Plan



Calculate a Municipal Energy Use Baseline that includes:

- 1. Municipal Buildings & Schools**
- 2. All Vehicles**
- 3. Municipally Owned Street & Traffic Lights**



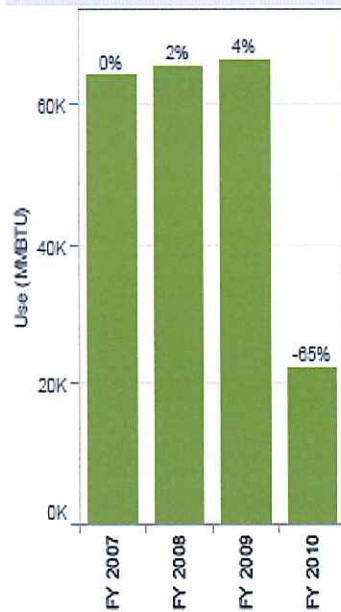
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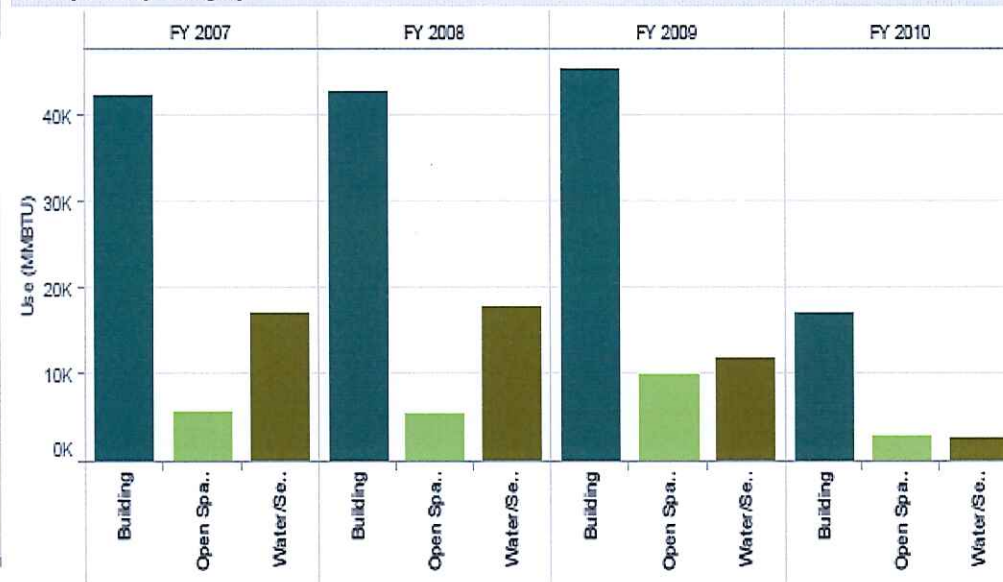
Criteria 3 – Energy Baseline & 20% Energy Reduction Plan

Create a comprehensive energy reduction plan designed to reduce energy use by 20 percent within 5 years of the baseline year.

Overall Use with % Difference from Baseline Year



Use by Facility Category



Values with a Facility Category of Null or blank indicate buildings that have not yet been assigned a category. Categories can be assigned from within the "Enter/Organize Data" section of www.massenergyinsight.net.



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Criteria 4 – Fuel Efficient Vehicles

1. Purchase only fuel-efficient vehicles for municipal use whenever such vehicles are commercially available and practicable.
2. Police cruisers are exempt until commercially available.
3. Heavy-duty vehicles > 8,500 pounds are exempt.



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Criteria 5 – Minimize Life Cycle Costs

Require all new residential construction and all new commercial and industrial real estate construction to minimize, to the extent feasible, the life-cycle cost of the facility by utilizing energy efficiency, water conservation and other renewable or alternative energy technologies.

The DOER recommended way for cities and towns to meet this requirement is by adopting the BBRs Stretch Code (780 CMR 115.AA) an appendix to the MA State Building Code.

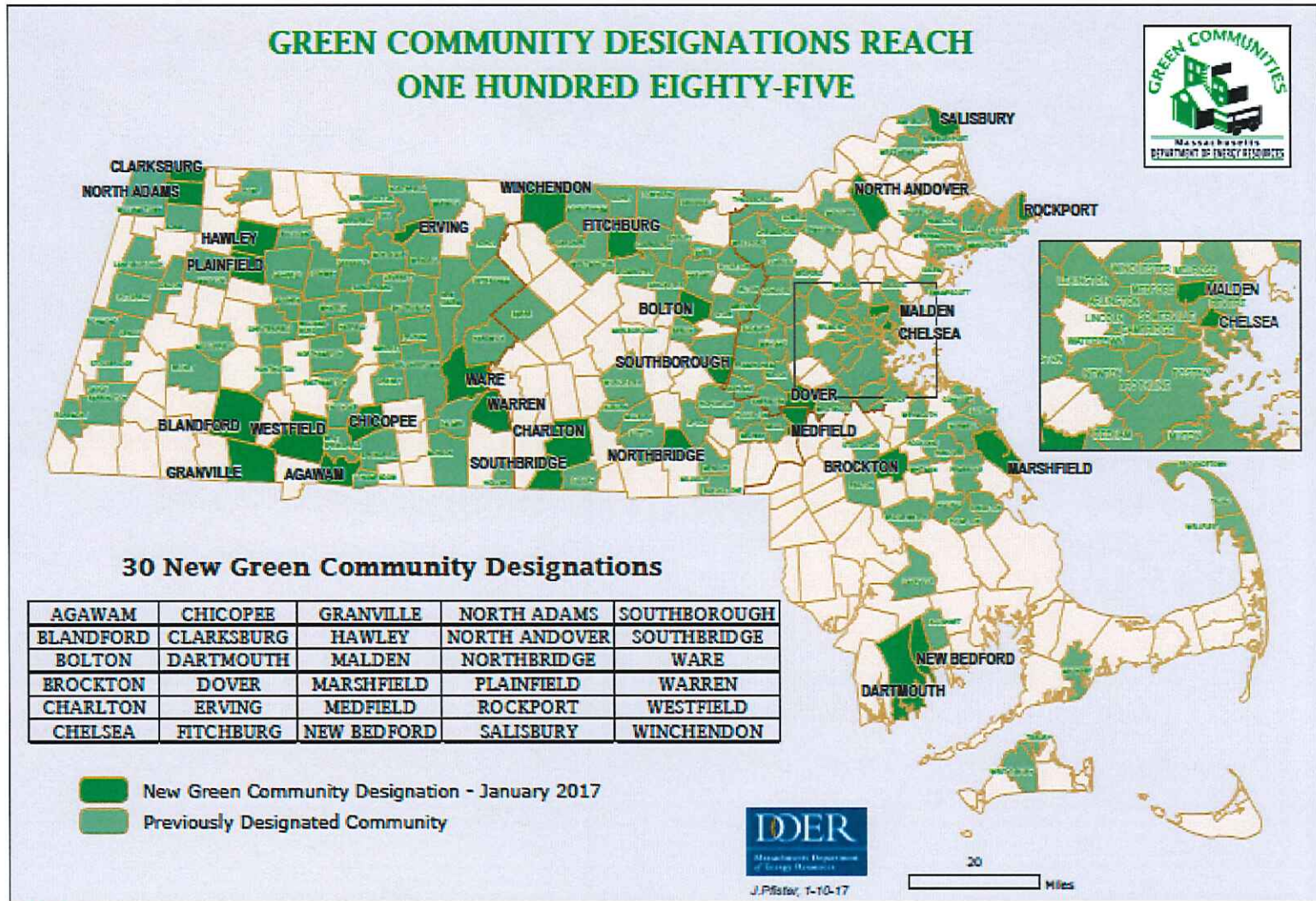
- In a town, the Stretch Code must be adopted as a warrant article or a general bylaw by its Town Meeting.
- In a city, the Stretch Code must be adopted by the City Council, preferably by general ordinance.



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Meet the Green Communities!



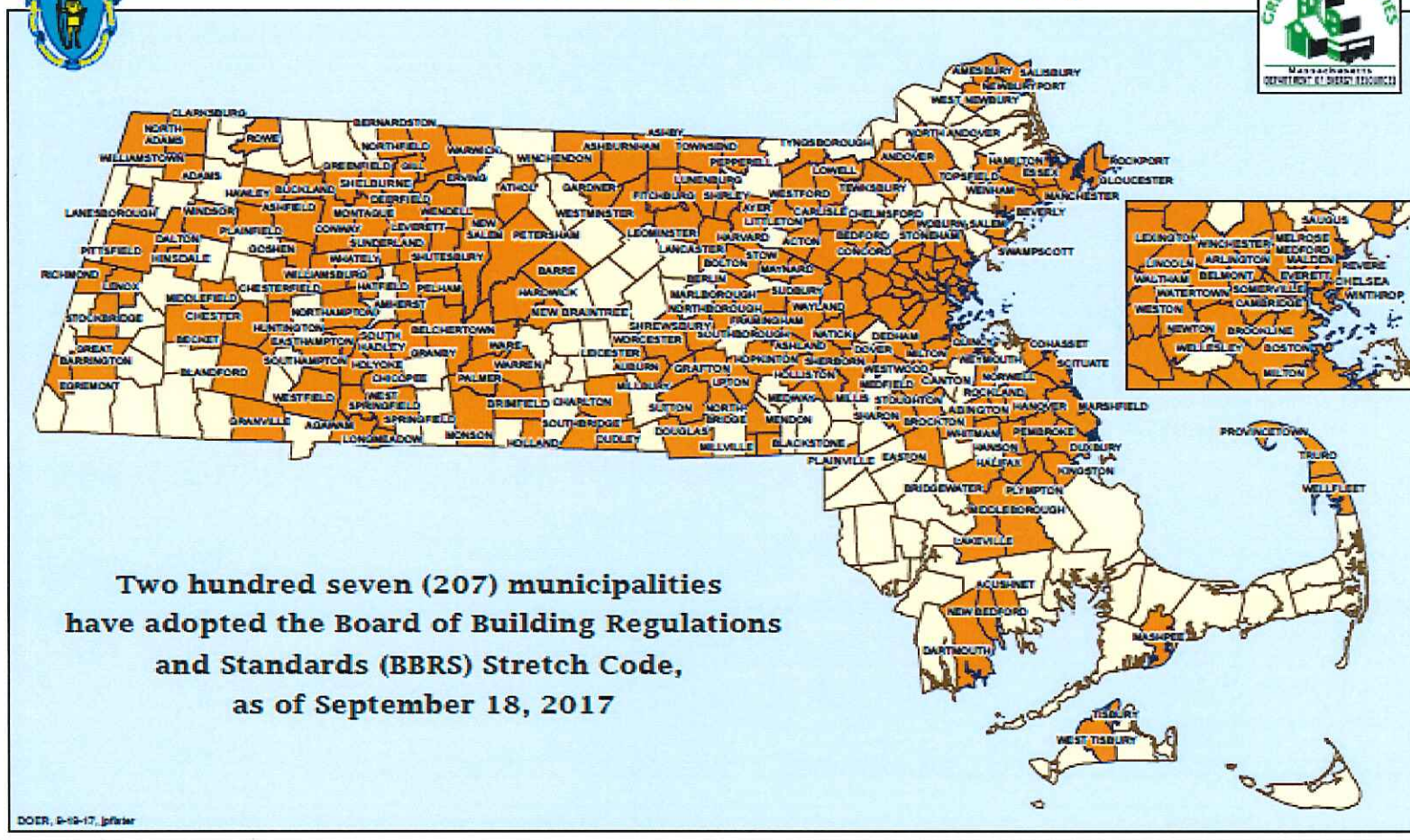
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Stretch Code Communities



Stretch Code Adoption, by Community



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Green Communities Designation and Grant Program

- Grant allocations based on a \$125K base plus a population/per capita income formula; maximum \$1M.
 - Range from \$130,725 in Hatfield to \$1M for Boston
- Over \$67M awarded in total for both designation and competitive grants programs
- Projects being funded include electric and thermal (natural gas and fuel oil) energy conservation measures, incremental costs for hybrid vehicles and grant administration costs.



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Municipalities in the Green Communities Designation and Grant Program

- Acushnet 2013 = \$528,112 - Designation and Two Competitive Grants
- Kingston 2010 = \$949,036 - Designation and Four Competitive Grants
- Lakeville 2012 = \$546,600 - Designation and Two Competitive Grants
- Mashpee 2010 = \$446,093 - Designation and Three Competitive Grants
- Provincetown 2011 = \$178,462 - Designation and One Competitive Grant
- Truro 2011 = \$331,931 - Designation and Two Competitive Grants
- Wellfleet 2014 = \$260,423 - Designation and One Competitive Grant



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MUNICIPAL ENERGY EFFICIENCY

- **Municipal Energy Efficiency** - A major focus of the Green Communities Division is collaborating with municipalities by coordinating energy assessments with utilities, identifying energy efficiency resources and opportunities and evaluating the benefits of implementing energy conservation measures.
- **Cape Light Compact and National Grid Natural Gas - Audits/Rebates/Incentives**
- **Three Year Energy Efficiency Plans**
 1. Investor owned electric and gas utilities (IOU) are required to provide all available energy efficiency (EE) and demand reduction resources that cost less than new energy supply.
 2. Utilities will provide more robust rebates, incentives and programs to meet their goals.
 3. Plans – IOUs to invest \$2.2 billion in EE measures over 3 yrs.



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Green Communities Contacts

Seth Pickering – SE Regional Coordinator

seth.pickering@state.ma.us (508) 946-2838 or (617) 780-7156/Cell

- Website: <http://www.mass.gov/eea/energy-utilities-clean-tech/green-communities/>



Creating a Clean, Affordable and Resilient Energy Future for the Commonwealth



2017 Annual Report from THE HARWICH VOTER INFORMATION COMMITTEE *whose purpose is to inform and prepare voters on issues to be addressed at Annual and Special town meetings and the local annual election and to encourage voter registration and participation.*

The committee presented five programs to provide helpful information to voters as they prepared for the Annual and Special Town meetings and the local election in May and to encourage participation in Town government:

- **Committee Recruiting Fair:** Members from twelve Town committees participated in the January 28 by hosting a table and chatting with interested attendees. Seventeen potential volunteers attended.
- **Financial State of Harwich:** Led by Joanne Rys, panelists discussed the current state of the town's finances. The one hour discussion, taped by Channel 18 on May 11, focused on key components of the town and school budgets, financial challenges, and capital warrant articles.

Participating were: Michael MacAskill, Chair- Board of Selectmen; Christopher Clark, Town Administrator; Jack Brown, Chair – Financial Committee; Scott Carpenter, Superintendent – Monomoy Regional School District; Carol Coppola, Finance Director/Accountant; Brian Widegren, Vice Chair – Monomoy Regional School District Committee; Robert Sanborn, Superintendent – Cape Cod Regional Technical High School, Robert Furtado, Harwich Representative on the Cape Cod regional Technical High School Committee.

- **Meet The Candidates:** Emily Milan and Tina Games hosted interviews with those candidates running for uncontested seats.

Interviewed were:

- Monomoy Regional School Committee – Sharon Stout and Steve Craffey
 - Water Commissioner – Allin P. Thompson, Jr.
 - Brooks Free Library Trustee – JoAnne Brown and Mary Warde.
- **Pre-Town Meeting:** Peggy Rose and Chris Joyce moderated this Channel 18 broadcast on the Annual and Special Town meeting warrant articles. Participants provided listeners with the rationale of each article and how those articles will be funded if passed.

Participants were: Dan Pelletier, Superintendent – Water Department; Donna Molino, Deputy Assessor; David Guillemette, Chief – Police Department, David LeBlanc, Deputy Fire Chief; John Rendon, Harbormaster; Christopher Clark, Town Administrator; Clem Smith, Chair – Golf Committee; Heinz Proft, Department of Natural Resources, Michael MacAskill, Chair – Board of Selectmen; and Craig Chadwick, Chair – Fire Station 2 Committee.

- **League of Women Voters Moderated Debate:** In May and in preparation for the local election, Judy Thomas, League of Women Voters – Cape Cod Area, moderated a debate for the two contested Board of Selectmen seats. Fifteen members of the public participated by asking questions of the candidates. Channel 18 televised the program and broadcast it on numerous occasions leading up to the election.

Candidates participating: Rob Mador, Don Howell, and Larry Ballantine

- **Cape Cod Regional Technical High School:** In early October, Peggy Rose and Chris Joyce led a discussion of the upcoming October 24 vote on construction of a new school building with Superintendent Robert Sanborn. The program was taped by Channel 18 personnel and is being repeatedly broadcast until the election.

Additional work during the year included:

- **VIC Web Page – Town Website:** Committee member, Emily Milan, continues to maintain VIC's web page which includes a link to the committee volunteer application, the *Citizens Committee Vacancy form* and recent VIC broadcasts. Additionally, Ms. Milan developed an on-line tutorial for readers to learn how to sign up for E-alerts from the town web so residents can receive links to any Town committee minutes and agenda in which they are interested.

We respectfully submit the year-to-date report of the Harwich Voter Information Committee (VIC) for 2017 with special thanks to Joanne Rys who dutifully served for 12 years, was influential in having the Town of Harwich Committee Handbook updated, and generously mentored this Chair and other members of the Committee. Without the support and professionalism of Jamie Goodwin, Channel 18 Station Manager; Caleb LaDue, Information Specialist; and Julie Kavanagh, Selectman and liaison to VIC our work would be less effective.

Christina Joyce, Chair
Peggy Rose, Clerk
Tina Games
Emily Milan

TOWN OF HARWICH

I, hereby acknowledge that I received a copy of the summary of the conflict of interest law for municipal employees, revised November 14, 2016

ACKNOWLEDGMENT OF RECEIPT

Municipal employees should complete the acknowledgment of receipt and return it to the individual who provided them with a copy of the summary. Alternatively, municipal employees may send an e-mail acknowledging receipt of the summary to the individual who provided them with a copy of it.

