

SELECTMEN'S MEETING AGENDA* - REVISED

Originally Posted at 3:25 P.M., March 25, 2021

Revised Posting at 3:10 P.M., March 26, 2021

Regular Meeting 6:30 P.M.

Monday, March 29, 2021

REMOTE PARTICIPATION ONLY
OPEN PUBLIC FORUM – PLEASE READ

1. First, send an email to: comment@town.harwich.ma.us (send emails at any time after the meeting agenda has been officially posted)
 - a. In the subject line enter “request to speak, your name”
 - b. In the body of the email please indicate which specific agenda item you wish to speak on.
No further detail is necessary.
 2. The meeting will close to new attendees promptly at the scheduled start time for the meeting, generally 6:30pm. It will remain closed to new attendees until agenda items with scheduled speakers are reached. This is to minimize interruptions. You may join prior to (6:30) or when the meeting has been opened up. You may participate using your computer and the GoToMeeting interface or simply using your phone. Connection information can be found below.
 3. After the Chairman has opened the floor to those wishing to speak callers will be taken in the order the emails are received.
Use *6 to mute and unmute your phone
- When you join the meeting by phone you should turn off Channel 18 or your computer if streaming the meeting.

Board of Selectmen Meeting
Mon, Mar 29, 2021 6:30 PM (EDT)

Please join my meeting from your computer, tablet or smartphone.

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- I. **CALL TO ORDER**
- II. **PLEDGE OF ALLEGIANCE**
- III. **WEEKLY BRIEFING**
 - A. COVID-19 Updates
 - B. Update on ongoing efforts by the Town in support of the business community
- IV. **OLD BUSINESS**
 - A. Discussion and possible vote – Finalize, close and sign the 2021 Annual Town Meeting Warrant
 1. Vote to place Articles on Warrant
 2. Vote to withdraw Articles from draft Warrant
 3. Recommendation votes including, but not limited to, vote to recommend, accept and adopt or any other action
 - B. Discussion and possible vote – Finalize, close and sign the 2021 Town Election Warrant
 - C. Ongoing discussion – Comprehensive Wastewater Management Plan (CWMP)
 1. Discussion – GHD SewerCAD modeling kickoff
- V. **PUBLIC COMMENTS/ANNOUNCEMENTS**
- VI. **CONSENT AGENDA**
 - A. Vote to approve an application from the Harwich Historical Society for a Fun Walk on Saturday, May 22, 2021
- VII. **NEW BUSINESS**
 - A. Discussion and possible vote to authorize the Chairman to sign a Massachusetts Emergency Management Grant Reimbursement for \$3,491.33
 - B. Discussion and possible vote to authorize the Chairman to sign a Massachusetts Emergency Management Grant Reimbursement for \$3,500.00
 - C. Discussion and possible vote for approval of tax bill insert for flood insurance information
 - D. Discussion and possible vote to approve vacation buyback and carry over for David LeBlanc, Fire Chief
 - E. Discussion and possible vote – 2021 Seasonal All Alcohol Liquor License Renewal
 1. The Belmont Condominium Beach DBA The Beach – 1 Belmont Road
 - F. Discussion and possible vote – 2021 Seasonal Common Victuallers License Renewals
 1. PRM Foods Inc. DBA Harwich Port Dairy Queen – 441 Route 28
 - G. Discussion and possible vote - 2021 Seasonal Weekday and Sunday Entertainment License Renewal for Miniature Golf – Harbor Glen Miniature Golf – 168 Route 28
 - H. Discussion and possible vote to approve Board of Selectmen Meeting Minutes for July 15, 2019
 - I. Review, discussion and possible vote to approve conservation restriction on 6.65 acre property at Sand Pond Woodlands Property – 0 Deacons Folly Road
- VIII. **CONTRACTS**
 - A. Discussion and possible vote for the Board of Selectmen to execute a contract with Five Star Golf Cars & Utility Vehicles, LLC to lease eighty (80) golf carts and six (6) utility vehicles for the Cranberry Valley Golf Course per the following terms:
 1. Temporary Gas Carts (April 1, 2021 – August 31, 2021) with a revenue share of 83.25% of gross revenue for the Town and 16.75% for the Lessor.
 2. Electric Carts (September 1, 2021 – December 31, 2021-2025) with a revenue share of 60% of gross revenue for the Town and 40% for the Lessor.
- IX. **TOWN ADMINISTRATOR'S REPORT**
- X. **SELECTMEN'S REPORT**
- XI. **ADJOURNMENT**

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

Authorized Posting Officer:

Patricia Macura, Executive Assistant

Posted by: _____

Town Clerk

Date: _____

March 25, 2021

WEEKLY BRIEFING



Town of Harwich Board of Health

732 Main Street Harwich, MA 02645
508-430-7509 – Fax 508-430-7531
E-mail: health@town.harwich.ma.us

March 26, 2021

Weekly COVID-19 Case Update

CASES AND STATISTICS

To date there have been a total of 634 cases of COVID-19 in the Town of Harwich. As of today, we are following 44 active cases. A total of 923 individuals have been tested over the last 14 days, with a positivity rate of 5.2%. Harwich has unfortunately been re-designated as a “Red” community.



Massachusetts Department of Public Health COVID-19 Dashboard – Thursday, March 25, 2021

Count and Rate of Confirmed COVID-19 Cases and Tests Performed in MA by City/Town, January 1, 2020 – March 23, 2021

City/Town	Total Case Count	Case Count (Last 14 Days)	Average Daily Incidence Rate per 100,000 (Last 14 days) ¹	Relative Change in Case Counts ²	Total Tests	Total Tests (Last 14 days)	Total Positive Tests (Last 14 days)	Percent Positivity (Last 14 days)	Change in Percent Positivity ³
Hampden	393	14	20.4	Higher	9833	610	14	2.30%	Higher
Hancock	16	0	0	No Change	247	9	0	0%	No Change
Hanover	1189	50	24.8	Higher	24780	1652	56	3.39%	Higher
Hanson	794	43	28.5	Lower	15874	874	48	5.49%	Lower
Hardwick	81	5	10.7	Higher	3565	176	5	2.84%	Higher
Harvard	117	<5	2.1	Lower	8472	469	2	0.43%	Lower
Harwich	634	44	25.0	Higher	17343	923	48	5.20%	Higher
Hatfield	145	6	13.2	Lower	6568	467	8	1.71%	Lower
Haverhill	7326	229	24.8	Higher	134885	6305	270	4.28%	Higher
Hawley	<5	0	0	No Change	115	3	0	0%	No Change
Heath	7	0	0	No Change	669	37	0	0%	No Change
Hingham	1738	81	24.1	Higher	56057	3541	90	2.54%	Lower
Hinsdale	65	6	20.2	Lower	3337	211	8	3.79%	Lower
Holbrook	947	23	14.5	Lower	18309	1007	26	2.58%	Lower
Holden	1339	37	13.9	Lower	38998	2294	40	1.74%	Lower
Holland	115	<5	11.1	Higher	3251	203	5	2.46%	Higher
Holliston	705	37	19.3	Lower	25231	1575	39	2.48%	No Change

Data are current as of 11:59pm on 03/23/2021; For populations <50,000, <5 cases are reported as such or suppressed for confidentiality purposes. ¹ For the calculations used to delineate Grey, Green, Yellow, and Red, please see table on page 25. ²Number of new cases occurring over the current two-week period (3/7/2021 - 3/20/2021) compared to the previous two-week period (2/28/2021 - 3/13/2021). **Higher**=number of new cases in the current two-week period higher than the number of new cases during the last two-week period. **Lower**=number of new cases in the current two-week period lower than number of new cases during the last two-week period. **No change**=number of new cases in current two-week period is equal to the number of new cases during the last two-week period. ³Change in percent positivity compared to the previous week's (3/18/2021) report. **No Change**= <0.10% difference in the percent positivity. DPH calculates rates per 100,000 population using denominators estimated by the University of Massachusetts Donahue Institute using a modified Hamilton-Perry model (Strate S, et al. Small Area Population Estimates for 2011 through 2020, report, Oct 2016.) As of 11/5/2020, the Massachusetts Department of Public Health is using the 2019 population estimates, the most current available data. **Please note:** Data for these tables are based on information available in the DPH surveillance database at a single point in time. Case counts for specific cities and towns change throughout the day as data cleaning occurs (removal of duplicate reports within the system) and new demographic information (assigning cases to their city or town of residence) is obtained.

VACCINE UPDATE

Age Group	Population	Individuals with at least one dose	Fully vaccinated individuals	Partially vaccinated individuals
0-19 Years	1,993	*	*	*
20-29 Years	1,055	155	87	68
30-49 Years	2,146	576	346	230
50-64 Years	3,012	992	501	491
65-74 Years	2,551	1,824	808	1,016
75+ Years	1,833	1,664	1,344	320
Total	12,589	5,211	3,086	2,125

A total of 3,086 full time Harwich residents are fully vaccinated, and 320 residents have started the vaccination process.

Massachusetts has administered 379,232 doses over the last 7 days, and 3,079,149 total doses. To date, Massachusetts have 1,136,733 fully vaccinated individuals. Barnstable County has received 100,051 doses as of March 23, 2021.

Pre-register to receive a vaccination at <https://www.mass.gov/info-details/preregister-for-a-covid-19-vaccine-appointment>. Currently eligible participants can sign up for a vaccine at <https://vaxfinder.mass.gov/>.

TESTING

For testing options at Outer Cape Health, please call [508-905-2888](tel:508-905-2888) in advance to make a testing appointment.

Testing is available in other locations 7 days per week through Cape Cod Healthcare. Call the Community Testing Line at 508-534-7103 to make an appointment.

REMINDER

Please continue to maintain social distancing, mask use, and good hand hygiene. We need to work together as a community to minimize the spread!

Katie O'Neill
Health Director

3/25/21: Barnstable County and Regional COVID-19 Daily Update

(N.B. I am no longer attempting to tally new probable cases alongside new confirmed cases. I have not received information on probable cases since 12/6/20, at which time Barnstable County had logged a total of 531.)

Good Morning All.

Barnstable County is experiencing a renewed surge in cases and hospitalizations are increasing commensurately. The towns of Barnstable and Yarmouth have returned to the highest risk (red) category in terms of average 2-week new case numbers.

The first case of the Brazilian variant P1 has been announced in Massachusetts in Barnstable County (30 year-old female). **The contribution in Barnstable County to the new case numbers of any variants is unknown at this time.**

In follow up to discussions between the relevant town health agents, the County, and the DPH, the DPH, with CCHC, has deployed additional testing resources to the mid-Cape region.

SUMMARY:

1. **New Cases:** DPH new cases reported yesterday:

Barnstable County:	73 new cases (cases continue to increase--mid-Cape sub-region)
Martha's Vineyard:	7 new cases
Nantucket:	13 new cases

2. **Hospitalizations and Fatalities:** 3-day avg. hospitalizations (now **27**) has increased from 17 three weeks ago. **5** patients were in the ICUs Tuesday afternoon. There were **5 COVID fatalities** reported yesterday. CCH and Falmouth Hospital re-opened to limited visitation in early March.

The first week of March marked the **one-year anniversary** of the recognition of the first COVID case in Massachusetts. In year 1 of this pandemic the **Barnstable County Case Fatality Rate (CFR) was 4%**, behind only Berkshire and Franklin Counties (which are also remote, rural locales), and is markedly **higher than the state CFR (2.8%)**.

Recent data on COVID fatalities in Barnstable County suggest that residents of **Long Term Care/Skilled Nursing Facilities/Rest Homes** represent **42.5%** of all fatalities (167 of 393 fatalities, as of 2/23/21). This is a **lower** percentage than that seen during phase 1 of the pandemic last spring (over 65%), and **this percentage continues to fall. Indeed, between 1/5/21 and 2/23/21 only 20% (28) of 137 fatalities occurred among LTC residents.**

3. Schools and Childcare Centers: Due to the mildness of the flu season the DPH has **removed the requirement** that all school children receive a flu vaccination on or before 2/28/21. **School districts remain in a hybrid learning model.** However, **DESE Commissioner Jeffrey Riley has announced plans which will compel schools to return to 100% in-person learning, starting with elementary schools, in April.**

4. Testing; Test Positivity Rates (14-day, as of 3/17/21):

Barnstable County: 5.59% (vs. 3.22%) (**higher** vs. previous fortnight)

Dukes & Nantucket Counties: 2.74% (vs. 1.53%) (**higher**)

A test percent positivity rate below 5% suggests that an outbreak is on the way to **containment**.

5. Weekly Town Risk, and Statewide Cluster Analyses: See charts below.

6. Vaccination:

-Groups eligible for vaccination now are those in Phase 1, and Phase 2 age 60+, K-12 and early education/childcare teachers and staff, and certain workers (formerly termed essential workers; see table below), **depending upon availability of vaccine.**

-**Caregivers** (regardless of age) **accompanying a 75+ person to their vaccination appointment remain eligible for vaccination** and can receive vaccination under these circumstances at **DPH mass vaccination sites**. Local vaccination clinics may also allow this, but most are not doing so because of constrained vaccine supplies.

-Vaccination at local clinics during Phase 2 are by appointment only and **appointments are announced and able to be scheduled once County and local health authorities are sure of vaccine availability from the DPH**. The public is being given notice of planned vaccination clinics for eligible persons in Phase 2.

-Plans for 4-5 sub-regional mass vaccination sites on Cape Cod, for operation during Phase 2, are in place. **A Cape Cod Regional Vaccine Consortium** has been established via a partnership between the Barnstable County Health Dept, Local Town Boards of Health (LBOHs), Community Health Centers (CHCs), and Cape Cod Healthcare, and has received support from the DPH. The Consortium has established a **vaccination site at Cape Cod Community College** (which opened this week) and is also working with LBOHs and CHC to **organize in-reach to homebound persons** to vaccinate them. **The DPH is responsible for providing sufficient vaccine in order for the Consortium to reach its full potential.**

-**The DPH has begun reporting vaccination progress age group and by town.** Below is a summary table for Barnstable County by age group.

7. COVID Mutation and Changes in Transmissibility/Virulence/Other: **There are four variants of concern: B117 (UK), B1351 (S. Africa), P1 (Brazil), and B1526 (New York City, which emerged in November).** All four appear to be significantly

more transmissible than the virus which dominated Wave 1 of the pandemic. Within two months of the B117 variant being identified in the UK (October) it became the dominant strain circulating there. The CDC is now posting surveillance information on the emergence of the B117 variant in the US: <https://www.cdc.gov/coronavirus/2019-ncov/transmission/variant-cases.html>. Existing vaccines may be less effective against these new strains. The degree to which this may be so is being investigated. Moderna and Pfizer are working on a booster shot to counter these new strains.

-B1526 now accounts for 40% of new cases in NYC

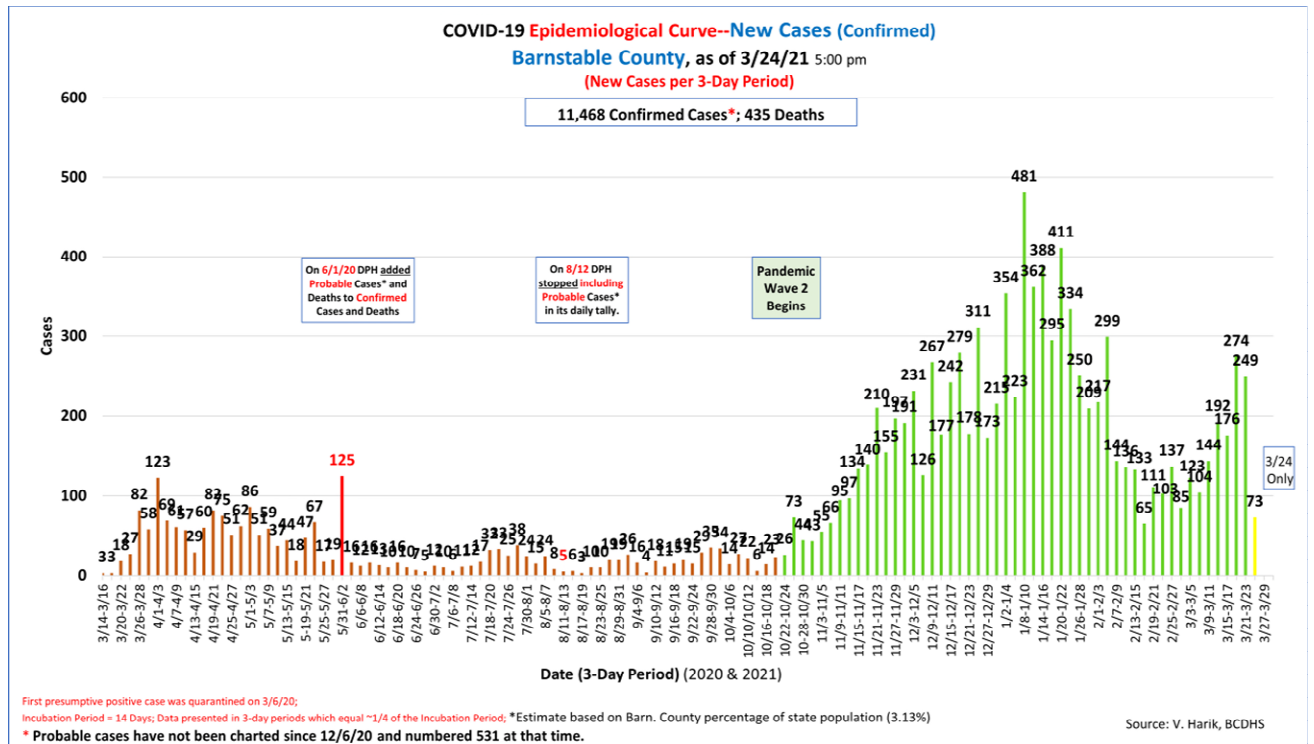
-**B117 and B1351 have been identified in Massachusetts.**

-The first case with the P1 variant in Barnstable County (and MA) was identified in late February by CDC surveillance processes and announced by the DPH on 3/16.

REPORT DETAIL:

1. New Cases

Daily new case numbers in Barnstable County have moved upward again due to **significant case increases in the towns of Barnstable and Yarmouth. 73 cases** were reported yesterday The 7-day average new cases per 100,000 has increased to 40/100K, with Barnstable County acquiring an average of 85 cases per day over the past 7 days.



Nantucket's 7-day average cases per 100,000 population (now 44/100K) is also increasing again. On average (7-day) Nantucket is now picking up 5 new cases per day. 13 cases were reported yesterday.

Martha's Vineyard's 7-day average cases per 100,000 population (17/100K) is increasing as well. On average Dukes County is gaining approximately 3 new cases per day. 7 cases were reported yesterday.

Trailing 14-Day Testing and Cases by County:

In the context of adequate availability of testing and contact tracing, which our three counties appear to have achieved, a test percent positivity rate below 5% suggests that an outbreak is on the way to containment. Rates below 3% and 1% are further important containment milestones.

Test Positivity Rates (14-day, as of 3/17/21):

Barnstable County: 5.59% (vs. 3.22%) (higher vs. previous fortnight)

Dukes & Nantucket Counties: 2.74% (vs. 1.53%) (higher)

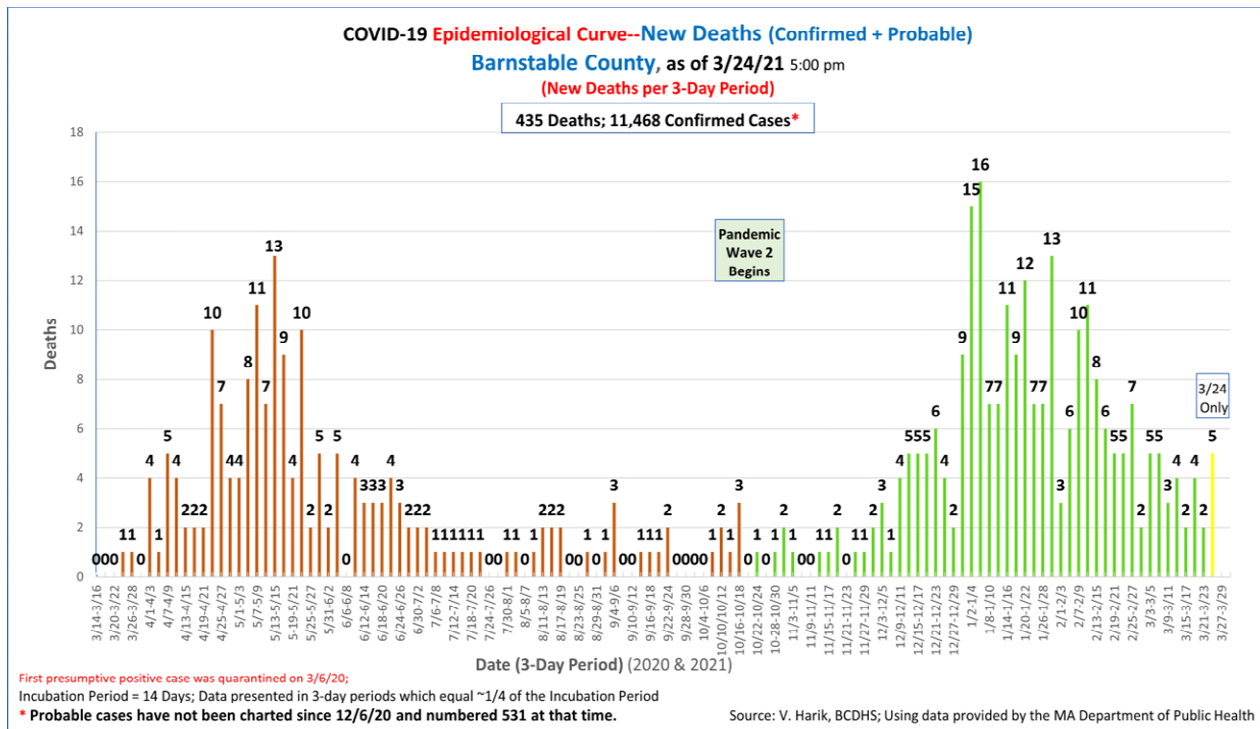
2. Hospitalizations and Fatalities

Hospitalizations and acuity of illness are increasing once more, in train with the case spikes being seen in the mid-Cape region. Cape Cod Hospital and Falmouth Hospital resumed limited visitation of inpatients in early March. The table below shows patient counts for Tuesday 3/23.

Hospitalizations, Last Report:		Not Cumulative		Cumulative		3-Day Avg. of Persons in Hosp. (Med/Surg + ICU)	ICU Percent of Beds Occupied
		Hospital Beds Occupied (Last Report)	ICU Beds Occupied (Last Report)	Barnstable County Cases (Confirmed)	Barnstable County Deaths		
3/23/2021	Cape Cod Hospital	23	4				
	Falmouth Hospital	3	1				
		26	5	11,395	430	26.7	16%

Since DPH reporting of hospitalizations has a 2-day lag Tina Shaw of CCHC is providing me with more recent information (thank you Tina). Tuesday afternoon CCHC reported that there were 31 COVID patients in hospital, 5 of which were in the ICUs.

Fatalities: 5 fatalities was reported yesterday. The total is 435.



Recent data on COVID fatalities in Barnstable County suggest that residents of **Long Term Care/Skilled Nursing Facilities/Rest Homes** represent **42.5%** of all fatalities (167 of 393 fatalities, as of 2/25/21). This is a **lower** percentage than that seen during phase 1 of the pandemic last spring (over 65%), and **this percentage continues to fall. Indeed, between 1/5/21 and 2/23/21 only 20% of the County's 137 fatalities occurred among LTC residents.** I will consolidate and update these data periodically.

This month marks the one-year **anniversary** of the recognition of the first COVID case in Massachusetts. In year 1 of this pandemic the **Barnstable County Case Fatality Rate (CFR) is 4%**, behind only Berkshire and Franklin Counties (which are also remote, rural locales), and is markedly higher than **the state CFR (2.8%)**.

3. Schools and Childcare Centers

School districts are staying vigilant and reacting well to new cases. School districts on the Cape and Islands are in a hybrid learning status, **however DESE Commissioner Jeffrey Riley has announced plans which will compel schools to return to 100% in-person learning, starting with elementary schools, in April. As such (and noted elsewhere), school and childcare teachers and staff became eligible for vaccinations on 3/11.**

DESE and the DPH (memo of 1/8/21) announced that they are seeking to introduce COVID-19 screening testing using a pooled strategy in the school setting. Schools may elect to participate by responding to a survey that DESE/DPH have posted. The status of this initiative is unclear at this time.

~~For the 2020-2021 school year the DPH has mandated that all school children be vaccinated for seasonal influenza. This week the DPH extended the deadline for doing so from 12/31/20 to 2/28/21. This mandate has been canceled by the DPH.~~

4. Testing

Additional testing locations in Barnstable County for both symptomatic and asymptomatic persons remain open in **Falmouth** at the Fairgrounds and in **Hyannis** at Cape Cod Hospital (the Melody Tent site has been given over to vaccination clinics). Daily testing capacity is 50 at the Falmouth site and 350 at the Hyannis site. Neither site is open daily and persons must call ahead for an appointment. Details: <https://www.capecodhealth.org/medical-services/infectious-disease/coronavirus/covid-19-testing-process/>.

In late December additional testing by **Outer Cape Community Health Services** began and continues at its 3 locations in Wellfleet, Harwich Port, and Provincetown (<https://outercape.org/2020/12/23/outer-cape-health-services-to-offer-covid-19-asymptomatic-testing-beginning-december-23/>). The **Community Health Center of Cape Cod** is also offering testing at its locations. These sites may not open be daily and persons must call ahead for an appointment.

Eligibility criteria for the testing include residency in Barnstable County. Testing is done by appointment only. Tests cost \$75, \$110 for travel-related tests, and no one will be turned away if unable to pay for a test.

DPH-mandated **routine testing** in skilled nursing facilities/long term care settings (SNF/LTC) continues. This provides critical surveillance and allows these facilities to stay ahead of asymptomatic spread amongst staff and residents. Routine testing in SNF/LTC settings is conducted weekly for staff.

In addition, the State's **BinaxNOW rapid testing program** (available to **schools**) has been extended to visitors of **nursing homes** and rest home residents (LTC settings) to allow visitation of residents while limiting the risk of infection from visitors. DPH has published guidance on this. The program has also been extended to **homeless shelters** and management of these facilities may apply to the EEC and DPH for testing kits.