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COMMITTEE:	PRINT NAME	SIGNATURE
VOTER INFORMATION COMMITTEE		
	CHRISTINA A. JOYCE (CERTIFICATE)	SIGNATURE
	TINA GAMES (CERTIFICATE)	SIGNATURE
	EMILY MILAN (CERTIFICATE)	SIGNATURE
	PEGGY ROSE	SIGNATURE
	JOANNE RYS (CERTIFICATE)	SIGNATURE

HARWICH BIKEWAYS COMMITTEE ANNUAL REVIEW

October 16, 2017

BOARD OF SELECTMEN PRESENTATION

1. Committee Membership

- Paul Gazaille, Mike Glynn, Eric Levy, Shanna Nealy, Bruce Paige, Francis Salewski (Chair), Andrew Docken (currently a full committee).
- Thanks to Dennis Mozzer for his work on Committee; previous member for over 5 years.
- Member Mike Glynn resigning effective next week; thanks for his 5+ years of service.
- Thus one (1) upcoming vacancy.

2. Committee Administrative and Governmental Compliance

- Each and every member is at present properly sworn in and fully compliant with applicable State Ethics Testing.

3. Agendas / Minutes

- Agendas and minutes are being posted / submitted in accordance with relevant municipal / statutory authority.

4. Activities / Accomplishments of Past Year

- Initially, sincere thanks to Linc Hooper and Harwich DPW for ongoing and continued responsiveness to Committee's concerns.
- Crossing lights / warning beacons, approved via 2016 Annual Town Mtg. were installed at Queen Anne Road trail crossing.
- Trail improvements, viz., repainting of center line along entire trail, root eradication and repaving in areas from South Harwich Town Line through Thompson's Field to Rt. 39.
- Requested principal tree trimming along Old Colony Way section of Trail when necessary.
- Performed continuous monitoring of trail safety conditions with especial / particular attention to trail overwashes of sand / soil / etc. resulting from weather conditions.
- Requested sweeping / trimming as needed.

5. Future Plans / Objectives

- CPC application for crossing lights / warning beacons for Rt. 124 (Pleasant Lake Ave.) [that was not recommended for inclusion in 2017 Annual Town Mtg. warrant] is being resubmitted for consideration in 2018.
- Initiating plans for replacement / maintenance of rotted / deteriorated benches at Harwich Rotary.
- Have received data (from crossing lights counters) regarding trail usage and working to analyze and convert these statistics into a meaningful and constructive blueprint of how CCRT / OCRT are used.
- Initiating planning for the 20th Anniversary of OCRT; meeting with Cranberry Harvest Committee to discuss inclusion / recognition / events related to this Anniversary at 2018 Cranberry Harvest Festival.

- Exploring potentially branding OCRT as distinct entity from CCRT; thus, possible collaboration with Chatham Bikeways Committee on unified signage / map(s).
- Will submit a prioritized list of projects to DPW for consideration vis-à-vis FY2019 budget preparation.

Andrew W. Docken / Paul Gazaille / Harwich Bikeways Committee

10/11/2017

Submitted by:

Date:

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BIKEWAYS COMMITTEE

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COMMITTEE:

PRINT NAME

SIGNATURE

BIKEWAYS

MICHAEL GLYNN

ERIC LEVY

SHANNA NEALY

BRUCE PAIGE

FRANCIS SALEWSKI

ANDREW DOCKEN

PAUL GAZAILLE

Organization Name Bikeways Committee	Ethics	Date of Appointment	New Expiration Date	Last Date Sworn In
MEMBERS				
Michael Glynn (13)		June 13, 2016	June 30, 2019	June 28, 2013*
Eric Levy (09-10-11-14-17)	March 19, 2017	June 19, 2017	June 30, 2020	July 26, 2017*
Shanna Nealy (15)	January 12, 2015*	May 27, 2015	June 30, 2018	June 1, 2015
Bruce Paige (14-15)		June 16, 2015	June 30, 2018*	October 29, 2014*
Francis Salewski (09-12-15)		June 16, 2015	June 30, 2018	September 15, 2009*
Andrew Docken (17)	April 11, 2017**	March 27, 2017	June 30, 2019	April 10, 2017
Paul Gazaille (17)	July 10, 2017**	June 19, 2017	June 30, 2020	June 27, 2017

** Represents Acknowledgement of Receipt of the summary of the Conflict of Interest Law

NEW STATE ETHICS - DECEMBER 2016 TRAINING CERTIFICATES DUE APRIL 7, 2017

***Eric Levy had not been sworn in since November of 2009 – just got sworn in July 26, 2017**

***not sworn in for this term**

TRAILS COMMITTEE
9 Members – 3-year terms

Organization Name Trails Committee	Ethics - SUMMARY	Date of Appointment	New Expiration Date	Date Sworn In
MEMBERS				
David Callaghan (2015) (Real Estate and Open Space)		July 5, 2017	June 30, 2020	July 22, 2015
Liz Dubuque	November 2, 2016	September 26, 2016	June 30, 2019	October 13, 2016
Wayne Kucha-Stone		July 15, 2014	June 30, 2018	July 29, 2014
Allan Peterson (Planning Board)		June 13, 2016	June 30, 2019	
Ron Rich		9/19/16	June 30, 2019	October 19, 2016
Ronald Saulnier		June 22, 2010	June 30, 2018	June 17, 2015
James Walpole (17)	**February 23, 2017	February 1, 2017	June 30, 2019	February 6, 2017
Wayne Stone (2008)		2014	June 30, 2018	

**** Represents Acknowledgement of Receipt of the summary of the Conflict of Interest Law
NEW STATE ETHICS AS OF DECEMBER 2016 TRAINING CERTIFICATES DUE APRIL 7, 2017**

TOWN OF HARWICH

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COMMITTEE:	PRINT NAME	SIGNATURE
TRAILS COMMITTEE	Ronald Saulnier	
	James Walpole	
	David Callaghan	
	Matthew Cushing	
	Liz Dubuque	
	Geri Schumann	
	Allen Peterson	
	Wayne Kucha-Stone	
-	Ron Rich	

Ann Steidel

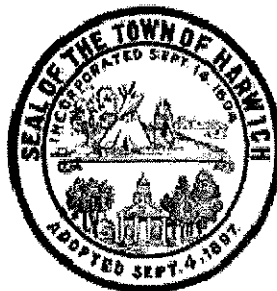
From: Dan Pelletier <dpelletier@harwichwater.com>
Sent: Thursday, October 05, 2017 10:41 AM
To: Sandy Robinson
Cc: Christopher Clark; Ann Steidel; Charleen Greenhalgh; Michael D. MacAskill
Subject: BOS Meeting to propose wireless communications lease

Hi Sandy,

I was hoping to be placed on the agenda for the BOS meeting Oct 16th to propose the town solicit a wireless communications lease RFP for the property located at 196 Chatham rd. on behalf of the Water Department/Commission. I can provide more details in advance if necessary. At this point we are still in the planning phase so there isn't a lot of documentation.

Thank You,

Daniel Pelletier
Water Superintendent
Harwich Water Department
T (508) 432-0304 X.110
C (774) 722-7963
E Dpelletier@Harwichwater.com



196 Chatham Rd.
Harwich, MA 02645

Sandy,

A little history: The town solicited an RFP back in 2013 for the lease of land to install and operate a wireless service tower & communications facility. The winning bidder at that time was AT&T whom was paying rent to the Water Dept. & Town (%50 split) until June of 2015 when they decided to terminate the lease(\$30,000 Buyout).

More recently, the water department has been corresponding with a site acquisition specialist for one of the major cell providers who is expressing a strong interest in installing a cellular monopole here at 196 Chatham Rd. That being said, the BOS issued the RFP and signed the lease agreement while the Water department facilitated site visits, oversight of the lease, etc. There are stipulations within the RFP that require town meeting authorization. Back in 2013 that article read as follows:

"FUND OR LEASE TELECOMMUNICATIONS TOWER ARTICLE 8

To see if the Town will vote to authorize the Board of Selectmen to lease a portion or portions of the property located at 196 Chatham Rd. shown on Assessors Map 33 as lots 3 and 5 and described in an instrument recorded with the Barnstable Registry of Deeds in Book 10319 Page 257, for telecommunications purposes, on such terms and conditions and for such consideration as the Board of Selectmen shall determine to be appropriate, such lease to be for a term of up to twenty (20) years, and further grant such access and utility easements on said property as the Board of Selectmen deems appropriate to serve the Telecommunications tower and other facilities installed pursuant to said lease; and to act fully thereon. By request of the Harwich Board of Water Commissioners and the Superintendent. Estimated cost: \$ 0 Explanation: With the installation of this facility it will allow the Harwich Water Department and the Town the ability to generate approximately \$60,000 per year split equally between the Water Department and the Town. Water revenues are to be used to pay for water department infrastructure repairs, as determined by the Board of Water Commissions. Town revenues are to be used for routine maintenance expenses. The Board of Water Commissioner will oversee all aspects of the lease for the next 20 years

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-5, NO-0. 89 THIS IS A WAY TO HELP KEEP WATER RATES DOWN AND MAINTAIN THE TOWN'S WATER INFRASTRUCTURE.

MOTION: (Albert Patterson-Chairman, Finance Committee) I move to transfer the care, custody and control of the property described below from the Board of Selectmen or other board or officer currently having custody thereof for the purpose for which said property is currently held to the Board of Water Commissioners for the purposes for which it is currently held and to the Board of Selectmen for the purpose of leasing, and authorize the Board of Selectmen to lease a portion or portions of the property located at 196 Chatham Rd. shown on Assessors Map 33 as lot L3 and described in an instrument recorded with the Barnstable Registry of Deeds in Book 10319 Page 257, for telecommunications purposes, on such terms and conditions and for such consideration as the Board of Selectmen shall determine to be appropriate, such lease to be for a term of up to twenty (20) years, and grant such access and utility easements on said property as the Board of Selectmen deems appropriate to serve the telecommunications tower and other facilities installed pursuant to said lease, and further, if applicable, authorize the Board of Selectmen to submit a petition to the General Court seeking authorization for said transfer and lease.

Duly

seconded

ACTION: This article required a 2/3 majority vote to pass, it was a unanimous vote, so declared.”

That being said, I am hoping to open a dialog with the BOS to see if they would like to consider this opportunity. Upon confirmation I will move forward with updating the RFP, bidding the project, and get it ready for the spring town meeting.

Thank You,

Daniel Pelletier
Water Superintendent
Harwich Water Department
T (508) 432-0304 X.110
C (774) 722-7963
E Dpelletier@Harwichwater.com



HARWICH CEMETERY COMMISSION
Office-273 Queen Anne Road, Harwich 02645
Mail -732 Main Street, Harwich, 02645
rkelly@town.harwich.ma.us



October 3, 2017



Harwich Board of Selectmen
732 Main Street
Harwich, MA 02645

On the meeting of the Harwich Cemetery Commission on 26th of September 2017, the commission voted to name the pet burial ground the Christine Wood Memory Garden.

Christine was well-known and appreciated for being an active volunteer in Harwich. In 2010, she was the recipient of the Community Service Award of the Year in appreciation for being a past chair and member of the Harwich Council on Aging, and serving on the town's 300th Anniversary Committee, the Brooks Academy Commission, the Harwich Housing Committee, the Harwich Center Initiative Group, the Historic Commission and the Harwich Family Pantry. Christine was a longstanding member of the Harwich Cemetery Commission. She was employed by the Robert E. Joy Company of West Harwich for 35 years.

Christine was a long time resident of Harwich who passed away at the age of 91 on July 13, 2012. Many of us who were friends of Christine knew of her love of animals and those who were lucky enough to visit her at her home could see as she was often feeding not only her pets and those who found their way into her backyard especially all of the squirrels and birds.

Sincerely

Robbin Marie Kelley
Cemetery Administrator

Ann Steidel

From: Christine Casale <xtinedoeshair@gmail.com>
Sent: Wednesday, October 04, 2017 4:52 PM
To: Ann Steidel
Subject: Christine wood memory garden

Dear Harwich board of selectmen,

On October 3, 2017, Robbin Driscoll Kelley sent me an email with the wonderful news, that the Harwich Cemetery Commission wanted to name the new pet burial grounds after my nana Christine Wood. My nana was sometimes shy in accepting praise for great work within the community. Lucky for her, I am not shy in accepting acknowledgement for her. I know that having the new plot named the Christine Wood Memory Garden would be a great honor for her. Please let me know what you need from me, in order to use her name. Thank you so much from reaching out.

Sincerely

Christine Casale

Sent from my iPhone

FACILITIES NAMING POLICY

One of the ways the Town of Harwich may pay tribute to persons who have made a significant contribution to the Town is to name physical facilities such as buildings, rooms, roads, gardens, lawns and courtyards in honor of them. The naming of facilities also contributes to maintaining a sense of history in the Town. As there is a relatively finite number of facilities available, it is important for the Town to ensure that such recognition is given only in exceptional circumstances and to outstanding contributions and that the recognition is relative to the significance of the facilities being named. The Town must also ensure it affords the opportunity for future generations to recognize subsequent contributions. It may also be appropriate from time to time to commemorate an event by the naming of a physical facility. This document sets out in policy and procedures form those principals the Town will follow to ensure that appropriate review and consistency is achieved when commemorative names are given to facilities.

POLICY

1. The Board of Selectmen is the only body which has the authority to name Town facilities under its jurisdiction unless Town Meeting is so petitioned. Town facilities for the purpose of this policy are defined to include all property over which the Town may secure naming rights.
2. Facilities may not be named after staff still in the service of the Town.
3. Once a facility has been named, that name should remain. It should not be subject to alteration for at least 25 years unless there are exceptional circumstances.
4. The permanent naming of a separate building in recognition of a person will generally only be made in respect of someone who has made a highly distinguished contribution to the Town.
5. The naming of parts of buildings after persons distinguished for their contributions to a particular group may be considered.
6. Roads, gardens and other places may also be named after persons who have made a distinguished contribution to the Town as a whole.
7. All bequests offered to the Town which involve naming, must be referred to the Board of Selectmen for acceptance and no bequest with naming rights should be sought from an industry, company or other source not approved by the Board of Selectmen.
8. Plaques/signs in respect of any naming must be in accordance with Town policy.

PROCEDURES

1. Any proposal to name a building, part of a building, or any object shall be made in a written submission to the Board of Selectmen.

2. A proposal to name after a person shall be accompanied by detailed background information suitable for use as a comprehensive citation.
3. Proposals for naming will be referred to the appropriate Committee or Commission for consideration and recommendation to Board of Selectmen.
4. A proposal, if approved by the Board of Selectmen, will not be publicly announced or implemented unless the approval of the person after whom the naming is made, or if he or she is deceased, the family, is given. If the family of a deceased person cannot be traced, or there is no family, the naming may proceed as approved by the Board.
5. When considering individual applications, the Board of Selectmen may choose to vary these policies in appropriate circumstances.

HARWICH BOARD OF SELECTMEN
Harwich, Massachusetts

ADOPTED: November 14, 2005
AMENDED: N/A

Draft (not approved on Agenda for October 24, 2017)
Cemetery Commission

Minutes of the Meeting – September 26, 2017

The meeting of the Harwich Cemetery Commission was at 100 Oak Street, Harwich. Glass Room in COA, Commissioner Chair Cynthia Eldredge, Commissioner Steven Conner and Administrator Robbin Kelley were in attendance.

Meeting Called to Order at 8:07 a.m. by Cynthia Eldredge.

Approval of the Minutes

Cynthia Eldredge approved the minutes of August 2, 2017 and it was seconded by Robbin Kelley.

Correspondence from Town Hall & Associations

1. Cemetery Commission Annual Meeting with the Board of Selectmen for October 10, 2017.
2. Email from Paul Sweetser on the stamped concrete pathways at Pet Burial Grounds. No action was taken Cynthia Eldredge request Robbin Kelley to find out available balances.
3. Email from Charleen Greenhalgh on September 20, meeting with Historic Commission for CPC Article on Mount Pleasant Cemetery. Robbin Kelley will attend and present project outline.
4. Email from Joni Seely on well pit for the pet burial grounds. Cynthia Eldredge makes motion to approve it is seconded by Steven Conner, it was a unanimous vote.
5. Email from Keenan Knopke of Curlew Hill Memory Gardens, Inc. and permission to use photos on the pet burial ground project.
6. Cynthia Eldredge makes a motion to name the pet burial grounds the Christine Wood Memory Garden it was seconded by Steven Conner, it was a unanimous vote.
7. Robbin Kelley submitted application for the Kenneth E. Pickard Municipal Innovation Award to Massachusetts Municipal Association.
8. Email from Jennifer Pickett on Brooks Free Library on change of date for staff training on genealogy.
9. New Deed for Carole A. Davis Newman for 1SE East Main Avenue (Graves 3 & 4) in Island Pond Cemetery for \$1,600.00.
10. New Deed for William Flynn III for 50B Cranberry Avenue (Grave# 4) in Island Pond Cemetery for \$ 800.00.
11. New Deed for Thomas J. Flynn & Joyce Pun-Flynn for 50B Cranberry Avenue (Graves 3, 5 & 6) in Island Pond Cemetery for \$2,400.00.
12. New Deed for Jean McLaughlin for 18 East Main Avenue East (Grave # 2) in Island Pond Cemetery for \$800.00.
13. Transfer of Deed by William L. Flynn Jr. & Leslie J. Flynn from G3 West Main Avenue West to 50B Cranberry Avenue East (Graves 1 & 2) in Island Pond Cemetery.
14. Bills: Eversource \$36.42 for Evergreen Cemetery and \$4.42 for Pet Burial Grounds, Sir Speedy new business cards \$38.00.

The next meeting will be on Tuesday 24th of October 2017. The meeting was adjourned at 9:10 A.M.

Respectfully Submitted,

Robbin Kelley,
Cemetery Administrator

Sandy Robinson

From: Robbin Kelley
Sent: Tuesday, October 10, 2017 1:06 PM
To: Ann Steidel; Sandy Robinson
Subject: FW: Christine Wood

I think her granddaughter is also sending a letter to your office.

Robbin Marie Kelley
Cemetery Administrator
Town of Harwich
Office: 100 Oak Street
Mailing: 732 Main Street
Harwich, MA 02645
Phone 508-430-7549
Fax 508-430-7598

From: Casale, Ralph [mailto:Ralph.Casale@CHG-MERIDIAN.COM]
Sent: Friday, October 06, 2017 10:39 AM
To: Robbin Kelley <rkelley@town.harwich.ma.us>
Subject: Christine Wood

Robbin I am Christine's son in law. I was married to her daughter Lynne Ellen Wood. Lynne Casale passed away on 6-21-2013

On behalf of me and both of Christine's granddaughters, we are all delighted that the Town of Harwich has chosen to name the pet cemetery after her.

Not only was Christine a lover of all animals but she was also in love with Harwich.

Please let me know how much a bench would cost for the cemetery since the family would like to honor both Christine and Lynne Ellen.



TOWN OF HARWICH

DEPARTMENT OF PUBLIC WORKS


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

Telephone (508) 430-7555

Fax (508) 430-7598

MEMORANDUM

TO: Board of Selectmen

FROM: Lincoln S. Hooper, Director 

DATE: October 5, 2017

RE: Reconsideration of FY 18 Disposal Area Fees

After reading the Board's FY 19 Budget Message and having a member of the Board email me an idea on how to raise additional revenue at the Disposal Area, I decided to review our commercial fees and compare them to market conditions. Although the Board voted a \$10 increase in the C&D tip rate last May (effective July 1), it appears our primary competition (the Town of Yarmouth) has raised their rate to \$145 since our increase. On April 5, 2017, the date on my FY 18 Disposal Area Fee Recommendation memo (attached), the Town of Yarmouth was \$140 per ton and was unsure if they were increasing their C&D rate. They decided to increase their rate after I had conducted the fee survey and made it effective July 1, 2017.

Our C&D tonnage has increased dramatically and nearly doubled in the last four years (see attached C&D Tonnage spreadsheet and graph). I attribute this to three factors: Strong building and remodeling business, other towns increasing their rates to \$200 per ton to drive the material elsewhere and our favorable disposal rate that is currently below market conditions. Given these circumstances, I would like to recommend that the Board consider raising our C&D tip rate to \$145 per ton to match the Town of Yarmouth's price. Doing so would provide approximately \$47,000 in additional revenue.

It should be noted that I am making this recommendation solely based on market conditions and the Board's desire to maximize revenues. This is the first time I have ever made a mid-year fee recommendation to the Board and do so somewhat reluctantly. Although I wait as long possible to make my annual recommendation to the Board (usually April) to be as close to market conditions as we can, the market changes. In this instance, the Yarmouth Board of Selectmen gave their DPW Director Jeff Colby the autonomy to move their C&D disposal tip fee within a set range. In this instance, Mr. Colby increased their fee in reaction to an increase their contracted trucking costs that was effective July 1, 2017.

Thank you for your consideration in this matter.

CC: Chris Clark, Town Administrator

Attachments: FY 18 Disposal Area Fee Recommendation memo
C&D Tonnage Spreadsheet and Graph



TOWN OF HARWICH

DEPARTMENT OF PUBLIC WORKS


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

Telephone (508) 430-7555

Fax (508) 430-7598

MEMORANDUM

TO: Board of Selectmen

FROM: Lincoln S. Hooper, Director 

DATE: April 5, 2017

RE: FY 18 Disposal Area Fee Recommendations

After conducting an analysis of our own expenses and a survey of disposal fees in the towns of Barnstable, Chatham, Orleans, Dennis and Yarmouth, I would like to recommend that the Board of Selectmen consider taking the following action:

- Increase the C&D tip rate by \$10 to \$140 per ton
- Increase MSW tip rate by \$5 to \$90 per ton

The attached analysis includes all the direct costs of providing residential services such as MSW tip fees, fuel, utilities, salaries and other expenses. It also includes indirect costs such as equipment depreciation, employee fringe benefits and salaries allocated from other DPW personnel (administration & vehicle maintenance) that support Disposal Area functions. My analysis indicates that the Residential Sticker price should be \$160, the current rate, to accurately reflect the expenses associated with providing residents with solid waste and recycling services.

While the survey of surrounding communities suggests that Harwich's C&D price may appear low, our real competitors for this commercial component are the Town of Yarmouth, S&J Exco (Dennis) and Paul Daniels (Orleans). Since the other communities do not handle commercial quantities of this material, our price is based on the price charged by our competitors and not the surrounding communities' prices. In fact, the average price of our competitors is \$145 per ton and is the primary reason I am recommending an increase in that fee.

While it appears our commercial MSW may be on the high side due to the Towns of Chatham and Orleans charging \$80 per ton, Orleans does not accept commercial packer trucks and Chatham appears to do little commercial MSW business. The only other transfer site for commercial MSW nearby is the Yarmouth Transfer Station (the rail) that is privately operated by Covanta. Since they won't share what they charge their customers, I called four of our larger haulers that told me they were charged between \$84

and \$86 per ton. Given the increases in commercial MSW Harwich has experienced since 2015, I assumed Covanta was charging more. I asked each contractor why they chose to utilize Harwich and whether a \$5 or \$10 per ton increase would affect their preferences. They all told me that they use Harwich for its convenience (no waiting) and customer service and that a \$5 per ton increase would not change their behavior. About half said that a \$10 increase might encourage them to go to use Yarmouth more. Please recall that in FY 15 and FY 16 we raised the residential sticker price to account for the expiration of the long term contract with Covanta, but did not raise the commercial MSW rate due to market conditions. I believe that market conditions now warrant a \$5 per ton increase that would have a negligible effect on our tonnages.

All other items are priced according to their cost of handling and disposal and appear mostly consistent with other municipalities. Although recycling markets have been depressed over the last few years and caused an associated decline in revenue, there have been recent increases in the price of those commodities that should return recycling revenue to historical levels.

Finally, I would like to update the Board on the License Plate Recognition (LPR) project we officially started last July that eliminated the need for physical stickers on user's vehicles. Working closely with Bonsai Logic, the software company that developed our Sticker Tracker system, we installed two LPR cameras at the entrance of the Disposal Area and a dedicated computer to run the system. Specifically, the LPR camera takes a picture of each vehicle's license plate, converts the image to digits using OCR software and reconciles it against our Sticker Tracker database in real time. If the vehicle is not in the system, the operator is alerted and can stop the car. Over the last year, in an effort to increase our read rates, we have installed a ground loop that initiates the cameras, have repeatedly adjusted the camera alignments and have had Bonsai Logic continually tweaking the software. It is our estimation that we now have read rates in excess of 95%, which exceeds our original expectations.

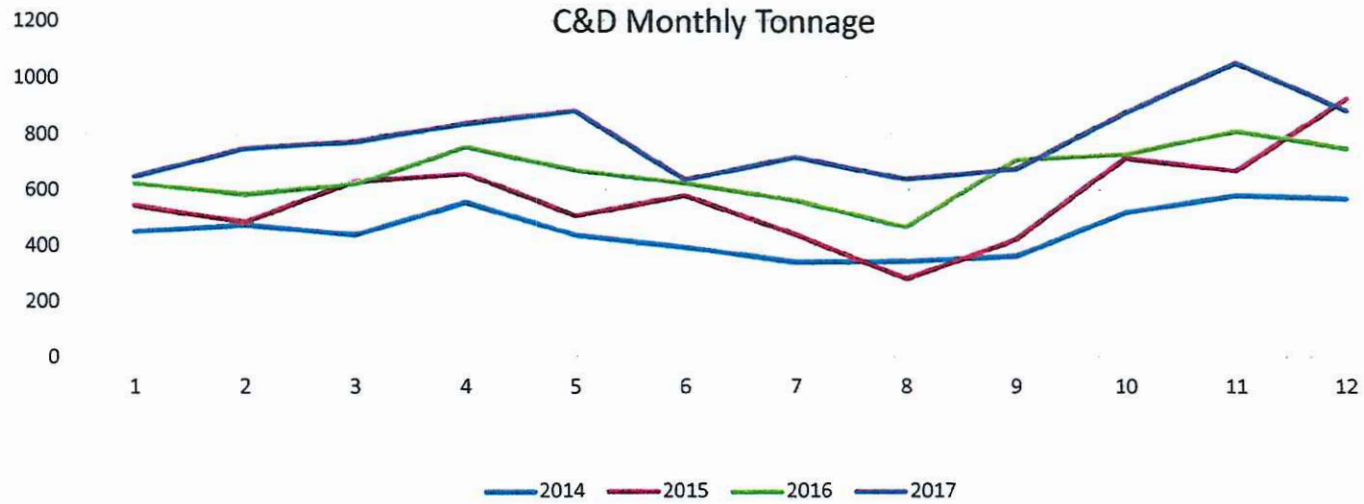
Thank you for your consideration in this matter.

Cc: Chris Clark, Town Administrator

Attachments: Cost Basis of Primary and Secondary Stickers
FY 18 Full Cost Accounting Analysis of Disposal Area Services
FY 18 Surrounding Community Disposal Area Fees
Depreciation Schedule, FY 16 Disposal Area Revenue

C&D Tonnage, Fiscal Year 2014-2017

	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	TOTAL
2014	451.4	473.32	438.39	555.75	438.33	395.44	342.66	345.97	364.65	519.41	580.66	568.93	5474.91
2015	543.49	483.88	629.52	657.69	506.48	578.12	438.57	281.86	423.08	715.69	670.8	927.5	6856.68
2016	625.36	583.94	621.73	756.41	674.62	624.16	562.19	467.78	711.66	732.29	813.73	751.99	7925.86
2017	651.56	749.22	772.7	837.98	883.08	638.42	719.47	638.95	676.88	877.77	1054.22	885.5	9385.75



Explanations for the Attorney General's Revisions to
the Open Meeting Law Regulations, 940 CMR 29.00-29.11

September 25, 2017

The Attorney General has promulgated revisions to the Open Meeting Law regulations in an effort to help members of public bodies and the public better understand the requirements of the Open Meeting Law and to update the regulations to conform with guidance issued by the Attorney General. These revisions become effective on **October 6, 2017**. Below is a summary of the material revisions to each section of the regulations and an explanation of why the revisions were made.

29.01: Purpose, Scope and Other General Provisions

There are no revisions to this section.

29.02: Definitions

A revision to this section removes the definition of the Open Meeting Law Advisory Commission because the Commission is not otherwise referenced in these regulations, making this definition unnecessary. This section also adds definitions for regional and county public bodies to clarify their jurisdiction. State and local public body jurisdictions are generally understood and thus are not defined here.

In the definition of intentional violation, a revision removes a phrase that offers a defense to the imposition of an intentional violation where a public body reasonably relied on the advice of counsel. Language describing a defense to the imposition of a fine where a public body reasonably relied on the advice of counsel now appears in section 29.07, the section describing penalties.

29.03: Notice Posting Requirements

A significant revision in this section removes the various alternative notice posting options for local public bodies and offer a single alternative to the bulletin board: a website. Few, if any, municipalities have adopted alternatives other than the municipal website. Another significant revision clarifies that the chief executive officer of a municipality must make the decision to adopt an alternative notice posting method for the municipality. The Attorney General has received numerous requests from municipalities seeking guidance as to who has the authority to adopt alternative notice posting methods. This language clarifies that authority.

The Attorney General often receives questions about the effect on meeting notices when a website becomes unavailable for public bodies that have adopted a website for posting notices. An addition here offers a balanced approach to give a public body or a municipality a short window of time to restore website access before requiring public bodies to cancel their meetings and post new notices.

Additional language requires the date and time that notices are amended to be recorded on or with the notice, which conforms with guidance provided in the Attorney General's Open Meeting Law determinations.

29.04: Certification

Most of the revisions here reorganize the section to make it easier to follow. A significant revision requires that new public body members receive a copy of each determination by the Attorney General that the public body violated the Open Meeting Law, over the prior five years. This requirement will ensure that new public body members are aware of their public body's history of compliance with the law and any orders that the Attorney General may have issued, thus reducing the risk of repeat violations and intentional violations. Additional language offers guidance in response to questions the Attorney General regularly receives regarding certification.

29.05: Complaints

A significant revision creates an option for public bodies to request mediation with a complainant who has filed five or more complaints within the prior 12 months. This option is for public bodies that respond to frequent complaints from the same complainants and may assist in resolving ongoing conflicts. If the public body requests mediation and the complainant fails to participate, then the Attorney General may decline to review the complaint.

Another revision clarifies that public bodies must meet to review Open Meeting Law complaints. This requirement has been made clear in the Attorney General's determinations. Also, in this section is a clarification that complainants must file complaints with the Attorney General within 90 days of an alleged violation or reasonable discovery of the alleged violation. Currently, the regulations do not account for reasonable discovery. Finally, the changes remove language and subsections that are not relevant, or are rarely, if ever, invoked.

29.06: Investigation

A revision in this section clarifies that, while the Attorney General will generally not disclose information provided by the subject of a complaint in the course of an investigation, the Attorney General may reveal such information in a written determination where necessary to resolve the complaint. The Attorney General will continue to maintain the confidentiality of executive session minutes and documents where the public body has not yet publicly released the executive session minutes.

29.07: Resolution

The most significant revision in this section removes the requirement that the Attorney General resolve complaints after a hearing before issuing orders of nullification and reinstatement of an employee. This means that the Attorney General may order nullification of an action taken by a public body in violation of the Open Meeting Law, or order the reinstatement of an employee, without the necessity of a hearing before an administrative law judge. This allows the Attorney

General to issue such orders sooner, avoiding harm to those who rely on a public body's action that would otherwise be nullified many months later. A public body still has the right to appeal the Attorney General's order within 21 days.

Another revision clarifies that, while the Attorney General may fine a public body for an intentional violation of the Open Meeting Law, a fine will not be imposed where the public body acted in good faith compliance with advice of counsel. This is a requirement in the Open Meeting Law itself.

A significant revision to this section requires public bodies that receive an order from the Attorney General to certify in writing to the Attorney General its compliance with the order within 30 days. Typical orders requiring written certification include approval and release of meeting minutes and attendance at a training. No such certification is required for orders of immediate and future compliance. This requirement will help the Attorney General ensure that public bodies comply with her orders. This section also clarifies that the Attorney General does not resolve complaints by telephone.

29.08: Advisory Opinions

The Attorney General has never invoked this section, and by policy, does not issue Open Meeting Law advisory opinions. Rather, the Attorney General provides written guidance on common concerns available on the Frequently Asked Questions pages at the Attorney General's website. The update to this section reflects that practice.

29.09: Other Enforcement Actions

There are no revisions to this section.

29.10: Remote Participation

The most significant revision to this section replaces the five permissible reasons for remote participation with the sole requirement that, to participate in a meeting remotely, physical attendance at the meeting be unreasonably difficult. This single standard should help public body members and the public understand when it is appropriate to participate remotely. The five permissible reasons currently provided in the regulations add another level of administration to remote participation procedures. Another revision reflects a recently adopted amendment to the Open Meeting Law that applies to local commissions on disability.

29.11: Meeting Minutes

This revision adds a new section describing public bodies' obligations to approve both open and executive session meeting minutes. It also provides guidance by addressing the meaning of "timely manner" for the approval of minutes. The Open Meeting Law requires public bodies to approve meeting minutes in a timely manner. Public bodies that approve meeting minutes within the next three meetings, or 30 days, whichever occurs latest, will have approved minutes in a timely manner. While this timeframe is not a rigid requirement, as a public body may show

good cause for further delay, it should help encourage public bodies to develop a schedule for prompt creation and approval of meeting minutes.

Open Meeting Law Guide



COMMONWEALTH OF MASSACHUSETTS

OFFICE OF ATTORNEY GENERAL
MAURA HEALEY

OCTOBER 6, 2017

Dear Massachusetts Residents:

One of the most important functions of the Attorney General's Office is to promote openness and transparency in government. Every resident of Massachusetts should be able to access and understand the reasoning behind the government policy decisions that affect our lives. My office is working to achieve that goal through fair and consistent enforcement of the Open Meeting Law, along with robust educational outreach about the law's requirements.

The Open Meeting Law requires that most meetings of public bodies be held in public, and it establishes rules that public bodies must follow in the creation and maintenance of records relating to those meetings. Our office is dedicated to providing educational materials, outreach and training sessions to ensure that members of public bodies and citizens understand their rights and responsibilities under the law.

Whether you are a town clerk or town manager, a member of a public body, or a concerned citizen, I want to thank you for taking the time to understand the Open Meeting Law. If you would like additional guidance on the law, I encourage you to contact my Division of Open Government at (617) 963-2540 or visit our website at www.mass.gov/ago/openmeeting for more information.

Sincerely,

A handwritten signature in black ink, appearing to read "Ma Healey". The signature is fluid and cursive, with the first name "Ma" and the last name "Healey" clearly distinguishable.

Maura Healey
Massachusetts Attorney General

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Attorney General's Open Meeting Law Guide

Overview

Purpose of the Law

The purpose of the Open Meeting Law is to ensure transparency in the deliberations on which public policy is based. Because the democratic process depends on the public having knowledge about the considerations underlying governmental action, the Open Meeting Law requires, with some exceptions, that meetings of public bodies be open to the public. It also seeks to balance the public's interest in witnessing the deliberations of public officials with the government's need to manage its operations efficiently.

Attorney General's Authority

The Open Meeting Law was revised as part of the 2009 Ethics Reform Bill, and now centralizes responsibility for statewide enforcement of the law in the Attorney General's Office. G.L. c. 30A, § 19(a). To help public bodies understand and comply with the law, the Attorney General has created the Division of Open Government. The Division of Open Government provides training, responds to inquiries, investigates complaints, and when necessary, makes findings and orders remedial action to address violations of the law. The purpose of this Guide is to inform elected and appointed members of public bodies, as well as the interested public, of the basic requirements of the law.