5. Weekly Town Risk and Statewide Cluster Analyses

MA DPH Data Dashboard, WEEKLY REPORT of 3/18/21 (for the Period 2/28/21 to 3/13/21)										
City/Town	Population	(March 2020 to Present) Total Case Count	Case Count Last 14 Days	Average Daily Incidence Rate per 100K	Relative Change in Case Count	(March 2020 to Present) Total Tests	Total Tests Last 14 Days	Positive Tests Last 14 Days	Percent Positivity Last 14 Days	Change in Percent Positivity
Barnstable	44,773	3,283	283	45.1	Higher	64,532	3,954	296	7.49%	Higher
Bourne	21,026	1,077	44	14.9	Lower	37,211	2,395	56	2.34%	No Change
Brewster	9,926	392	16	11.5	Higher	16,134	799	16	2.00%	Higher
Chatham	5,830	276	16	19.6	No Change	8,042	365	17	4.66%	Higher
Dennis	13,088	601	31	16.9	Higher	16,939	899	32	3.56%	Higher
Eastham	4,603	134	12	18.6	Lower	4,522	261	14	5.36%	Lower
Falmouth	31,190	1,245	50	11.5	Lower	53,504	2,801	60	2.14%	Lower
Harwich	12,589	606	23	13.1	Higher	16,828	850	26	3.06%	Higher
Mashpee	15,535	666	32	14.7	No Change	22,118	1,344	41	3.05%	Higher
Orleans	5,620	260	13	16.5	Higher	6,483	368	15	4.08%	Higher
Provincetown	2,583	69	7	19.4	Higher	4,484	223	8	3.59%	Higher
Sandwich	21,078	945	47	15.9	Lower	26,352	1,691	54	3.19%	Lower
Truro	1,968	39	1	3.6	Higher	1,965	111	1	0.90%	Higher
Wellfleet	2,760	61	5	12.9	Higher	2,895	199	6	3.02%	Higher
Yarmouth	24,062	1,218	89	26.4	Higher	34,340	1,615	95	5.88%	Higher
Barnstable County	216,629	10,872	669	22.1	Higher	316,349	17,875	737	4.12%	Higher
Aquinnah	261	1	0	0	No Change	517	10	0	0%	No Change
Chilmark	759	16	1	9.4	Lower	3,543	139	1	0.72%	Lower
Edgartown	4,086	264	3	5.2	Lower	11,306	552	3	0.54%	Lower
Gosnold	45	5	0	0	No Change	127	2	0	0%	No Change
Oak Bluffs	5,209	236	7	9.6	Lower	7,656	334	9	2.69%	Higher
Tisbury	4,174	265	5	8.6	Lower	14,238	616	5	0.81%	Lower
West Tisbury	2,871	94	1	2.5	Lower	5,051	227	1	0.44%	Lower
Dukes County	17,404	886	18	7.0	Lower	42,438	1,880	19	1.01%	Lower
Nantucket	11,416	1,221	58	36.3	Higher	24,494	1,485	59	3.97%	Higher
Dukes and Nantucket Counties	28,820	2,105	75	18.6	Higher	66,932	3,365	78	2.32%	Higher
State	6,964,383	572,278	19,036	19.5	Lower	17,607,605	1,193,281	21,789	1.83%	No Change
Data Source: MA DPH, 3/18/21 Weekly COVID Report (https://www.mass.gov/info-details/covid-19-response-reporting); Analysis: V. Harik BCDHS.										
Massachusetts COVID Testing Rates, As Applied to Barnstable County (Thru 3/13/21)										
Sources: Census.gov; MA DPH Weekly COVID Report, 3/18/21. Analysis: V. Harik, BCDHS										
						MA	Barnstable County			
Population Estimate (via DPH)						6,964,383	216,629			
						Barnstable County % of MA Pop.		3.11%		
						Barn. County % of Total MA Tests		1.80%		
						Barn. County % of MA Tests, Past Two Weeks		1.50%		
						Barn. County % of MA Total Confirmed Cases		1.90%		
						Barn. County % of MA Confirmed Cases, Past Two Weeks		3.51%		
						MA % Positive Tests Last 14 Days		1.83%		
						Barnstable County % Positive Tests Last 14 Days		4.12%		

Active COVID Clusters by Exposure Setting Type for the Period 2/14/21 to 3/13/21 (as of 3/18/21)									
Source: https://www.mass.gov/info-details/covid-19-response-reporting . Tabulation: V. Harik, Barnstable County DHS									
Sorted by Number of Cases in New Cluster Settings									
Exposure Setting	New Clusters (Identified 2/14/21 – 3/13/21)			Ongoing Clusters (Cluster Identified Prior to 2/14/21 But Not Meeting Criteria for Closing)			Total		
	Clusters	Confirmed Cases	Close Contacts	Clusters	Confirmed Cases	Close Contacts	Clusters	Confirmed Cases	Close Contacts
1 Household	6,148	15,670	0	17,174	2,426	0	23,322	18,096	0
2 Child Care	72	245	240	219	162	162	291	407	402
3 Colleges & Universities	31	224	89	59	65	51	90	289	140
4 Long Term Care Facilities	25	91	0	121	248	0	146	339	0
5 K-12 Schools	15	74	82	36	3	45	51	77	127
6 Organized Athletics/Camps	14	66	174	59	14	85	73	80	259
7 Restaurants & Food Courts	15	63	21	27	8	4	42	71	25
8 Industrial Settings	11	57	6	41	54	55	52	111	61
9 Social Gatherings	9	52	39	13	7	13	22	59	52
10 Retail & Services	9	40	2	42	25	8	51	65	10

6. Vaccination

Groups eligible for vaccination now are those in Phase 1, and Phase 2 age 60+, K-12 and early education/childcare teachers and staff, and certain workers (formerly termed essential workers; see table below), **depending upon availability of vaccine.**

Caregivers (regardless of age) **accompanying a 75+ person to their vaccination appointment** remain eligible for vaccination and can receive vaccination under these circumstances at DPH mass vaccination sites. Local vaccination clinics may also allow this, but most are not doing so because of constrained vaccine supplies.

The DPH has released the timeline by which all remaining groups will become eligible for vaccination:

Timeline for remaining groups:

March 22nd : Residents 60+ and certain workers (see <https://www.mass.gov/info-details/covid-19-vaccinations-for-certain-workers>)

April 5th : Residents 55+ and residents with one certain medical condition

April 19th: General public ages 16 years of age and older

The following workers become eligible for vaccination on March 22, 2021:	
Worker category	Definition / examples (if applicable)
Restaurant or cafe workers	Cooks, servers, maintenance staff, managers, cashiers
Food, meatpacking, beverage, agriculture, consumer goods, retail, or food service workers	All staff involved in the production, processing, storage, transport, wholesale and retail sale, preparation, and service of food and consumer goods, including farm and other agricultural workers, including farm stand and nurseries
Grocery and convenience store workers	Cashiers, baggers, stockers, managers, maintenance staff, security staff
Food pantry workers or volunteers	
Medical supply chain workers	Workers directly involved in the manufacturing and production, packaging, transport, quality control, and sale of materials critical to the delivery of medical care
Vaccine development workers	Workers directly involved in research, development, manufacturing and production, packaging, transport, quality control, and sale of vaccines (COVID-19 and others)
Transit/transportation workers	Drivers/operators, attendants, sales, administrators, maintenance staff, public and private bus, train/subway, passenger boat/ferries, passenger air, and automobile (including rental car, car service/limousine, taxi, and ride apps) transportation, bridge and road construction and maintenance workers, shipping port and terminal workers, commercial transportation
Public works, water, wastewater, or utility workers	Utility: Electrical generation and supply system, natural gas delivery, nuclear power plant, water supply, telephone, cable/fiber optical/broadband/cellular service workers Public works including street repair, street lighting, public park, beach, and trail maintenance workers.
Sanitation workers	Drivers, solid waste handlers, recycling staff, street cleaners, sewer and storm water system workers
Public health workers	Public-facing federal, state, and local governmental public health workers
Court system worker (judges, prosecutors, defense attorneys, clerks), other than court officers who are listed under first responders	Criminal court workers, including judges, prosecutors, public defenders, private defense attorneys, clerks, maintenance workers
Funeral directors and funeral workers	Funeral directors/morticians, other funeral workers (funeral home staff, drivers, maintenance workers, cemetery workers, funeral cosmetology workers)

Vaccination at local clinics during Phase 2 is by appointment only and **appointments are announced and able to be scheduled once County and local health authorities are sure of vaccine availability from the DPH.** The public is being given notice of planned vaccination clinics for eligible persons in Phase 2.

Appointments (<https://www.cic-health.com/vaccines-location>) may not be immediately available due to overwhelming demand and still-limited supply of vaccine from the manufacturers. **Appointments for local vaccination clinics are only being scheduled once County and local health authorities can be sure of vaccine availability from the DPH.** The public is being given notice of planned vaccination clinics for eligible persons in Phase 2.

Vaccination is available at several **State-run mass vaccination sites** around Massachusetts. The closest ones to Cape Cod are at **Gillette Stadium in Foxboro and in Dartmouth.** Appointments can be scheduled by visiting <https://www.cic-health.com/vaccines-location>, or calling **2-1-1** and following the prompts if the citizen does not have access to/or cannot operate on the internet.

-Plans for 4-5 sub-regional mass vaccination sites on Cape Cod, for operation during Phase 2, are in place. A **Cape Cod Regional Vaccine Consortium** has been established via a partnership between the Barnstable County Health Dept, Local Town Boards of Health (LBOHs), Community Health Centers (CHCs), and Cape Cod Healthcare, and has received support from the DPH. The Consortium has established a **vaccination site at Cape Cod Community College** and is also working with LBOHs and CHC to **organize in-reach to homebound persons** to vaccinate them. **The DPH is responsible for providing sufficient vaccine in order for the Consortium to reach its full potential.**

Harbor Health Services, Inc. (Hyannis) will join the other three Federally Qualified Community Health Centers on Cape Cod in offering **vaccination clinics.**

The State has contracted with **CVS and Walgreens** to arrange vaccination of **older adults in SNFs/congregate care.** **CVS, Walgreens, and Stop & Shop pharmacies** are also scheduling vaccinations for the groups in Phase 2, again depending upon vaccine supply.

The DPH is providing weekly reports of vaccination progress age group and by town. I will consolidate and update these data periodically.

Massachusetts Department of Public Health COVID-19 Dashboard – Thursday, March 11, 2021										
Individuals with at Least One Dose Administered by County and Age Group, as of 3/9/21										
Source: Data, MA DPH; Analysis, V. Harik, Barnstable County Dept. of Human Services										
Barnstable County	0-19 Years	20-29 Years	30-39 Years	40-49 Years	50-59 Years	60-64 Years	65-69 Years	70-74 Years	75+ Years	Total
Total Population by Age Bracket	36,252	22,041	18,884	19,841	31,497	20,219	20,609	18,355	28,931	216,629
Age Bracket % of County Pop.	17%	10%	9%	9%	15%	9%	10%	8%	13%	
Persons in Age Group with at Least One Dose	96	2,204	3,210	3,968	6,929	5,055	10,511	10,462	23,434	65,870
Percent of Age Group with at Least One Dose	0.26%	10%	17%	20%	22%	25%	51%	57%	81%	30%
Persons in Age Group Not Yet Vaccinated.	36,156	19,837	15,674	15,873	24,568	15,164	10,098	7,893	5,497	150,759
Percent of Age Group Not Yet Vaccinated	99.7%	90%	83%	80%	78%	75%	49%	43%	19%	70%

* Due to privacy concerns, vaccination figures are suppressed where less than 30 persons are vaccinated.

7. COVID Mutation and Changes in Transmissibility/Virulence/Other

The emergence of a variant of the COVID-19 virus in the UK, classified as **B.1.1.7**, was identified in September and publicized in early December. Reports hold that B117 is 50% - 70% more contagious than our predominant variant now circulating (D614G). Within three months of the variant being identified in the UK it became dominant strain circulating there. Additional variants of concern have emerged internationally: **B1351** (South Africa) and Brazil (**P1**) which are also highly transmissible. An additional variant, **B1526**, emerged in New York City in November. Its features are being studied.

All variants appear to be significantly more transmissible than the virus which dominated Wave 1 of the pandemic.

The first three variants are spreading globally and have been detected in the US. The B1526 (NYC) variant now accounts for 40% of new cases in New York City. The B117, B1351, and P1 variants have been identified by the DPH as being in circulation in MA. The first case with the P1 variant in Barnstable County (and MA) was identified in late February by CDC surveillance processes and announced by the DPH on 3/16.

Researchers are working to determine if the variants differ from D614G (the Wave 1 configuration) in terms of: **1.** How sick people become, **2.** If natural immunity is different following infection with D614G, and **3.** If immunity from vaccination differs since the vaccine was developed during the period that D614G has been predominant. **The existing vaccines may be less effective against the new strains. Moderna and Pfizer are working on booster shots to counter these new strains.**

The CDC is posting surveillance information on the emergence of the variants in the US: <https://www.cdc.gov/coronavirus/2019-ncov/transmission/variant-cases.html>.

Vaira Harik, M.S.
Deputy Director
Barnstable County Dept. of Human Services
Cell: 520-271-6314
Email: vharik@barnstablecounty.org

3/24/21: Barnstable County and Regional COVID-19 Daily Update

(N.B. I am no longer attempting to tally new probable cases alongside new confirmed cases. I have not received information on probable cases since 12/6/20, at which time Barnstable County had logged a total of 531.)

Good Morning All.

Barnstable County is experiencing a renewed surge in cases and hospitalizations are increasing commensurately. The towns of Barnstable and Yarmouth have returned to the highest risk (red) category in terms of average 2-week new case numbers.

The first case of the Brazilian variant P1 has been announced in Massachusetts in Barnstable County (30 year-old female). **The contribution in Barnstable County to the new case numbers of any variants is unknown at this time.**

In follow up to discussions between the relevant town health agents, the County, and the DPH, **the DPH, with CCHC, has deployed additional testing resources to the mid-Cape region.**

SUMMARY:

1. **New Cases:** DPH new cases reported yesterday:

Barnstable County: 94 new cases (cases continue to increase--mid-Cape sub-region)

Martha's Vineyard:	2 new cases
Nantucket:	2 new cases

2. **Hospitalizations and Fatalities:** 3-day avg. hospitalizations (now 27) has increased from 17 three weeks ago. 5 patients were in the ICUs yesterday afternoon. There were 2 **COVID fatalities** reported Friday-Sunday and 1 more was reported yesterday. CCH and Falmouth Hospital re-opened to limited visitation in early March.

The first week of March marked the **one-year anniversary** of the recognition of the first COVID case in Massachusetts. In year 1 of this pandemic the **Barnstable County Case**

Fatality Rate (CFR) was 4%, behind only Berkshire and Franklin Counties (which are also remote, rural locales), and is markedly **higher than the state CFR (2.8%)**.

Recent data on COVID fatalities in Barnstable County suggest that residents of **Long Term Care/Skilled Nursing Facilities/Rest Homes** represent **42.5%** of all fatalities (167 of 393 fatalities, as of 2/23/21). This is a **lower** percentage than that seen during phase 1 of the pandemic last spring (over 65%), and **this percentage continues to fall**. **Indeed, between 1/5/21 and 2/23/21 only 20% (28) of 137 fatalities occurred among LTC residents.**

3. Schools and Childcare Centers: Due to the mildness of the flu season the DPH has **removed the requirement** that all school children receive a flu vaccination on or before 2/28/21. **School districts remain in a hybrid learning model**. However, **DESE Commissioner Jeffrey Riley has announced plans which will compel schools to return to 100% in-person learning, starting with elementary schools, in April.**

4. Testing; Test Positivity Rates (14-day, as of 3/17/21):

Barnstable County: **4.12%** (vs. 3.22%) (**higher** vs. previous fortnight)

Dukes & Nantucket Counties: **2.32%** (vs. 1.53%) (**higher**)

A test percent positivity rate below 5% suggests that an outbreak is on the way to **containment**.

5. Weekly Town Risk, and Statewide Cluster Analyses: See charts below.

6. Vaccination:

-Groups eligible for vaccination now are those in Phase 1, and Phase 2 age 60+, K-12 and early education/childcare teachers and staff, and certain workers (formerly termed essential workers; see table below), **depending upon availability of vaccine.**

-**Caregivers** (regardless of age) **accompanying a 75+ person to their vaccination appointment remain eligible for vaccination** and can receive vaccination under these circumstances at **DPH mass vaccination sites**. Local vaccination clinics may also allow this, but most are not doing so because of constrained vaccine supplies.

-Vaccination at local clinics during Phase 2 are by appointment only and **appointments are announced and able to be scheduled once County and local health authorities are sure of vaccine availability from the DPH**. The public is being given notice of planned vaccination clinics for eligible persons in Phase 2.

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DPH is responsible for providing sufficient vaccine in order for the Consortium to reach its full potential.

-The DPH has begun reporting vaccination progress age group and by town.
Below is a summary table for Barnstable County by age group.

7. COVID Mutation and Changes in Transmissibility/Virulence/Other: There are four variants of concern: B117 (UK), B1351 (S. Africa), P1 (Brazil), and B1526 (New York City, which emerged in November). All four appear to be significantly more transmissible than the virus which dominated Wave 1 of the pandemic. Within two months of the B117 variant being identified in the UK (October) it became the dominant strain circulating there. The CDC is now posting surveillance information on the emergence of the B117 variant in the US: <https://www.cdc.gov/coronavirus/2019-ncov/transmission/variant-cases.html>. Existing vaccines may be less effective against these new strains. The degree to which this may be so is being investigated. Moderna and Pfizer are working on a booster shot to counter these new strains.

-B1526 now accounts for 40% of new cases in NYC

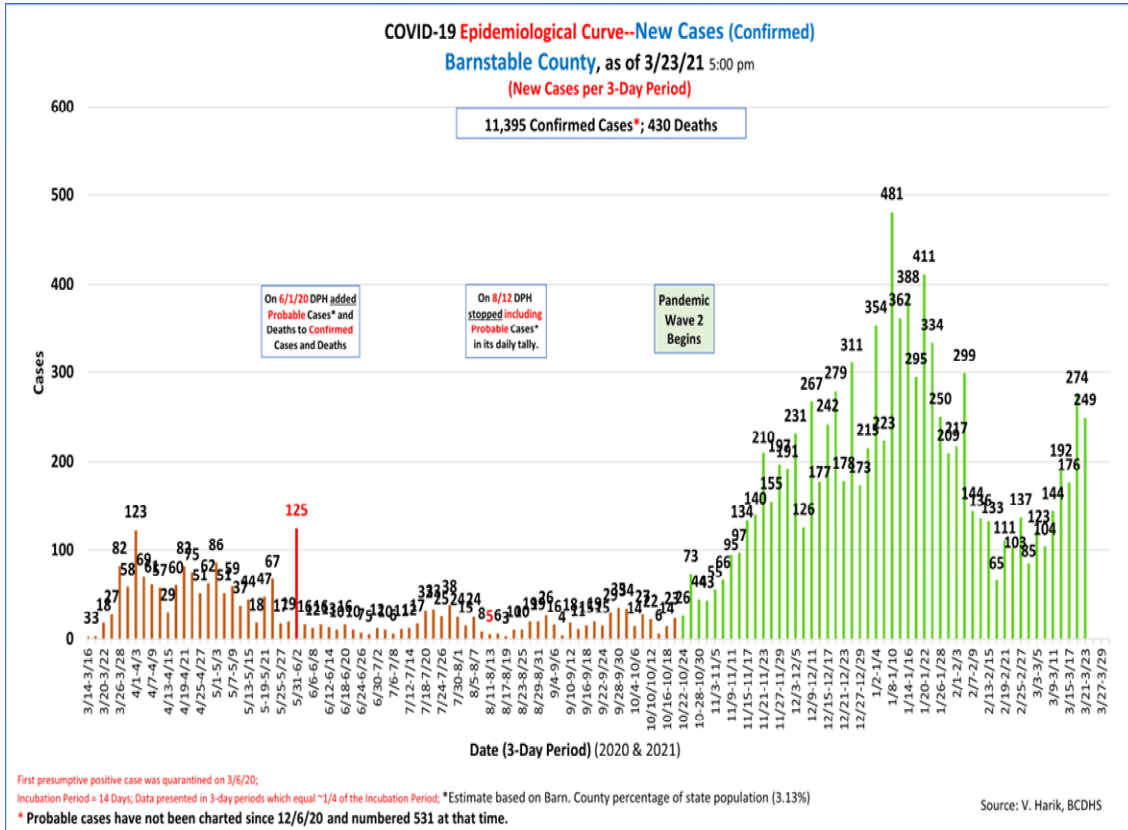
-B117 and B1351 have been identified in Massachusetts.

-The first case with the P1 variant in Barnstable County (and MA) was identified in late February by CDC surveillance processes and announced by the DPH on 3/16.

REPORT DETAIL:

1. New Cases

Daily new case numbers in Barnstable County have moved upward again due to **significant case increases in the towns of Barnstable and Yarmouth. 94 cases** were reported yesterday. The 7-day average new cases per 100,000 has increased to 39/100K, with Barnstable County acquiring an average of 84 cases per day over the past 7 days.



Nantucket's 7-day average cases per 100,000 population (now 31/100K) has dropped since last week but remains high. On average (7-day) Nantucket is now picking up 4 new cases per day. 2 cases were reported yesterday.

Martha's Vineyard's 7-day average cases per 100,000 population (12/100K) remains low. On average Dukes County is gaining approximately 2 new cases per day. 2 cases were reported yesterday.

Trailing 14-Day Testing and Cases by County:

In the context of adequate availability of testing and contact tracing, which our three counties appear to have achieved, a test percent positivity rate below 5% suggests that an outbreak is on the way to containment. Rates below 3% and 1% are further important containment milestones.

Test Positivity Rates (14-day, as of 3/17/21):

Barnstable County: 4.12% (vs. 3.22%) (higher vs. previous fortnight)
Dukes & Nantucket Counties: 2.32% (vs. 1.53%) (higher)

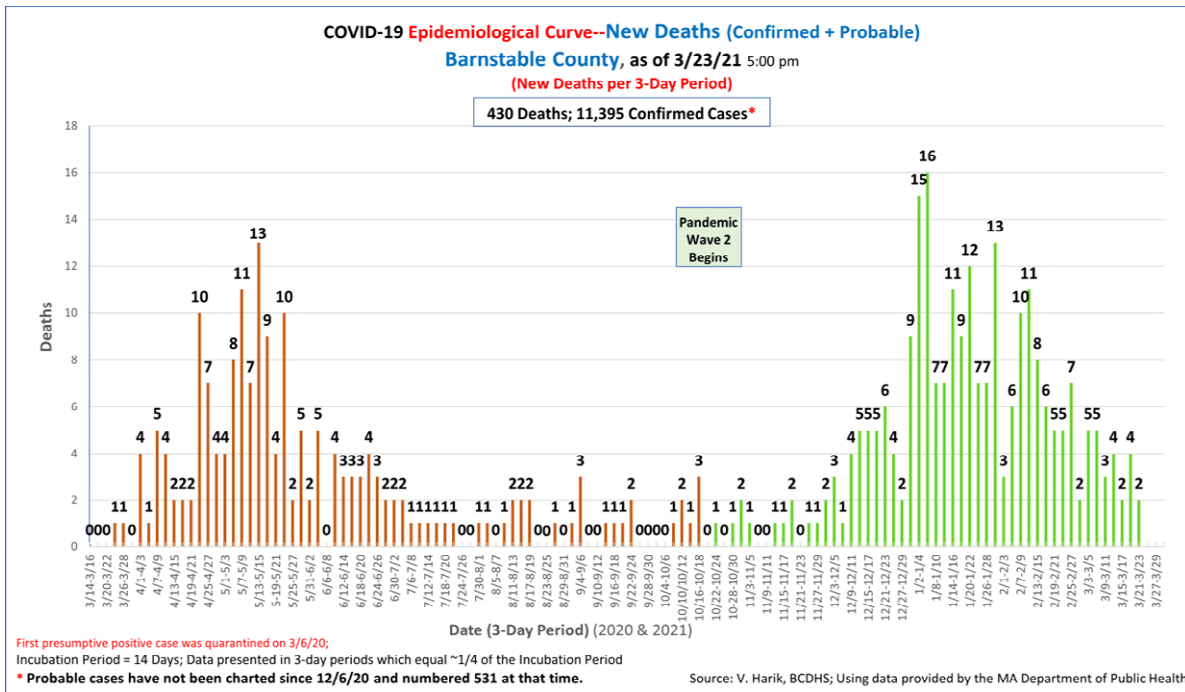
2. Hospitalizations and Fatalities

Hospitalizations and acuity of illness are increasing once more, in train with the case spikes being seen in the mid-Cape region. Cape Cod Hospital and Falmouth Hospital resumed **limited visitation** of inpatients in early March.

Hospitalizations, Last Report:		Not Cumulative		Cumulative		3-Day Avg. of Persons in Hosp. (Med/Surg + ICU)	ICU Percent of Beds Occupied
		Hospital Beds Occupied (Last Report)	ICU Beds Occupied (Last Report)	Barnstable County Cases (Confirmed)	Barnstable County Deaths		
3/23/2021	Cape Cod Hospital	23	4				
	Falmouth Hospital	3	1				
		26	5	11,395	430	26.7	16%

Since DPH reporting of hospitalizations has a 2-day lag Tina Shaw of CCHC is providing me with more recent information (thank you Tina). Yesterday afternoon CCHC reported that there were **31 COVID patients in hospital**, 5 of which were in the ICUs.

Fatalities: 1 fatality was reported yesterday. The total is **430**.



Recent data on COVID fatalities in Barnstable County suggest that residents of **Long Term Care/Skilled Nursing Facilities/Rest Homes** represent **42.5%** of all fatalities (167 of 393 fatalities, as of 2/25/21). This is a **lower** percentage than that seen during phase 1 of the pandemic last spring (over 65%), and **this percentage continues to fall. Indeed, between 1/5/21 and 2/23/21 only 20% of the County's 137 fatalities occurred among LTC residents.**

This month marks the one-year **anniversary** of the recognition of the first COVID case in Massachusetts. In year 1 of this pandemic the **Barnstable County Case Fatality**

Rate (CFR) is 4%, behind only Berkshire and Franklin Counties (which are also remote, rural locales), and is markedly higher than **the state CFR (2.8%)**.

3. Schools and Childcare Centers

School districts are staying vigilant and reacting well to new cases. School districts on the Cape and Islands are in a hybrid learning status, **however DESE Commissioner Jeffrey Riley has announced plans which will compel schools to return to 100% in-person learning, starting with elementary schools, in April. As such (and noted elsewhere), school and childcare teachers and staff became eligible for vaccinations on 3/11.**

DESE and the DPH (memo of 1/8/21) announced that they are seeking to introduce COVID-19 screening testing using a pooled strategy in the school setting. Schools may elect to participate by responding to a survey that DESE/DPH have posted. The status of this initiative is unclear at this time.

~~For the 2020-2021 school year the DPH has mandated that all school children be vaccinated for seasonal influenza. This week the DPH extended the deadline for doing so from 12/31/20 to 2/28/21. This mandate has been canceled by the DPH.~~

4. Testing

Additional testing locations in Barnstable County for both symptomatic and asymptomatic persons remain open in **Falmouth** at the Fairgrounds and in **Hyannis** at Cape Cod Hospital (the Melody Tent site has been given over to vaccination clinics). Daily testing capacity is 50 at the Falmouth site and 350 at the Hyannis site. Neither site is open daily and persons must call ahead for an appointment. Details: <https://www.capecodhealth.org/medical-services/infectious-disease/coronavirus/covid-19-testing-process/>.