Certification

Within two weeks of a member's election or appointment or the taking of the oath of office, whichever occurs later, all members of public bodies must complete the attached Certificate of Receipt of Open Meeting Law Materials certifying that they have received these materials, and that they understand the requirements of the Open Meeting Law and the consequences of violating it. The certification must be retained where the public body maintains its official records. All public body members should familiarize themselves with the Open Meeting Law, the Attorney General's regulations, this Guide, and Open Meeting Law determinations issued to the member's public body within the last five years in which the Attorney General found a violation of the law.

In the event a Certificate has not yet been completed by a presently serving member of a public body, the member should complete and submit the Certificate at the earliest opportunity to be considered in compliance with the law. A public body

member must sign a new Certificate upon reelection or reappointment to the public body but need not sign a Certificate when joining a subcommittee.

Open Meeting Law Website

This Guide is intended to be a clear and concise explanation of the Open Meeting Law's requirements. The complete law, as well as the Attorney General's regulations, training materials, and determinations and declinations as to complaints can be found on the Attorney General's Open Meeting website, www.mass.gov/ago/openmeeting. Members of public bodies, other local and state government officials, and the public are encouraged to visit the website regularly for updates on the law and the Attorney General's interpretations of it.

Meetings of Public Bodies

What meetings are covered by the Open Meeting Law?

With certain exceptions, all meetings of a public body must be open to the public. A meeting is generally defined as "a deliberation by a public body with respect to any matter within the body's jurisdiction." As explained more fully below, a deliberation is a communication between or among members of a public body.

These four questions will help determine whether a communication constitutes a meeting subject to the law:

- 1) is the communication between or among members of a **public body**;
- 2) if so, does the communication constitute a **deliberation**;
- 3) does the communication involve a matter within the body's **jurisdiction**; and
- 4) if so, does the communication fall within an **exception** listed in the law?

What constitutes a public body?

While there is no comprehensive list of public bodies, any multi-member board, commission, committee or subcommittee within the executive or legislative branches¹ of state government, or within any county, district, city, region or town, if established to serve a public purpose, is subject to the law. The law includes any multi-member body created to advise or make recommendations to a public body, and also includes the governing board of any local housing or redevelopment authority, and the governing board or body of any authority established by the Legislature to serve a public purpose. The law excludes the Legislature and its committees, bodies of the judicial branch, and

¹Although the Legislature itself is not a public body subject to the Open Meeting Law, certain legislative commissions must follow the Law's requirements.

bodies appointed by a constitutional officer solely for the purpose of advising a constitutional officer.

Boards of selectmen and school committees (including those of charter schools) are certainly subject to the Open Meeting Law, as are subcommittees of public bodies, regardless of whether their role is decision-making or advisory. Individual government officials, such as a town manager or police chief, and members of their staff are not subject to the law, and so they may meet with one another to discuss public business without needing to comply with Open Meeting Law requirements. This exception for individual officials to the general Open Meeting Law does not apply where such officials are serving as members of a multiple-member public body that is subject to the law.

Bodies appointed by a public official solely for the purpose of advising the official on a decision that individual could make alone are not public bodies subject to the Open Meeting Law. For example, a school superintendent appoints a five-member advisory body to assist her in nominating candidates for school principal, a task the superintendent could perform herself. That advisory body would not be subject to the Open Meeting Law.²

What constitutes a deliberation?

The Open Meeting Law defines deliberation as “an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction.” Distribution of a meeting agenda, scheduling or procedural information, or reports or documents that may be discussed at a meeting is often helpful to public body members when preparing for upcoming meetings. These types of communications generally will not constitute deliberation, provided that, when these materials are distributed, no member of the public body expresses an opinion on matters within the body’s jurisdiction. Additionally, certain communications that may otherwise be considered deliberation are specifically exempt by statute from the definition of deliberation (for example, discussion of the recess and continuance of a Town Meeting pursuant to G.L. c. 39, § 10A(a) is not deliberation).

To be a deliberation, the communication must involve a quorum of the public body. A quorum is usually a simple majority of the members of a public body. Thus, a communication among less than a quorum of the members of a public body will not be a deliberation, unless there are multiple communications among the members of the public body that together constitute communication among a quorum of members. Courts have held that the Open Meeting Law applies when members of a public body communicate in a serial manner in order to evade the application of the law.

² See Connelly v. School Committee of Hanover, 409 Mass. 232 (1991).

Note that the expression of an opinion on matters within the body’s jurisdiction to a quorum of a public body is a deliberation, even if no other public body member responds. For example, if a member of a public body sends an email to a quorum of a public body expressing her opinion on a matter that could come before that body, this communication violates the law even if none of the recipients responds.

What matters are within the jurisdiction of the public body?

The Open Meeting Law applies only to the discussion of any “matter within the body’s jurisdiction.” The law does not specifically define “jurisdiction.” As a general rule, any matter of public business on which a quorum of the public body may make a decision or recommendation is considered a matter within the jurisdiction of the public body. Certain discussions regarding procedural or administrative matters may also relate to public business within a body’s jurisdiction, such as where the discussion involves the organization and leadership of the public body, committee assignments, or rules or bylaws for the body. Statements made for political purposes, such as where a public body’s members characterize their own past achievements, generally are not considered communications on public business within the jurisdiction of the public body.

What are the exceptions to the definition of a meeting?

There are five exceptions to the definition of a meeting under the Open Meeting Law.

1. Members of a public body may conduct an on-site inspection of a project or program; however, they may not deliberate at such gatherings;
2. Members of a public body may attend a conference, training program or event; however, they may not deliberate at such gatherings;
3. Members of a public body may attend a meeting of another public body provided that they communicate only by open participation; however, they may not deliberate at such gatherings;
4. Meetings of quasi-judicial boards or commissions held solely to make decisions in an adjudicatory proceeding are not subject to the Open Meeting Law; and
5. Town Meetings, which are subject to other legal requirements, are not governed by the Open Meeting Law. See, e.g. G.L. c. 39, §§ 9, 10 (establishing procedures for Town Meeting).

The Attorney General interprets the exemption for “quasi-judicial boards or commissions” to apply only to certain state “quasi-judicial” bodies and a very limited number of public bodies at other levels of government whose proceedings are specifically defined as “agencies” for purposes of G.L. c. 30A.

We have received several inquiries about the exception for Town Meeting and whether it applies to meetings outside of a Town Meeting session by Town Meeting members or Town Meeting committees or to deliberation by members of a public body – such as a board of selectmen – during a session of Town Meeting. The Attorney General interprets this exemption to mean that the Open Meeting Law does not reach any aspect of Town Meeting. Therefore, the Attorney General will not investigate complaints alleging violations in these situations. Note, however, that this is a matter of interpretation and future Attorneys General may choose to apply the law in such situations.

Notice

What are the requirements for posting notice of meetings?

Except in cases of emergency, a public body must provide the public with notice of its meeting 48 hours in advance, excluding Saturdays, Sundays, and legal holidays. Notice of emergency meetings must be posted as soon as reasonably possible prior to the meeting. Also note that other laws, such as those governing procedures for public hearings, may require additional notice.

What are the requirements for filing and posting meeting notices for local public bodies?

For local public bodies, meeting notices must be filed with the municipal clerk with enough time to permit posting of the notice at least 48 hours in advance of the public meeting. Notices may be posted on a bulletin board, in a loose-leaf binder, or on an electronic display (e.g. television, computer monitor, or an electronic bulletin board), provided that the notice is conspicuously visible to the public at all hours in, on, or near the municipal building in which the clerk's office is located. In the event that meeting notices posted in the municipal building are not visible to the public at all hours, then the municipality must either post notices on the outside of the building or adopt the municipal website as the official method of notice posting.

Prior to utilizing the municipal website, the Chief Executive Officer of the municipality must authorize or vote to adopt such website as the official method of posting notice. The clerk of the municipality must inform the Division of Open Government of its notice posting method and must inform the Division of any future changes to that posting method. Public bodies must consistently use the most current notice posting method on file with the Division. A description of the website, including directions on how to locate notices on the website, must also be posted on or adjacent to the main and handicapped accessible entrances to the building where the clerk's office is located. Note that meeting notices must still be available in or around the

clerk's office so that members of the public may view the notices during normal business hours.

[What are the requirements for posting notices for regional, district, county and state public bodies?](#)

For regional or district public bodies and regional school districts, meeting notices must be filed and posted in the same manner required of local public bodies in each of the communities within the region or district. As an alternative method of notice, a regional or district public body may post a meeting notice on the regional or district public body's website. The regional school district committee must file and post notice of the website address, as well as directions on how to locate notices on the website, in each city and town within the region or district. A copy of the notice must be filed and kept by the chair of the public body or the chair's designee.

County public bodies must file meeting notices in the office of the county commissioners and post notice of the meeting in a manner conspicuously visible to the public at all hours at a place or places designated by the county commissioners for notice postings. As an alternative method of notice, a county public body may post notice of meetings on the county public body's website. The county public body must file and post notice of the website address, as well as directions on how to locate notices on the website, in the office of the county commissioners. A copy of the notice shall be filed and kept by the chair of the county public body or the chair's designee.

State public bodies must post meeting notices on the website of the public body or its parent agency. The chair of a state public body must notify the Attorney General in writing of the specific webpage location where notices will be posted and of any subsequent changes to that posting location. A copy of each meeting notice must also be sent to the Secretary of State's Regulations Division and should be forwarded to the Executive Office of Administration and Finance, which maintains a listing of state public body meetings.

Where a public body adopts a website as the official method of posting notices, it must make every effort to ensure that the website is accessible at all hours. If a website becomes inaccessible within 48 hours of a meeting, not including Saturdays, Sundays or legal holidays, the website must be restored within six business hours of the discovery. If the website is not restored within six business hours, the public body must re-post notice of its meeting to another date and time, in accordance with the requirements of the Open Meeting Law.

[A note about accessibility](#)

Public bodies are subject to all applicable state and federal laws that govern accessibility for persons with disabilities. These laws include the Americans with

Disabilities Act, the federal Rehabilitation Act of 1973, and state constitutional provisions. For instance, public bodies that adopt website posting as an alternative method of notice must ensure that the website is readily accessible to people with disabilities, including individuals who use screen readers. All open meetings of public bodies must be accessible to persons with disabilities. Meeting locations must be accessible by wheelchair, without the need for special assistance. Also sign language interpreters for deaf or hearing-impaired persons must be provided, subject to reasonable advance notice.³ The Attorney General’s Disability Rights Project is available to answer questions about accessibility and may be reached at (617) 963-2939.

What information must meeting notices contain?

Meeting notices must be posted in a legible, easily understandable format; contain the date, time, and place of the meeting; and list all topics that the chair reasonably anticipates, 48 hours in advance, will be discussed at the meeting. The list of topics must be sufficiently specific to reasonably inform the public of the issues to be discussed at the meeting. Where there are no anticipated topics for discussion in open session other than the procedural requirements for convening an executive session, the public body should list “open session” as a topic, in addition to the executive session, so the public is aware that it has the opportunity to attend and learn the basis for the executive session.

Meeting notices must also indicate the date and time that the notice was posted, either on the notice itself or in a document or website accompanying the notice. If a notice is revised, the revised notice must also conspicuously record both the date and time the original notice was posted as well as the date and time the last revision was posted. Recording the date and time enables the public to observe that public bodies are complying with the Open Meeting Law’s notice requirements without requiring constant vigilance. Additionally, in the event of a complaint, it provides the Attorney General with evidence of compliance with those requirements.

If a discussion topic is proposed after a meeting notice is posted, and it was not reasonably anticipated by the chair more than 48 hours before the meeting, the public body should update its posting to provide the public with as much notice as possible of what subjects will be discussed during the meeting. Although a public body may consider a topic that was not listed in the meeting notice if it was not anticipated, the Attorney General strongly encourages public bodies to postpone discussion and action on topics that are controversial or may be of particular interest to the public if the topic was not listed in the meeting notice.

³ The Massachusetts Commission for the Deaf and Hard of Hearing will assist with arrangements for a sign language interpreter. The Commission may be reached at 617-740-1600 VOICE and 617-740-1700 TTY.

Executive Session

When can a public body meet in executive session?

While all meetings of public bodies must be open to the public, certain topics may be discussed in executive, or closed, session. Before going into an executive session, the chair of the public body must first:

- Convene in open session;
- State the reason for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called;
- State whether the public body will reconvene in open session at the end of the executive session; and
- Take a roll call vote of the body to enter executive session.

Where a public body member is participating in an executive session remotely, the member must state at the start of the executive session that no other person is present or able to hear the discussion at the remote location. The public body may authorize, by a simple majority vote, the presence and participation of other individuals at the remote participant's location.

While in executive session, the public body must keep accurate records, all votes taken must be recorded by roll call, and the public body may only discuss matters for which the executive session was called.

The Ten Purposes for Executive Session

The law states ten specific purposes for which an executive session may be held, and emphasizes that these are the only reasons for which a public body may enter executive session.

The ten purposes for which a public body may vote to hold an executive session are:

- 1. To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties.**

This purpose is designed to protect the rights and reputation of individuals. Nevertheless, where a public body is discussing an employee evaluation, considering applicants for a position, or discussing the qualifications of any individual, these discussions should be held in open session to the extent that the discussion deals with issues other than the reputation, character, health, or any complaints or charges against the individual. An executive session called for this purpose triggers certain rights for the individual who is the subject of the discussion. The individual has the right to be present, though he or she may choose not to attend. The individual who is the subject of the discussion may also choose to have the discussion in an open meeting, and that choice takes precedence over the right of the public body to go into executive session.

While the imposition of disciplinary sanctions by a public body on an individual fits within this purpose, this purpose does not apply if, for example, the public body is deciding whether to lay off a large number of employees because of budgetary constraints.

2. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel;

Generally, a public body must identify the specific non-union personnel or collective bargaining unit with which it is negotiating before entering into executive session under Purpose 2. A public body may withhold the identity of the non-union personnel or bargaining unit if publicly disclosing that information would compromise the purpose for which the executive session was called. While we generally defer to public bodies' assessment of whether the inclusion of such details would compromise the purpose for an executive session, a public body must be able to demonstrate a reasonable basis for that claim if challenged.

While a public body may agree on terms with individual non-union personnel in executive session, the final vote to execute such agreements must be taken by the public body in open session. In contrast, a public body may approve final terms and execute a collective bargaining agreement in executive session, but should promptly disclose the agreement in open session following its execution.

Collective Bargaining Sessions: These include not only the bargaining sessions, but also include grievance hearings that are required by a collective bargaining agreement.

3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;

Generally, a public body must identify the collective bargaining unit with which it is negotiating or the litigation matter it is discussing before entering into executive session under Purpose 3. A public body may withhold the identity of the collective bargaining unit or name of the litigation matter if publicly disclosing that information would compromise the purpose for which the executive session was called. While we generally defer to public bodies' assessment of whether the inclusion of such details would compromise the purpose for an executive session, a public body must be able to demonstrate a reasonable basis for that claim if challenged.

Collective Bargaining Strategy: Discussions with respect to collective bargaining strategy include discussion of proposals for wage and benefit packages or working conditions for union employees. The public body, if challenged, has the burden of proving that an open meeting might have a detrimental effect on its bargaining position. The showing that must be made is that an open discussion may have a detrimental effect on the collective bargaining process; the body is not required to demonstrate a definite harm that would have arisen. At the time the executive session is proposed and voted on, the chair must state on the record that having the discussion in an open session may be detrimental to the public body's bargaining or litigating position.

Litigation Strategy: Discussions concerning strategy with respect to ongoing litigation obviously fit within this purpose but only if an open meeting may have a detrimental effect on the litigating position of the public body. Discussions relating to potential litigation are not covered by this exemption unless that litigation is clearly and imminently threatened or otherwise demonstrably likely. That a person is represented by counsel and supports a position adverse to the public body's does not by itself mean that litigation is imminently threatened or likely. Nor does the fact that a newspaper reports a party has threatened to sue necessarily mean imminent litigation.

Note: For the reasons discussed above, a public body's discussions with its counsel do not automatically fall under this or any other purpose for holding an executive session.

4. To discuss the deployment of security personnel or devices, or strategies with respect thereto;

5. To investigate charges of criminal misconduct or to consider the filing of criminal complaints;

This purpose permits an executive session to investigate charges of criminal misconduct and to consider the filing of criminal complaints. Thus, it primarily involves discussions that would precede the formal criminal process in court. Purpose 1 is related, in that it permits an executive session to discuss certain complaints or charges, which may include criminal complaints or charges, but only those that have already been brought. However, Purpose 1 confers certain rights of participation on the individual involved, as well as the right for the individual to insist that the discussion occur in open session. Purpose 5 does not require that the same rights be given to the person who is the subject of a criminal complaint. To the limited extent that there is overlap between Purposes 1 and 5, a public body has discretion to choose which purpose to invoke when going into executive session.

- 6. To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body;**

Generally, a public body must identify the specific piece of property it plans to discuss before entering into executive session under Purpose 6. A public body may withhold the identity of the property if publicly disclosing that information would compromise the purpose for which the executive session was called. While we generally defer to public bodies' assessment of whether the inclusion of such details would compromise the purpose for an executive session, a public body must be able to demonstrate a reasonable basis for that claim if challenged.

Under this purpose, as with the collective bargaining and litigation purpose, an executive session may be held only where an open meeting may have a detrimental impact on the body's negotiating position with a third party. At the time that the executive session is proposed and voted on, the chair must state on the record that having the discussion in an open session may be detrimental to the public body's negotiating position.

- 7. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements;**

There may be provisions in state statutes or federal grants that require or specifically allow a public body to consider a particular issue in a closed session. Before entering executive session under this purpose, the public body must cite the specific law or federal grant-in-aid requirement that necessitates confidentiality. A public body may withhold that information only if publicly disclosing it would compromise the purpose for which the executive session was called. While we generally defer to public bodies' assessment of whether the

inclusion of such details would compromise the purpose for an executive session, a public body must be able to demonstrate a reasonable basis for that claim if challenged.