In late December additional testing by **Outer Cape Community Health Services** began and continues at its 3 locations in Wellfleet, Harwich Port, and Provincetown (<https://outercape.org/2020/12/23/outer-cape-health-services-to-offer-covid-19-asymptomatic-testing-beginning-december-23/>). The **Community Health Center of Cape Cod** is also offering testing at its locations. These sites may not open be daily and persons must call ahead for an appointment.

Eligibility criteria for the testing include residency in Barnstable County. Testing is done by appointment only. Tests cost \$75, \$110 for travel-related tests, and no one will be turned away if unable to pay for a test.

DPH-mandated **routine testing** in skilled nursing facilities/long term care settings (SNF/LTC) continues. This provides critical surveillance and allows these facilities to stay ahead of asymptomatic spread amongst staff and residents. Routine testing in SNF/LTC settings is conducted weekly for staff.

In addition, the State's **BinaxNOW rapid testing program** (available to schools) has

been extended to visitors of **nursing homes** and rest home residents (LTC settings) to allow visitation of residents while limiting the risk of infection from visitors. DPH has published guidance on this. The program has also been extended to **homeless shelters** and management of these facilities may apply to the EEC and DPH for testing kits.

5. Weekly Town Risk and Statewide Cluster Analyses

MA DPH Data Dashboard, WEEKLY REPORT of 3/18/21 (for the Period 2/28/21 to 3/13/21)										
City/Town	Population	(March 2020 to Present) Total Case Count	Case Count Last 14 Days	Average Daily Incidence Rate per 100K	Relative Change in Case Count	(March 2020 to Present) Total Tests	Total Tests Last 14 Days	Positive Tests Last 14 Days	Percent Positivity Last 14 Days	Change in Percent Positivity
Barnstable	44,773	3,283	283	45.1	Higher	64,532	3,954	296	7.49%	Higher
Bourne	21,026	1,077	44	14.9	Lower	37,211	2,395	56	2.34%	No Change
Brewster	9,926	392	16	11.5	Higher	16,134	799	16	2.00%	Higher
Chatham	5,830	276	16	19.6	No Change	8,042	365	17	4.66%	Higher
Dennis	13,088	601	31	16.9	Higher	16,939	899	32	3.56%	Higher
Eastham	4,603	134	12	18.6	Lower	4,522	261	14	5.36%	Lower
Falmouth	31,190	1,245	50	11.5	Lower	53,504	2,801	60	2.14%	Lower
Harwich	12,589	606	23	13.1	Higher	16,828	850	26	3.06%	Higher
Mashpee	15,535	666	32	14.7	No Change	22,118	1,344	41	3.05%	Higher
Orleans	5,620	260	13	16.5	Higher	6,483	368	15	4.08%	Higher
Provincetown	2,583	69	7	19.4	Higher	4,484	223	8	3.59%	Higher
Sandwich	21,078	945	47	15.9	Lower	26,352	1,691	54	3.19%	Lower
Truro	1,968	39	1	3.6	Higher	1,965	111	1	0.90%	Higher
Wellfleet	2,760	61	5	12.9	Higher	2,895	199	6	3.02%	Higher
Yarmouth	24,062	1,218	89	26.4	Higher	34,340	1,615	95	5.88%	Higher
Barnstable County	216,629	10,872	669	22.1	Higher	316,349	17,875	737	4.12%	Higher
Aquinnah	261	1	0	0	No Change	517	10	0	0%	No Change
Chilmark	759	16	1	9.4	Lower	3,543	139	1	0.72%	Lower
Edgartown	4,086	264	3	5.2	Lower	11,306	552	3	0.54%	Lower
Gosnold	45	5	0	0	No Change	127	2	0	0%	No Change
Oak Bluffs	5,209	236	7	9.6	Lower	7,656	334	9	2.69%	Higher
Tisbury	4,174	265	5	8.6	Lower	14,238	616	5	0.81%	Lower
West Tisbury	2,871	94	1	2.5	Lower	5,051	227	1	0.44%	Lower
Dukes County	17,404	886	18	7.0	Lower	42,438	1,880	19	1.01%	Lower
Nantucket	11,416	1,221	58	36.3	Higher	24,494	1,485	59	3.97%	Higher
Dukes and Nantucket Counties	28,820	2,105	75	18.6	Higher	66,932	3,365	78	2.32%	Higher
State	6,964,383	572,278	19,036	19.5	Lower	17,607,605	1,193,281	21,789	1.83%	No Change
Data Source: MA DPH, 3/18/21 Weekly COVID Report (https://www.mass.gov/info-details/covid-19-response-reporting); Analysis: V. Harik BCDHS.										
Massachusetts COVID Testing Rates, As Applied to Barnstable County (Thru 3/13/21)										
Sources: Census.gov; MA DPH Weekly COVID Report, 3/18/21. Analysis: V. Harik, BCDHS										
						MA		Barnstable County		
Population Estimate (via DPH)						6,964,383		216,629		
						Barnstable County % of MA Pop.		3.11%		
						Barn. County % of Total MA Tests		1.80%		
						Barn. County % of MA Tests, Past Two Weeks		1.50%		
						Barn. County % of MA Total Confirmed Cases		1.90%		
						Barn. County % of MA Confirmed Cases, Past Two Weeks		3.51%		
						MA % Positive Tests Last 14 Days		1.83%		
						Barnstable County % Positive Tests Last 14 Days		4.12%		

Active COVID Clusters by Exposure Setting Type for the Period 2/14/21 to 3/13/21 (as of 3/18/21)										
Source: https://www.mass.gov/info-details/covid-19-response-reporting . Tabulation: V. Harik, Barnstable County DHS										
Sorted by Number of Cases in New Cluster Settings										
	Exposure Setting	New Clusters (Identified 2/14/21 – 3/13/21)			Ongoing Clusters (Cluster Identified Prior to 2/14/21 But Not Meeting Criteria for Closing)			Total		
		Clusters	Confirmed Cases	Close Contacts	Clusters	Confirmed Cases	Close Contacts	Clusters	Confirmed Cases	Close Contacts
1	Household	6,148	15,670	0	17,174	2,426	0	23,322	18,096	0
2	Child Care	72	245	240	219	162	162	291	407	402
3	Colleges & Universities	31	224	89	59	65	51	90	289	140
4	Long Term Care Facilities	25	91	0	121	248	0	146	339	0
5	K-12 Schools	15	74	82	36	3	45	51	77	127
6	Organized Athletics/Camps	14	66	174	59	14	85	73	80	259
7	Restaurants & Food Courts	15	63	21	27	8	4	42	71	25
8	Industrial Settings	11	57	6	41	54	55	52	111	61
9	Social Gatherings	9	52	39	13	7	13	22	59	52
10	Retail & Services	9	40	2	42	25	8	51	65	10

6. Vaccination

Groups eligible for vaccination now are those in Phase 1, and Phase 2 age 60+, K-12 and early education/childcare teachers and staff, and certain workers (formerly termed essential workers; see table below), **depending upon availability of vaccine.**

Caregivers (regardless of age) **accompanying a 75+ person to their vaccination appointment** remain eligible for vaccination and can receive vaccination under these circumstances at DPH mass vaccination sites. Local vaccination clinics may also allow this, but most are not doing so because of constrained vaccine supplies.

The DPH has released the timeline by which all remaining groups will become eligible for vaccination:

Timeline for remaining groups:

March 22nd : Residents 60+ and certain workers (see <https://www.mass.gov/info-details/covid-19-vaccinations-for-certain-workers>)

April 5th : Residents 55+ and residents with one certain medical condition

April 19th: General public ages 16 years of age and older

The following workers become eligible for vaccination on March 22, 2021:

Worker category	Definition / examples (if applicable)
Restaurant or cafe workers	Cooks, servers, maintenance staff, managers, cashiers
Food, meatpacking, beverage, agriculture, consumer goods, retail, or food service workers	All staff involved in the production, processing, storage, transport, wholesale and retail sale, preparation, and service of food and consumer goods, including farm and other agricultural workers, including farm stand and nurseries
Grocery and convenience store workers	Cashiers, baggers, stockers, managers, maintenance staff, security staff
Food pantry workers or volunteers	
Medical supply chain workers	Workers directly involved in the manufacturing and production, packaging, transport, quality control, and sale of materials critical to the delivery of medical care
Vaccine development workers	Workers directly involved in research, development, manufacturing and production, packaging, transport, quality control, and sale of vaccines (COVID-19 and others)
Transit/transportation workers	Drivers/operators, attendants, sales, administrators, maintenance staff, public and private bus, train/subway, passenger boat/ferries, passenger air, and automobile (including rental car, car service/limousine, taxi, and ride apps) transportation, bridge and road construction and maintenance workers, shipping port and terminal workers, commercial transportation
Public works, water, wastewater, or utility workers	Utility: Electrical generation and supply system, natural gas delivery, nuclear power plant, water supply, telephone, cable/fiber optical/broadband/cellular service workers Public works including street repair, street lighting, public park, beach, and trail maintenance workers.
Sanitation workers	Drivers, solid waste handlers, recycling staff, street cleaners, sewer and storm water system workers
Public health workers	Public-facing federal, state, and local governmental public health workers
Court system worker (judges, prosecutors, defense attorneys, clerks), other than court officers who are listed under first responders	Criminal court workers, including judges, prosecutors, public defenders, private defense attorneys, clerks, maintenance workers
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Individuals with at Least One Dose Administered by County and Age Group, as of 3/9/21										
Source: Data, MA DPH; Analysis, V. Harik, Barnstable County Dept. of Human Services										
Barnstable County	0-19 Years	20-29 Years	30-39 Years	40-49 Years	50-59 Years	60-64 Years	65-69 Years	70-74 Years	75+ Years	Total
Total Population by Age Bracket	36,252	22,041	18,884	19,841	31,497	20,219	20,609	18,355	28,931	216,629
Age Bracket % of County Pop.	17%	10%	9%	9%	15%	9%	10%	8%	13%	
Persons in Age Group with at Least One Dose	96	2,204	3,210	3,968	6,929	5,055	10,511	10,462	23,434	65,870
Percent of Age Group with at Least One Dose	0.26%	10%	17%	20%	22%	25%	51%	57%	81%	30%
Persons in Age Group Not Yet Vaccinated.	36,156	19,837	15,674	15,873	24,568	15,164	10,098	7,893	5,497	150,759
Percent of Age Group Not Yet Vaccinated	99.7%	90%	83%	80%	78%	75%	49%	43%	19%	70%
* Due to privacy concerns, vaccination figures are suppressed where less than 30 persons are vaccinated.										

7. COVID Mutation and Changes in Transmissibility/Virulence/Other

The emergence of a variant of the COVID-19 virus in the UK, classified as B.1.1.7, was identified in September and publicized in early December. Reports hold that B117 is 50% - 70% more contagious than our predominant variant now circulating (D614G). Within three months of the variant being identified in the UK it became dominant strain circulating there. Additional variants of concern have emerged internationally: B1351 (South Africa) and Brazil (P1) which are also highly transmissible. An additional variant, B1526, emerged in New York City in November. Its features are being studied.

All variants appear to be significantly more transmissible than the virus which dominated Wave 1 of the pandemic.

The first three variants are spreading globally and have been detected in the US. The B1526 (NYC) variant now accounts for 40% of new cases in New York City. The B117, B1351, and P1 variants have been identified by the DPH as being in circulation in MA. The first case with the P1 variant in Barnstable County (and MA) was identified in late February by CDC surveillance processes and announced by the DPH on 3/16.

Researchers are working to determine if the variants differ from D614G (the Wave 1 configuration) in terms of: 1. How sick people become, 2. If natural immunity is different following infection with D614G, and 3. If immunity from vaccination differs since the vaccine was developed during the period that D614G has been predominant. The existing vaccines may be less effective against the new strains. Moderna and Pfizer are working on booster shots to counter these new strains.

The CDC is posting surveillance information on the emergence of the variants in the US: <https://www.cdc.gov/coronavirus/2019-ncov/transmission/variant-cases.html>.

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3/22/21: Barnstable County and Regional COVID-19 Daily Update

(N.B. I am no longer attempting to tally new probable cases alongside new confirmed cases. I have not received information on probable cases since 12/6/20, at which time Barnstable County had logged a total of 531.)

Good Morning All.

The towns of Barnstable and Yarmouth have returned to the highest risk (red) category in terms of average 2-week new case numbers.

The first case of the Brazilian variant P1 has been announced in Massachusetts in Barnstable County (30 year-old female). The contribution in Barnstable County to the new case numbers of any variants is unknown at this time.

In follow up to discussions between the relevant town health agents, the County, and the DPH, the DPH has stated that it will deploy additional testing resources to the mid-Cape region.

SUMMARY:

1. New Cases: DPH new cases reported yesterday:

Barnstable County: 57 new cases (cases continue to increase--mid-Cape sub-region)

Martha's Vineyard:	1 new case
Nantucket:	4 new cases

2. Hospitalizations and Fatalities: 3-day avg. hospitalizations (now 23) has increased. 5 patients were in the ICU yesterday afternoon. There were 2 COVID fatalities reported Friday-Sunday. CCH and Falmouth Hospital have re-opened to limited visitation.

The first week of March marked the **one-year anniversary** of the recognition of the first COVID case in Massachusetts. In year 1 of this pandemic the **Barnstable County Case**

Fatality Rate (CFR) is 4%, behind only Berkshire and Franklin Counties (which are also remote, rural locales), and is markedly higher than the **state CFR (2.8%)**.

Recent data on COVID fatalities in Barnstable County suggest that residents of **Long Term Care/Skilled Nursing Facilities/Rest Homes** represent **42.5%** of all fatalities (167 of 393 fatalities, as of 2/23/21). This is a **lower** percentage than that seen during phase 1 of the pandemic last spring (over 65%), and **this percentage continues to fall. Indeed, between 1/5/21 and 2/23/21 only 20% (28) of 137 fatalities occurred among LTC residents.**

3. Schools and Childcare Centers: Due to the mildness of the flu season the DPH has **removed the requirement** that all school children receive a flu vaccination on or before 2/28/21. **School districts remain in a hybrid learning model.** However, **DESE Commissioner Jeffrey Riley has announced plans which will compel schools to return to 100% in-person learning, starting with elementary schools, in April.**

4. Testing; Test Positivity Rates (14-day, as of 3/17/21):

Barnstable County: **4.12%** (vs. 3.22%) (**higher** vs. previous fortnight)

Dukes & Nantucket Counties: **2.32%** (vs. 1.53%) (**higher**)

A test percent positivity rate below 5% suggests that an outbreak is on the way to **containment**.

5. Weekly Town Risk, and Statewide Cluster Analyses: See charts below.

6. Vaccination:

-Groups eligible for vaccination now are those in Phase 1, and Phase 2 age 60+, K-12 and early education/childcare teachers and staff, and certain workers (formerly termed essential workers; see table below), **depending upon availability of vaccine.**

-**Caregivers** (regardless of age) **accompanying a 75+ person to their vaccination appointment remain eligible for vaccination** and can receive vaccination under these circumstances at **DPH mass vaccination sites**. Local vaccination clinics may also allow this, but most are not doing so because of constrained vaccine supplies.

-Vaccination at local clinics during Phase 2 are by appointment only and **appointments are announced and able to be scheduled once County and local health authorities are sure of vaccine availability from the DPH**. The public is being given notice of planned vaccination clinics for eligible persons in Phase 2.

-Plans for 4-5 sub-regional mass vaccination sites on Cape Cod, for operation during Phase 2, are in place. **A Cape Cod Regional Vaccine Consortium** has been established via a partnership between the Barnstable County Health Dept, Local Town Boards of Health (LBOHs), Community Health Centers (CHCs), and Cape Cod Healthcare, and has received support from the DPH. The Consortium has established a **vaccination site at Cape Cod Community College** (which opened this week) and is also working with

LBOHs and CHC to **organize in-reach to homebound persons** to vaccinate them. **The DPH is responsible for providing sufficient vaccine in order for the Consortium to reach its full potential.**

-The DPH has begun reporting vaccination progress age group and by town. Below is a summary table for Barnstable County by age group.

7. COVID Mutation and Changes in Transmissibility/Virulence/Other: There are four variants of concern: B117 (UK), B1351 (S. Africa), P1 (Brazil), and B1526 (New York City, which emerged in November). All four appear to be significantly more transmissible than the virus which dominated Wave 1 of the pandemic. Within two months of the B117 variant being identified in the UK (October) it became the dominant strain circulating there. The CDC is now posting surveillance information on the emergence of the B117 variant in the US: <https://www.cdc.gov/coronavirus/2019-ncov/transmission/variant-cases.html>. Existing vaccines may be less effective against these new strains. The degree to which this may be so is being investigated. Moderna and Pfizer are working on a booster shot to counter these new strains.

-B1526 now accounts for 40% of new cases in NYC

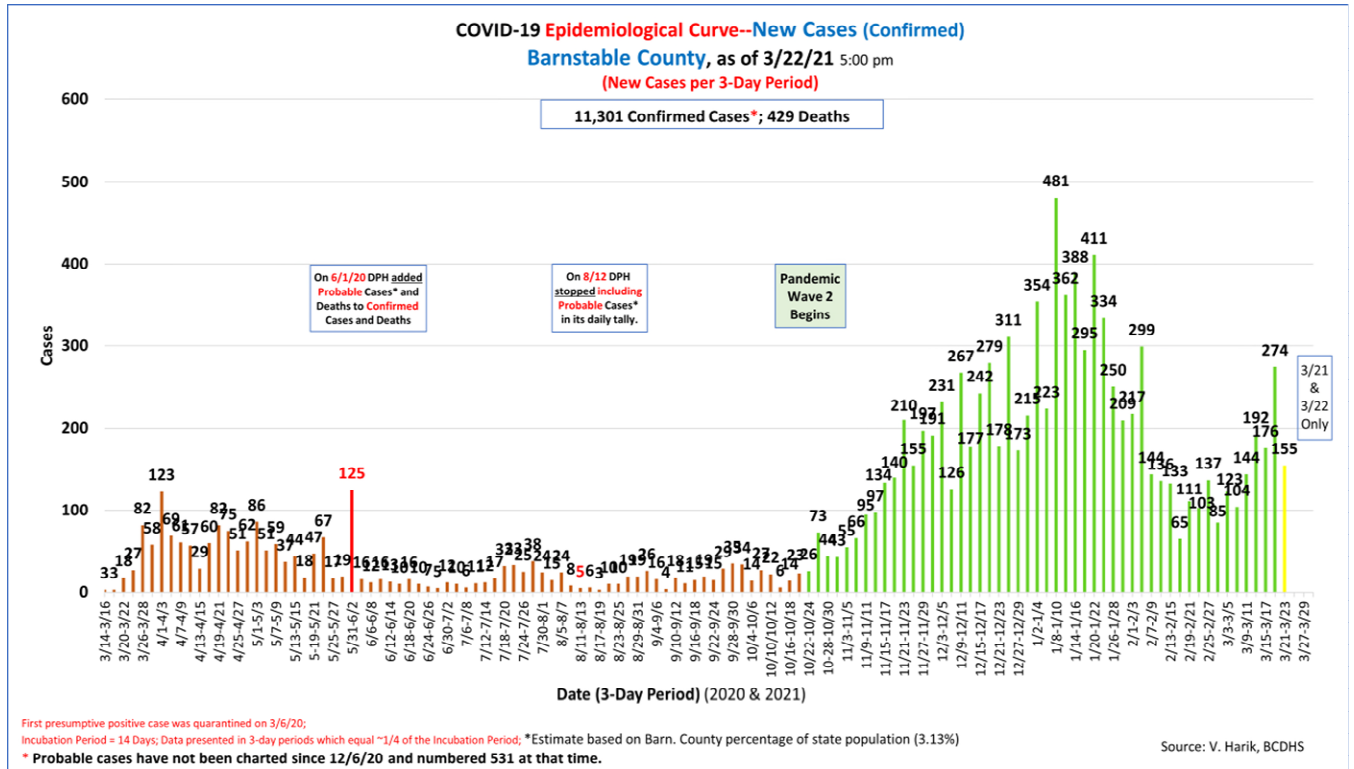
-B117 and B1351 have been identified in Massachusetts.

-The first case of the Brazilian variant P1 has been announced in Massachusetts in Barnstable County.

REPORT DETAIL:

1. New Cases

Daily new case numbers in Barnstable County have moved upward again due to **significant case increases in the towns of Barnstable and Yarmouth. 290 cases** were reported over the weekend (Friday to Sunday, inclusive), nearly 100 more than were reported over the prior weekend. The 7-day average new cases per 100,000 has increased to 36/100K, with Barnstable County acquiring an average of 77 cases per day over the past 7 days. **57** new cases were reported yesterday.



Nantucket's 7-day average cases per 100,000 population (now 27/100K) has dropped since last week but remains high. On average (7-day) Nantucket is now picking up 3 new cases per day. 9 cases were reported over the weekend (Friday to Sunday, inclusive) and 4 more cases were reported yesterday.

Martha's Vineyard's 7-day average cases per 100,000 population (11/100K) remains low. On average Dukes County is gaining approximately 2 new cases per day. 2 cases were reported over the weekend (Friday to Sunday, inclusive) and 1 case was reported yesterday.

Trailing 14-Day Testing and Cases by County:

In the context of adequate availability of testing and contact tracing, which our three counties appear to have achieved, a test percent positivity rate below 5% suggests that an outbreak is on the way to containment. Rates below 3% and 1% are further important containment milestones.

Test Positivity Rates (14-day, as of 3/17/21):

Barnstable County: 4.12% (vs. 3.22%) (higher vs. previous fortnight)
Dukes & Nantucket Counties: 2.32% (vs. 1.53%) (higher)

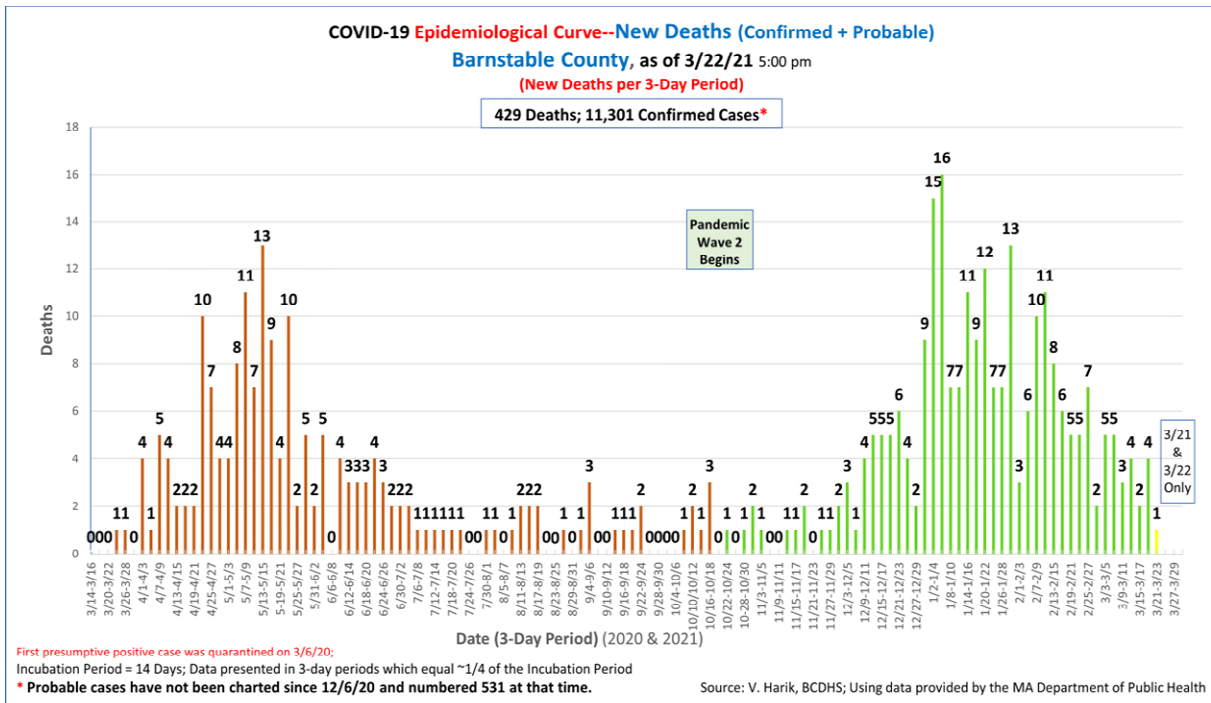
2. Hospitalizations and Fatalities

Hospitalizations and acuity of illness have decreased very significantly since the double peaks of the Wave 2 surge seen in mid-January and early February (corresponding Thanksgiving and Christmas holidays). Cape Cod Hospital and Falmouth Hospital have resumed limited visitation of inpatients.

Hospitalizations, Last Report:		Not Cumulative		Cumulative		3-Day Avg. of Persons in Hosp. (Med/Surg + ICU)	ICU Percent of Beds Occupied
		Hospital Beds Occupied (Last Report)	ICU Beds Occupied (Last Report)	Barnstable County Cases (Confirmed)	Barnstable County Deaths		
3/22/2021	Cape Cod Hospital	18	4	11,301	429	23.0	21%
	Falmouth Hospital	1	1				
		19	5				

Since DPH reporting of hospitalizations has a 2-day lag Tina Shaw of CCHC is providing me with more recent information (thank you Tina). Yesterday afternoon CCHC reported that there were **24 COVID patients in hospital**, 5 of which were in the ICU.

Fatalities: 2 fatalities were reported over the weekend. The total is **429**.



Recent data on COVID fatalities in Barnstable County suggest that residents of **Long Term Care/Skilled Nursing Facilities/Rest Homes** represent **42.5%** of all fatalities (167 of 393 fatalities, as of 2/25/21). This is a **lower** percentage than that seen during phase 1 of the pandemic last spring (over 65%), and **this percentage continues to fall**.

Indeed, between 1/5/21 and 2/23/21 only 20% of the County's 137 fatalities occurred among LTC residents.

This month marks the one-year **anniversary** of the recognition of the first COVID case in Massachusetts. In year 1 of this pandemic the **Barnstable County Case Fatality Rate (CFR) is 4%**, behind only Berkshire and Franklin Counties (which are also remote, rural locales), and is markedly higher than **the state CFR (2.8%)**.

3. Schools and Childcare Centers

School districts are staying vigilant and reacting well to new cases. School districts on the Cape and Islands are in a hybrid learning status, **however DESE Commissioner Jeffrey Riley has announced plans which will compel schools to return to 100% in-person learning, starting with elementary schools, in April. As such (and noted elsewhere), school and childcare teachers and staff became eligible for vaccinations on 3/11.**

DESE and the DPH (memo of 1/8/21) announced that they are seeking to introduce COVID-19 screening testing using a pooled strategy in the school setting. Schools may elect to participate by responding to a survey that DESE/DPH have posted. The status of this initiative is unclear at this time.

~~For the 2020-2021 school year the DPH has mandated that all school children be vaccinated for seasonal influenza. This week the DPH extended the deadline for doing so from 12/31/20 to 2/28/21. This mandate has been canceled by the DPH.~~

4. Testing

Additional testing locations in Barnstable County for both symptomatic and asymptomatic persons remain open in **Falmouth** at the Fairgrounds and in **Hyannis** at Cape Cod Hospital (the Melody Tent site has been given over to vaccination clinics). Daily testing capacity is 50 at the Falmouth site and 350 at the Hyannis site. Neither site is open daily and persons must call ahead for an appointment. Details: <https://www.capecodhealth.org/medical-services/infectious-disease/coronavirus/covid-19-testing-process/>.

In late December additional testing by **Outer Cape Community Health Services** began and continues at its 3 locations in Wellfleet, Harwich Port, and Provincetown (<https://outercape.org/2020/12/23/outer-cape-health-services-to-offer-covid-19-asymptomatic-testing-beginning-december-23/>). The **Community Health Center of Cape Cod** is also offering testing at its locations. These sites may not open be daily and persons must call ahead for an appointment.

Eligibility criteria for the testing include residency in Barnstable County. Testing is done by appointment only. Tests cost \$75, \$110 for travel-related tests, and no one will be turned away if unable to pay for a test.

DPH-mandated **routine testing** in skilled nursing facilities/long term care settings (SNF/LTC) continues. This provides critical surveillance and allows these facilities to stay ahead of asymptomatic spread amongst staff and residents. Routine testing in SNF/LTC settings is conducted weekly for staff.

In addition, the State's **BinaxNOW rapid testing program** (available to **schools**) has been extended to visitors of **nursing homes** and rest home residents (LTC settings) to allow visitation of residents while limiting the risk of infection from visitors. DPH has published guidance on this. The program has also been extended to **homeless shelters** and management of these facilities may apply to the EEC and DPH for testing kits.

5. Weekly Town Risk and Statewide Cluster Analyses

MA DPH Data Dashboard, WEEKLY REPORT of 3/18/21 (for the Period 2/28/21 to 3/13/21)										
City/Town	Population	(March 2020 to Present) Total Case Count	Case Count Last 14 Days	Average Daily Incidence Rate per 100K	Relative Change in Case Count	(March 2020 to Present) Total Tests	Total Tests Last 14 Days	Positive Tests Last 14 Days	Percent Positivity Last 14 Days	Change in Percent Positivity
Barnstable	44,773	3,283	283	45.1	Higher	64,532	3,954	296	7.49%	Higher
Bourne	21,026	1,077	44	14.9	Lower	37,211	2,395	56	2.34%	No Change
Brewster	9,926	392	16	11.5	Higher	16,134	799	16	2.00%	Higher
Chatham	5,830	276	16	19.6	No Change	8,042	365	17	4.66%	Higher
Dennis	13,088	601	31	16.9	Higher	16,939	899	32	3.56%	Higher
Eastham	4,603	134	12	18.6	Lower	4,522	261	14	5.36%	Lower
Falmouth	31,190	1,245	50	11.5	Lower	53,504	2,801	60	2.14%	Lower
Harwich	12,589	606	23	13.1	Higher	16,828	850	26	3.06%	Higher
Mashpee	15,535	666	32	14.7	No Change	22,118	1,344	41	3.05%	Higher
Orleans	5,620	260	13	16.5	Higher	6,483	368	15	4.08%	Higher
Provincetown	2,583	69	7	19.4	Higher	4,484	223	8	3.59%	Higher
Sandwich	21,078	945	47	15.9	Lower	26,352	1,691	54	3.19%	Lower
Truro	1,968	39	1	3.6	Higher	1,965	111	1	0.90%	Higher
Wellfleet	2,760	61	5	12.9	Higher	2,895	199	6	3.02%	Higher
Yarmouth	24,062	1,218	89	26.4	Higher	34,340	1,615	95	5.88%	Higher
Barnstable County	216,629	10,872	669	22.1	Higher	316,349	17,875	737	4.12%	Higher
Aquinnah	261	1	0	0	No Change	517	10	0	0%	No Change
Chilmark	759	16	1	9.4	Lower	3,543	139	1	0.72%	Lower
Edgartown	4,086	264	3	5.2	Lower	11,306	552	3	0.54%	Lower
Gosnold	45	5	0	0	No Change	127	2	0	0%	No Change
Oak Bluffs	5,209	236	7	9.6	Lower	7,656	334	9	2.69%	Higher
Tisbury	4,174	265	5	8.6	Lower	14,238	616	5	0.81%	Lower
West Tisbury	2,871	94	1	2.5	Lower	5,051	227	1	0.44%	Lower
Dukes County	17,404	886	18	7.0	Lower	42,438	1,880	19	1.01%	Lower
Nantucket	11,416	1,221	58	36.3	Higher	24,494	1,485	59	3.97%	Higher
Dukes and Nantucket Counties	28,820	2,105	75	18.6	Higher	66,932	3,365	78	2.32%	Higher
State	6,964,383	572,278	19,036	19.5	Lower	17,607,605	1,193,281	21,789	1.83%	No Change
Data Source: MA DPH, 3/18/21 Weekly COVID Report (https://www.mass.gov/info-details/covid-19-response-reporting); Analysis: V. Harik BCDHS.										
Massachusetts COVID Testing Rates, As Applied to Barnstable County (Thru 3/13/21)										
Sources: Census.gov; MA DPH Weekly COVID Report, 3/18/21. Analysis: V. Harik, BCDHS										
					MA				Barnstable County	
Population Estimate (via DPH)					6,964,383				216,629	
									Barnstable County % of MA Pop.	3.11%
									Barn. County % of Total MA Tests	1.80%
									Barn. County % of MA Tests, Past Two Weeks	1.50%
									Barn. County % of MA Total Confirmed Cases	1.90%
									Barn. County % of MA Confirmed Cases, Past Two Weeks	3.51%
									MA % Positive Tests Last 14 Days	1.83%
									Barnstable County % Positive Tests Last 14 Days	4.12%

Active COVID Clusters by Exposure Setting Type for the Period 2/14/21 to 3/13/21 (as of 3/18/21)										
Source: https://www.mass.gov/info-details/covid-19-response-reporting . Tabulation: V. Harik, Barnstable County DHS										
Sorted by Number of Cases in New Cluster Settings										
	Exposure Setting	New Clusters			Ongoing Clusters			Total		
		Clusters	Confirmed Cases	Close Contacts	Clusters	Confirmed Cases	Close Contacts	Clusters	Confirmed Cases	Close Contacts
		(Identified 2/14/21 – 3/13/21)			(Cluster Identified Prior to 2/14/21 But Not Meeting Criteria for Closing)					
1	Household	6,148	15,670	0	17,174	2,426	0	23,322	18,096	0
2	Child Care	72	245	240	219	162	162	291	407	402
3	Colleges & Universities	31	224	89	59	65	51	90	289	140
4	Long Term Care Facilities	25	91	0	121	248	0	146	339	0
5	K-12 Schools	15	74	82	36	3	45	51	77	127
6	Organized Athletics/Camps	14	66	174	59	14	85	73	80	259
7	Restaurants & Food Courts	15	63	21	27	8	4	42	71	25
8	Industrial Settings	11	57	6	41	54	55	52	111	61
9	Social Gatherings	9	52	39	13	7	13	22	59	52
10	Retail & Services	9	40	2	42	25	8	51	65	10

6. Vaccination

Groups eligible for vaccination now are those in Phase 1, and Phase 2 age 60+, K-12 and early education/childcare teachers and staff, and certain workers (formerly termed essential workers; see table below), **depending upon availability of vaccine.**

Caregivers (regardless of age) **accompanying a 75+ person to their vaccination appointment** remain eligible for vaccination and can receive vaccination under these circumstances at DPH mass vaccination sites. Local vaccination clinics may also allow this, but most are not doing so because of constrained vaccine supplies.

The DPH has released the [timeline by which all remaining groups will become eligible for vaccination](#):

Timeline for remaining groups:

March 22nd : Residents 60+ and certain workers (see <https://www.mass.gov/info-details/covid-19-vaccinations-for-certain-workers>)

April 5th : Residents 55+ and residents with one certain medical condition

April 19th: General public ages 16 years of age and older

The following workers become eligible for vaccination on March 22, 2021:	
Worker category	Definition / examples (if applicable)
Restaurant or cafe workers	Cooks, servers, maintenance staff, managers, cashiers
Food, meatpacking, beverage, agriculture, consumer goods, retail, or food service workers	All staff involved in the production, processing, storage, transport, wholesale and retail sale, preparation, and service of food and consumer goods, including farm and other agricultural workers, including farm stand and nurseries
Grocery and convenience store workers	Cashiers, baggers, stockers, managers, maintenance staff, security staff
Food pantry workers or volunteers	
Medical supply chain workers	Workers directly involved in the manufacturing and production, packaging, transport, quality control, and sale of materials critical to the delivery of medical care
Vaccine development workers	Workers directly involved in research, development, manufacturing and production, packaging, transport, quality control, and sale of vaccines (COVID-19 and others)
Transit/transportation workers	Drivers/operators, attendants, sales, administrators, maintenance staff, public and private bus, train/subway, passenger boat/ferries, passenger air, and automobile (including rental car, car service/limousine, taxi, and ride apps) transportation, bridge and road construction and maintenance workers, shipping port and terminal workers, commercial transportation
Public works, water, wastewater, or utility workers	Utility: Electrical generation and supply system, natural gas delivery, nuclear power plant, water supply, telephone, cable/fiber optical/broadband/cellular service workers Public works including street repair, street lighting, public park, beach, and trail maintenance workers.
Sanitation workers	Drivers, solid waste handlers, recycling staff, street cleaners, sewer and storm water system workers
Public health workers	Public-facing federal, state, and local governmental public health workers
Court system worker (judges, prosecutors, defense attorneys, clerks), other than court officers who are listed under first responders	Criminal court workers, including judges, prosecutors, public defenders, private defense attorneys, clerks, maintenance workers
Funeral directors and funeral workers	Funeral directors/morticians, other funeral workers (funeral home staff, drivers, maintenance workers, cemetery workers, funeral cosmetology workers)

Vaccination at local clinics during Phase 2 is by appointment only and **appointments are announced and able to be scheduled once County and local health authorities are sure of vaccine availability from the DPH.** The public is being given notice of planned vaccination clinics for eligible persons in Phase 2.

Appointments (<https://www.cic-health.com/vaccines-location>) may not be immediately available due to overwhelming demand and still-limited supply of vaccine from the manufacturers. **Appointments for local vaccination clinics are only being scheduled once County and local health authorities can be sure of vaccine availability from the DPH.** The public is being given notice of planned vaccination clinics for eligible persons in Phase 2.

Vaccination is available at several **State-run mass vaccination sites** around Massachusetts. The closest ones to Cape Cod are at **Gillette Stadium in Foxboro and in Dartmouth.** Appointments can be scheduled by visiting <https://www.cic-health.com/vaccines-location>, or calling **2-1-1** and following the prompts if the citizen does not have access to/or cannot operate on the internet.

-Plans for 4-5 sub-regional mass vaccination sites on Cape Cod, for operation during Phase 2, are in place. A **Cape Cod Regional Vaccine Consortium** has been established via a partnership between the Barnstable County Health Dept, Local Town Boards of Health (LBOHs), Community Health Centers (CHCs), and Cape Cod Healthcare, and has received support from the DPH. The Consortium has established a **vaccination site at Cape Cod Community College** and is also working with LBOHs and CHC to **organize in-reach to homebound persons** to vaccinate them. **The DPH is responsible for providing sufficient vaccine in order for the Consortium to reach its full potential.**

Harbor Health Services, Inc. (Hyannis) will join the other three Federally Qualified Community Health Centers on Cape Cod in offering **vaccination clinics.**

The State has contracted with **CVS and Walgreens** to arrange vaccination of **older adults in SNFs/congregate care.** **CVS, Walgreens, and Stop & Shop pharmacies** are also scheduling vaccinations for the groups in Phase 2, again depending upon vaccine supply.

The DPH has is reporting vaccination progress age group and by town.

Massachusetts Department of Public Health COVID-19 Dashboard – Thursday, March 11, 2021

Individuals with at Least One Dose Administered by County and Age Group, as of 3/9/21

Source: Data, MA DPH; Analysis, V. Harik, Barnstable County Dept. of Human Services

Barnstable County	0-19 Years	20-29 Years	30-39 Years	40-49 Years	50-59 Years	60-64 Years	65-69 Years	70-74 Years	75+ Years	Total
Total Population by Age Bracket	36,252	22,041	18,884	19,841	31,497	20,219	20,609	18,355	28,931	216,629
Age Bracket % of County Pop.	17%	10%	9%	9%	15%	9%	10%	8%	13%	
Persons in Age Group with at Least One Dose	96	2,204	3,210	3,968	6,929	5,055	10,511	10,462	23,434	65,870
Percent of Age Group with at Least One Dose	0.26%	10%	17%	20%	22%	25%	51%	57%	81%	30%
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* Due to privacy concerns, vaccination figures are suppressed where less than 30 persons are vaccinated.

7. COVID Mutation and Changes in Transmissibility/Virulence/Other

The emergence of a variant of the COVID-19 virus in the UK, classified as B.1.1.7, was identified in September and publicized in early December. Reports hold that B117 is 50% - 70% more contagious than our predominant variant now circulating (D614G). Within three months of the variant being identified in the UK it became dominant strain circulating there. Additional variants of concern have emerged internationally: B1351 (South Africa) and Brazil (P1) which are also highly transmissible. An additional variant, B1526, emerged in New York City in November. Its features are being studied.

All variants appear to be significantly more transmissible than the virus which dominated Wave 1 of the pandemic.

The first three variants are spreading globally and have been detected in the US. The B1526 (NYC) variant now accounts for 40% of new cases in New York City. The B117, B1351, and P1 variants have been identified by the DPH as being in circulation in MA. The first case with the P1 variant was identified last week in Barnstable County.

Researchers are working to determine if the variants differ from D614G (the Wave 1 configuration) in terms of: 1. How sick people become, 2. If natural immunity is different following infection with D614G, and 3. If immunity from vaccination differs since the vaccine was developed during the period that D614G has been predominant. The existing vaccines may be less effective against the new strains. Moderna and Pfizer are working on booster shots to counter these new strains.

The CDC is posting surveillance information on the emergence of the variants in the US: <https://www.cdc.gov/coronavirus/2019-ncov/transmission/variant-cases.html>.

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OLD BUSINESS

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Joseph F. Powers, *Town Administrator*
Meggan M. Eldredge, *Assistant Town Administrator*

732 MAIN STREET, HARWICH, MA

MEMO

TO: Board of Selectmen

FROM: Joseph F. Powers, *Town Administrator*

CC: Carol F. Coppola, CPA, CFE - Finance Director
Meggan M. Eldredge, Assistant Town Administrator

RE: Updates and corrections on 2021 Annual Town Meeting Warrant

DATE: March 29, 2021

The following list represents edits, deletions and other changes to the draft 2021 Annual Town Meeting warrant following your meeting on March 24th.

- Article 3 - Page 8 – Estimated cost corrected to read \$128,530
- Article 11 – Page 13 – Article explanation changed to reflect Article 41
- Article 17 – This was the old Article 44
- Article 21 – Page 20 – Words “or equivalent” added after “Front-End Loader”
- Article 25 – Page 23 – Replace the word appropriating with appropriation in the explanation
- Article 27 – Page 24 – Changed \$154,126 to \$161,171 for the three reserve balances
- Article 28 – Page 25 – Corrected estimated cost to \$233,050
- Article 31 – Page 27 – Removed extraneous zero
- Article 33 – Page 29 – The Board voted to HOLD pending further legal review because of replacing “Conservation Commission” with “Board of Selectmen” after the words “said parcel to be held by the”
- Article 36 – Page 31 – Updated to reflect boards vote to recommend indefinite postponement
- Article 38 – Page 33 – Original Article 38 withdrawn and replaced with new Article 38 to be placed in the draft regarding permanent easement for Cellco Partnership
- Article 40 – Page 34 – Article withdrawn
- Article 41 – Article withdrawn

Article 42 – Article withdrawn

Article 43 – Article withdrawn

Article 44 – Is now renumbered to Article 40

Article 45 – Is now renumbered to Article 41

Article 46 – Is now renumbered to Article 42

Article 47 – Is now renumbered to Article 43 and was on HOLD. Now has an estimated cost \$1,074,171

Article 48 – Is now renumbered to Article 44 and has an estimated cost \$500,000

Article 49 – Is now renumbered to Article 45 and estimated cost has been changed to \$21,349

Article 50 – Is now renumbered to Article 46

Article 51 – Is now renumbered to Article 47

Article 52 – Is now renumbered to Article 48

Article 53 – Is now renumbered to Article 49

Article 54 – Article withdrawn

Joe Powers

From: Carol Coppola
Sent: Thursday, March 25, 2021 3:01 PM
To: Joe Powers; Meggan Eldredge
Cc: Danielle Delaney; Patti Macura
Subject: FW: Harwich CPC corrections needed for 2021 Drafted Warrant
Attachments: 2021 Drafted CPC Warrant Corrections.pdf

Hi,

I just received these changes for CPC articles, while I don't agree with many of the changes, I do believe the following should or could be addressed.

Article 25 Estimated Cost: \$233,050 and there is a typo in the 3rd line

Article 26 – renumber 1 – 6

Article 27 – the CPC would like to add the following at the end of the explanation Also known as Each Harwich United Methodist Church Cemetery

They would also like to add wording to include a grant agreement however if the Town owns the property this, in my opinion, would not be appropriate

Article 29 – the CPC would like to add wording to include a grant agreement which has been done in the past

Article 31 – To the title the CPC would like to add Harwich Natural Heritage Trail Project, **Phase 1**

Article 32 – To the title the CPC would like to add Brooks Park Lighting Project, **Phase 5, Part 2**

Article 33 – To the title the CPC would like to add Sand Pond Revitalization Project, **Phase 2**

I don't know why these changes are coming to me but I wanted to make sure you received them.

Carol

From: Jàn Moore [mailto:janmoore8040@gmail.com]
Sent: Thursday, March 25, 2021 1:16 PM
To: Carol Coppola <ccoppola@town.harwich.ma.us>
Cc: Community Preservation Committee <cpc@townofharwich.us>
Subject: Harwich CPC corrections needed for 2021 Drafted Warrant

Hi Carol-

Attached – corrections for CPC Articles of 2021 Drafted Warrant marked with * notations

I'm sending this to you as a heads up (I know you are not responsible for typos) but there are some important changes – Fiscal Years, Estimated cost, and 2 additional projects need grant agreement wording included – Art. #27 Gravestones & Art. #29 Part-time Housing Coordinator.

Thanks,

Jan

Sent from Mail for Windows 10

Drafted 2021 Warrant P.22-29
CPC Articles - #24 - ~~#33~~ - #33

Explanation: The Water Department is seeking funds to support the acquisition of 5 undeveloped parcels off Chatham Road totaling 7.67+/- acres abutting the Chatham Rd. wellfield. Acquisition of these parcels will further support the department's efforts to protect the water supply by limiting development immediately adjacent to the Chatham Road wellfield. The requested funds will be used to support the necessary title research and property acquisition. Funds used for the property acquisition are eligible for 100% reimbursement through Cape Cod Commission DRI funds.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Appropriate Sums of Money from the FY 2022 Estimated Annual Revenues of the
Community Preservation Act Fund

ARTICLE 24: To see if the Town will vote to appropriate the following sums of money from the FY 2022 estimated annual revenues of the Harwich Community Preservation Act Fund as required by the G.L. Chapter 44B and Chapter 149, §298 of the Acts of 2004 as follows:

- A sum of money for the acquisition, creation and preservation of the open space;
- A sum of money for the acquisition, preservation, restoration and rehabilitation of historic resources;
- A sum of money for the acquisition, creation, preservation and support of community housing; and
- A sum of money for the Community Preservation Act Fund FY2022 Undesignated Fund Balance (including Recreation)

and to act fully thereon. By request of the Community Preservation Committee.

<u>Appropriation</u>	<u>FY 2022</u>
Community Housing Reserve	\$154,126.00
Open Space Reserve	\$154,126.00
Historic Preservation Reserve	\$154,126.00
Undesignated Fund Balance Operating Expenses	\$25,000

Explanation:

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Fund Land Bank Debt Service

ARTICLE 25: To see if the Town will vote to appropriate from the Community Preservation Act Funds – \$51,692.06 from the Undesignated Fund Balance and \$181,357.94 from estimated annual revenue for Fiscal Year 2022 for a total of \$233,050 to fund the Land Bank Debt Service. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds – Undesignated Fund Balance, and to act fully thereon. By request of the Community Preservation Committee and the Finance Director. Estimated Cost: ~~\$223,050.~~ **\$233,050***

from undesignated Anticipated Rev

**space*

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Community Preservation Activities under \$50,000

ARTICLE 26: To see if the Town will vote to appropriate from the Community Preservation Act Funds a sufficient sum of money to fund the items in the table below consistent with their respective applications, with each item considered a separate appropriation. Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund from which the appropriation is made as specified in the chart below, and further authorize the Board of Selectmen to enter into grant agreements with the Cape

& Islands Veterans Outreach Center and Community Development Partnership, and to act fully thereon. By request of the Community Preservation Committee. Estimated Cost: \$127,066

Wrong number #

(have to specify)

Item #	Project	Purpose	Amount	Appropriation Source
1	Old Colony Rail Trail Harwich/Chatham Town Border marker project	To delineate town boundaries along the Old Colony Rail Trail	\$1,000.00	Estimated annual revenue for FY 2022 * Undesignated
2*	Lower Cape Housing Institute	Ongoing support of the Cape Housing Institute	\$7,500.00	* FY2022 Community Housing Reserve Anticipated Revenues *
3*	Crossing lights at Depot Road South	Ongoing effort to enhance safety through the Rail Trails	\$15,000.00	Estimated annual revenue for FY 2022 Undesignated *
4*	Veterans Home - Dennis, MA	Support the Cape & Islands Veterans Outreach Center's effort to creating housing; and to authorize the Board of Selectmen to enter into a grant agreement between the Town of Harwich and the Veteran's Outreach Center.	\$15,000.00	Estimated annual revenue for FY 2022 Community Housing Anticipated Rev *
5*	Senior Memorial Field fencing project	Install new fencing at widely used softball field	\$40,181.00	Estimated annual revenue for FY 2022 * Undesignated
6*	Phase I of II for Veterans Memorial Circle at Evergreen Cemetery	Install flags, lighting and related electrical service	\$48,385.00	Estimated annual revenue for FY 2022 * Undesignated
		Total:	\$127,066.00	

* need to add BOS to enter into a grant agreement

East Harwich Methodist Church Cemetery Gravestone Project

ARTICLE 27: To see if the Town will vote to appropriate from Community Preservation Act Funds- estimated annual revenue for Fiscal Year 2022 \$112,200 to support the East Harwich Methodist Church Cemetery Gravestone Project. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds - Undesignated Fund Balance, and to act fully thereon. By request of the Community Preservation Committee and the Cemetery Commission. Estimated Cost: \$112,200.00.

Explanation: The article funds the cleaning, consolidation, repair and/or resetting of grave markers in the East Harwich Methodist Church Cemetery.

* Also known as East Harwich United Methodist Church Cemetery

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:
Yeas: # (number): [Members by Roll Call]
Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:
Yeas: # (number): [Members by Roll Call]
Nays: # (number): [Members by Roll Call]

Brooks Academy Structural Improvement Projects

ARTICLE 28: To see if the Town will vote to appropriate from Community Preservation Act Funds - \$485,734.55 from the Historic Reserve, ~~\$664,265.45~~ from the estimated annual revenue for Fiscal Year 2022, for a total appropriation of \$1,150,000.00, to make structural improvements to Brooks Academy. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Historic Reserve and to act fully thereon. By request of the Community Preservation Committee and the Brooks Academy Museum Commission. Estimated Cost: \$1,150,000.00.

* and Undesign.

Explanation:

* \$184,000 from FY 2022 AD
Historic Anticipated REV * 480,265.45
FY 2022 Undesign. Ant. Rev.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:
Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

* grant agreement needed

Fund a Part-Time Housing Coordinator

Part-time *

ARTICLE 29: To see if the Town will vote to appropriate from Community Preservation Act Funds- \$50,000.00 from the estimated annual revenue for Fiscal Year 2022 to fund the Harwich Affordable Housing Trust Housing Coordinator. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds Housing Reserve, and to act fully thereon. By request of the Community Preservation Committee and the Affordable Housing Trust. Estimated Cost: \$50,000.00.

* Community

Explanation: Annual request to fund a part-time housing coordinator to support the Affordable Housing Trust.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Hinckleys Pond Watershed Preservation Project

ARTICLE 30: To see if the Town will vote to appropriate from Community Preservation Act Funds - \$360,000.00 from the Open Space Reserve to fund the acquisition of a parcel of land located on Headwaters Drive and identified as Assessor's Parcel 81-G1, and costs incidental or related thereto, and to authorize the Board of Selectmen to acquire said parcel for open space and passive recreation purposes by purchase, gift, and/or eminent domain on such terms and conditions as the Board of Selectmen deems in the best interests of the Town, and to grant a conservation restriction thereon to Harwich Conservation Trust and/or any other qualified entity pursuant to G.L. c. 184, §§31-33 and meeting the requirements of G.L. c. 44B, §12(a), with the care, custody and control of said parcel to be held by the Conservation Commission pursuant to the provisions of G.L. c. 40, §8C, Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Open

* FY2022
Open Space

Space Reserve, and to act fully thereon. By request of the Community Preservation Committee and the Real Estate & Open Space Committee. Estimated Cost: \$360,000.00.