- 8. To consider or interview applicants for employment or appointment by a preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening;**

This purpose permits a hiring subcommittee of a public body or a preliminary screening committee to conduct the initial screening process in executive session. This purpose does not apply to any stage in the hiring process after the screening committee or subcommittee votes to recommend candidates to its parent body. It may, however, include a review of résumés and multiple rounds of interviews by the screening committee aimed at narrowing the group of applicants down to finalists. At the time that the executive session is proposed and voted on, the chair must state on the record that having the discussion in an open session will be detrimental to the public body's ability to attract qualified applicants for the position. If the public body opts to convene a preliminary screening committee, the committee must contain less than a quorum of the members of the parent public body. The committee may also contain members who are not members of the parent public body.

Note that a public body is not required to create a preliminary screening committee to consider or interview applicants. However, if the body chooses to conduct the review of applicants itself, it may not do so in executive session.

- 9. To meet or confer with a mediator, as defined in section 23C of chapter 233, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity, provided that:**

- (i) any decision to participate in mediation shall be made in an open session and the parties, issues involved and purpose of the mediation shall be disclosed; and

- (ii) no action shall be taken by any public body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open session.

- 10. To discuss trade secrets or confidential, competitively-sensitive or other proprietary information provided:**

- in the course of activities conducted by a governmental body as an energy supplier under a license granted by the department of public utilities pursuant to section 1F of chapter 164;
- in the course of activities conducted as a municipal aggregator under section 134 of said chapter 164; or
- in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to section 136 of said chapter 164;
- when such governmental body, municipal aggregator or cooperative determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy.

Remote Participation

May a member of a public body participate remotely?

The Attorney General's Regulations, 940 CMR 29.10, permit remote participation in certain circumstances. However, the Attorney General strongly encourages members of public bodies to physically attend meetings whenever possible. Members of public bodies have a responsibility to ensure that remote participation in meetings is not used in a way that would defeat the purposes of the Open Meeting Law, namely promoting transparency with regard to deliberations and decisions on which public policy is based.

Note that the Attorney General's regulations enable members of public bodies to participate remotely if the practice has been properly adopted, but do not require that a public body permit members of the public to participate remotely. If a public body chooses to allow individuals who are not members of the public body to participate remotely in a meeting, it may do so without following the Open Meeting Law's remote participation procedures.

How can the practice of remote participation be adopted?

Remote participation may be used during a meeting of a public body if it has first been adopted by the chief executive officer of the municipality for local public bodies, the county commissioners for county public bodies, or by a majority vote of the public body for retirement boards, district, regional and state public bodies. The chief executive officer may be the board of selectmen, the city council, or the mayor, depending on the municipality. See G.L. c. 4, § 7.

If the chief executive officer in a municipality authorizes remote participation, that authorization applies to all public bodies in the municipality. 940 CMR 29.10(2)(a). However, the chief executive officer determines the amount and source of payment for any costs associated with remote participation and may decide to fund the practice only

for certain public bodies. See 940 CMR 29.10(6)(e). In addition, the chief executive officer can authorize public bodies in that municipality to "opt out" of the practice altogether. See 940 CMR 29.10(8).

Note about Local Commissions on Disability: Local commissions on disability may decide by majority vote of the commissioners at a regular meeting to permit remote participation during a specific meeting or during all commission meetings. G.L. c. 30A, § 20(e). Adoption by the municipal adopting authority is not required.

[What are the permissible reasons for remote participation?](#)

Once remote participation is adopted, any member of a public body may participate remotely only if physical attendance would be unreasonably difficult.

[What are the acceptable means of remote participation?](#)

Acceptable means of remote participation include telephone, internet, or satellite enabled audio or video conferencing, or any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another. Text messaging, instant messaging, email and web chat without audio are not acceptable methods of remote participation. Note that accommodations must be made for any public body member who requires TTY service, video relay service, or other form of adaptive telecommunications.

[What are the minimum requirements for remote participation?](#)

Any public body using remote participation during a meeting must ensure that the following minimum requirements are met:

1. A quorum of the body, including the chair or, in the chair's absence, the person chairing the meeting, must be physically present at the meeting location;
2. Members of a public body who participate remotely and all persons present at the meeting location must be clearly audible to each other; and
3. All votes taken during a meeting in which a member participates remotely must be by roll call vote.

[What procedures must be followed if remote participation is used at a meeting?](#)

At the start of any meeting during which a member of a public body will participate remotely, the chair must announce the name of any member who is participating remotely; such information must also be recorded in the meeting minutes. The chair's statement does not need to contain any detail about the reason for the member's remote participation.

Members of public bodies who participate remotely may vote and shall not be deemed absent for purposes of G.L. c. 39, § 23D. In addition, members who participate remotely may participate in executive sessions but must state at the start of any such session that no other person is present or able to hear the discussion at the remote location, unless the public body has approved the presence of that individual.

If technical difficulties arise as a result of utilizing remote participation, the chair (or, in the chair's absence, person chairing the meeting) may decide how to address the situation. Public bodies are encouraged, whenever possible, to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If a remote participant is disconnected from the meeting, the minutes must note that fact and the time at which the disconnection occurred.

Public Participation

What public participation in meetings must be allowed?

Under the Open Meeting Law, the public is permitted to attend meetings of public bodies but is excluded from an executive session that is called for a valid purpose listed in the law. While the public is permitted to attend an open meeting, an individual may not address the public body without permission of the chair. An individual may not disrupt a meeting of a public body, and at the request of the chair, all members of the public shall be silent. If, after clear warning, a person continues to be disruptive, the chair may order the person to leave the meeting. If the person does not leave, the chair may authorize a constable or other officer to remove the person. Although public participation is entirely within the chair's discretion, the Attorney General encourages public bodies to allow as much public participation as time permits.

Any member of the public may make an audio or video recording of an open session of a public meeting. A member of the public who wishes to record a meeting must first notify the chair and must comply with reasonable requirements regarding audio or video equipment established by the chair so as not to interfere with the meeting. The chair is required to inform other attendees of any such recording at the beginning of the meeting. If someone arrives after the meeting has begun and wishes to record a meeting, that person should attempt to notify the chair prior to beginning recording, ideally in a manner that does not significantly disrupt the meeting in progress (such as passing a note for the chair to the board administrator or secretary). The chair should endeavor to acknowledge such attempts at notification and announce the fact of any recording to those in attendance.

Minutes

What records of public meetings must be kept?

Public bodies are required to create and maintain accurate minutes of all meetings, including executive sessions. The minutes, which must be created and approved in a timely manner, must include:

- the date, time and place of the meeting;
- the members present or absent;
- the decisions made and actions taken, including a record of all votes;
- a summary of the discussions on each subject;
- a list of all documents and exhibits used at the meeting; and
- the name of any member who participated in the meeting remotely.

While the minutes must include a summary of the discussions on each subject, a transcript is not required. No vote taken by a public body, either in an open or in an executive session, shall be by secret ballot. All votes taken in executive session must be by roll call and the results recorded in the minutes. While public bodies must identify in the minutes all documents and exhibits used at a meeting and must retain them in accordance with the Secretary of the Commonwealth's records retention schedule, these documents and exhibits needn't be attached to or physically stored with the minutes.

Minutes, and all documents and exhibits used, are public records and a part of the official record of the meeting. Records may be subject to disclosure under either the Open Meeting Law or Public Records Law. The State and Municipal Record Retention Schedules are available through the Secretary of the Commonwealth's website at: <http://www.sec.state.ma.us/arc/arcrmu/rmuidx.htm>.

Open Session Meeting Records

The Open Meeting Law requires public bodies to create and approve minutes in a timely manner. A "timely manner" is considered to be within the next three public body meetings or 30 days from the date of the meeting, whichever is later, unless the public body can show good cause for further delay. The Attorney General encourages minutes to be approved at a public body's next meeting whenever possible. The law requires that existing minutes be made available to the public within ten days of a request, whether they have been approved or remain in draft form. Materials or other exhibits used by the public body in an open meeting must also be made available to the public within ten days of a request.

There are two exemptions to the open session records disclosure requirement:
1) materials (other than those that were created by members of the public body for the

purpose of the evaluation) used in a performance evaluation of an individual bearing on his professional competence, and 2) materials (other than any résumé submitted by an applicant, which is subject to disclosure) used in deliberations about employment or appointment of individuals, including applications and supporting materials. Documents created by members of the public body for the purpose of performing an evaluation are subject to disclosure. This applies to both individual evaluations and evaluation compilations, provided the documents were created by members of the public body for the purpose of the evaluation.

[Executive Session Meeting Records](#)

Public bodies are not required to disclose the minutes, notes, or other materials used in an executive session if the disclosure of these records may defeat the lawful purposes of the executive session. Once disclosure would no longer defeat the purposes of the executive session, however, minutes and other records from that executive session must be disclosed unless they fall within an exemption to the Public Records Law, G.L. c. 4, § 7, cl. 26, or the attorney-client privilege applies. Public bodies are also required to periodically review their executive session minutes to determine whether continued non-disclosure is warranted. These determinations must be included in the minutes of the body's next meeting.

A public body must respond to a request to inspect or copy executive session minutes within ten days of the request. If the public body has determined, prior to the request, that the requested executive session minutes may be released, it must make those minutes available to the requestor at that time. If the body previously determined that executive session minutes should remain confidential because publication would defeat the lawful purposes of the executive session, it should respond by stating the reason the minutes continue to be withheld. And if, at the time of a request, the public body has not conducted a review of the minutes to determine whether continued nondisclosure is warranted, the body must perform such a review and release the minutes, if appropriate, no later than its next meeting or within 30 days, whichever occurs first. In such circumstances, the body should still respond to the request within ten days, notifying the requestor that it is conducting this review.

[Open Meeting Law Complaints](#)

[What is the Attorney General's role in enforcing the Open Meeting Law?](#)

The Attorney General's Division of Open Government is responsible for enforcing the Open Meeting Law. The Attorney General has the authority to receive and investigate complaints, bring enforcement actions, issue advisory opinions, and promulgate regulations.

The Division of Open Government regularly seeks feedback from the public on ways in which it can better support public bodies to help them comply with the law's requirements. The Division of Open Government offers periodic online and in-person training on the Open Meeting Law and will respond to requests for guidance and information from public bodies and the public.

The Division of Open Government will take complaints from members of the public and will work with public bodies to resolve problems. While any member of the public may file a complaint with a public body alleging a violation of the Open Meeting Law, a public body need not, and the Division of Open Government will not, investigate anonymous complaints.

What is the Open Meeting Law complaint procedure?

Step 1. Filing a Complaint with the Public Body

Individuals who allege a violation of the Open Meeting Law must first file a complaint **with the public body** alleged to have violated the OML. The complaint must be filed within 30 days of the date of the violation, or the date the complainant could reasonably have known of the violation. The complaint must be filed on a [Complaint Form](#) available on the Attorney General's website, www.mass.gov/ago/openmeeting. When filing a complaint with a local public body, the complainant must also file a copy of the complaint with the municipal clerk.

Step 2. The Public Body's Response

Upon receipt, the chair of the public body should distribute copies of the complaint to the members of the public body for their review. The public body has 14 business days from the date of receipt to meet to review the complainant's allegations, take remedial action if appropriate, notify the complainant of the remedial action, and forward a copy of the complaint and description of the remedial action taken to the complainant. The public body must simultaneously notify the Attorney General that it has responded to the complainant and provide the Attorney General with a copy of the response and a description of any remedial action taken. While the public body may delegate responsibility for responding to the complaint to counsel or another individual, it must first meet to do so. A public body is not required to respond to unsigned complaints or complaints not made on the Attorney General's complaint form.

The public body may request additional information from the complainant within seven business days of receiving the complaint. The complainant then has ten business days to respond; the public body will then have an additional ten business days after receiving the complainant's response to review the complaint and take remedial action. The public body may also request an extension of time to respond to the

complaint. A request for an extension should be made within 14 business days of receipt of the complaint by the public body. The request for an extension should be made in writing to the Division of Open Government and should include a copy of the complaint and state the reason for the requested extension.

Step 3. Filing a Complaint with the Attorney General's Office

A complaint is ripe for review by the Attorney General 30 days after the complaint is filed with the public body. This 30-day period is intended to provide a reasonable opportunity for the complainant and the public body to resolve the initial complaint. It is important to note that complaints are **not** automatically treated as filed for review by the Attorney General upon filing with the public body. A complainant who has filed a complaint with a public body and seeks further review by the Division of Open Government must file the complaint with the Attorney General after the 30-day local review period has elapsed but before 90 days have passed since the date of the violation or the date that the violation was reasonably discoverable.

When filing the complaint with the Attorney General, the complainant must include a copy of the original complaint and may include any other materials the complainant feels are relevant, including an explanation of why the complainant is not satisfied with the response of the public body. Note, however, that the Attorney General will not review allegations that were not raised in the initial complaint filed with the public body. Under most circumstances, complaints filed with the Attorney General, and any documents submitted with the complaint, will be considered a public record and will be made available to anyone upon request.

The Attorney General will review the complaint and any remedial action taken by the public body. The Attorney General may request additional information from both the complainant and the public body. The Attorney General will seek to resolve complaints in a reasonable period of time, generally within 90 days of the complaint becoming ripe for review by our office. The Attorney General may decline to investigate a complaint that is filed with our office more than 90 days after the date of the alleged violation.

May a public body request mediation to resolve a complaint?

If a complainant files five complaints with the same public body or within the same municipality within 12 months, the public body may request mediation upon the fifth or subsequent complaint in order to resolve the complaint. The public body must request mediation prior to, or with, its response to the complaint, and will assume the expense of such mediation. If the parties cannot come to an agreement after mediation, the public body will have ten business days to respond to the complaint and its resolution will proceed in the normal course.

Mediation may occur in open session or in executive session under Purpose 9. In addition, a public body may designate a representative to participate on behalf of the public body. If mediation does not resolve the complaint to each party's satisfaction, the complainant may file the complaint with the Attorney General. The complaint must be filed within 30 days of the last joint meeting with the mediator.

The mediator will be chosen by the Attorney General. If the complainant declines to participate in mediation after a request by the public body, the Attorney General may decline to review a complaint thereafter filed with our office. A public body may always request mediation to resolve a complaint, but only mediation requested upon a fifth or subsequent complaint triggers the requirement that the complainant participate in the mediation before the Attorney General will review the complaint.

Any written agreement reached in mediation must be disclosed at the public body's next meeting following execution of the agreement and will become a public record.

[When is a violation of the law considered "intentional"?](#)

Upon finding a violation of the Open Meeting Law, the Attorney General may impose a civil penalty upon a public body of not more than \$1,000 for each intentional violation. G.L. c. 30A, § 23(c)(4). An "intentional violation" is an act or omission by a public body or public body member in knowing violation of the Open Meeting Law. G.L. c. 30A, § 18. In determining whether a violation was intentional, the Attorney General will consider, among other things, whether the public body or public body member 1) acted with specific intent to violate the law; 2) acted with deliberate ignorance of the law's requirements; or 3) had been previously informed by a court decision or advised by the Attorney General that the conduct at issue violated the Open Meeting Law. 940 CMR 29.02. If a public body or public body member made a good faith attempt at compliance with the law but was reasonably mistaken about its requirements, its conduct will not be considered an intentional violation of the Law. G.L. c. 30A, § 23(g); 940 CMR 29.02. A fine will not be imposed where a public body or public body member acted in good faith compliance with the advice of the public body's legal counsel. G.L. 30A, § 23(g); 940 CMR 29.07.

[Will the Attorney General's Office provide training on the Open Meeting Law?](#)

The Open Meeting Law directs the Attorney General to create educational materials and provide training to public bodies to foster awareness of and compliance with the Open Meeting Law. The Attorney General has established an Open Meeting

Law website, www.mass.gov/ago/openmeeting, on which government officials and members of public bodies can find the statute, regulations, FAQs, training materials, the Attorney General’s determination letters resolving complaints, and other resources. The Attorney General offers periodic webinars and in-person regional training events for members of the public and public bodies, in addition to offering a free online training video.

Contacting the Attorney General

If you have any questions about the Open Meeting Law or anything contained in this guide, please contact the Attorney General’s Division of Open Government. The Attorney General also welcomes any comments, feedback, or suggestions you may have about the Open Meeting Law or this guide.

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Boston, MA 02108
Tel: 617-963-2540

www.mass.gov/ago/openmeeting
OpenMeeting@state.ma.us

Tax collection policy/procedure.

- Harwich attempted to conduct an auction in June, 2017, to sell tax titles held by the Town on a block of properties that were significantly delinquent on payment. The overall results of this process should be evident early in FY18 and should be documented.
- Also, going forward, the Harwich Treasurer should develop (and publish) a policy and procedure document that addresses how the Town will collect unpaid taxes in the future. For example, based on this experience with auctioning tax titles to collect unpaid real estate taxes, does the bulk auction process offer the best financial benefit? What percentage of delinquencies were corrected before the auction? Would dealing with smaller quantities of parcels every 2-3 years be more effective? Discuss lessons learned.
- Deliverables:
 - a) Assessment of the Harwich tax title auction process.
 - b) Policy and procedures to better manage delinquent tax payments.

OFFICE OF THE TOWN ADMINISTRATOR

Phone (508) 430-7513

Fax (508) 432-5039

Christopher Clark, *Town Administrator*
Charleen Greenhalgh, *Assistant Town Administrator*

732 MAIN STREET, HARWICH, MA



MEMO

To: Board of Selectmen

From: Christopher Clark, Town Administrator

Re: Current Procurement Practices

Date: October 12, 2017

Pursuant to the Town Charter, the Town Administrator acts as the Town Chief Procurement Officer. Operationally, the current practice is for procurement that requires bid documentation be coordinated through the Town Engineer. Town Engineer, although not having the necessary designations, has been very skilled in putting together procurement materials. The individual departments worked through either myself for all procurement advice and specifically the Town Engineer for preparation of the bid documentation. Sandy in our office coordinates placing ads in the paper and the distribution of materials to potential bidders. The bid openings and the recommendations are coordinated by the Town Engineer. I will do a final review before sending the material to the Board of Selectmen for award for contracts above the \$50,000 limit set by the Board of Selectmen.