Explanation: The goal of this article is to support a partnership between the Town, State, and nonprofit Harwich Conservation Trust (HCT) that will result in the preservation of approximately 31 acres in the Hinckleys Pond/Herring River Watershed to protect water quality, walking trails, land bordering the Cape Cod Rail Trail bike path, scenic views, and wildlife habitat. The following parcels owned by the Jenkins Nominee Trust (9 deeds) would be purchased by the Town, the Commonwealth of Massachusetts, and the Harwich Conservation Trust: Assessor Map 81, Lot G1: Assessor Map 81, Lot G2-1: Assessor Map 81, Lot G2-2: Assessor Map 81, Lot G2-3: Assessor Map 81, Lot G2-4-1: Assessor Map 81, Lot G2-4-2: Assessor Map 81, Lot G3: Assessor Map 81, Lot G3-1

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Harwich Natural Heritage Trail Project

Phase 1



ARTICLE 31: To see if the Town will vote to appropriate from Community Preservation Act Funds - \$150,000 from estimated annual revenue for Fiscal Year 2022 to fund the Natural Heritage Trail Project, including the creation of a wheelchair accessible trail loop off Bank Street for open space and recreational purposes, and further to authorize the Board of Selectmen to enter into a grant agreement with the Harwich Conservation Trust, and further to authorize the Board of Selectmen to acquire a permanent restriction on said land. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Undesignated Fund Balance, and to act fully thereon. By request of the Community Preservation Committee. Estimated Cost: \$150,000.00.

space

Explanation: The Harwich Natural Heritage Trail Project goal is to enhance the recreational and educational experience in Harwich by creating a wheelchair accessible trail loop off Bank Street at HCT's Robert F. Smith Cold Brook Preserve, which is also the site of a HCT/Town ecological restoration partnership. Harwich residents and visitors will be able to enjoy passive recreational opportunities (walking, birdwatching, dog walking, photography, and more) in a scenic and ecologically restored destination between Harwich Center and downtown Harwich Port.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Brooks Park Lighting Project, * Phase 5, Part 2

ARTICLE 32: To see if the Town will vote to appropriate from Community Preservation Act Funds - \$125,000 from estimated annual revenue for Fiscal Year 2022 to fund the Brooks Park Lighting Project. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Undesignated Fund Balance, and to act fully thereon. By request of the Community Preservation Committee and the Recreation & Youth Commission. Estimated Cost: \$125,000.00.

Explanation:

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Sand Pond Revitalization Project, Phase 2 *

ARTICLE 33: To see if the Town will vote to appropriate from Community Preservation Act Funds - \$83,500.00 from estimated annual revenue for Fiscal Year 2022 to fund the rehabilitation and restoration of Sand Pond, which is a recreational facility owned by the

Town of Harwich. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Undesignated Fund Balance, and to act fully thereon. By request of the Community Preservation Committee and the Recreation & Youth Commission. Estimated Cost: \$83,500.00.

Explanation:

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

End of CPC warrant
Articles
in this draft

pc 29

VOTING PROCEDURES

- I A quorum, 150 registered voters, must be present in order to conduct business. The only motion in order when no quorum is present is a motion to adjourn.
- II A two-thirds majority of the Town Meeting shall be required for inclusion of any Capital Outlay, unless it was included in the Capital Outlay Plan adopted at the preceding Town Meeting.
- III All motions introduced at the Town Meeting shall be in writing when required by the Moderator.
- IV Voters are limited to two times speaking on any one question; the total time speaking not to exceed 10 minutes.
- V Only registered voters shall occupy the meeting “floor”.
- VI No voter will be allowed to speak until he or she is recognized by the Moderator.
- VII Motion requiring more than a simple majority to pass:
 - A. To reconsider a vote on a motion – $\frac{3}{4}$ majority (this motion must be made prior to the next adjournment of the meeting).
 - B. To consider articles in an order other than as appears on the warrant – $\frac{3}{4}$ majority.
 - C. To pay unpaid bills – $\frac{4}{5}$ majority at the Annual Town Meeting, $\frac{9}{10}$ majority at a Special Town Meeting.
 - D. To move the previous question (terminate debate) – $\frac{3}{4}$ majority.
- VIII Quorum cannot be questioned after a motion has been made and seconded.

MOTION CHART Section 1-211
(Application of Rules is indicated by an X)

Motions	Debatable	Non Debatable	Amendable	Non Amendable	Second Required	Second Not Required	Majority Vote	2/3 Vote	¾ Vote	May Reconsider	Cannot Reconsider
Adjourn		X		X	X		X				X
Adjourn (in a time certain)	X		X		X		X			X	
Amendment	X		X		X		X			X	
Adopt a Resolution	X		X		X		X				X
Accept & Adopt	X		X		X		X ¹			X	
Postpone Indefinitely	X			X	X		X			X	
Previous Question Terminate Debate		X		X	X			X			X
Reconsider ²	X			X	X			X			X
Consider Articles Out of Order	X		X		X			X			X
Point of Order		X				X					
1. Unless a greater than simple majority required by General Laws of Town of Harwich by-laws.											
2. See section 1.207											

TAX RATE CHART

THE CHART BELOW SHOWS THE AMOUNT OF MONEY REQUIRED TO CHANGE
THE FY 2022 TAX RATE

TAX RATE CHANGE IN \$/1000	DOLLARS REQUIRED
\$0.01	\$56,835
\$0.05	\$284,175
\$0.10	\$568,349
\$0.15	\$852,524
\$0.20	\$1,136,699
\$0.25	\$1,420,874
\$0.30	\$1,705,048
\$0.35	\$1,989,223
\$0.40	\$2,273,398
\$0.45	\$2,557,572
\$0.50	\$2,841,747
\$0.55	\$3,125,922
\$0.60	\$3,410,096
\$0.65	\$3,694,271
\$0.70	\$3,978,446
\$0.75	\$4,262,621
\$0.80	\$4,546,795
\$0.85	\$4,830,970
\$0.90	\$5,115,145
\$0.95	\$5,399,319
\$1.00	\$5,683,494

MUNICIPAL FINANCE TERMS

APPROPRIATION: An authorization granted by a town meeting, city council or other legislative body to expend money and incur obligations for specific public purposes. An appropriation is usually limited in amount and as to the time period within which it may be expended.

AVAILABLE FUNDS: Balances in the various fund types that represent nonrecurring revenue sources. As a matter of sound practice, they are frequently appropriated for unforeseen expenses, capital expenditures, or other one-time costs. Examples of available funds include free cash, stabilization funds, overlay surplus, water surplus, and retained earnings.

CHERRY SHEET: Named for the cherry-colored paper on which they were originally printed, the Cherry Sheet is the official notification to cities, towns, and regional school districts of the next fiscal year's state aid and assessments. The aid is in the form of distributions, which provide funds based on formulas and reimbursements that provide funds for costs incurred during a prior period for certain programs or services.

FREE CASH: Remaining, unrestricted funds from operations of the previous fiscal year, including unexpended free cash from the previous year, actual receipts in excess of revenue estimated on the tax recapitulation sheet, and unspent amounts in budget line items. Unpaid property taxes and certain deficits reduce the amount that can be certified as free cash.

OVERLAY (Overlay Reserve, or Allowance for Abatements and Exemptions): An account that funds anticipated property tax abatements, exemptions, and uncollected taxes. Additions to the overlay reserve need not be funded by the normal appropriation process but instead raised on the tax rate recapitulation sheet.

RESERVE FUND: An amount (not to exceed 5 percent of the tax levy for the preceding year) set aside annually within a community's budget to provide a funding source for extraordinary or unforeseen expenditures. In a town, the finance committee can authorize transfers from this fund for "extraordinary or unforeseen" expenditures. Other uses of the fund require budgetary transfers by town meeting.

STABILIZATION FUND: A fund designed to accumulate amounts for capital and other future spending purposes, although it may be appropriated for any lawful purpose (MGL c. 40 § 5B). Communities may establish one or more stabilization funds for different purposes and may appropriate any amounts into them. A two-thirds vote of town meeting is required to establish, amend the purpose of, or appropriate money from a stabilization fund. A majority vote of town meeting is required to appropriate money into a stabilization fund.

MUNICIPAL FINANCE TERMS RELATED TO CAPITAL IMPROVEMENTS

CAPITAL ASSETS: – Any tangible property used in the operation of government that is not easily converted into cash and that has an initial useful life extending beyond a single financial reporting period. Capital assets include land and land improvements; infrastructure, such as roads, bridges, water and sewer lines; easements; buildings and building improvements; vehicles, machinery and equipment. Communities typically define capital assets in terms of a minimum useful life and minimum initial cost.

CAPITAL BUDGET: An appropriation or spending plan that uses borrowing or direct outlay for capital or fixed asset improvements. Among other information, a capital budget should identify the method to finance each recommended expenditure (e.g., tax levy or rates) and identify those items that were not recommended.

CAPITAL IMPROVEMENTS PROGRAM: – A blueprint for planning a community's capital expenditures that comprises an annual capital budget and a five-year capital plan. It coordinates community planning, fiscal capacity, and physical development. While all the community's needs should be identified in the program, there is a set of criteria that prioritize the expenditures.

CAPITAL OUTLAY: The exchange of one asset (cash) for another (capital asset) with no ultimate effect on net assets. Also known as "pay as you go," it is the appropriation and use of available cash to fund a capital improvement, as opposed to incurring debt to cover the cost.

FIXED ASSETS: – Long-lived, tangible assets, such as buildings, equipment and land, obtained or controlled as a result of past transactions or circumstances.

MUNICIPAL FINANCE TERMS RELATED TO PROPOSITION 2 ½ TERMS

Chapter 59, Section 21C of the Massachusetts General Laws commonly referred to as Proposition 2 ½ (Prop. 2 ½) or the Tax Limiting Law for Cities and Towns in Massachusetts.

CAPITAL OUTLAY EXPENDITURE EXCLUSION: A temporary increase in the tax levy to fund a capital project or to make a capital acquisition. Such an exclusion requires a two-thirds vote of the selectmen or city council (sometimes with the mayor's approval) and a majority vote in a communitywide referendum. The exclusion is added to the tax levy only during the year in which the project is being funded and may increase the tax levy above the levy ceiling.

CONTINGENT APPROPRIATION: An appropriation that authorizes spending for a particular purpose only if subsequently approved in a voter referendum. Under MGL c. 59 § 21C (m), towns may make appropriations from the tax levy, available funds, or borrowing contingent on the subsequent passage of a Proposition 2½ override or exclusion question for the same purpose. If initially approved at an annual town meeting, voter approval of the contingent appropriation must occur by September 15. Otherwise, the referendum vote must occur within 90 days after the town meeting dissolves. The question may be placed before the voters at more than one election, but if the appropriation is not approved by the applicable deadline, it is null and void. If contingent appropriations are funded through

property taxes, DLS cannot approve the tax rate until the related override or exclusion question is resolved or the deadline passes, whichever occurs first.

DEBT EXCLUSION: An action taken by a community through a referendum vote to raise the funds necessary to pay debt service costs for a particular project from the property tax levy but outside of the limits under Proposition 2^{1/2}. By approving a debt exclusion, a community calculates its annual levy limit under Proposition 2^{1/2}, then adds the excluded debt service cost. The amount is added to the levy limit for the life of the debt only and may increase the levy above the levy ceiling.

LEVY: The amount a community raises through the property tax. The levy can be any amount up to the levy limit, which is reestablished every year in accordance with Proposition 2^{1/2} provisions.

LEVY CEILING: – A levy ceiling is one of two types of levy (tax) restrictions imposed by MGL c. 59 § 21C (Proposition 2^{1/2}). It states that, in any year, the real and personal property taxes imposed may not exceed 2^{1/2} percent of the total full and fair cash value of all taxable property. Property taxes levied may exceed this limit only if the community passes a capital exclusion, debt exclusion, or special exclusion.

LEVY LIMIT: A levy limit is one of two types of levy (tax) restrictions imposed by MGL c. 59 § 21C (Proposition 2^{1/2}). It states that the real and personal property taxes imposed by a city or town may only grow each year by 2^{1/2} percent of the prior year's levy

NEW GROWTH: The additional tax revenue generated by new construction, renovations and other increases in the property tax base during a calendar year. It does not include value increases caused by normal market forces or revaluations.

OVERRIDE: A vote by a community at an election to permanently increase the levy limit. An override vote may increase the levy limit no higher than the levy ceiling. The override question on the election ballot must state a purpose for the override and the dollar amount.

OVERRIDE CAPACITY: The difference between a community's levy ceiling and its levy limit. It is the maximum amount by which a community may override its levy limit.

Note: The glossary definitions found on pages 4, 5 and 6 of this Warrant were derived from the *Municipal Glossary* published the Division of Local Services (January 2020).

The entire glossary can be found at:

<https://www.mass.gov/info-details/municipal-governance-training-and-resources>

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF HARWICH
ANNUAL TOWN MEETING
May 8, 2021**

BARNSTABLE, ss:

To either of the Constables of the Town of Harwich in said county,

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in elections and Town affairs to meet at the Monomoy Regional High School Stadium Field, 75 Oak Street in said Town on Saturday, May 8, 2021 at 10:00 A.M., then and there to act on the following articles:

ARTICLES

TOWN OFFICERS AND COMMITTEES

ARTICLE 1: To choose various Town Officers and Committees.

FINANCE COMMITTEE RECOMMENDS THIS CUSTOMARY ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-#, NO-#

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

REPORTS OF TOWN OFFICERS AND COMMITTEES

ARTICLE 2: To hear reports of all Town Officers and Committees for the year 2020.

FINANCE COMMITTEE RECOMMENDS THIS CUSTOMARY ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-#, NO-#

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

ELECTED OFFICIALS SALARIES

ARTICLE 3: To see if the Town will vote the salaries of the Elected Officials of the Town for fiscal year commencing July 1, 2021 and ending June 30, 2022 as follows and to act fully thereon. Estimated cost: \$128,503.00.

Selectmen (5)	\$2,400 each
Moderator	\$1,000
Water & Wastewater Commissioners (5)	\$1,000 each
Library Trustees (7)	\$1,000 each
Town Clerk	\$103,503

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

TOWN OPERATING BUDGET

ARTICLE 4: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow such sums of money as may be required to defray Town charges for Fiscal Year 2022, and to act fully thereon. By request of the Board of Selectmen. (BUDGET – APPENDIX B). Estimated Cost: \$39,027,463.00.

OPERATING BUDGET	
Betterments	\$61,287
Cable Fund	\$210,100
Community Preservation Act (CPA)	\$233,050
FEMA	\$13,855
Free Cash	\$560,331
Golf Improvement	\$104,950
Overlay Surplus	\$200,000
State Aid	\$667,067
Water Enterprise	\$727,304
Wastewater Enterprise	\$31,446
SUBTOTAL	\$2,809,390
Local Receipts	\$12,680,198
Taxes	\$23,537,875
OPERATING BUDGET	\$39,027,463

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

MONOMOY REGIONAL SCHOOL DISTRICT BUDGET

ARTICLE 5: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow such sums of money as may be required to pay for the Monomoy Regional School District Assessment for Fiscal Year 2022, and to act fully thereon. By request of the Monomoy Regional School Committee. Estimated cost: \$27,361,049.00.

MONOMOY REGIONAL SCHOOL DISTRICT BUDGET	
Operating Budget	\$25,043,128
Transportation	\$591,564
Capital	\$273,260
Debt	\$1,453,097
TOTAL	\$27,361,049

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

CAPE COD REGIONAL TECHNICAL SCHOOL DISTRICT BUDGET

ARTICLE 6: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money as may be required to pay for the Cape Cod Regional Technical High School District Assessment for Fiscal Year 2021, and to act fully thereon. By request of the Cape Cod Regional Technical High School District. Estimated cost: \$1,536,309.00.

CAPE COD REGIONAL TECHNICAL SCHOOL DISTRICT BUDGET	
Operating Budget	\$1,026,670
Debt	\$509,639
TOTAL	\$1,536,309

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

WATER DEPARTMENT BUDGET

ARTICLE 7: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow such sums of money as may be required to defray the Water Department Operating Budget for Fiscal Year 2022, and to act fully thereon. By request of the Water and Wastewater Commission. Estimated cost: \$4,223,405.00.

WATER OPERATING BUDGET	
Salaries	\$1,279,529
Expenses	\$1,462,195
Debt	\$704,377
Indirect Costs	\$727,304
OPEB	\$50,000
TOTAL	\$4,223,405

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

WASTEWATER DEPARTMENT BUDGET

ARTICLE 8: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow such sums of money as may be required to defray the Wastewater Department Operating Budget for Fiscal Year 2022, and to act fully thereon. By request of the Water and Wastewater Commission. Estimated cost: \$515,331.00.

WASTEWATER OPERATING BUDGET	
Salaries	\$78,099
Expenses	\$405,786
Indirect Costs	\$31,446
TOTAL	\$515,331

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Public, Education & Government (PEG) Access and Cable Related Fund for Public Access

Article 9: To see if the Town will vote to transfer from the PEG Access and Cable Related Funds such sums of money that may be required for the purpose of funding the public access station, Cape Cod Community Media Center, 17 Shad Hole Road, Dennis Port, MA 02639, providing the public access television to citizens of Harwich. Said funds are paid by Comcast to the Town for, and restricted to, use for local programming operations subject and pursuant to MGL c. 44 § 53F ¾; and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$150,994.00.

Explanation: To be funded from the PEG Access and Cable Related Fund. The Town of Harwich receives funding from Comcast subscriber fees to fund and maintain Public, Education, and Government television stations (PEG access) and which may be used only for such local programming purposes. Under a new cable license agreement with Comcast the Town will allocate funds directly to Cape Cod Community Media Center. The funding was previously paid directly from Comcast to Cape Cod Community Media Center to provide local and regional programming as well as access to equipment, training, use of local channels for the benefit of Harwich residents and the Town. The appropriation sum has been based on FY20 actual revenue paid by Comcast into the fund.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:
Yeas: # (number): [Members by Roll Call]
Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:
Yeas: # (number): [Members by Roll Call]
Nays: # (number): [Members by Roll Call]

Lease Purchase Agreements

ARTICLE 10: To see if the Town will vote to enter into various lease purchase financing agreements for town equipment included in the operating budget for FY 2022, said leases may be for a term not to exceed the useful life of the equipment as determined by the Board of Selectmen; or to act fully thereon. By request of the Board of Selectmen.

Explanation:

The Municipal Modernization Act of 2016 allows the Town to enter into a tax exempt lease purchase agreement for a period in excess of three years as a means of financing equipment purchases. The statute requires a recommendation by the Town Administrator and a two-thirds vote of Town Meeting.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:
Yeas: # (number): [Members by Roll Call]
Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:
Yeas: # (number): [Members by Roll Call]
Nays: # (number): [Members by Roll Call]

Adopt the Capital Plan

ARTICLE 11: To see if the Town will vote to adopt the Capital Plan for the ensuing five year period as proposed by the Board of Selectmen and set forth below or as amended by vote of the Town Meeting, and to act fully thereon. By request of the Board of Selectmen.

CAPITAL PLAN (APPENDIX C)

Explanation: Sections 5 and 6 of Chapter 9 of the Harwich Charter were amended by the voters at the 2020 Annual Town Election. Article 41 of this Town Meeting will codify the intent of Article 36 from the 2019 Annual Town Meeting to establish a Five (5) Year Capital

Plan. At the direction of the Town Administrator, the Capital Outlay Committee established a Five (5) Year Plan covering Fiscal Years 2022 through 2026 for adoption at this Town Meeting.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Capital Items Funded From Free Cash – Items under \$50,000

ARTICLE 12: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to fund the items in the table below included in the FY 2022 Capital Plan, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$18,000.00

Department	Description	Amount
Police	Digital Fingerprint Machine (regular replacement)	\$18,000.00

Explanation:

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Funds for support of ADA-compliant sidewalks through Harwich Center

ARTICLE 13: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sufficient sum of money for the engineering and surveying services necessary for the preparation of plans and bid processes for proposed sidewalks from the Community Center to the Cultural Center; and to act fully thereon. By request of the Board of Selectmen and the Capital Outlay Committee. Estimated cost: \$50,000.00

Explanation: This article resumes efforts to develop ADA-compliant sidewalks from Center (Community Center) to Center (Cultural Center) via Harwich Center. The town will pursue a Community Development Block Grant (CDBG) in FY 2022 when the grant program resumes. The funds from this article will support the necessary site plan design and preparations as well as initial bid process costs in anticipation of receiving a CDBG grant. This article builds upon the grant of \$142,021 received on March 3, 2021 from MA DOT Shared Streets Emergency Grant Program.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Sidewalks from Saquatucket Harbor to Harwich Port

ARTICLE 14: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sufficient sum of money to restore funds for the Walkway Design & Construction Project from Saquatucket Harbor to Harwich Port; and to act fully thereon. By request of the Board of Selectmen and the Capital Outlay Committee. Estimated cost: \$200,000.00

Explanation: This articles restores most of the \$250,000.00 that was voted at the 2018 Annual Town Meeting and returned to the Town to offset a budget deficit exacerbated by COVID-19. The town recently received approval from the Commonwealth of Massachusetts' Department of Transportation to proceed with this project. This article supplements a gift to the town in support of this much-needed and oft-delayed project.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Funds for the MS4 Mandated Stormwater Permitting and Management Program

ARTICLE 15: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sufficient sum of money to support the town's local stormwater permitting and program management; and to act fully thereon. By request of the Board of Selectmen and Capital Outlay Committee. Estimated cost: \$200,000.00.

Explanation: The articles funds the costs necessary for the ongoing stormwater permitting and management program as required by the MassDEP MS4 program.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Brooks Free Library roof replacement

ARTICLE 16: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sufficient sum of money to repair and/or replace the Brooks Free Library roof; and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$148,500.00.

Explanation: The Brooks Free Library's roof was last updated in 1997 with 20-year shingles. This project was originally submitted for the FY 2020 Capital Plan and was

deferred in FY 2021. The estimated costs at that time were \$135,000.00. This request assumes a 10% increase in costs of materials and prevailing wage rates on installation.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Authorize the sale of 5 Bells Neck Road

Article 17: To see if the Town will vote to transfer the care, custody, management and control of the Town-owned property with the building thereon located at 5 Bells Neck Road from the Board of Selectmen for the purpose of leasing to a nonprofit for affordable and market-rate housing and for arts, cultural, educational or other purposes to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey said property on such terms and conditions and for such consideration and purposes as the Board deems in the best interest of the Town, which may include reserving or obtaining a historic preservation restriction on said property, and to hereby rescind the terms, conditions and restrictions placed on the disposition of said property by the votes taken under Article 60 of the 2006 Annual Town Meeting and Article 12 of the Special Town Meeting of May, or to act fully thereon. By request of the Board of Selectmen.

Explanation: Previous efforts to lease this property were not successful. This article would allow the Board of Selectmen to seek Requests for Proposals (RFP) for the outright sale of this property in light of recent interest from several local groups to acquire the property.

Requires a two-thirds vote for adoption

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Public safety radios

ARTICLE 18: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sufficient sum of money to purchase radios for the Fire Department and Police Department; and to act fully thereon. By request of the Board of Selectmen and the Capital Outlay Committee. Estimated cost: \$223,204.00.

Explanation: The radios used by both public safety departments need to be upgraded in conformity with state standards. The anticipated cost for the Police Department radios is \$74,165.00 and for the Fire Department is \$149,039.00 for a total radio replacement cost of \$223,204.00. The Fire Department has applied for a grant FY 2022 from the Commonwealth of MA to offset costs related to this mandated upgrade.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Purchase of a combination Pumper/Ladder Fire Truck

ARTICLE 19: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sufficient sum of money to fund the purchase of combination pumper/ladder fire truck known as a Quint, and all costs incidental and related thereto. The appropriation authorized by this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by M.G.L. c.59 § 21c (Proposition 2 ½) the amounts required to pay the principal of and the interest on any borrowing authorized under this article. And further, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied, and to act fully thereon. By

request of the Board of Selectmen and Capital Outlay Committee. Estimated cost: \$1,138,000.00.

Explanation: The fire department, in an effort to relieve some financial pressure on the capital budget in FY 2020 and 2021, offered the following modification of the Capital plan: Remove the Engine replacement in FY20, accelerate the Ladder replacement in FY24 and purchase a Quint, a vehicle that performs the functions of a ladder and an Engine in FY21. By the time the FY21 budget was being prepared, the estimated cost of the quint had risen to 1.1 million. The manufacturer has indicated that another price increase will happen this month, and the new estimate is \$1,138,500.00. We are working with the representative and reviewing the specifications in the hopes of reducing that number. The passage of a debt exclusion ballot question #1 at the Annual Town Election on Tuesday, May 18, 2021 is also necessary for the purchase of this item.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Fund the FY 2022 Road Maintenance Program

ARTICLE 20: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sufficient sum of money to fund the Road Maintenance Program, and all costs incidental and related thereto. The appropriation authorized by this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by M.G.L. c.59 § 21c (Proposition 2 ½) the amounts required to pay the principal of and the interest on any borrowing authorized under this article. And further, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied, and to act fully thereon. By request of the Board of Selectmen and the Capital Outlay Committee. Estimated cost: \$700,000.00.

Explanation: The capital request for road maintenance for FY 2022 is \$700,000.00. The town anticipates receiving a similar amount from Chapter 90 funds from the Commonwealth. The town's Chapter 90 apportionment for FY 2021 is \$676,736.00. There

is a debt exclusion ballot question #2 regarding this article on the Annual Town Election ballot to be voted on May 18, 2021.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Purchase and Equip Vehicles for the Department of Public Works

Article 21: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sufficient sum of money to purchase and equip the vehicles listed in the table below and further to authorize the Board of Selectmen to dispose of the vehicles listed in the table below if determined to be surplus property; and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$460,000.00.

Purchase and Equip Vehicles	
VEHICLE TYPE	ANTICIPATED COST
Front-End Loader or equivalent	\$200,000.00
6 Wheel Dump Truck or equivalent	\$175,000.00
Ford F-150 Pickup Truck or equivalent	\$50,000.00
Ford E-250 Van or equivalent	\$35,000.00
TOTAL COST	\$460,000.00

Vehicles to be disposed of if determined to be surplus
1991 Elgin Premier
1996 L-70C Front End Loader
2005 Ford F-150
2006 Ford E-250 Van

Explanation: The 1999 Sterling Dump Truck is becoming extremely difficult to find parts for due to its age and the parts we do get are extremely expensive. The front end loader has over 30,000 hours of use or the equivalent of 1,200,000 miles on it. It has been a solid piece of equipment and served the Town well, but it is time to replace it. This is a front line piece of equipment that is used 362 days per year at the Disposal Area and helps generate the \$3.3M in revenue. The average yearly maintenance cost has been \$21,748, indicating that it is time to remove this loader from front line work. The 2005 F-150 is at the end of its useful life

and has 191,102 miles on it. The frame on this 16 year old vehicle is rotted through and may not pass State safety inspections any longer. The 2006 Ford E-250 Building Maintenance van floors and body panels are rusted through. It is questionable whether it will pass a safety inspection this year.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Public, Education & Government (PEG) Access and Cable Related Fund for Hearing Room & Studio Improvements

Article 22: To see if the Town will vote to transfer from the PEG Access and Cable Related Fund such sums of money that may be required to purchase and install studio cameras, lighting, video production hardware/software, and network peripherals in multiple Town Hall and other municipal hearing room locations for improved public meeting coverage subject and pursuant to MGL c. 44 § 53F ¾; and to act fully thereon. By request of the Board of Selectmen. Estimated Cost: \$99,254.00

Explanation: To be funded from the PEG Access and Cable Related Fund.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Land acquisitions for the protection of well head and water supply

Article 23: To see if the Town will vote to authorize the Water and Wastewater Commission to acquire by purchase, gift, eminent domain, or otherwise, five parcels of land, all with an address of 0 Chatham Road, identified as Assessor's Owners Unknown Parcels 43-E7-0,

43-E9-0, 43-E9-A-0,43-E10-0, and 43-E12-0, consisting of 7.76 acres more or less, said parcels to be placed under the care, custody, control, and management of the Water and Wastewater Commission and held for well head and water supply protection purposes; and further to appropriate from Certified Retained Earnings of the Water Enterprise Fund the sum of \$175,000 more or less, for said acquisition, including all costs incidental and related thereto; provided however that said appropriation shall be reduced by the amount of any gifts or grants received under the Cape Cod Commission DRI Grant program or any other grant program made available to the Town at the time of said acquisition;, and further to authorize the Water and Wastewater Commission to apply for any such grants and to enter into all necessary agreements and to take such actions as may be necessary to carry out the purposes of this Article; or to act in relation thereto. By request of the Water and Wastewater Commission. Estimated Cost: \$175,000.00.