I believe there is considerable opportunity for improvement in this process. First, to establish a purchasing system so when contracts are awarded and matched up financially, the purchase order is contained within our accounting system. Second, we establish town boilerplate contracts that represent the interests of the Town for the majority of contract awards, or to use industry contracts such as AIA (American Institute of Architects) based contracts. We should avoid as much as possible the use of vendor contracts. The Operational Services Division of the State does utilize contracts that the town may have to use in order to take advantage of the state bidding process.

Administration makes every attempt to share updated summary procurement information with all departments as this information is updated and available through our monthly Department Head Meetings. The Town's procurement process attempts to match up with current State Law. I believe that our current process is fundamentally sound but could certainly use additional enhancements such as stated above to improve our process.

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.

Approved at a meeting of the Board of Selectmen held on November 10, 2014.

POLICY FOR APPROVAL OF MUNICIPAL CONTRACTS

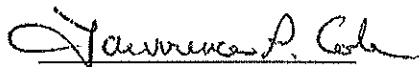
At a Public Meeting of the Harwich Board of Selectmen held on August 24, 2009 the Board voted to adopt the following policy for the approval of municipal contracts:

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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 \$25,000 in total value and for the Board of Selectmen to approve and execute all contracts procured under the Town Administrator's authority that are \$25,000 and over in total value. **The Town shall comply with all Massachusetts General Laws regarding public procurement.**



Edward J. McManus, Chair

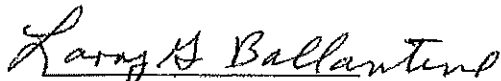


Lawrence P. Cole



Angelo S. La Mantia

Robin D. Wilkins



Larry G. Ballantine

HARWICH BOARD OF SELECTMEN

Sandy Robinson

From: Foster Banford
Sent: Thursday, September 28, 2017 6:06 PM
To: Sandy Robinson
Cc: Ann Steidel; Christopher Clark
Subject: RE: Electronics Communications Policy

Sandy,

There are currently 49 committees, boards and commissions listed on the website. Historic, Waterways, CPC and Finance already have email addresses established leaving 45 without Town email addresses. This estimate is to provide one email account for each committee, board or commission.

Licensing for the Microsoft Exchange and Active Directory accounts required to implement will be approximately \$82 per email account. Adding 45 accounts will total \$3,690.

I estimate the time to implement each account at 30 minutes with an additional 30 minutes expected to assist the email account user with questions, problems, or setup on phones, tables, computers, etc.

Foster.

Foster Banford
Town of Harwich, IT Director
fbanford@town.harwich.ma.us, Phone 508-430-7570
Town of Harwich Website: www.harwich-ma.gov

From: Sandy Robinson
Sent: Tuesday, September 26, 2017 1:02 PM
To: Foster Banford <fbanford@town.harwich.ma.us>
Cc: Ann Steidel <asteidel@town.harwich.ma.us>; Christopher Clark <cclark@town.harwich.ma.us>
Subject: Electronics Communications Policy

Hi Foster:

At their meeting last night, the Board of Selectmen discussed the Electronic Communications Policy for Elected Officials. Following the meeting Chris asked that we contact you to have you do an estimate as to what it would cost to have the town supply email addresses for every town committee, board and commission including set-up

Thanks Foster - Sandy

Sandra Robinson
Administrative Secretary
Selectmen/Administrator's Office
srobinson@town.harwich.ma.us
(508) 430-7513

Revised

Electronic Communications Policy for Elected Officials and Members of Boards and Commissions

The Town of Harwich has adopted a Town of Harwich Information Technology Policy for town employees.

This Policy "Electronic Communications Policy" supplements the Information Technology Policy, and provides guidelines relative to use of e-mail by elected officials and members of town board and commissions.

Questions about this policy may be directed to the Board of Selectmen.

Policy:

It is the policy of the Town that all elected/appointed officials and/or Boards, Committees, Commissions who have been assigned a Town of Harwich e-mail address for official use, **must** in fact use that e-mail address for all Town business-related e-mail communications. The Chair, or designee, of a Board, Committee or Commission who has been assigned an e-mail address shall be responsible for said e-mail address. For those elected/appointed officials and/or Boards, Committees, Commissions who have not been assigned a "town.harwich.ma.us or townofharwich.us" e-mail address, all Town business-related e-mail **must** be copied to a staff person assigned to assist the official/board/committee/commission, or other board/committee/commission liaison, so that all e-mail sent or received by an elected/appointed official and/or Boards, Committees, Commissions is able to be captured and archived through the Town of Harwich's computer systems by the Computer Coordinator. Furthermore, antivirus software must be used when communicating through personal e-mail accounts for Town business-related e-mail communications.

Jan 1, 2017

This vote of the Board of Selectmen constitutes policy that takes effect with the date of the vote, _____, _____, 2017

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This vote of the Board of Selectmen constitutes policy that takes effect with the date of the vote,
_____, 2017

diligent and doesn't lose very often. He said we have a good team representing us and the best way to control costs is to monitor and keep on top of it. Chairman MacAskill agreed with Mr. Howell. He noted that we haven't touched on owners unknown and we need to work on our own tax liens. He further questioned if we need KP-Law for license-to-carry cases. He said there is a lot we could help our regulatory boards with by having someone in house. He asked for a study on what other towns are doing and noted that we would still need specialty counsel for some things. He said we should explore this and suggested regionalizing. Ms. Kavanagh said we have to be careful about getting someone in-house who may not have the expertise we need. She said she didn't know how much we would be saving as she thinks a base salary would be \$125,000-\$130,000 plus benefits as well as the cost of a paralegal which could be \$50,000 plus \$20,000 in benefits. Mr. Clark said there are opportunities for savings noting that we don't have to have an attorney to do title search. He said we can pay a title examiner significantly less than we pay an attorney. He indicated there should be a pragmatism in looking at some of these cases as to when we should cut our losses and settle. He said he would come back with some concepts to reduce costs.

TOWN ADMINISTRATOR'S REPORT

A. CVEC Review of Value Reductions from Proposed Revised Eversource Rate Changes

Mr. Clark reported that Eversource is going to do a Public Hearing on the rate schedule on July 26th at South Station.

B. Cape Light Compact Meeting

Mr. Clark reported that the Cape Light Compact meeting of July 12th has been cancelled due to lack of quorum.

(C) Electronic Communications Policy for Elected Officials and Members of Boards and Commissions

Mr. Clark reported that Ms. Greenhalgh met with Mr. Banford to go over an electronic communications policy. He noted that it would compel committee members and Town officials to have Town emails. He asked the Board to let him know if they would like this on an agenda. Mr. Howell said it just doesn't address the main concern he brought up that if you use a bucket approach, that there is an email address for each committee, then you have to have something in there for inferential deliberations.

D. Letter from Pleasant Bay Alliance

Mr. Clark reported that we received a thank you letter from the Pleasant Bay Alliance regarding the Board's actions at the One Cape Summit.

E. IMA Advisory Board

Mr. Clark reported that he received an email from the Chatham Town Manager indicating that there is an Advisory Board for the IMA for the purpose of maintaining and monitoring the agreement. He noted that the Board consists of 3 members from Chatham and 2 from Harwich and we should probably do something in kind. No action was taken.



SAMPLE

**ABSENTEE
OFFICIAL BALLOT
DISTRICT ELECTION**

**CAPE COD REGIONAL TECHNICAL HIGH SCHOOL DISTRICT
OCTOBER 24, 2017**

Robert P. Scarborough
SUPERINTENDENT

INSTRUCTIONS TO VOTERS

A. TO VOTE, completely fill in the OVAL to the RIGHT of your choice(s) like this: ●

QUESTION

Do you approve of the vote of the Regional District School Committee of the Cape Cod Regional Technical High School District adopted on August 24, 2017, to authorize the borrowing of \$128,062,881 to pay costs of designing, constructing, originally equipping and furnishing a new District high school to be located at 351 Pleasant Lake Avenue, Harwich, which vote provides, in relevant part, as follows:

“VOTED: That the Cape Cod Regional Technical High School District (the “District”) hereby appropriates the amount of \$128,062,881 for the purpose of paying costs of designing, constructing, originally equipping and furnishing a new District high school to be located at 351 Pleasant Lake Avenue, Harwich, including the payment of all costs incidental or related thereto (the “Project”), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended at the direction of the School Building Committee. To meet this appropriation the District is authorized to borrow said amount, under and pursuant to Chapter 71, Section 16(n) of the General Laws and the District Agreement, as amended, or pursuant to any other enabling authority. The District acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District; provided further that any grant that the District may receive from the MSBA shall not exceed the lesser of (1) forty-five and forty-five hundredths percent (45.45%) of eligible, approved Project costs, as determined by the MSBA, and (2) the total maximum grant amount determined by the MSBA, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the District and the MSBA.

If the District were to receive an MSBA grant in the amount of 45.45% of eligible, approved Project costs, it is anticipated that the net principal amount of this debt allocable to each member town of the District, exclusive of interest, would be approximately as follows:

Barnstable	\$25,481,352	Mashpee	\$8,215,299
Brewster	5,987,422	Orleans	2,088,635
Chatham	1,392,424	Provincetown	696,212
Dennis	9,329,238	Truro	417,727
Eastham	2,088,635	Wellfleet	1,253,181
Harwich	10,721,662	Yarmouth	19,076,204

The debt authorized by this vote of the Committee shall be submitted to the registered voters of the District’s member towns for approval at a District-wide election to be held on October 24, 2017 in accordance with the provisions of Chapter 71, Section 16(n) of the General Laws and the District Agreement.”

SAMPLE

YES
NO

SAMPLE



**ABSENTEE
OFFICIAL BALLOT
SPECIAL ELECTION
HARWICH, MASSACHUSETTS
OCTOBER 24, 2017**

Carole A. Donette
TOWN CLERK

INSTRUCTIONS TO VOTERS

A. TO VOTE, completely fill in the OVAL to the RIGHT of your choice(s) like this:

QUESTION

1. Shall the Town of Harwich be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay the Town's allocable share of the bond issued by the Cape Cod Regional Technical High School District for the purpose of paying costs of designing, constructing, originally equipping and furnishing a new District high school to be located at 351 Pleasant Lake Avenue, Harwich, including the payment of all costs incidental or related thereto?

YES

NO

SAMPLE

OFFICE OF THE TOWN ADMINISTRATOR

Phone (508) 430-7513

Fax (508) 432-5039

Christopher Clark, *Town Administrator*
Charleen Greenhalgh, *Assistant Town Administrator*

732 MAIN STREET, HARWICH, MA



To: Board of Selectmen

From: Christopher Clark, Town Administrator

Re: Weekly Report October 2 - 6, 2017

Date: October 4, 2017

On Monday, the morning consisted of a review of the BOS meeting package. And then I had a staff meeting regarding security access system for the public safety building. I spent the balance of the morning on paperwork and email. In the early afternoon, I met with Sean Libby on his Capital Budget items. I then met with Matt Hart from the ADA Committee to discuss the Town status on various items that the union has with the Americans with Disabilities Act. I've been trying to use some of my vacation time and after a discussion with the Chair, I took the balance of the early evening and the selectmen's meeting off.

On Tuesday, I started with our meeting follow-up session in the office. I met with Police and Fire representatives to discuss capital outlay presentations for later in the day. I also worked on updating the materials for the capital outlay items affiliated with Administration and the update of the summary spreadsheet. During the afternoon I worked on preparations for the Capital Outlay Committee meeting and met with the School Superintendent for our monthly meeting and dealt with various issues. I then attended the Capital Outlay Committee meeting and at the conclusion of the meeting met with the Chair to discuss operational concerns.

Wednesday highlights include participating in a municipal leaders meeting in downtown Boston with the President of BC/BS to discuss health insurance issues confronting the municipal sector and some of the thought process by BC/BS to address those issues. The meeting was in the late morning into to travel considerations the majority of the day was spent in the meeting traveling to and from. I did return to the office in mid-afternoon and worked on signing various papers and vouchers.

Pursuant to my contract, it indicates that a lot of the hours that the administrator does are outside of traditional Town Hall hours. I did utilize some vacation time to try to extend the holiday weekend so was out of the office Thursday and Friday but had covered some of those hours in work outside of Town Hall hours. I did also, throughout the week in the early morning or after hours in the evening, work on the Administration Capital Budget items and various items related to same.

Memorandum from Charleen Greenhalgh
Assistant Town Administrator
Town of Harwich

October 12, 2017

To: Christopher Clark, Town Administrator
From: Charleen Greenhalgh, Assistant Town Administrator
Re: Weekly Report – Week of October 2, 2017

Another busy week, which included, but was not limited to:

- Prepared for and covered Board of Selectmen Meeting.
- Met with Sandy Robinson and Ann Steidel to review the meeting.
- Met with a teacher from the MRHS Alternative Learning Program to assist with placement of an intern.
- Met with Scott Carpenter, Superintendent of Monomoy Regional and Chris Clark.
- Attended Capital Outlay Committee Meeting, participated, took minutes and prepared minutes.
- Posted two Finance Committee Meetings.
- Attended weekly BOS agenda meeting.
- Phone call with Cape Cod Commission Staff regarding the MMPO Sub-Regional Election. Followed up with email to Selectmen.
- Attended the weekly Community Development Meeting with senior staff.
- Participated in two interviews for Senior Health Agent position.
- Status update on employment vacancies:

Position	Status	Replacement or New
Sr. Health Agent	Interviews held Oct. 5, additional interview Oct. 11.	Replacement
Greenskeeper I	Interviews scheduled for Oct. 11	Replacement
Board Recording Secretary	Posted on Website and <i>Indeed</i> (website), reviewing applications	Replacement



**HARWICH
ASSESSORS
OFFICE**
508-430-7503

Memo

To: Sandy Robinson
Ann Steidel

From: Donna Molino

Date: October 10, 2017

RE: Assessor's Department Weekly Report (w/e 10/6/17)

1. Processed monthly sales reports and questionnaires.
2. Processed motor vehicle abatements.
3. Reviewed exemptions for Board of Assessor's approval.
4. Assisted taxpayer with exemption.
5. Processed and reviewed abutter's lists.
6. Processed and reviewed weekly deeds.
7. Review senior exemptions and call taxpayers for additional information.

Cemetery Administrator's Weekly Report

Week ending October 7, 2017

- Pre Planning Luncheon on Monday October 2nd. We had 14 speakers: Attorney Elizabeth Lynch on Elder law, Tom Blute of Henry T Crosby & Sons on Monumentation, Lt. Kevin Considine of Harwich Police Department on new protocols for emergency response and hospice deaths, Shawney L Carroll Veterans Agent on Veterans Laws and Benefits, Christine Damery of Doane Beal & Ames on Funeral Pre Planning, Sue Jusell, Harwich Town Nurse on My Belongings, Business Affairs and Wishes, Kevin Grunwald, COA Social Services Coordinator on the Death Café, Annie Gibbon of Amazing Grace a Funeral Concierge Services on options for families, Jennifer Pickett, Reference Librarian of Brooks Free Library on books options for pre planning, Nancy Reynolds, Hospice Liaison for Beacon Hospice on Dispelling the Myths of Hospice, Angela Angelini the Director of Business Development at Maplewood her topic Senior Living options, Judy Wilson, COA Director on why you should pre plan. Robbin Kelley on lots sizes and usage in Harwich and Jack & Eileen Wyatt singing Amazing Grace and Danny Boy. The event was very well attended lunch was provided by Linda the Town Chef. Videotaping by Caleb from Channel 18 for future viewing online and CD will be made for distribution by request.
- Submitted 12 copies of the Mount Pleasant Cemetery Gravestone Conservation CPC packet on Monday October 2nd.
- Meeting with Judy Ford at the South Harwich Meeting House to go over renovations on the inside of the Meeting House and landscaping around the building.
- Met with several Harwich Garden Club member's to discussion possible new designs for existing cemeteries as well as the new pet burial grounds.
- Contacted Christine Wood, son-in-law and granddaughter to request permission to name new pet burial ground the Christine Wood Memory Garden.
- Surveyed 3 lots in Evergreen for Monumentation Higgins, Oberg and Bly. Surveyed 4 lots in Mount Pleasant for Monumentation Gonser, Robinson, Colbert and Joslin. Check on 4 lots in Island Pond for pervious burials Grayson, Hunt, Scism and Horvath. Surveyed 11 lots in Island Pond for Monumentation Bohrer, Hughes, Brett, Andrews, Hall, Roy, Unel, Rose, Worgan and Pederson.
- Worked the Harwich Employee Flu Clinic on October 4th, coordinated with Meggan Eldredge, Health Director. Greeter Registration Group Staff Supervisor for the dispensing site. Check-in and out all workforce in staging area as well as greeted the public for the clinic.
- On October 6 I continued my Certificate program in Local Government Leadership & Management with Suffolk University classes. Classes require extensive reading and projects due weekly we are currently working on Strategic Leadership.

Respectfully Submitted

Robbin Kelley
Cemetery Administrator

Channel 18 Weekly Report w/e October 7, 2017



- Filmed Board of Selectmen
- Filmed Board of Water Commissioners
- Conservation Commission Filming was cancelled no quorum
- Start installation of web streaming computer
- Order equipment to satisfy selectmen's FY18 Goals
- Announce road work schedule on community bulletin
- Assist in staff flu clinic set up
- Troubleshoot and test Small Hearing room set up
- Respond to website change requests
- Filmed with Voter Information Cmt and Tech School Superintendent on upcoming town election
- Schedule updates and meetings for October
- Film Chamber of Commerce update
- Filmed Community Journal (5 volunteers reported for duty)
- Agendas and Minutes posted
- All clips and meetings transferred and posted to YouTube
- Video file maintenance

Please Follow Channel 18 on YouTube for frequent video updates/meetings

www.youtube.com/harwichchannel18

And Facebook for additional info

www.facebook.com/harwichchannel18

Respectfully Submitted,

Jamie Lee Goodwin

Weekly Update for the Community and Cultural Centers
October 1, 2017 – October 7, 2017

I am pleased to provide a report on my work at both the Community Center and the Cultural Center for the week running 10/2 to 10/7.