Explanation: The Water Department is seeking funds to support the acquisition of 5 undeveloped parcels off Chatham Road totaling 7.76 acres abutting the Chatham Rd. wellfield. Acquisition of these parcels will further support the department's efforts to protect the water supply by limiting development immediately adjacent to the Chatham Road wellfield. The requested funds will be used to support the necessary title research and property acquisition. Funds used for the property acquisition are eligible for 100% reimbursement through Cape Cod Commission DRI funds.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

New source exploration for town water supply

Article 24: To see if the Town if the Town will vote to appropriate from Certified Retained Earnings of the Water Enterprise Fund a sum of money to conduct new source exploration for the Town's water supply, including all costs incidental and related thereto; and to act fully thereon. By request of the Water and Wastewater Commission. Estimated Cost: \$250,000.00.

Explanation: The Water Department is seeking \$250,000 to conduct well exploration in North Harwich. Services rendered through this appropriation will include site review and mapping, installation of 2-inch & 4-inch test wells, well development and pump testing of 4-inch wells, and preparation of Mass DEP Request for Site Examination and Prolonged Test Pumping Proposal. Should a viable production well be identified a future appropriation will be required to install the final well casing and pump house.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Route 28 Water Main Replacement Design

Article 25: To see if the Town if the Town will vote to appropriate from Certified Retained Earnings of the Water Enterprise Fund a sum of money for the design and engineering for the replacement of approximately 1.75 miles of water main replacement on Route 28 between Lower County Road and the Herring River Bridge, including all costs incidental and related thereto; and to act fully thereon. By request of the Water and Wastewater Commission. Estimated Cost: \$500,000.00.

Explanation: The Water Department is seeking \$500,000 for the purpose of preparing plans and specifications for the replacement of approximately 1.75 miles of water main on Route 28 from Lower County Road to the Herring River Bridge. The existing water was installed in the 1940's and is beyond its useful life and the subject of several water main breaks. This segment of water main also contains very few gate valves which requires as many as 25 valves to be closed to isolate and repair the water main after a break leaving larges sections of town without water during the repair. Should this article be approved a future appropriation will be required to complete the work.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Station 8 Generator

Article 26: To see if the Town will vote to appropriate from Certified Retained Earnings of the Water Enterprise Fund a sum of money to purchase, equip, and install a new generator for Station 8, including all costs incidental and related thereto; and to act fully thereon. By request of the Water and Wastewater Commission. Estimated Cost: \$50,000.00.

Explanation: The Water Department is seeking funds to replace a 2005 Generac generator located at Station 8 which provides back-up power to Well #8 and the corrosion control facility on Bat Road. The generator has been in service for 16 years and can no longer be relied upon for back-up power.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Appropriate Sums of Money from the FY 2022 Estimated Annual Revenues of the
Community Preservation Act Fund

Article 27: To see if the Town will vote to appropriate the following sums of money from the FY 2022 estimated annual revenues of the Harwich Community Preservation Act Fund as required by the G.L. Chapter 44B and Chapter 149, §298 of the Acts of 2004 as follows:

- A sum of money for the acquisition, creation and preservation of the open space;
- A sum of money for the acquisition, preservation, restoration and rehabilitation of historic resources;
- A sum of money for the acquisition, creation, preservation and support of community housing; and
- A sum of money for the Community Preservation Act Fund FY2022 Undesignated Fund Balance (including Recreation)

and to act fully thereon. By request of the Community Preservation Committee.

Appropriation
Community Housing Reserve

FY 2022
\$161,171

Open Space Reserve	\$161,171
Historic Preservation Reserve	\$161,171
Undesignated Fund Balance Operating Expenses	\$25,000

Explanation:

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Fund Land Bank Debt Service

Article 28: To see if the Town will vote to appropriate from the Community Preservation Act Funds – \$51,692.06 from the Undesignated Fund Balance and \$181,357.94 from estimated annual revenue for Fiscal Year 2022 for a total of \$233,050 to fund the Land Bank Debt Service. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds – Undesignated Fund Balance, and to act fully thereon. By request of the Community Preservation Committee and the Finance Director. Estimated Cost: \$233,050.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Community Preservation Activities under \$50,000

Article 29: To see if the Town will vote to appropriate from the Community Preservation Act Funds a sufficient sum of money to fund the items in the table below consistent with their respective applications, with each item considered a separate appropriation. Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund from which the appropriation is made as specified in the chart below, and further authorize the Board of Selectmen to enter into grant agreements with the Cape & Islands Veterans Outreach Center and Community Development Partnership, and to act fully thereon. By request of the Community Preservation Committee. Estimated Cost: \$127,066

Item #	Project	Purpose	Amount	Appropriation Source
1	Old Colony Rail Trail Harwich/Chatham Town Border marker project	To delineate town boundaries along the Old Colony Rail Trail	\$1,000.00	Estimated annual revenue for FY 2022
2	Lower Cape Housing Institute	Ongoing support of the Cape Housing Institute	\$7,500.00	Community Housing Reserve
3	Crossing lights at Depot Road South	Ongoing effort to enhance safety through the Rail Trails	\$15,000.00	Estimated annual revenue for FY 2022
4	Veterans Home – Dennis, MA	Support the Cape & Islands Veterans Outreach Center’s effort to creating housing; and to authorize the Board of Selectmen to enter into a grant agreement between the Town of Harwich and the Veteran’s Outreach Center.	\$15,000.00	Estimated annual revenue for FY 2022

5	Senior Memorial Field fencing project	Install new fencing at widely used softball field	\$40,181.00	Estimated annual revenue for FY 2022
6	Phase I of II for Veterans Memorial Circle at Evergreen Cemetery	Install flags, lighting and related electrical service	\$48,385.00	Estimated annual revenue for FY 2022
		Total:	\$127,066.00	

East Harwich Methodist Church Cemetery Gravestone Project

Article 30: To see if the Town will vote to appropriate from Community Preservation Act Funds- estimated annual revenue for Fiscal Year 2022 \$112,200 to support the East Harwich Methodist Church Cemetery Gravestone Project. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds - Undesignated Fund Balance, and to act fully thereon. By request of the Community Preservation Committee and the Cemetery Commission. Estimated Cost: \$112,200.00.

Explanation: The article funds the cleaning, consolidation, repair and/or resetting of grave markers in the East Harwich Methodist Church Cemetery.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Brooks Academy Structural Improvement Projects

Article 31: To see if the Town will vote to appropriate from Community Preservation Act Funds - \$485,734.55 from the Historic Reserve, \$664,265.45 from the estimated annual revenue for Fiscal Year 2022, for a total appropriation of \$1,150,000.00, to make structural improvements to Brooks Academy. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Historic Reserve and to act fully thereon. By request of the Community Preservation Committee and the Brooks Academy Museum Commission. Estimated Cost: \$1,150,000.00.

Explanation:

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Fund a Part-Time Housing Coordinator

Article 32: To see if the Town will vote to appropriate from Community Preservation Act Funds - \$50,000.00 from the estimated annual revenue for Fiscal Year 2022 to fund the Harwich Affordable Housing Trust Housing Coordinator. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Housing Reserve, and to act fully thereon. By request of the Community Preservation Committee and the Affordable Housing Trust. Estimated Cost: \$50,000.00.

Explanation: Annual request to fund a part-time housing coordinator to support the Affordable Housing Trust.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Hinckleys Pond Watershed Preservation Project

Article 33: To see if the Town will vote to appropriate from Community Preservation Act Funds - \$360,000.00 from the Open Space Reserve to fund the acquisition of a parcel of land located on Headwaters Drive and identified as Assessor's Parcel 81-G1, and costs incidental or related thereto, and to authorize the Board of Selectmen to acquire said parcel for open space and passive recreation purposes by purchase, gift, and/or eminent domain on such terms and conditions as the Board of Selectmen deems in the best interests of the Town, and to grant a conservation restriction thereon to Harwich Conservation Trust and/or any other qualified entity pursuant to G.L. c. 184, §§31-33 and meeting the requirements of G.L. c. 44B, §12(a), with the care, custody and control of said parcel to be held by the Board of Selectmen pursuant to the provisions of G.L. c. 40, §8C, Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Open Space Reserve, and to act fully thereon. By request of the Community Preservation Committee and the Real Estate & Open Space Committee. Estimated Cost: \$360,000.00.

Explanation: The goal of this article is to support a partnership between the Town, State, and nonprofit Harwich Conservation Trust (HCT) that will result in the preservation of approximately 31 acres in the Hinckleys Pond/Herring River Watershed to protect water quality, walking trails, land bordering the Cape Cod Rail Trail bike path, scenic views, and wildlife habitat. The following parcels owned by the Jenkins Nominee Trust (9 deeds) would be purchased by the Town, the Commonwealth of Massachusetts, and the Harwich Conservation Trust: Assessor Map 81, Lot G1: Assessor Map 81, Lot G2-1: Assessor Map 81, Lot G2-2: Assessor Map 81, Lot G2-3: Assessor Map 81, Lot G2-4-1: Assessor Map 81, Lot G2-4-2: Assessor Map 81, Lot G3: Assessor Map 81, Lot G3-1

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Harwich Natural Heritage Trail Project

Article 34: To see if the Town will vote to appropriate from Community Preservation Act Funds - \$150,000 from estimated annual revenue for Fiscal Year 2022 to fund the Natural Heritage Trail Project, including the creation of a wheelchair accessible trail loop off Bank Street for open space and recreational purposes, and further to authorize the Board of

Selectmen to enter into a grant agreement with the Harwich Conservation Trust, and further to authorize the Board of Selectmen to acquire a permanent restriction on said land. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Undesignated Fund Balance, and to act fully thereon. By request of the Community Preservation Committee. Estimated Cost: \$150,000.00.

Explanation: The Harwich Natural Heritage Trail Project goal is to enhance the recreational and educational experience in Harwich by creating a wheelchair accessible trail loop off Bank Street at HCT's Robert F. Smith Cold Brook Preserve, which is also the site of a HCT/Town ecological restoration partnership. Harwich residents and visitors will be able to enjoy passive recreational opportunities (walking, birdwatching, dog walking, photography, and more) in a scenic and ecologically restored destination between Harwich Center and downtown Harwich Port.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Brooks Park Lighting Project

Article 35: To see if the Town will vote to appropriate from Community Preservation Act Funds - \$125,000 from estimated annual revenue for Fiscal Year 2022 to fund the Brooks Park Lighting Project. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Undesignated Fund Balance, and to act fully thereon. By request of the Community Preservation Committee and the Recreation & Youth Commission. Estimated Cost: \$125,000.00.

Explanation:

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Sand Pond Revitalization Project

Article 36: To see if the Town will vote to appropriate from Community Preservation Act Funds - \$83,500.00 from estimated annual revenue for Fiscal Year 2022 to fund the rehabilitation and restoration of Sand Pond, which is a recreational facility owned by the Town of Harwich. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Undesignated Fund Balance, and to act fully thereon. By request of the Community Preservation Committee and the Recreation & Youth Commission. Estimated Cost: \$83,500.00.

Explanation:

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To recommend Indefinite Postponement

Yeas: 4 (four): Ballantine, Howell, MacAskill, McManus

Nays: 0 (zero):

Amend The Code of The Town Of Harwich Charter to Amend Chapter 9, Section 6

Article 37: To see if the Town will vote pursuant to M.G.L. c.43B, §10 to amend Chapter 9, Section 6 of the Town Charter, as set forth below, with strikethrough text to be deleted and bold, underlined text to be inserted:

Section 6. Capital Outlay Plan

9-6-1 The purpose of the 7 5-year capital outlay plan shall be to provide the town with a long-range forecast of the town's major capital improvement needs and to attempt to keep debt borrowing levels as even as possible from year to year.

9-6-2 A "capital outlay" shall mean the acquisition, construction or renovation of buildings, equipment or land having a total cost of \$50,000 **or more** during any budget year and planning funds for any such capital outlay.

9-6-3 The town administrator and the capital outlay committee shall submit a 7 **5**-year capital outlay plan to a joint public meeting of the board of selectmen and the finance committee during the month of December of each year.

9-6-4 The board of selectmen shall prepare articles to be included in the May annual town meeting warrant seeking adoption of the 7 **5**-year capital outlay plan and funding of the current year of the plan.

9-6-5 A simple majority vote of the town meeting shall be required to adopt the 7 **5**-year capital outlay plan as submitted. Any amendment to a previously adopted Capital Plan shall require a two-thirds vote at the Annual Town Meeting.

9-6-6 If any part of the current year of the plan receives funding support at the annual town meeting, but fails at any necessary debt exclusion, capital exclusion or proposition 2 1/2 override ballot votes, the unsupported portion shall be returned to the 7 **5**-year capital plan in year 1 of the next 7 **5**-year plan, and to act fully thereon. By the Board of Selectmen.

Explanation: This article seeks to correct defects in Article 36 at the Annual Town Meeting in 2019. The statement under the Finance Committee's recommendation at that time indicated that the article was intended to modify the Capital Outlay Plan from seven (7) years to five (5) years. The article amends 9-6-2 by providing text to qualify that capital outlay items are \$50,000 or greater. These amendments will be subject to approval by the voters at the 2022 Annual Town Election if adopted at this town meeting.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Grant a permanent easement to Cellco Partnership on Harbor Road

Article 38: To see if the Town will vote to authorize the Board of Selectmen to grant a permanent easement to Cellco Partnership (d/b/a Verizon Wireless) for the installation and maintenance of fiber optic cables, communications equipment and related facilities in, on and under a portion of the Town-owned property located on Harbor Road and identified by the Assessors as Parcel 15-U23, on such terms and conditions and for such consideration, which may be nominal consideration, as the Board deems appropriate; to take any action relative thereto; and to act fully thereon. By the Board of Selectmen.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Amend Zoning Article XXIV By Adding A New Section - §325-160 Design Guidelines

Article 39: To see if the Town will vote to amend the Code of the Town of Harwich – Zoning Article XXIV West Harwich Special District by adding a new §325-160 as follows:

§325-160 Design Guidelines

For the purpose of this section the Harwich Planning Board, after a public hearing, shall adopt “*West Harwich Special District Site and Architectural Design Guidelines*” which shall constitute rules and regulations guiding historic structures and new construction within the WHSD. And to act fully thereon. By request of the Planning Board

***Explanation:** The new section 325-160 references design guidelines for the West Harwich Special District, which will be created and adopted by the Harwich Planning Board through a separate public hearing process. These guidelines will assist property owners and applicants with the development and redevelopment of properties within the West Harwich Special District (aka the West Harwich DCPC).*

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:
Yeas: # (number): [Members by Roll Call]
Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:
Yeas: # (number): [Members by Roll Call]
Nays: # (number): [Members by Roll Call]

Funds for roof repairs at 5 Bells Neck Road

ARTICLE 40: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sufficient sum of money to make necessary repairs to the roof of the building at 5 Bells Neck Road; and to act fully thereon. By request of the Board of Selectmen and the Capital Outlay Committee. Estimated cost: \$50,000.00.

Explanation: This article was deferred in FY 2021 due to the impact of COVID-19 on the overall budget process. The town is currently developing a "Request for Proposal (RFP)" for the sale pending the adoption of Article 42 at this Town Meeting which will rescind previous votes to lease and authorizing the Board of Selectmen to sell 5 Bells Neck Road as surplus property.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:
Yeas: # (number): [Members by Roll Call]
Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:
Yeas: # (number): [Members by Roll Call]
Nays: # (number): [Members by Roll Call]

Amend the Code of Harwich General Bylaws – Chapter 8 Departmental Revolving Funds
§ 8-1. Funds Established

Article 41: To see if the Town will vote to amend the Departmental Revolving Funds Bylaw, Section 8-1 of the Town Code, (the language to be added is shown in underlined text), or to act fully thereon. By request of the Conservation Commission.

Revolving Fund	Authorize to Spend Fund	Revenue Source	Use of Fund
Wetlands	Conservation Commission	Notice of Intent Filing Fees; <u>as well as in-lieu fees generated as a result of an approval of a Notice of Intent</u>	Consultants and wetland and buffer zone management and restoration projects

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Annual Departmental Revolving Funds Authorization

Article 42: To see if the Town will vote to set spending limits for various revolving funds that have been authorized pursuant to Section 8.1 of the Town Code: and to act fully thereon. By request of the Finance Director.

<u>Revolving Fund</u>	<u>FY 2022 Spending Limit</u>	<u>Disposition of FY21 Fund balance</u>
Golf Pro Shop and Restaurant Lease Revenue	\$250,000	Available for expenditure
Golf Infrastructure fund	\$140,000	Available for expenditure
Council on Aging	\$125,000	Available for expenditure
Cemetery	\$100,000	Available for expenditure
Community Center	\$100,000	Available for expenditure
Recreation	\$175,000	Available for expenditure
Albro House	\$10,000	Available for expenditure
ADA	\$2,500	Available for expenditure

Wetlands	\$6,000	Available for expenditure
Middle School Cultural Center	\$225,000	Available for expenditure
Sidewalks	\$50,000	Available for expenditure
Tax Title Collection	\$36,000	Available for expenditure

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Stabilization Fund

Article 43: To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to be added to the Stabilization Fund, and to act fully thereon. By the request of the Board of Selectmen. Estimated cost: \$1,074,171.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

OPEB Trust Fund

Article 44: To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to be added to the OPEB Trust Fund, and to act fully thereon. By the request of the Board of Selectmen. Estimated cost: \$500,000.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Fund Prior Year's Unpaid Bills

Article 45: To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to pay unpaid bills of prior years as provided for in M.G.L. Ch. 44, Section 64, and to act fully thereon. By request of the Finance Director. Estimated cost: \$21,349.00

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Promote the Town Of Harwich

Article 46: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money for the Harwich Chamber of Commerce to promote the Town and its businesses and cultural endeavors to advance economic development initiatives for and with the Town of Harwich. Said monies to be used to manage and fulfill year-round visitor/resident/business information services, to promote and market the Town, to generate and initiate materials and activities that encourage the establishment, growth and sustainability of businesses in Harwich, and to implement

economic development objectives and activities in partnership with the Town, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$30,000

Explanation: This is a customary article whereby the Town supports the efforts of the Harwich Chamber of Commerce in promoting the town widely and throughout the year.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Defray the Expenses of The Chase Library and Harwich Port Library

Article 47: To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$20,000 to help defray the expenses of the Chase Library and the Harwich Port Library; said funds to be expended under the direction of the Chase Library and Harwich Port Library Trustees, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$20,000

Explanation:

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Supplement Annual Allocation of Mass Cultural Council For
Local Cultural Council Grants

Article 48: To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow a sufficient sum of money to supplement the Massachusetts Cultural Council annual allocation for community grant awards to artists, performers, and interpretive scientists who bring events and programs to local venues which enhance the cultural experience of Harwich citizens of all ages, and to act fully thereon. By request of the Board of Selectmen and the Harwich Cultural Council. Estimated Cost: \$3,600.

Explanation:

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Herring Fisheries

Article 49: To see what action the Town will take in regard to the Herring Fisheries and to act fully thereon. Customary Article.

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

ROLL CALL VOTES:

Finance Committee:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Board of Selectmen:

To accept and adopt:

Yeas: # (number): [Members by Roll Call]

Nays: # (number): [Members by Roll Call]

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 29th day of March, 2021.

Larry G. Ballantine, Chair

Stephen P. Ford, Vice Chair

Michael D. MacAskill, Clerk

Donald F. Howell

Edward J. McManus

Board of Selectmen
Town of Harwich

A true copy Attest:

Constable

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF HARWICH
ANNUAL ELECTION BALLOT
MAY 21, 2019**

BARNSTABLE, ss:

To either of the Constables of the Town of Harwich in said County,

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in elections and Town affairs to meet in the Community Center Gymnasium, 100 Oak Street, in said Town on Tuesday, May 21, 2019, then and there to act on the following ballot:

POLLS WILL BE OPEN AT 7:00 A.M. and CLOSE AT 8:00 P.M.

To choose on one (1) ballot the following Town Officers and Committees: two (2) Selectmen for three (3) years; one (1) Town Clerk for three (3) years; one (1) Monomoy Regional School Committee Member for three (3) years; one (1) Monomoy Regional School Committee Member to fill a 1-year unexpired term; two (2) Library Trustees for three (3) years; one (1) Water Commissioner for three (3) years; one (1) Housing Authority member to fill a 2-year unexpired term

BALLOT QUESTIONS

1. Shall the Town of Harwich be allowed to exempt from the provisions of Proposition 2 1/2, so called, the amounts required to pay for the bond issued in order to fund the Reconstruction of Lower County Road including all costs incidental and related thereto, as requested in the Capital Plan for FY2022?

YES _____ NO _____

2. Shall the Town of Harwich be allowed to exempt from the provisions of Proposition 2 1/2, so called, the amounts required to pay for the bond issued in order to fund the Road Maintenance Program, including, but not limited to Lower County Road and other roads on the Program, and all costs incidental and related thereto, as requested in the Capital Plan for FY2022?

YES _____ NO _____

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 29th day of March, 2021.

Larry G. Ballantine, Chair

Stephen P. Ford, Vice Chair

Michael D. MacAskill, Clerk

Donald F. Howell

Edward J. McManus

Board of Selectmen
Town of Harwich

A true copy Attest:

Constable

NOTES

CONSENT AGENDA



FORM #7

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

APPLICATION FOR LICENSE/PERMIT

PLEASE CHECK

ROAD RACE (Kind of) CRAFT FAIR OTHER

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

NAME OF BUSINESS Harwich Historical Society PHONE 508-432-
BUSINESS ADDRESS 80 Parallel St., Harwich, MA 02645 8089
MAILING ADDRESS same

PLEASE STATE THE PURPOSE FOR WHICH LICENSE/PERMIT IS REQUESTED

We would like to have a fun walk for the
purpose of raising funds for our
non-profit organization.

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

DATE Sat., May 22, 2021 (tentatively)
TIME Starting 9am, last group starts 2pm. Should be over by 3:04 including clean-up
ROUTE/LOCATION Starting at Brooks Academy Museum, Walk West on Parallel Street.
Turn around at driveway to Elementary School.
Walk East on Parallel Street. Finish at Brooks Academy Museum.

(please use reverse side if necessary)
L. Moore Chairwoman of Fund Raising and Development
Signature of Applicant Laurie Moore Title

Social Security Number of Federal Identification Number

22-3042442
Tax Exempt ID (for non-profit organizations)

Signature of Individual or Corporate Name

By Corporate Officer (if applicable)

March 8, 2021



Dear Town Administrators,

I'm writing on behalf of the Harsich Historical Society.

We would like to propose a fund-raiser, to be held possibly on Saturday, May 22, 2021.

We're thinking of starting and finishing a WALK at Brooks Academy Museum. Walkers would arrive in small packs, on the hour, starting at 9am, last pack at 2pm. Perhaps 10 to 15 walkers in each pack. They'll walk West on Parallel St., turn around at the Elementary School driveway, then back to Brooks Academy Museum. Maybe we could have a few, short, easy games on the front lawn near the fountain.

We would also like to offer our site as a small wedding venue. Perhaps we could offer only the garden area for now, then maybe in the future offer the museum. The wedding party would rent chairs and any other temporary structures for their event.

Thank you!
Laurie Moore

508-432-2035
508-237-2409
64 Parallel St.
Harsich 02645

REGULATORY COMPLIANCE FORM

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

Signed 3/1/21
Police Department Date

N/A
Recreation & Youth Commission Date

Signed 3/23/21
Building Commissioner Date

Matthew A. O'Neill 3/23/2021
Board of Health Date

Signed 3/12/21
Fire Department Date

* Must comply with all current covid-19 requirements and standards.
***Required signatures are to be obtained by the Applicant prior to submission of application with the Selectmen's Office. (20)

IF using any TENTS they will need to apply for a temporary structural permit

For Office Use Only

FEE _____ CASH _____ CHECK _____

FOR _____


REVIEWED BY _____

DATE LICENSE ISSUED _____

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

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

Police Department Date


Building Commissioner Date 3/22/21

Recreation & Youth Commission Date

Board of Health Date

Fire Department Date

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

For Office Use Only

FEE _____ CASH _____ CHECK _____

FOR _____

REVIEWED BY _____

DATE LICENSE ISSUED _____

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

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

Km. CA 3/22/21
Police Department Date

Building Commissioner Date

Recreation & Youth Commission Date

Board of Health Date

Fire Department Date

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

For Office Use Only

FEE _____ CASH _____ CHECK _____

FOR _____

REVIEWED BY _____

DATE LICENSE ISSUED _____

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


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

Police Department Date

Building Commissioner Date

Recreation & Youth Commission Date

Board of Health Date

 March 12, 2021

Fire Department Date

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

For Office Use Only

FEE _____ CASH _____ CHECK _____

FOR _____

REVIEWED BY _____

DATE LICENSE ISSUED _____

NEW BUSINESS

MEMA – Emergency Management Grant Reimbursement Request Form

Community/Tribe Name	Town of Harwich	FFY2020 EMPG
Contract Point of Contact Name	Thomas Gagnon	
Email	tgagnon@harwichpolice.com	Phone 5089627234

REIMBURSEMENT SECTION

Description of Expenses	Quantity	Unit Cost	Reimbursement Request
portable barricade	21	121.33	\$ 2,547.93
shipping cost	1	175.50	\$ 175.50
A Frame sign holder	2	41.28	\$ 82.56
shipping	1	5.69	\$ 5.69
A Frame Barricade Sign	4	113.40	\$ 453.60
shipping	1	31.25	\$ 31.25
Detour Sign	4	45.56	\$ 182.24
shipping	1	12.56	\$ 12.56
TOTAL Reimbursement			\$ 3,491.33

MATCH SECTION

Description of Match	Match Amount	
Vehicle Maintenance cost for EM vehicles	\$ 6,905.78	
EM cel phone	\$ 497.88	
EM pay	\$ 2,299.50	
TOTAL Match		\$ 9,703.16

Is this your FINAL REIMBURSEMENT request?	YES
--	------------

Please provide a brief summary of at least one success storied where EMPG funds had a positive impact on your community/tribe:

The funds from previous EMPG grants have been used to purchase several items that have been used during times of emergency. These items have included light towers, radios, barricades and lap top computers. These items have allowed us to protect the public from dangerous areas, provide live updates from the "field", use portable generators to power lights at dangerous intersections, etc.