- Cape Verdean Open House was Sunday from 2-3pm October 1, 2017. They held a lecture by Mr. Ed Andrade and music by Candida Rose from 3-5pm.
- Decorated Community Center for Halloween events.
- Met about Flu clinic worked on required set up for employee clinic. Assisted with the Clinic.
- Finished RFP for gym floor at the Community Center. I sent a draft of the proposal to Sean Libby, Facility Director, Town Engineer and the Finance director for review and feedback. My hope is to get the Bid out March 6, 2018, and have it returned on April 2, 2018 and to start the project May 21, 2018.
- I sent out Facilities Committee Agenda and the past minutes for the October 13th meeting.
- Worked on October events including donations for Halloween Event, Costume for Boo-tique and Touch-A-Truck event.
- Started planning for public input meetings for the 5 year plan for the Community Center.
- Attended an event at the Yarmouth Cultural Center.
- Made flyer asking for Volunteers Community Center events. This was one of my goals for the year.
- Investigated getting door counters at each of the main doors at the Community Center. This will help give a more accurate number of individuals using the building. I spoke to the facility director to help coordinate this effort.
- Attended the capital outlay committee meeting to present the projects for the Community Center.

Should you need further information on these weekly activities, please do not hesitate to get in touch with me.

Carolyn Carey, Community Center Director



TOWN OF

HARWICH

*732 Main Street
Harwich, MA 02645*

CONSERVATION COMMISSION

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

October 11, 2017

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

**Weekly Report
Conservation Department**

- New AmeriCorps member Emma Forbes started with us last week. She will be assisting with land management and volunteer opportunities. We oriented her to several of our conservation parcels with trail systems.
- Met with applicants, contractors, and engineers to review potential projects/assist with application process.
- Conducted site visits to evaluate current conservation applications.
- Did not have a quorum for the October 4, 2017 Conservation Commission hearing. In need of 2 full-time members.
- Amy Assisted with interviewing candidates for the Health Agent position.
- Held wrap-up session for recent Coast Sweep Cleanup event.
- Sickness upstairs has led to several absences in the Community Development Department, including Amy earlier in the week.



Town of Harwich

COUNCIL ON AGING

Harwich Community Center ♦ 100 Oak Street ♦ Harwich, MA 02645
Tel: 508-430-7550 Fax: 508-430-7530

WEEKLY REPORT

TO: Chris Clark, Town Administrator
FROM: Judi Wilson, Director, Council on Aging
RE: COA WEEKLY REPORT - week ending October 7, 2017

In addition to our regular activities, below is a summary of our work this week:

Programs/Service:

- Participated in the "Pre-Planning Seminar" hosted by the Cemetery Department in the Community Center
- Distributed "Brown Bag" food supplies to 41 recipients
- Provided crisis intervention for two seniors
- Conducted 3 home safety assessments with Harwich Fire Department staff
- Assisted with Town's employee flu clinic
- Assisted 3 seniors with Fuel Assistance applications
- Arranged 11 medical rides for seniors with volunteers
- Prepared and served 142 meals
- Conducted home visits and appointments with seniors to provide seniors and their families with health and wellness counseling, resource information, and referrals for assistance

Administration:

- Met with CCRTA to discuss long term transportation and vehicle needs of the COA
- Created newsletter printing specifications and obtained quotes from printers
- Conducted newsletter survey of Cape COAs
- Met with the Council on Aging Board
- Obtained detailed information regarding CCRTA surplus vehicles and provided information to Rec. Dept.
- Installed new "In Out Board" for COA staff use to improve information and accountability
- Worked on program development for November and December

Respectfully submitted,
Judi Wilson



TOWN OF HARWICH

DEPARTMENT OF PUBLIC WORKS

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

Telephone (508) 430-7555

Fax (508) 430-7598

DPW Activity for the period of October 1, 2017 – October 7, 2017

Highway Maintenance

- Completed 9 work orders
- Trash runs Monday, Wednesday and Friday
- Swept roads in preparation of paving next week
- Repaired 7 catch basins
- Picked up litter at Exit 10 and 11 on and off ramps
- Coordination of contractors in preparation of road paving
- Reviewed plow routes and contractor list of private plows, had reception make initial contract with contractors to ascertain who was returning this season

Vehicle Maintenance

- Performed one scheduled maintenance
- Performed eight repairs to vehicles, small and large equipment
- Diagnosed and repaired a transmission electronic fault on a Fire Truck
- Swapped a half cage, seat, and gun rack from one Police cruiser to another with a full cage

Cemetery Maintenance

- Mowed Mt. Pleasant, N. Harwich and Harwich Center cemeteries and weed whacked Harwich Center Cemetery in its entirety
- Repaired 2 collapsed graves in N. Harwich Cemetery
- Tree/brush removal in Island Pond Cemetery
- Tree Pruning at Potters Field

Parks Maintenance

- Prepared a list and mark outs of dead tree removals for tree contractor
- Two days wielding of Disposal Area rolloff containers
- Mowed and prepped 7 ball fields twice
- Worked with Cemetery Dept on mowing of memorial squares

Facility Maintenance

- Received 14 new work orders and completed 8 work orders from back log
- Continued with the boiler replacement for the Fire Department Headquarters
- Began the removal of the A/C unit at Fire Department Headquarters
- Installed one of 2 drinking fountains in Community Center
- Repaired the HVAC system for the rear of the Police Station.

Disposal Area

- C&D: 15 loads, 254.72tons
- MSW: 7 loads, 154.43tons
- Recycling: 8 loads, 40.12tons
- Vehicles Recorded: 5,579
- Revenue: \$40,554.60

Reception

- 68 telephone calls
- 17 people came into office
- 32 work orders processed



Harwich Fire Department



Fire Suppression

Prevention

Emergency Services

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

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

Weekly Report – October 01, 2017 through October 07, 2017

Incidents:

Fire/Explosion	00
Overpressure/Rupture	00
Rescue Call/ EMS	68
Hazardous Condition	02
Service Call	05
Good Intent	05
False Call	08
Severe Weather/Disaster	00
Special Type/Complaint	00
Total	88

Fire Prevention:

Inspections	
Resale	15
Annual	02
Joint	00
Final	04
Lockbox	00
Liquid Propane Storage	02
Pre-Inspection	02
Oil Tank	00
Oil burner	00
Town Hall Hours	03
Underground Storage Tank	00
Truck Tank	00
InspectionsMisc	02

Items of note:

Town-wide radio system installed. Water department radios installed. System operational. Testing ongoing.

New boiler and hot water installation complete. Inspections and insulation pending.

2nd Floor AC installation ongoing.

Sandy Robinson

From: John Rendon
Sent: Wednesday, October 11, 2017 1:39 PM
To: Sandy Robinson; Ann Steidel
Cc: William Neiser; Michelle Morris
Subject: Harbormaster Dept Weekly Report 2-8 Oct

Operations:

- Received request to assist 31' Hunter with disable engine. Took vessel in stern tow 1/2 mile south of Allen Harbor entrance channel; once inside the harbor switched to side town and mooring safely in assigned Allen Harbor Yacht Club slip.
- Continued to clear sections of the marina so construction contractor for the Marina Replacement project can get a head start on the demolition of the marina.
- BTT Marine on site, commenced removal of vacated finger piers within the marina; a total of 32 docks removed to date.
- 77B conducted 2 pump-outs for a total of 100 gallons of waste.

Admin:

- Drafted/submitted Community Preservation Act grant proposal for the Pedestrian/ADA access system that is part of the Saquatucket Landside Renovation project.
- Worked closely with GEI Consultants to provide details on contract submittals from BTT Marine on the Marina Reconstruction project.
- Processed 7 transient slip reservations.

Meetings:

- Attended annual Cape & Islands Harbormaster Association dinner/meeting in Oaks Bluff.

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

Health Director Weekly Report

Week ending October 6, 2017

- Projects-
 - Staff Vacancy- Sr. Health Inspector- three candidates have applied for the full time position. Two interviews were conducted this week with the third scheduled for next week.
 - Annual Employee Flu Clinic- met with Emergency Manager and discussed strategy. Prepared for the clinic. We successfully vaccinated 104 people on Wednesday, October 4th. The Emergency Planner from the state was present to evaluate the set up as an emergency drill and had many good things to say. Great thanks go to Sue Jusell the Town Nurse for assisting with the planning of the event as well as providing volunteer staff. Many thanks to the County Public Health Nurse, Deirdre Arvidson for attending and purchasing the vaccine. The staff at the Community Center was extremely helpful and the clinic ran smoothly largely in part because of this.
 - Document Scanning-Our administrative staff continues to work on scanning documents to the Accela program. We are scanning soil logs as time permits.
 - Community Development-met to discuss ongoing community development projects/issues.

- Permit review and issuance-
 - RET-
 1. 26 Pleasant Lake Ave
 2. 40 Buttonwood
 3. 1487 Orleans Road
 4. 17 Long Pond Road
 5. 14 Harold St. Building 13
 6. 14 Harold St. Building 4

 - Certificate of Compliance issued-
 1. 42 Sea Street
 2. 14 Lexington Drive
 3. 2 cindy's lane
 4. 83 Courtney

 - Annual business license and permit review-
 1. Rein's Real Baking-event permit

 - Septic system plan review and issuance-
 1. 17 Long Pond Drive
 2. 8 Marsh View
 3. 6 Summer Lane
 4. 4 Hersey Road
 5. 2 Waters Edge

 - Building plan review and approval
 1. 16 Saquatucket Bluffs
 2. 206 route 28
 3. 10 indian pond
 4. 22 Daluze Drive
 5. 10 Neel
 6. 18 Spruce Grove
 7. 12 Satucket

- Inspections-
 - Food Inspections-
 1. Jake Rooney's-re-inspection
 2. A & W

3. Bonatt's Bakery & Restaurant
 4. Harwich United Methodist Church
 5. Mason Jar
 6. Royal at Harwich Village
 7. Ruggie's
 8. Christ Church Episcopal
 9. Family Pantry Corp.
 10. Pilgrim Congregational Church
- *Final Inspections- Septic systems-*
 1. 83 Courtney Road
 2. 1369 Route 39 (partial sewer line)
 - *Site visits/walk thru for non-compliance/floor plan clarification*

Meggan Eldredge

10.6.17



Planning Department Weekly Report: for the week of October 4th through October 11th

- Attended a Community Rating System user group;
- Continued writing a crosswalk policy for the Town;
- Met with a Planning Board member to discuss revisions to the Village Commercial District;
- Began revising the draft Village Commercial District bylaw;
- Met with an applicant regarding a possible Planning Board application;
- Researched 4 commercial properties in Harwich Port for Town Administration and wrote a memo regarding each of these commercial properties;
- Answered general questions regarding zoning and permitted uses;
- Reviewed +/- 4 building permits for zoning compliance;
- Reviewed 3 Historic District/Historical Commission (HDHC) applications and answered numerous historic questions;
- Set the agenda for the HDHC;
- Went on site visits to a number of properties to review site layout and existing conditions;
- Filled in for the Building Department clerk vacancy-ordering supplies;
- Weekly payroll and financial duties.



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

WEEKLY ACTIVITY REPORT FOR WEEK OF 10/01/17 THROUGH 10/07/17

PATROL

- 329 Calls and patrol-initiated activity logged
 - 4 arrests

- 41 motor vehicle stops resulting in:
 - 27 Verbal warnings
 - 6 Written warnings
 - 2 Citations
 - 1 Criminal Complaint
 - 1 Arrest
 - 4 Investigations

- 7 Motor vehicle accidents investigated

ADMINISTRATION

- Chief attended a seminar on the impact of marijuana legalization at State Police Fusion Center
- LTC denial appeal Orleans District Court

COMMUNITY POLICING

- Bike Patrol – Monomoy HS soccer tournament
- Foot Patrol – Harwich Port
- Coffee with a cop held at Bonatts
- Lt. Considine spoke on sudden deaths in the home at the community center

Recreation Department Weekly Report 10/8-10/14

- We will be opening bids for the Whitehouse Field Irrigation Project as well as the Brooks Park Playground Expansion on Thursday 10/12 at 2pm at Town Hall. We hope to complete the irrigation project by the end of the Fall and the playground by the beginning of the Spring Season.
- We are beginning to work on our Winter Youth Brochure for 2017/2018. We are planning on offering a full slate of youth activities daily including the weekends and a variety of activities from arts and crafts to athletic programming.
- We will be starting our Annual Saturday Night Open Gym in November. This extends Saturday open gyms to 10pm instead of the normal 5pm in the warm weather months.
- We will be starting a new fall program this coming Saturday 10/14. It is youth fall archery that will be run on the fields behind the community center (inside gym if weather does not cooperate). We have a qualified and certified instructor for this safe introduction to archery as a youth activity.
- I will be attending the Fall Beach Managers Meeting on October 26 in Chatham to discuss Cape-wide Beach issues and concerns.
- I will be a member and attending Elementary School Council meetings to ensure that the schools and the Recreation Department are working together to offer as much as we can for Elementary School students on a daily basis. A good working relationship between the school system and the Recreation Department is vital to well rounded programming.



TOWN OF HARWICH

OFFICE OF THE TREASURER/COLLECTOR

732 MAIN STREET, HARWICH, MA 02645

TEL. 508-430-7501 FAX. 508-430-7504

Amy Bullock
Treasurer / Collector

Nancy Knepper
Assistant Treasurer/Collector

Weekly Report to the Board of Selectmen

Week ending October 7, 2017

Along with our regular weekly duties and responsibilities, which include but are not limited to processing payroll, receiving, reporting and depositing tax/water payments and departmental receipts, processing accounts payable checks, assisting Taxpayers and Employees with any requests and other various customer service, the following took place:

- completed quarterly 941 for federal withholding on wages
- completed state reporting/filing for same, uploaded reports to the online portal

Weekly collections 10/1 - 10/7

Tax/Water Collections:	\$1,468,400.31
Departmental turnovers:	\$686,632.29
Total:	\$2,155,032.60

Weekly Disbursements 10/1 - 10/7

Accounts Payable	\$636,956.36
Payroll (week ending 9/29)	\$319,732.89
Total:	\$956,689.25

Respectfully submitted,
Amy Bullock
Treasurer/Collector



Harwich Water Department Weekly Activity Report

Dan Pelletier, Superintendent

For Week Ending: October 7, 2017

Please see the following highlights from the previous week:

- SCADA Coordination conference call on 10/2/17
- BOWC meeting Wednesday 10/4/17 at 7 a.m.
- Renewed water service at 133 Bank Street
- Replaced leaking curb stop at 46 Wyndemere Bluffs
- Stubbed off water main and installed new water main gates and tees at Riverside/Ostable and Riverside/Gordon Ritchie Roads
- Re-pulled wiring for LED lighting and cut in switching for SCADA at Stations 5 & 6
- Completed exterior trim work at Station 6.
- Continue mark-outs & conduct existing conditions survey of Lower County Road
- Continue quarterly billing preparation
- Accomplished 3 large meter change-outs

Ongoing/Upcoming Items:

- SCADA hardware installation beginning 10/10/17
- SCADA radio installation scheduled to start 10/16/17
- Replace 2" water main on Osable and Gordon Ritchie Roads in preparation for water main installation in FY19
- Continue Large Meter Change-outs
- Re-Insulate & Vault Ceilings at Wells 8 & 9
- Wednesday 10/18/17 Water Commissioners meeting 7 am

Quick Stats

+18	-17.0%	-18.9%
Water Samples Taken	Weekly Change in Pumping	YTD Change in Pumping

Activities Last Week

Confirm Read	1	Meter Replacement	7
Final Read	12	Restore Property	1
Leak at Meter	1	Seasonal Turn Off	10
Leak Audit	1	Turn Off	3
Markouts	11		

Activities Statistics

	<u>2016</u>	<u>2017YTD</u>	<u>2017WTD</u>
Curb Stop Repair/Renewals	4	1	0
Final Read for Property Transfer	380	306	12
Frozen Water Meter/Services	23	2	0
Hydrant Maintenance/ Repairs	2	0	0
Hydrants Replaced/Installed	5	1	0
Markouts	358	286	11
New Water Service Installations	36	32	0
Renewal of Water Services	34	44	0
Seasonal Turn On/Off	1171	620	10
Water Main Repairs	3	4	0
Meter Replacement	706	403	7
Meters Installed	36	32	0
Service Repairs/Misc. Services	104	100	7



*Sheila House, MS, LMHC
Harwich Youth & Family Counselor
Town of Harwich • 728 Main Street
Harwich, MA 02645*

WEEKLY REPORT-Board of Selectmen

October 11, 2017

Weeks of September 27-October 11, 2017

- Current caseload of 15 individuals. Clients receive mental health counseling, case management, mentoring, and wellness referrals as needed (80% of time spent this week)
- Administrative block time (closing files, curriculum planning, update email lists, generate and distribute information to school administrators on ideas for 2017-18)
- Working with young person I mentor to plan and present the film SCREENAGERS to Cape Cod Tech parents and students November 30th
- Meeting with Harwich Children's Fund on Harwich Halloween Open House October 28th at Albro House
- Thursday, October 5th at Nauset Middle School-Spoke on a panel following a showing of the film SCREENAGERS : GROWING UP IN THE DIGITAL AGE.
- Tuesday October 10th- Webinar on S.O.S. Suicide Prevention Training recertification
- Wednesday October 11th- Meeting with Judi Wilson about collaborating on an intergenerational project

REMINDER: Save The Date! Showing of Screenagers : Growing Up in the Digital Age.

THURSDAY October 19th at Pilgrim Church Harwichport at 6:00 p.m.

I will be on Q&A panels after each of these screenings.

Please call me at (508) 430-7836 if you have any questions. Thanks!