By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the Federal award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812)."

I also agree to maintain records for a minimum of six (6) years and will make them available to MEMA, FEMA, and other authorized persons for monitoring/audit purposes.

Authorized Signature:	
Print Name:	
Print Title:	

**Subrecipients are required to submit an equipment inventory tracking sheet that includes all items purchased with federal funds with a per unit costs of \$5,000 or more.*

**Subrecipients are required to submit backup documentation that supports both reimbursement and match.*

MEMA – Emergency Management Grant Reimbursement Request Form

Community/Tribe Name	Town of Harwich	FFY2019 EMPG
Contract Point of Contact Name	Thomas Gagnon	
Email	tgagnon@harwichpolice.com	Phone 5089627234

REIMBURSEMENT SECTION

Description of Expenses	Quantity	Unit Cost	Reimbursement Request
light tower	1	3500	\$ 3,500.00
TOTAL Reimbursement			\$ 3,500.00

MATCH SECTION

Description of Match	Match Amount
Additional cost of light tower paid by town	\$ 350.00
vehicle maintenance cost for EM fleet of vehicles	\$ 2,151.75
EM Director Cel phone	\$ 497.88
EM director pay	\$ 1,031.72
TOTAL Match	\$ 4,031.35

Is this your FINAL REIMBURSEMENT request?	YES
--	------------

Please provide a brief summary of at least one success storied where EMPG funds had a positive impact on your community/tribe:

The funds from the present and past EMPG grants have allowed the Town of Harwich to obtain needed items that are used during times of emergency. The funds have allowed us to purchase a portable generator that powered lights in a dangerous intersection during a prolonged power outage, purchase portable radios when town funds were not budgeted for this purpose, and provided updated technology that allowed our EM Director to provide real, live time updates from areas that were impacted during severe storms.

By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the Federal award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812)."

I also agree to maintain records for a minimum of six (6) years and will make them available to MEMA, FEMA, and other authorized persons for monitoring/audit purposes.

Authorized Signature:	
Print Name:	
Print Title:	

**Subrecipients are required to submit an equipment inventory tracking sheet that includes all items purchased with federal funds with a per unit costs of \$5,000 or more.*

**Subrecipients are required to submit backup documentation that supports both reimbursement and match.*



March 19, 2021

To: Harwich Board of Selectmen
Joe Powers, Town Administrator

From: Planning Department – Community Rating System Coordinator (CRS)
Elaine Banta, Planning Assistant *EB*

Re: Approval of Tax Bill Insert for Flood Insurance Information

As the Board is aware Harwich has been participating the FEMA Community Rating System Program for nearly 25 years. For continuation in the program, the Town must be recertified each year. As part of that recertification we do an extensive public outreach program. We are seeking approval to reach out to all property owners within the town by adding an insert into the July 2021 tax bill mailing that would provide information on FEMA and Flood Insurance. A copy of the insert is attached.

The Planning Department has budgeted for the funds to cover the cost of this insert and the Treasurer's office has confirmed a placeholder for us in the summer mailing.

A recommended motion:

Move to approve the insert for Flood Insurance Information in the July 1, 2021 tax bill as part of the Town's re-certification process in the Community Rating System.

ARE YOU PROTECTED?—Flood Insurance Information

Flood damage is typically not covered by homeowner's insurance. Flooding must be insured under a separate flood policy, which is most commonly acquired through the National Flood Insurance Program (NFIP). You can get flood insurance no matter where your home or business is located. If you have questions about flood insurance (through the NFIP or private companies), Barnstable County's Floodplain Specialist, Shannon Hulst, is available to discuss flood insurance questions at 508-375-6952 and visit <https://www.harwich-ma.gov/planning/pages/flood-hazard-map-and-resources>

Town of Harwich | Planning Department | 732 Main Street
| Harwich, MA 02645 | 508-430-7511

STRUCTURES IN THE
FLOODPLAINS

Nearly **1000**

PROTECTED PROPERTIES
IN THE
FLOODPLAINS

Nearly **60%**

FLOOD INSURANCE
POLICIES


Nearly **800**



HARWICH FIRE DEPARTMENT

MEMORANDUM

David J. LeBlanc, **Chief of Department**
Craig W. Thornton, **Deputy Fire Chief**

Date	March 12, 2021
To:	Board of Selectmen, Joseph Power, Meggan Eldredge
From:	David LeBlanc, Chief of Department 
Subject:	Vacation buyback and Carry over

As we approach the end of the fiscal year, I would like to take this opportunity to request to exercise the option in my contract to sell back two weeks of vacation time from my FY21 accrual. This has been included in the fire department budget, so there is funding available.

Additionally I would like to exercise the option to carry over two week of time from FY21 to FY22.

While I understand buyback typically doesn't not occur until June, I just was looking for approval for both the carry over and buy back so that I can plan to use my remaining accrued leave before the end of the fiscal year.



Jean M. Lorizio, Esq.
Commission Chairman

Commonwealth Of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150-2358

2021
Retail License Renewal

License Number: 00001-CL-0506	Municipality: HARWICH
License Name : The Belmont Condominium Beach Club Corp	License Class: Seasonal
DBA : The Beach	License Type: Club
Premise Address: 1 Belmont Road Harwich, MA 02645	License Category: All Alcoholic Beverages
Manager: Ruth Valentine Manchester	

I hereby certify and swear under penalties of perjury that:

1. I am authorized to sign this renewal pursuant to M.G.L. Chapter 138;
2. The renewed license is of the same class, type, category as listed above;
3. The licensee has complied with all laws of the Commonwealth relating to taxes; and
4. The premises are now open for business (if not, explain below).

<u>James T. Hilliard, TRUSTEE</u> Signature	<u>3/18/2021</u> Date
<u>James T. Hilliard</u> Printed Name	<u>3/18/2021</u> Title

Please sign this form only in the month of March and return to your Local Licensing Authority.

Additional Information:



OFFICE OF THE SELECTMEN
732 MAIN STREET
HARWICH, MA 02645
508-430-7513

APPLICATION FOR COMMON VICTUALLERS LICENSE

Fee: \$50 New application Annual # of seats 28
Renewal Seasonal Opening date 2-1-21

In accordance with the provisions of the Statutes relating thereto, application for a Common Victuallers license is hereby made by:

Business Name PRM FOODS INC Phone 508-432-3340

Doing Business As (d/b/a) HARWICH PORT DAIRY QUEEN

Business Address 441 ROUTE 28 HARWICH PORT MA 02646

Mailing Address _____

Email Address harwichdairyqueen@comcast.net

Name of Owner KEVIN MEADER

(If corporation or partnership, list name, title and address of officers)

KEVIN MEADER, PRESIDENT,

[Signature] President
Signature of applicant & title

Federal I.D. # _____

Pursuant to MGL Ch. 62c, Sec. 49A, I certify under the penalties of perjury that to the best of my knowledge and belief I have filed all state tax returns and paid all state taxes required under law.

[Signature]
Signature of individual or corporate name

By KEVIN MEADER
Corporate officer (if applicable)

REGULATORY COMPLIANCE FORM

The premises to be licensed as described herein have been inspected and found to be in compliance with applicable local codes and regulations, including zoning ordinances, health regulations and building and fire codes.

[Signature]
Building Commissioner

[Signature]
Board of Health

[Signature]
Fire Department

Required signatures to be obtained by the applicant prior to submission of new applications.



OFFICE OF THE SELECTMEN
 732 MAIN STREET
 HARWICH, MA 02645
 508-430-7513

APPLICATION FOR ENTERTAINMENT LICENSE

- Weekday Entertainment (\$75) 1 day (\$25)
- Batters Box (\$50)
- Go Carts (\$50)
- Miniature Golf (\$50)
- Trampolines (\$25)
- Theater (\$150 per cinema)
- Automatic Amusement:
- Juke Box (\$100 each)
- Video Games (\$100 each) Other _____

- New application _____
- Renewal
- Annual _____
- Seasonal
- Opening Date 4/15/21

Business Name Harbor Glen Miniature Golf Phone 508-432-8240
 Business Address 168 Route 28, West Harwich, MA 02671
 Mailing Address _____
 Email Address _____
 Managers Name & Address Elaine Baraklilis, 1 _____

TIMES AND DAYS OF WEEK FOR ENTERTAINMENT (This application does not cover Sundays).

Mon - Sunday, 11:00 am to 10:00 pm.

ENTERTAINMENT TYPE: (Check all appropriate boxes)

- Dancing by Patrons
- Dancing by Entertainers or Performers
- Recorded or Live Music
- Use of Amplification System
- Concert
- Other (Describe) Miniature Golf

Days/Hours of Business Operation Mon - Sun, 11:00 am to 10:00 pm.

Pursuant to MGL, Chapter 62C, Section 49A, I certify under the penalties of perjury that I, to the best of my knowledge and belief, have filed all State tax returns, and have paid all State taxes under the law.

Elaine Baraklilis, President
 Signature of applicant & title Federal I.D. # _____

REGULATORY COMPLIANCE FORM

The premises to be licensed as described herein have been inspected and found to be in compliance with applicable local codes & regulations, including zoning ordinances, health regulations & building & fire codes.

NOT APPLICABLE Myra Kelly B-H
 Building Commissioner Board of Health Fire Department

Required signatures to be obtained by the applicant prior to submission of new applications.



OFFICE OF THE SELECTMEN
732 MAIN STREET
HARWICH, MA 02645
508-430-7513

APPLICATION FOR SUNDAY ENTERTAINMENT LICENSE

- | | |
|---|--|
| <input type="checkbox"/> Music 1PM or After (Municipal Fee \$85/State \$50) | New application <input type="checkbox"/> |
| <input type="checkbox"/> Music prior to 1PM (Municipal Fee \$175/State \$100) | Renewal <input checked="" type="checkbox"/> |
| <input type="checkbox"/> Go Carts (\$50) | Annual <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Miniature Golf (\$50) | Seasonal <input checked="" type="checkbox"/> |
| <input type="checkbox"/> Trampolines (\$25) | Opening Date <u>4/15/21</u> |
| <input type="checkbox"/> Theater (\$150 per cinema) | |
| <input type="checkbox"/> Automatic Amusement (\$100) | |
| <input type="checkbox"/> Juke Box (\$100 each) | |
| <input type="checkbox"/> Video Games (\$100 each) | Other _____ |

Business Name Harbor Glen Miniature Golf Phone 508-432-8240

Business Address 168 Route 25, West Harwich, MA 02671

Mailing Address _____

Owners Name & Address John + Elaine Baraklilis, Angela Arayriadis

Email Address ebarake@comcast.net

Managers Name & Address Elaine Baraklilis,

TIMES OF ENTERTAINMENT (Please specify where music will be located on your property and what type of entertainment such as live, DJ, recorded)

11:00 am to 10:00 pm.

ENTERTAINMENT TYPE: (Check all appropriate boxes)

- Concert Dance Exhibition Cabaret Public Show Other
- Dancing by Patrons
- Dancing by Entertainers or Performers
- Recorded or Live Music
- Use of Amplification System
- Theatrical Exhibit, Play or Moving Picture Show
- A Floor Show of Any Description
- A Light Show of Any Description
- Any Other Dynamic Audio or Visual Show, Whether Live or Recorded

At any time during this concert, dance exhibition, cabaret or public show, will any person(s) be permitted to appear on the premises in any manner or attire as to expose to the public view any portion of the body as described in Mass. General Laws Chapter 140, Section 183A, Para. 3.

___ Yes No

If Yes, answer questions 1 through 4 below. Attach a separate sheet and/or exhibits if necessary:

1. Describe in complete detail the extent of exposure during the performance and the nature of the entertainment: _____

2. Furnish additional information concerning the condition of the premises and how they are suitable for the proposed entertainment: _____

3. Fully describe the actions you will take to prevent any adverse effects on public safety, health, or order: _____

4. Identify whether and how you will regulate access by minors to the premises: _____

Days/Hours of Business Operation Mon thru Sunday, 11:00 to 10:00 pm

Pursuant to MGL, Chapter 62C, Section 49A, I certify under the penalties of perjury that I, to the best of my knowledge and belief, have filed all State tax returns, and have paid all State taxes under the law.

Chas. Z. White, President
Signature of applicant & title Federal I.D. #

AJG Corporation
Signature of individual or corporate name Federal I.D. #

Signature of Manager Federal I.D. #

Signature of Partner Federal I.D. #

REGULATORY COMPLIANCE FORM

The premises to be licensed as described herein have been inspected and found to be in compliance with applicable local codes & regulations, including zoning ordinances, health regulations & building & fire codes.

NOT APPLICABLE [Signature] [Signature]
Building Commissioner Board of Health Fire Department

[Signature] comments:
Police Department

Required signatures to be obtained by the applicant prior to submission of new applications.

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, JULY 15, 2019
6:30 P.M.**

SELECTMEN PARTICIPATING: Larry Ballantine, Stephen Ford, Donald Howell, Michael MacAskill, Edward McManus.

ALSO PARTICIPATING: Town Administrator Christopher Clark, Assistant Town Administrator Joseph Powers

CALL TO ORDER

Mr. Ballantine reopened the meeting at 6:45 pm, and called to order the Board of Selectmen. He explained he first called the meeting to order at 5:30 pm for Executive Session, to discuss the current status of numerous litigation issues in front of the Town. He said that they also discussed the union contract with the police. They will hold that for a few days to obtain more information, and will bring it back.

WEEKLY BRIEFING

Mr. Lincoln Hooper, DPW Director, said that he wanted to make them aware of a situation with MSW (Municipal Solid Waste), and the difficulties they are having getting rid of their solid waste; as is just about everyone in the Commonwealth of Massachusetts. They have been curtailed with how much waste they can deliver, therefore have needed to turn away commercial haulers. He explained that they are actively looking for a solution for this, but so is everyone in the State. The Commonwealth has a real bad problem and they had put a prohibition on any new incinerator capacity with their master plan 20 years ago, assuming landfills would be built. Unfortunately no landfills have been built and a lot are closing. Mr. Hooper said that they are doing what they can and their priority is to take care of the residents of Harwich and take what they can from the commercial haulers.

Mr. McManus said that not only is waste an issue, but the whole infrastructure is starting to fall apart state wide. He said that also, the recycling infrastructure has fallen apart and the State needs to step up in both of those areas. He said that they require us to be responsible for it, but they control what options we have.

Mr. Hooper said that is an excellent point. He said that they have waste ban items that they are forced to recycle. Those items, like plastic, they process and haul to New Bedford and pay \$200/ton to recycle. They are paying \$20/ton for cardboard, though they are getting about \$60/ton for newspapers and scrap iron has mitigated most of it and is still good. He said that they used to expect to net about \$150,000 per year, now they are down to about \$75,000 in recycling revenue. It is all chaos. Mr. MacAskill asked if they are only allowed to dump one place, or if there are other place that they can get contracts?

Mr. Hooper said they are doing just that and looking at splitting it. They have a five-year contract with New Bedford Waste, which is expiring this December 31st. He explained that they have been limited to one load per day, under his contract with Covanta SEMASS. SEMASS will not allow them to dump there under their contract, but they have not given them any capacity, since this started two months ago. Mr. Hooper said that the Town Administrator and himself visited with Mr. Dan Barrett who runs the Bourne Landfill and they have been gracious enough to give them five loads per week. He explained that he has been making calls and no one calls back. He has been in this business for 29 years and he has never seen it like this. He just wanted to make them aware and will keep the trash flowing to the best of their ability.

PUBLIC COMMENTS/ANNOUNCEMENTS

A. Ms. Carol Marie Anderson, 18 Tupelo Drive, Harwich, first thanked Mr. Clark for meeting with her on the untimely death of her father, under what she believed to be suspicious circumstances. She said that he had promised to meet in private, which they did, but he had promised to speak with the Chief of Police and Elder Services and he has not gotten back to her as he had promised he would. She said that she is now in danger of losing her mother to the same sibling circumstances, and would like an investigation and not be removed from her own residence, which happened a week ago. She said that she is fighting for her mom and she is not going away and not going to lose two parents unjustly, with the police knowledge.

Mr. Ballantine said he is sorry, but he is not sure this is a matter for the board to deal directly with. Ms. Anderson said that he said that last time, but Mr. Clark did not call her back.

Mr. Clark said it had been a while, but he does remember having a meeting and have consultation with Council on Aging and the Police Department, and everyone was aware of the situation. He does not recall a specific follow up that he was supposed to do, but the parties that needed to know, both police and elder affairs, both well knew about the situation.

Ms. Anderson told the Board that she has been wrongfully evicted and will be following up with Mr. Clark.

- B. Mr. Duncan Berry, 37 Route 28, West Harwich, said that he wanted to announce that on Sunday at 2:00 pm, they will be giving a lecture on the Captains of Captain's Row, at the Harwich Historical Society. He said that also, on the following Sunday, July 28th at 2:00 pm, he will be giving a walking tour of Captain's Row, starting at the Harwich Baptist Church.

Mr. MacAskill asked about posting it as a Town Meeting since if they have three board members attending, they should post it. Mr. Clark confirmed there would be three members attending and said he would post it.

- C. Mr. Howell said that this should also likely be posted because at least three of them will be attending the Cape Verdean 3rd Annual Festival. He said that the festival will be at Brooks Park on Saturday from 10:00 am to 6:00 pm.

- D. Mr. McManus commented how busy things were this weekend with the Kiwanis Club yard sale, the first of two Cranberry Festival Craft Fairs, and also at Baldwin Centennial Field, they had a little league tournament. Mr. McManus read from a note that he received from one of the folks involved with Monomoy Little League. It said that Monomoy Little League 12-year old's, coached by Mr. Jay Krystofolski and Mr. Mike Huse, have won the Monomoy Little League Championship for the past three years. They have put together an all-star team and continued with all of the accolades the team has received. This team has accomplished more than any other little league team and has put Harwich on the map. Mr. McManus said that this speaks well for the support of the community and the talented people that have been involved in running the Little League program in Town.

- E. Mr. Clark made the Board aware of an email that a resident received, which appeared to be from the Town of Harwich seeking a go-fund me page for a child that was ill. They do not sponsor any of that. The material was done in a fraudulent manner to make it look like it was a Town of Harwich effort. He

gives his well wishes for the child, but he wanted to make people aware that this is not a town sponsored activity.

CONSENT AGENDA

- A. Approve the recommendation of the Assistant Town Administrator regarding a Petition by Eversource Energy to install 10+ feet of cable/conduit under the public road in Bank Street to provide service to customer at 78 Bank Street.
- B. Approve the recommendation of the Assistant Town Administrator regarding a Petition by Eversource Energy to install one (1) new FO mid span Pole labeled 515/1.5 on the side of the public road in Mary Beth Lane, Harwich.
- C. Accept the resignation of Katherine Green as Real Estate and Open Space Committee representation to the Community Preservation Committee – effective 7/1/19.
- D. Accept the resignation of James Hartley from the Harwich Youth Counselor Advisory Board – effective 7/1/19

Mr. Ford moved to approve items A through D, as listed above. Seconded by Mr. MacAskill.

Mr. MacAskill said that he first wanted to publicly thank Ms. Katherine Green for the eight years that she was on the Real Estate and Open Space Committee. He said that she has done an outstanding job, and also commented that members of that committee are sad she is leaving, because of the great job she did. He also wanted to thank Mr. James Hartley for the impact he made at the school and outstanding job over his 16 years on the Harwich Youth Counselor Advisory Board.

Mr. Howell said that the way Ms. Green did her resignation, is the way it is supposed to be. He said that when you get appointed to a position it comes in front of a subcommittee, then in front of the Board of Selectmen and if it gets voted, it would then go to the Selectmen's office for a letter to go out. Then the person would get sworn in by the Town Clerk. Mr. Howell said likewise, when a person resigns, you have to resign to the last place you left. You resign to the Town Clerk in writing and it goes in the reverse order. He explained that it cannot be sent by email, they need a signature, and it needs to go to the right place.

All in favor, motion carried by unanimous vote.

E. Approve committee appointments per the request of the Interview Subcommittee as follows:

1. Noise Containment Committee
2. Cultural Council
3. Brooks Academy Museum Committee

Mr. Howell said that he requested this to be held to read separately, because the consent agenda no longer showed the list of names and the expiration dates. He said that it was in the packet, but it really needs to be on the agenda, because that is what is posted.

Mr. Howell moved to make the full appointments as follows:

1. Janet Cassidy to the Brooks Academy Museum Committee with term to expire 6/30/21
2. Frances Rich to the Harwich Port Noise Containment Committee with term to expire 12/31/20
3. Megan Yaps to the Harwich Port Noise Containment Committee with term to expire 12/31/20
4. Robert Cohn to the Harwich Port Noise Containment Committee with term to expire 12/31/20
5. Dinah Lane to the Harwich Cultural Council with term to expire 6/30/22
6. Walter Mason to the Harwich Port Noise Containment Committee with term to expire 12/31/20

Seconded by Mr. MacAskill.

Mr. Ballantine commented that they still have two spots open with the Harwich Port Noise Containment Committee. Mr. MacAskill confirmed, though they now have five members to enough for a quorum.

All in favor, motion carried by unanimous vote.

NEW BUSINESS

- A. FY 2020 Reserve Fund Transfer Request Labor Support for Office - \$10,000.00

Mr. Clark explained that they have long-time employee that has been out on medical leave, and the other primary secretary, Ms. Sandy Robinson, will be retiring in August. He thought that it would make sense to bring in some relief, and said that they have Ms. Patti Macura ready to replace Ms. Robinson. Mr. Clark said the he also learned that the other individual may need to extend the medical leave.

Mr. Clark said that he went in front of the Finance Committee and they did approve the reserve fund transfer. He wanted to be sure the Board of Selectmen was comfortable. This would bring someone in on a part-time basis for approximately 90-days, to help out with the meeting minutes and help with office coverage.

Mr. MacAskill said that he appreciates this and he is glad that Mr. Clark went to the Finance Committee first. However, he said that they have not received a plan. He understands that the employee has been on medical leave for nine months and they do need to do what they can for that person. He said that it would be good to update the Chairman, and have an idea of a plan for what they are doing.

Mr. Ballantine asked if this potential hire would be helping with the Finance Committee minutes, as well as, the Board of Selectmen minutes.

Mr. Clark explained that they were able to find someone on a temporary basis to cover the Finance Committee. It is a temporary appointment for up to 90-days and funded from the Finance Committee secretary pool. Mr. Clark said that he had received a request from the Chair of the Finance Committee, in regards to Mr. Dana DeCosta, who had been suggested to fill the position more permanently. He explained that because Mr. DeCosta works for the Town already, it would not just be an appointment of the Town Administrator, but would also be an ethics requirement and would need a declaration of a special municipal employee. That would take Board action. He said that the Board had not acted on that, therefore, he is looking for the Board's direction as to whether Mr. DeCosta's name should be brought back for a more permanent position, and mentioned it would need the same language on the designation that they did last time.

Mr. Ballantine said that their resolve last time they discussed this was to go back and present what their options were to clarify the process regarding Mr. DeCosta. He would like to look at this position in line with the one they just voted on tonight to see how they line up. He said they have two temporary positions and they do need to look at how they are going to move forward for the long term.

Mr. Clark said that the Finance Committee needs someone to do the minutes and the person they brought in will only be available for two months. He

said that Mr. DeCosta is a long term resident and if he is interested in doing the minutes, they should bring this back.

Mr. Ballantine said that he would like to clarify things and he thinks a temporary person for the Finance Committee will present a problem. It takes time to learn the activities and take proper minutes.

Mr. MacAskill asked about how long the Finance Committee meets this time of year. Mr. Clark confirmed once per month.

Mr. MacAskill said in regards to Mr. DeCosta, he has not been able to find the job posting for the position that he took at the dump. Also, it seems that his hours exceed 40-hours per week. He said that based on the hours that would be required as the Board Secretary for the Finance Committee, they would be required to pay him time and a half. He has a lot more questions and would like to see more information on the plan.

Mr. Howell said going back to the reserve fund request, he wanted to clarify to what extent the temporary position will be filling the role of the person on leave. That person was given a stipend position to supervise other employees and he does not feel a temporary employee should be in a supervisory role to full time employees.

Mr. Clark said that the temporary employee would not be, they have the position as being just a clerical position and it is not being filled in kind.

Mr. Ballantine asked about making a motion. Mr. MacAskill said that if they approve the motion then they are approving the request and he thinks they have asked for more information, so he will not vote positive on this.

Mr. McManus said that come August 1, 2019, the office will need some additional assistance or they will go under. He moved to approve the \$10,000.00 request to transfer reserve funds for the purpose of a part-time employee. Seconded by Mr. Howell.

Mr. MacAskill said he wanted to add a comment to what Mr. McManus said about the office going under. He said they have been operating for nine months and for probably six months without an Assistant Town Administrator and have been fine. He does not think they will go under.

Mr. Clark said the reason they were able to survive nine months is because they were not taking vacation time, in order to keep everything moving with the short staff. However, it was not convenient or a good way to operate. He said also to note with Ms. Robinson retiring, they have nineteen years going

out the door, and being replaced by someone with less than one year. It will be a challenge.

The motion carried by a vote of 4-1-0, with Mr. MacAskill voting against.

B. Review – Draft Performance Review Town Administrator

Mr. Ballantine thanked Mr. Ford for putting together the format they looked at a couple of weeks ago. He said that the goals they have been discussing have remained pretty consistent throughout the years. He said that the chore they have is how to put in measures and accountability, as they move forward. He read some of the thoughts he had, 1. What can they do to strengthen accountability measures in areas where the Town Administrator has received the most negative comments. He said that in the past they have ignored some of those comments. 2. He wants to be sure they strengthen management activities, including delegation and communication. 3. They need to strengthen budget transparency. 4. He wants to be sure that the objectives improve the Town Administrator's support of the Board of Selectmen. They need to know their budget schedule and requires that items brought before the board come with everything needed for them to make a decision. He said that they should concentrate on six major goals going forward. He thinks they can easily use these to transition to the performance review, using a guideline that Mr. Howell provided, from a neighboring town. He said that what he has given them is a document and asked them to review and get back to him with additional comments.

Mr. Ford said that they can actually construct a document in such a way that each of them can go in and add comments in a bubble, that can be tracked by the Chairman.