Best,

Sheila



FY 16 Financial Audit

With Accompanying Draft Management Letter

FY 16 Independent Audit Standards

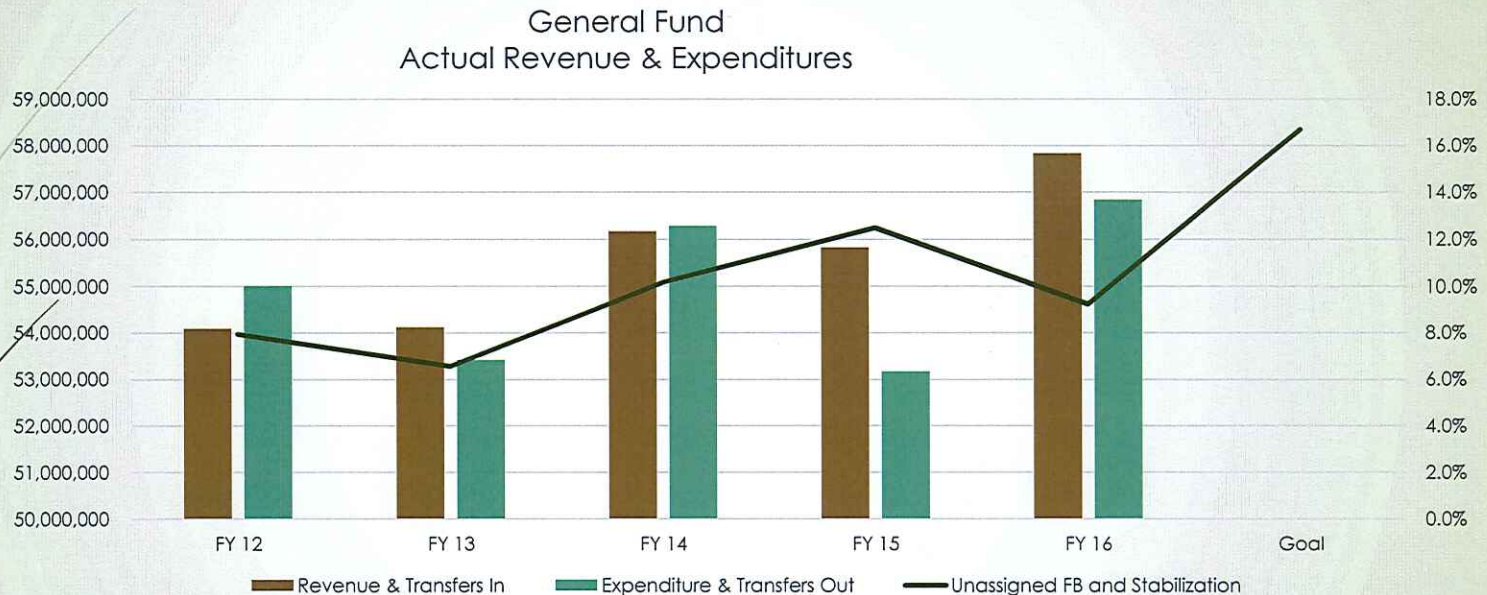
- ▶ Auditing Standards Generally Accepted in the United States of America
- ▶ Statements on Auditing Standards (SAS)
- ▶ Government Auditing Standards (Yellow Book)
- ▶ Single Audit Act of 1996
- ▶ Generally Accepted Accounting Principals (GAAP)

**To conclude whether the financial statements prepared by the Town of Harwich
Present fairly, in all material respects, the financial position as of June 30, 2016.**

Management's Responsibilities

- ▶ Manage financial transactions – Budgetary Basis of Accounting & Adhering to State Statutes
- ▶ Convert the financial statements at year end – Modified Accrual Basis of Accounting (GAAP)
- ▶ Provide sufficient and supporting information to External Auditors – Full Accrual Basis of Accounting
- ▶ Design, implement, maintain and test internal control sufficient to detect material misstatements

Five Year Financial Comparison



GFOA Best Practices recommends, at a minimum, unassigned fund balance in the General Fund of no less than two months of regular general fund operating expenditures, for FY 16 the amount equates to \$9.8 Million or 16.7%.

Types of Audit Opinions

- ▶ Disclaimer of Opinion – opinion could not be determined
- ▶ Adverse Opinion – Misrepresentations
- ▶ Qualified Opinion – Financial Records do not conform with GAAP
- ▶ Unqualified Opinion – Financial Records are free of any Misrepresentations

The Town of Harwich received an Unqualified Opinion in connection with the FY 16 Audit

Draft Management Letter

- ▶ Internal Control Deficiencies
 - ▶ Significant Deficiencies – Adversely affect the ability to report financial data in accordance with GAAP
 - ▶ Material Weakness – Combination of deficiencies resulting in the likelihood that a material misstatement of the financial statements will not be prevented or detected
 - ▶ Other Recommendations

Management Letter Comments

- Material Weaknesses
 - Enhance the Cash Reconciliation Process – complete
 - Improve reporting within the General Ledger – complete
 - Enhancement of internal controls over financial reporting – in process
- Other Recommendations
 - Allocation of OPEB and Pension to Water Fund – in process
 - Capital Assets – in process
 - Performance Bonds - complete
 - WRRRP (Winter Rapid Recovery Road Program) – in process
 - Internal Controls over journal entries and monthly financial reporting – in process

DRAFT

**TOWN OF HARWICH, MASSACHUSETTS
RECOMMENDATIONS AND SUGGESTIONS FOR IMPROVEMENT IN
ACCOUNTING PROCEDURES AND INTERNAL CONTROL
JUNE 30, 2016**

To the Honorable Board of Selectmen
Town of Harwich, Massachusetts

In planning and performing our audit of the financial statements of the Town of Harwich, Massachusetts (the Town) as of and for the year ended June 30, 2016, in accordance with auditing standards generally accepted in the United States of America, we considered the Town's internal control over financial reporting (Internal control) as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Town's internal control. Accordingly, we do not express an opinion on the effectiveness of the Town's internal control.

Our consideration of internal control over financial reporting was for the limited purpose described in the preceding paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

We are also submitting for your consideration comments and recommendations which are not considered to be material weaknesses or significant deficiencies, but are intended to improve operations and internal accounting control.

The comments and recommendations presented herewith in are intended to improve the system of internal accounting control or result in other operating efficiencies. The factual accuracy of our comments has been discussed with management to obtain their concurrence before the development of our recommendations for improvement. Matters commented on represent findings during the audit and have not been reviewed subsequent to DATE XX, 2017.

A management letter is critical by nature because its purpose is to identify areas where improvements can be made. Accordingly, we have not commented on many positive attributes of the Town's financial management systems. It is also important to understand that it is generally not practical to achieve ideal internal control in the complex governmental accounting environment, and we recognize that practical considerations are an important factor in changing administrative practices and internal control. The Town should weigh the advantages and disadvantages of the suggested changes over the present practices and procedures.

We would like to acknowledge the courtesy and assistance extended to us by Town personnel during our audit.

This communication is intended solely for the information and use of management, the Board of Selectmen, others within the organization, and is not intended to be and should not be used by anyone other than these specified parties.

Very truly yours,

Norwell, Massachusetts
DATE XX, 2017

STATUS OF PRIOR YEAR COMMENTS AND SUGGESTIONS

As part of our audit of the Town's financial statements for the year ended June 30, 2015, we had several comments and suggestions, issued in our report dated June 6, 2016. Due to the timing of the report, certain issues may not have been able to be fully addressed for the year ended June 30, 2016. The status of prior year comments that are still applicable have been listed below.

Enhance Certain Aspects of the Town's financial reporting process

Enhance the cash reconciliation process

In the prior year, we had recommended that the Town improve the process surrounding account reconciliations and reconciling unknown variances. For 2016, variances still exist in the reconciliation between the bank balances and book balances. The client has informed us that a cashbook module for the computerized financial reporting system (MUNIS) has been ordered and is in the process of being implemented for FY2017 for enhancing the cash processing, accounting, and reconciliation process.

Improve the reporting within the General Ledger, including maintenance of financial activity (including receivables and articles) within proper funds

In the prior year, we had recommended the Town evaluate the accounting of certain activity and balances, such as Chapter 90 receivables, Community Preservation activity, and the Massachusetts Clean Water Trust loan balance. While improvements have been made, additional improvements could also be made. We recommend that the Town evaluate the existence of receivables and related activity and account for these balances in the general ledger. The new Town Accountant is working to address the general ledger and related matters in the current fiscal year.

These issues have again been identified as material weaknesses in our Report on Internal Control Over Financial Reporting and Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*.

Town Budget

During our prior year audit, we reviewed the approved Town budget to the appropriation ledger and noted that the Appendix B of the Town Warrant did not properly foot. No issues were noted in the current year audit.

Allocation of Other Post-Employment Benefits (OPEB) and Pension to Enterprise Funds

With the implementation of GASB #68 and the net pension obligation, a significant liability exists with respect to the classification and responsibility of these obligations. Enterprise funds (business-type activities), which are considered to be self-sustaining, are responsible for the obligations of the employees. The net pension liability and Other Post-Employment Benefits (OPEB) were classified as liabilities of the governmental activities; no allocation of the liabilities was made to the business-type activities.

We continue to recommend the Town determine the liabilities that are allocable to the enterprise funds, and calculate the respective pension and OPEB liabilities of the Governmental and Business-type Activities.

Other Matters

In connection with our prior year audit, we have the following additional comments:

- **Capital Assets** - Additions to capital assets included payments for leased vehicles that were capitalized in the prior year. We continue to recommend that the Town periodically review and reconcile capital assets.

- **Inventory** - A count and reconciliation of Golf Inventory was not performed in the prior year. Management has provided the Golf Inventory listing at year end.
- **Performance Bonds** - During the prior year, performance bonds were included as part of the general fund. Massachusetts General Law Chapter 41 Section 81U and Governmental Accounting Standards states that performance bonds are an agency fund as the money held is refundable to the contractor after completion of the project. We continue to recommend that the Town create an agency fund for these performance bonds and account for all activity in that fund.
- **WRRRP** - During the prior year, the Town commingled the Winter Rapid Recovery Road Program (WRRRP) revenues and expenses within the Chapter 90 fund activity. We continue to recommend that the Town account for these funds separately as monies received under the WRRRP are to be accounted for separately.

CURRENT YEAR COMMENTS AND SUGGESTIONS

As a result of our current year audit, we make the following comments and suggestions:

Enhancement of internal controls over financial reporting

During our audit, we noted that subsequent to year end the Town received a reimbursement check due to an overpayment in the amount of \$325,000. Due to a lack of internal controls on the Muddy Creek project, the contractor was overpaid. It is important to reconcile total expenditures to the total contract and/or budget to ensure the Town doesn't overpay for services.

Internal controls, policies and procedures and risk assessments

We recommend the Town implement a formalized "risk assessment" program, which addresses financial, operational and compliance issues in a proactive manner. Implementation of such a program may take different approaches. Generally, such a program may be administered by a committee, or is incorporated into an existing committee's functions (i.e. finance), where evaluation of risks (including, but not limited to misappropriation of assets, reporting, fraud, etc.) are considered. Assessments may be conducted by questionnaires to personnel and officials, as well as "brainstorming sessions" to evaluate and document the review of established policies and procedures. Additionally, it is equally important to evaluate the potential for additional internal audit function to departmental detail and review with overall financial analysis. Formalized risk also ensure that the level of the "risk of loss" has been documented and accepted by management and those charged with governance. See also our informational comments below. As a result of our current year audit, we have the following comments and recommendations to be considered in the Town's consideration of established internal controls and evaluation of risks affecting the Town:

- Consider establishing additional approval for certain journal entry requests which reclassify or adjust posting which have already been processed through the warrant process. In our opinion, this enhances the financial reporting structure by increasing accountability and transparency. Personnel should ensure appropriate supporting documentation supports all such requests.
- Consider requiring formal documentation/attestation of receipt and reconciliation of account balances maintained and communicated by the Town Accountant to departments. This enhances the overall financial reporting process of the Town and assists in ensuring department heads and officials' internal policies and procedures provide the appropriate "checks and balances" have been implemented and performed before information (vouchers, payroll, receipts) are processed through the Town's financial reporting processes.

Informational:

Other Post-Employment Benefits (OPEB)

Government Accounting Standards Board, Statement #74, Financial reporting for Postemployment Benefit Plans Other Than Pension Plans, is required to be implemented in fiscal year 2017. This new standard replaces existing accounting for defined benefit OPEB plans that are administered through trusts or equivalent arrangements. Additionally, this standard increases disclosures related thereto and requires reporting as supplementary information a 10 year schedule detailing changes in the liability, among other disclosures.

Additionally, Government Accounting Standards Board, Statement #75, Financial Reporting for Postemployment Benefit Plans Other Than Pensions, is required to be implemented in fiscal year 2018. This new standard replaces the current reporting requirements of GASB Statement #45. Most notably, the new standard will require the unfunded liability to be reported on the Town's Statement of Net Position (Balance Sheet) rather than only a note disclosure. This is similar to the net pension liability which was implemented in the current year with GASB Statement #68. This will have a material effect upon the financial reporting (net position) of the Town.

Tax Abatement Disclosures

Government Accounting Standards Board, Statement #77, Tax Abatement Disclosures, is required to be implemented in fiscal year 2017. This new standard requires state and local governments to report additional disclosures related to tax abatement programs with individuals or entities. For the purpose of the Statement, a tax abatement is defined as: a reduction in tax revenues that result from an agreement of one or more governments and an individual or entity in which (a) one or more governments promise to forgo tax revenues to which they are otherwise entitled and (b) the individual or entity promises to take specific action after the agreement has been entered into that contributes to economic development or otherwise benefits the government or the citizens thereof.

Leases

Government Accounting Standards Board, Statement #87, Leases, is required to be implemented in fiscal year 2020. This new standard defines a lease as a contract that conveys control over the right to use another entity's nonfinancial asset (the underlying asset) as specified in the contract for a period of time in an exchange or exchange-like transaction. The Statement establishes a single model for leases accounting (eliminating distinctions between operating and capital leases) on the principle that leases are financings of the right to use an underlying asset. Accordingly, the Town (lessee) is required to recognize a lease liability and an intangible right-to-use lease asset.

BUDGET/WARRANT TIME LINE 2017-2018

Friday, August 25, 2017	Capital Budget Instructions submitted by T A to Departments	
Friday, September 22, 2017	Deadline for submission of Department Capital Budgets to the T A	
Monday, September 25, 2017	TA presents BOS with 5-Year Financial Plan	Charter 9-2-1/on or before October 1st
Monday, October 2, 2017	MRSD meeting with B O S and Fincom to discuss enrollments by class and demographics, including a five year projection of same.	
Monday, October 2, 2017	Deadline for submission of Community Preservation requests	
Monday, October 2, 2017	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 30, 2017	Capital Outlay Committee submits 7-yr Capital Outlay plan to T A	
Wednesday, November 1, 2017	Operating Budget instructions submitted to departments by T A	
Monday, November 13, 2017	Preliminary meeting with B O S and Fincom to discuss budget guidelines for the FY 19 MRSD budget	
Wednesday, November 29, 2017	Deadline for submission of department operating budgets to T A	Charter 9-2-3/on or before the 1st Friday of December
Friday, December 1, 2017	Deadline for submission of departmental warrant articles to T A	
Monday, December 11, 2017	B O S Review and discussion of potential warrant articles	
TBD	Meeting with B O S and Fincom to discuss initial look at MRSD FY 18 budget	
Monday, December 11, 2017	TA submits 7-yr Capital Outlay Plan to joint meeting of BOS/ Finance Committee	Charter 9-6-3/during the month of December
December 25-January 1	MRSD School Vacation	

Monday, January 8, 2018	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 26, 2018	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 29, 2018	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 5, 2018	Last BOS meeting before Annual Warrant closes	
Friday, February 9, 2018	Article deadline – Warrant closes Noon deadline	Charter 2-2-1/Bylaw 1-101 2nd Friday in February by 12:00 Noon
Saturday, February 10, 2018 (Tentative)	Selectmen and Finance Committee Budget Presentations	
Monday, February 12, 2018	TA presents budget and budget message to B O S and Fincom	Charter 9-2-4/on or before the 2nd Tuesday of February
February 19-23	MRSD School Vacation	
Tuesday, February 20, 2018	1 st draft Warrant to BOS (presented at meeting)	
Tuesday, February 20, 2018	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 26, 2018	BOS required to submit final budget to Finance Committee	Charter 9-3-2 / on or before the 4th Tuesday of February
February 2018	MRSD to submit final line item budget to B O S and Fincom for inclusion in the ATM Warrant	
Monday, March 5, 2018	Joint budget/article hearing BOS/Finance Committee	
March, 2018	BOS reviews Warrant articles	
Monday, March 5, 2018	VOTE to sign final Annual Town Meeting Warrant	

Monday, March 5, 2018	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 19, 2018	Article funding review by B O S	
Monday, March 26, 2018	BOS votes Special Warrant BOS votes Ballot	
<u>not later than Monday, March 26, 2018</u>	FINCOM submits written recommendations on Budget/Warrant. Joint budget /article hearing with B O S and Fincom reconcilliation	Charter 9-3-3/by March 31st
<u>Not later than Monday, March 26, 2018</u>	Fincom conducts one or more hearings on budget	Charter 9-3-3 by March 31st
March 27, 2018	Ballot to Town Clerk	
Monday, April 9, 2018	Send Warrant to Printer Send Warrant to Chronicle (April 19th publication)	Printer needs 2 weeks. Chronicle needs 1 week before publish date
Friday, April 20, 2018	Warrants available for public distribution	Charter 2-2-2/14 days prior to Town Meeting
April 16-20	MRSD School Vacation	
Monday, May 7, 2018	First night of Annual Town Meeting and Special Town Meeting	Charter 2-3-1/1st Monday in May
Tuesday, May 15, 2018	Annual Town Elections	Charter 8-1-1/3rd Tuesday in May