Mr. Ballantine expressed his concern that there is more arguing in these meetings, than is good for the town. He would rather see everyone moving forward together. Also, he said the other interest to be an accountable Board is to be sure that items are brought to them fully, on time, and they can discuss issues without getting into any personality issues. They need to make decisions that are transparent to the people in town. He would like them to look at the goals more than annually. He would suggest quarterly, to ensure they are on the right path. He asked what the Board would like to do, if he

would like to read the goals, or if they would like to review, and they can finalize it in two weeks.

Mr. Howell said that he is not going to quite answer Mr. Ballantine's question. However, there are at least three things that he would like to have a discussion on, before they go anywhere. First, he said that they seem to be measuring something that the Town has not approved, and it is really mistitled in this iteration. He said that it is really the overseeing of the Comprehensive Waste Management Plan. He said that DHY has yet to see the light of day at Town Meeting for approval. He fails to see how the Town Administrator can be rated on something that maybe the people in the Town do not want to engage in. They have been on different sides of the fence, but he would not penalize the Town Administrator for disagreements.

Mr. Ford said that the purpose of this, is to have those types of comments given to Mr. Ballantine. Then they can create the goals in a way that reflects what the Selectmen want. He said that the objective is to take the document, make those comments, and then we can come to a final. The document is just a list for a starting point. Mr. Ballantine agreed that this is a starting point for a discussion.

Mr. Howell said the other two are more universal thoughts. He thinks it should explicitly state that anything other than a three would need to be justified by text. He thinks it should be made crystal clear. He thinks they can have as many goals as they want, but there should be some factors that indicate that not everything is equal.

Mr. Ford said the intent would be to create a greater percentage weighting. The objective is to provide a clearer path to a final rating. There are core competency here as well, that are very important, and also needs to include a written dialogue as well. He also agreed with Mr. Ballantine, that doing something quarter would be beneficial.

Mr. MacAskill thanked Mr. Ballantine and Mr. Ford for putting this together. However, he said he was not sure how they will ever be able to agree on this, without it constantly extending. He said on the first goal, they are putting a goal in there to stay within the limits to Proposition 2 ½. He thinks it is a much broader topic then just putting a goal in there, that is Charter required. He thinks the goal should be a level budget. Mr. MacAskill said he will send his comments. He said that he has been doing

this for four years, and they have not come close to their goals and objectives yet.

Mr. Ballantine said that he brought up the item that that they will debate the most about. He said that he would appreciate them sending their goals in the next couple of days. He said the only thing he is doing differently, then in the past, is including more management goals, and more Board of Selectmen support goals.

C. Potential Ratification Vote of The Harwich Police Federation Massachusetts Coalition of Police Local #446 – July 1, 2019 through June 30, 2022

Mr. Ballantine explained that this item was tabled because they are waiting on some necessary information. The Board will hold a special posted public meeting to address this issue.

D. Potential Ratification Vote - Sullivan Dog Appeal – Settlement

Mr. Ballantine said that this was voted on in Executive Session.

E. Potential Ratification Vote - Abate Dog Order - Settlement

Mr. Ballantine said that this was voted on in Executive Session. Mr. Clark said that was not needed, from the Council discussion. Mr. Ballantine confirmed this topic was not moved on, at this time.

OLD BUSINESS

A. Lower County Road Discussion

Mr. Clark said that he was going to turn this over to Mr. Griffin Ryder, Town Engineer, to provide the initial overview.

Mr. Ballantine said he appreciates Mr. Ryder and Mr. Hooper working on this. He said that this was a detailed discussion at Town Meeting within the Board, and he wanted to be sure they understood everything going forward.

Mr. MacAskill said he wanted to recognize that the Water Commissioners were there. He said that when they discussed this two weeks ago, there was a number in the packet, that the Water Commissioners were asked to provide,

and it turned out they were never spoken to about it. So, he would just like it noted that they are there.

Mr. Ryder explained that Mr. Hooper had been before them on June 17th, and at the outset of that meeting, they were asked to come back with secondary recommendations for the road. He said that he met last week with Mr. Clark, Mr. Hooper, Mr. Chris Nickerson, Harwich DPW, Mr. Dan Pelletier, Water Department Superintendent, and Tom Ockerbloom, the Town's Engineering Consultant. He said that they met to discuss what their options might be to by time, since the work for Lower County Road was voted down, for the full \$5 million reconstruction. Mr. Ryder explained that if they do nothing, the road will continue to degrade and create negative consequences. From an engineering standpoint, he said that the recommendation would be to do what was voted down.

Mr. Ryder said that the secondary recommendation would be a \$350,000 job. This would entail going in and doing some permanent patching, drainage improvements to Allen Harbor, Wequassett Road and Brooks Road, crack sealing and then chipseal and surface treatment in the Spring. He explained the importance of completing crack sealing prior to the winter, in order to prevent major damage from freezing water infiltration during a season when asphalt plants are closed. This secondary plan, would buy the Town an additional five to seven years of roadway life. He said the reason this option had not been done as of yet, is because of the impacts to property that would happen.

Mr. MacAskill said that he appreciated the detailed memo, and his only question is about the mention of a reduced ride quality. He said that a similar project was just done in Brewster, and he did not notice any difference, and does not think an average person would notice the difference. He thinks that for \$350,000, for an additional five to seven years, sounds reasonable to him.

Mr. Ryder said that is a good parallel, and explained that it is at the end of Freeman's Way on Route 39, if someone wanted to see it.

Mr. Ballantine asked if the chipseal they used in Brewster, is different than what they have previously used in Harwich.

Mr. Hooper said that the Town of Brewster used a 20% chipseal, and they usually use a 10% chipseal rubber content. He also explained that the 20% does give a better ride, and he added that those roads were in exponentially better shape than Lower County Road is now. He said that it was a beautiful chip job and it seals the road and keeps the water from getting in and gives you a new wear surface.

Mr. MacAskill asked about the 20%, and that it sounded like that would be something worth pursuing for Lower County. Mr. Hooper agreed, and said that they would use the 20% for Lower County.

Mr. Howell said that it seems like a case of don't count your chickens until they are hatched. The roadwork that was done by the Water Department, and the Water Department should have been accountable for putting the road back to the condition it was. He said he assumes there was some thought of, don't worry about it because the road was going to be replaced. However, that thought, should not have happened before a vote. He said that people should plan on what they should do, and he fails to see how they can go back after the fact. Mr. Howell warned, that they should follow the regular procedure for any utilities excavation and repair, and if something better happens that would short circuit that, and that would be fine.

Mr. Hooper said, that was a lesson learned. He said that was on him, and he let them off the hook. Though he does not believe that the Water Department would have been there, absent of this project, and they did great upgrades. He explained that typically the utilities come in and do their work, and then they pave. Once they do that they put a five-year moratorium, once paving is done, so they do not have to dig up a new road.

Mr. Hooper said he also wanted to address another thing. He said that the number for the patching, which was solely a patch number attributed to patches they needed to do, and patches for the water job. He said that he was in no way representing the commissioners agreeing with that. He said that he had spoken with Mr. Dan Pelletier, Water Department Superintendent, who had been very clear that he did not speak, or have the authority to speak, for the Water Commissioners.

Mr. Allin Thompson, Board of Water Commissioners, said he was there with fellow board members Mr. Gary Carreiro and Ms. Judith Underwood and Mr. Pelletier. He said that he would like to provide an overview for

where they are, on this Lower County Road project. Mr. Thompson said that they do not go cutting any roads, because they cannot afford to pave them. The department is old and they have a lot of things that need to be updated. He provided a recap, and said that the project was bid with temporary and final paving specifications. The initial temporary patch was spec'd at three inches of asphalt, placed in one lift. He further explained the permanent paving specifications and the trench paving was debated heavily through the contracting process. He said that from conversations between the resident engineer and DPW, the decision was made to eliminate the final paving from the contract. He said that they revised the temporary patch specifications to include four inch thick temporary patch placed in two two-inch levels. Due to the increase in change of materials and labor a change order was issued in the amount of \$48,750, subsequently the contractor provided a credit to the town in the amount of \$87,500 to remove the final paving from the contract. The final amount after the change order and the credit, was \$102,250.

Mr. Thompson said that at their July 9th meeting, the Board of Water Commissioners discussed how much they would be willing to contribute to rectify the Lower County Road paving. He said that there is currently, \$71,289.58 remaining in the 2018 annual town meeting appropriation, so they would contribute the \$38,750 toward fixing Lower County road, the remaining balance would be returned to their retained earnings, for their future expenses.

Mr. Ballantine confirmed that they were offering \$38,750 toward the \$350,000 project.

Mr. McManus confirmed that this would mean spending at least as much as in the original project proposal in five to seven years. He also noted that the secondary project proposed, does not include ADA improvements to the sidewalk.

Mr. Griffin said that was correct, the secondary project does not include any improvements for accessibility, which was around \$1 million by itself. Mr. Clark stated that this was minimal work, therefore the State would not require it to be brought up to ADA standards, at this time.

Mr. Howell said it does contemplate three of the flooding locations, Allen Harbor, Wequassett Road and Brooks Road. He confirmed that this is going to address the problems that occur there when it rains.

Mr. Ballantine and Mr. MacAskill said they are basically postponing the work for up to seven years.

Mr. Ballantine asked about exploring TIP funding, to get a waiver.

Mr. Ryder said his concern is that the property impacts will be too impactful for people. Mr. Hooper explained the situation when they were dealing with Route 124 and said that at that time they had design exceptions and those are not easy to get these days. He said that they would need three feet, and people do not want to give up their property. They would need easements from every property on that road. He would not recommend it because he does not believe it would be well received.

Mr. Ballantine asked what actions were needed and Mr. Clark said they do not need a vote, but would be looking for a consensus. The Board agreed and provided their consensus.

Mr. MacAskill repeated that it is his hope, that if there are any suggestions or plans regarding money that is controlled by the Water Commissioner, that it is discussed with them before bringing it in front of the Board of Selectmen.

Mr. Hooper said he just wanted to mention that based on perception from the vote at Town Meeting, it may seem that they are doing work that the voters said no to, when they chipseal the road.

B. Vote to approve the Budget/Warrant Time Line FY2020

Mr. Howell said, in general he is fine with this, but it is still missing the specific date, either February 1st or February 8th, to go through the budgets of the departments. He explained that it is hard to vote on a final budget without hearing from the departments and what it is that they are pitching.

Mr. Clark said they have it scheduled for February 15th, and it is being presented to the Board on February 3rd. Mr. Howell said that is later then it should be; he would like it to be February 1st or 8th. He said that they are

advocating what they are submitting, not what the budget says. Therefore, it can happen prior to the presentation to the Board.

Mr. Ballantine said that he thinks they are discussing apples and oranges, and confirmed that the Department Heads can come in, and present their wishes, before they do the budget. He said it is informational, in preparation of the budget.

Mr. Howell said that it would be good and explained, that the Department Heads could come in and pitch something that they would want to see funded, that they may not otherwise know about until later.

Mr. McManus asked about when Mr. Howell wanted the Department Heads to come in, and do their presentations to the Board of Selectmen and the Finance Committee? He asked if he wanted it before the Town Administrator presented the budget, or after?

Mr. Howell said that Mr. Ballantine was right, this is apples and oranges. He said that one of them has to do with the budget that the Town Administrator is suggesting to the Board of Selectmen, and the other one is for the purposes of the Department Heads to come in and pitch their priorities individually. He said that they may decide to make one of those items as a priority and the Town Administrator may not have it reflected in his budget. That should be earlier, so we can have that discussion because it is not the same thought.

Mr. Clark said that he would really encourage that if they wanted to meet on the 8th, that would make sense, but going before would not. He said typically they make almost a \$1 million worth of deductions. If it gets added to a budget, before it gets reduced by Administration, he was not sure how will he would get to 3%. He does not understand the rationale. He said he does talk to Department Heads and encourages them to express what their needs are.

Mr. Howell said the point is, that the budget that goes to Town Meeting, is not the Town Administrator's budget; it is the Board of Selectmen's budget. He said that there are two separate moving pieces to this, they could say that the departments are getting too much, but ultimately, it would allow them to have this discussion.

Mr. MacAskill said that he hopes that Mr. Clark is not assuming that he will have 3%, and to Mr. Howell's point, the more meetings and the earlier they

start the better. He said that people want to know what is going on, before they vote the budget.

Mr. Ballantine does not see what influence it would have on the budget message. Mr. Clark said that he is just reading the charter, which says that the Town Administrator puts together the budget, and presents it to the Board of Selectmen, no later than the 2nd Tuesday in February.

Mr. MacAskill said that he would have to vote no, if the language listed under March 2nd, which states; “No new information or changes will be added to the warrant after this date”. Mr. MacAskill said that the Warrant does not go to the printer until April 1st, and the legal opinion states that it is their warrant, and they can change it up until it goes to print.

Mr. Ballantine said they can fine tune that, to have some flexibility. Mr. MacAskill said that he thinks they should take it out.

Mr. McManus said that they need to present the articles to the Finance committee, on February 17th. He said that they would need to present it to them, and they will need to get to a point where things are final, so they know what they are acting on.

Mr. Ballantine asked to get the opinion of the Finance Committee, regarding changing warrant articles after voting.

Mr. Jack Brown, Chairman, Finance Committee, said they can go back and vote on items, but it does not make them happy. He said that the Finance Committee has been handed a timeline, that has been approximately a month tighter, then it was a few years ago. That is hard to handle some times.

Mr. MacAskill said that typically they have had small changes, that are handled with a reconciliation meeting prior to Town Meeting. He thinks if they have any drastic changes, they would be able to have a joint meeting, or discussion. He said that in the four years he has been there, none of the issues Mr. McManus discussed has happened.

Mr. McManus said this is about being transparent. They can make changes, but it does not give the greatest reassurance that they are being transparent, if they are waiting till the last minute to make changes.

Mr. Howell said that there are warrant articles that come from various places and that there are often things that they have not been privy too. He said that the Charter was not talking in terms of the Board of Selectmen governance over its own warrant. He said that there is Massachusetts general law that covers that. They will not have an entire warrant full of place holders, but to say that they cannot have changes after a certain date, that would not be possible.

Mr. MacAskill does not feel that anything needs to be in there, because this is about their timeline. Mr. McManus said he has read the attorney's opinion, but the Charter was enacted as a home rule petition, and as such, it overrules general laws in places of conflict. He said that has always been his position. Mr. Howell commented that has not been the position in any of his previous roles, and again said it is their warrant.

Mr. MacAskill moved to approve the budget/warrant timeline, striking the "no new information or changes will be added to the warrant after this date" under the Monday, March 2, 2020 date, and that the addition of February 8th, which is the Department Head's presentations to the Board of Selectmen joint meeting be added. Seconded by Mr. Howell.

Mr. Ballantine confirmed with Mr. Clark that he was comfortable with moving the meeting to February 8th, which was agreed. Mr. McManus clarified that the motion presented would move the Selectmen and Finance Committee Budget Presentations from February 15th to February 8th, with a snow date being the following Saturday.

All in favor, motion carried by unanimous vote.

TOWN ADMINISTRATOR'S REPORTS

A. Public Health Advisory

1. Mill Pond, Harwich & Brewster – Fish Contaminated with Mercury
2. White Pond, Dennis & Harwich – Fish Contaminated with Mercury

Mr. Clark explained that they have had a flurry of activity with different ponds in town. He said that he has been told that these two ponds, listed above are not easily accessible to the general public and are a little bit isolated. The Department of Public Health submitted an advisory to Ms. Meggan Eldredge, Health Director, regarding their findings of high mercury levels. It was

recommended that people not take any fish or consume large-mouth bass, it should just be catch and release. Also, people should limit the consumption of large-mouth bass to two meals per month.

Mr. Clark said that they received word today that Hinckley's Pond which had a high bacteria level, has now received two reports that the bacterial levels came in below and the advisory is now off.

B. Draft Non-Resident Taxpayers Public Meeting Notice

Mr. Clark said that he also included in the packet, the draft of the non-resident tax payer meeting. He wanted to inform folks that they had the add-in, he did not get any additional feedback of any concern, so he did not make any adjustments.

For residents that may be interested, the Annual Non-Resident Taxpayers Meeting will be on Monday, August 12, 2019, during the regular Board of Selectmen Meeting, so it will be no earlier than 6:30 P.M. He said that the topics will be as follows:

1. Fire Station #2—update on construction
2. Report of the Harbormaster regarding Saquatucket Harbor
3. Report by the Recreation Director in regard to beaches
4. Report of the DPW Director regarding beach trash and roadway
5. Council on Aging, Emily Mitchell, Council on Aging Director
6. Channel 18—overview of how to view these meetings
7. Wastewater issues, Charlie Sumner
8. Financial Position of the Town, Carol Coppola

Mr. Ballantine said that he would encourage Town residents to attend.

SELECTMEN'S REPORT

A. Committee Vacancy List Review

Mr. MacAskill read through the following list of most up to date vacancies.

1. Agricultural Commission: 3 full, 1 alternate (currently they do not have quorum)
2. Bikeways Committee: 2 full
3. Board of Appeals: 1 alternate
4. Building Code Board of Appeals: 5 full (inactive)

5. Cemetery Commission: 1 full
6. Community Preservation Committee: 1 Selectmen Appointee
7. Cultural Council: 4 full
8. Force Committee: 2 full
9. Harwich Accessibility Rights Committee: 1 full
10. Harwich Center Initiative Committee: 2 full, 2 alternates
11. Harwich Energy Committee: 2 full
12. Historic District Historic Commission: 2 alternates
13. Ad Hoc Noise Containment Committee: 2 full (determined earlier in this meeting)
14. Planning Board: 1 full, 2 alternates
15. Traffic Safety: 1 full
16. Treasure Chest Committee: 1 full
17. Voter Information Committee: 1 full
18. Wastewater Support Committee: 3 full
19. Youth Services: 2 full
20. Parking Committee: 1 full (business)

Mr. MacAskill said that Committee Vacancy Forms are available in the Town Administrator's office, or can be found online. They encourage people to come in and fill them out, and forms will be kept on file, even if there is not a vacancy currently open.

Mr. McManus said that the Building Code Board of Appeals is a committee that is provided for when they adopt building codes, and it is a body that is supposed to act on when a builder comes in and wants to appeal a decision by the building official. He said that the last time it was actively used in the country, was when folks were building geodesic domes. He said it has been rarely enacted. He also asked about the previous Recycling Committee, and said considering the problems they have been having with recycling issues, it might be a time to find some people who may want to work on that.

Mr. Howell explained that the Recycling Committee was originally formed to encourage recycling, which is no longer the problem. We have a high recycle rate in this town, and Mr. Hooper had actually asked for it to go dormant. He also said that he is trying to see if they can get someone who is not already on a designated committee, that has ad hoc members, for the position with the Community Preservation Committee.

B. Mr. Ford said that he just wanted to share some rave reviews that he heard, from some people visiting, about the music at the Cultural Center.

C. Mr. MacAskill said he had two things he would like to follow up on. First, they had a meeting where Mr. Hooper had proposed a Treasure Chest sticker,

and they had agreed to table that and bring it back with more information. He said that it was brought up, that they may have hired an employee, and he would like to know if they have hired a someone to work there part time.

Mr. Clark said no, but they are looking for seasonal labor to oversee the treasure chest, and that will be funded in accordance with the seasonal labor funding they have available.

Mr. MacAskill said he thinks that should come back in front of the Board, because when it was discussed, the Board was pretty divided. Mr. Ballantine agreed and said they will bring it back.

Mr. MacAskill said he would also like to see what the Town's regulations are on the yard signs. He said that they are enforcing it for businesses in Town, but the intersections in Town, seem to be full of Town signs. He would like to see the regulations and if they are enforcing it.

D. Mr. McManus thanked Mr. Ford for mentioning the comments about the performer. He said that the performer was a guy by the name of Don Fleming, and he provided some background on him. He also said that this week, on Thursday, there will be a group called Low Lily. Mr. McManus also asked if someone could provide a brief report on the steps and requirements on a town doing a DCPC nomination. Mr. Clark said he would have the Town Planner do that.

E. Mr. Howell said first, he was asked by Ms. Jannell Brown, to share a message about that she is still looking for an answer for a complaint she had made on Monday about a seasonal employee.

Also, Mr. Howell said that he would like to have an agenda discussion about what the problem is that they are trying to solve, before they talk about the policy for issuing beach stickers. What are they trying to accomplish and what is reasonable.

Mr. MacAskill said that the Recreation Department is looking into that as well. Mr. Ballantine said that he will follow up with the Recreation Department

F. Mr. Ballantine requested to add to the next agenda a discussion about training new committee members. He said they do a good job in training on open meeting law, but the only other training they get is through mentoring. He

thinks that it would be good to train on items like, Board of Health issues and Planning issues.

Mr. MacAskill said that they have brought in KP Law, and said that they also have Mr. Joseph Powers, Assistant Town Administrator, who may be able to help.

Mr. Howell said that they have had this discussion, and he thinks they should take a stab through the appointments committee to draft something. They are administering various statutes and it is not unreasonable, that they be required to do a certain number of hours, relevant to the statute they are administering.

They all agreed to move forward on this formally.

ADJOURNMENT

Mr. MacAskill moved that they adjourn at 8:12 pm. Seconded by Mr. Howell. All in favor, motion carried by unanimous vote.

Respectfully submitted,

Lisa Schwab
Board Secretary

Grantor: Trustees of the Harwich Conservation Trust
Grantee: Town of Harwich Conservation Commission
Property Address: 0 Deacons Folly Road, Harwich, MA
Grantor's Title: Book _____ Page _____ in Barnstable County Registry of Deeds
Grantor's Plan: Barnstable County Registry of Deeds, Plan Book 317, Page 18; Lot 1

CONSERVATION RESTRICTION

PATTI A SMITH, THOMAS M. EVANS, COLIN A. LEONARD, BRUCE NIGHTINGALE, DONNA J. PETERSON, EDWARD RUBEL, NANCY POOR, ANDREA SILBERT, MATTHEW CUSHING, and JONATHON IDMAN as **TRUSTEES** of and acting as such on behalf of the **HARWICH CONSERVATION TRUST**, established under Declaration of Trust dated September 24, 1988 and recorded in the Barnstable County Registry of Deeds in Book 6456, Page 222, with a mailing address of P.O. Box 101, South Harwich, MA 02661, its successors and assigns holding any interest in the Premises as hereinafter defined ("Grantor"), acting pursuant to Sections 31-33 of Chapter 184 of the Massachusetts General Laws, and in consideration of One Dollar and 00/100 (\$1.00) paid, grants to the **TOWN OF HARWICH**, a Massachusetts municipal corporation, with an address Town Hall, 732 Main Street, Harwich, Massachusetts, 02645, and acting by and through its **Conservation Commission** by authority of Section 8C of Chapter 40 of the Massachusetts General Laws, its successors and permitted assigns ("Grantee"), with quitclaim covenants, **IN PERPETUITY** and exclusively for conservation purposes, the following described **CONSERVATION RESTRICTION**, on the entirety of a parcel of land totaling 6.65 acres, more or less, located in the Town of Harwich, County of Barnstable, Commonwealth of Massachusetts, said land being described in Exhibit A and being shown on the sketch in Exhibit B, which are attached hereto and incorporated herein, and hereinafter referred to as the "Premises". The Grantor and Grantee, their successors and assigns, are bound by and subject to the terms and conditions of this Conservation Restriction.

Purpose. This Conservation Restriction is defined in and authorized by Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws and otherwise by law. Its purposes are to protect the upland forested habitat located on the Premises; to assure that the Premises will be retained in perpetuity in its natural and open condition as set forth herein; and to prevent any use that would impair or interfere with the conservation values of the Premises. The conservation of the Premises will yield a significant public benefit because the Premises' protection will advance the following policies and objectives:

WHEREAS, The Grantor purchased the Premises with funding assistance from the Conservation Partnership program pursuant to Section 2A of Chapter 286 of the Acts of 2014.

WHEREAS, in 2015, the Massachusetts Division of Fisheries and Wildlife completed an update to the State Wildlife Action Plan (SWAP) presenting 570 Species of Greatest Conservation Need in the Commonwealth and 24 types of habitat to support these species. One large-scale habitat described within the SWAP, Pitch Pine-Oak Upland Forest, dominated by forests and shrublands, provides large woody habitats for reptiles, amphibians and invertebrates, and food sources for mammals and insects (Chapter 4, p. 52); and,

WHEREAS in 1989, unprecedented growth on Cape Cod in the 1980s prompted the Massachusetts General Court to pass the Cape Cod Commission Act (Act) in 1989. The Act established the Cape Cod Commission (Commission) as Barnstable County's regional planning and regulatory agency. Through the Act, the Commission is responsible for balancing the protection of the region's resources with appropriate development and economic progress. Section 1(c) of the Act identifies the purposes of the Cape Cod Commission, which are in part, to further:

- The conservation and preservation of natural undeveloped areas, wildlife, flora and habitats for endangered species (*Regional Policy Plan*, 2018, p. 13); and,
- The protection of groundwater, surface water and ocean water quality, as well as the other natural resources of Cape Cod (*Regional Policy Plan*, 2018, p. 13) and,

WHEREAS, in July 1991 the Barnstable Assembly of Delegates, pursuant to the Cape Cod Commission Act (Chapter 716 of the Acts of 1989), adopted a *Regional Policy Plan (RPP)*, amended in 1996, 2002 and 2009, and 2018 which provided, *inter alia* (references are to the 2018 Plan):

- Goals organized around three systems, one of which is Natural Systems: water resources, wetland resources, wildlife and plant habitat, and open space. These goals serve "to protect and restore the quality and function of the region's natural environment that provides the clean water and healthy ecosystems upon which life depends" (RPP, 2018, p. 60);
 - Water Resources Goal: "(t)o maintain a sustainable supply of high quality untreated drinking water and protect, preserve, or restore the ecological integrity of Cape Cod's fresh and marine surface water resources;"
 - Wildlife and Plant Habitat Goal: "(t)o protect, preserve, or restore wildlife and plant habitat to maintain the region's natural diversity. And objectives include: to (m)aintain existing plant and wildlife populations and species diversity;"
 - Wetland Resource Goal: "(t)o protect, preserve, or restore the quality and natural values and functions of inland and coastal wetlands and their buffers;"
 - Open Space Goal: "(t)o conserve, preserve, or enhance a network of open space that contributes to the region's natural and community resources and systems" (RPP, 2018, p. 61); and,

WHEREAS, the *Regional Policy Plan* includes "Cape Cod Placetypes" which help identify unique areas for planning and regulation. "Natural Areas" are referred to as a Placetype that includes the

"region's least developed and most sensitive areas" identified by mapping BioMap2 Priority and Estimated Habitat, protected open space, and wetlands (RPP, 2018, p. 83); and,

WHEREAS, the Town of Harwich developed an *Open Space and Recreation Plan*, updated in 2017, which identified the town's natural resource needs and established goals, objectives and action plans, including:

- Goal II: Identify Future Open Space Purchases
 - *Objective 1*. Identify parcels for acquisition...that would contribute to the town's open space goals and objectives. Encourage acquisition of parcels that abut existing conservation and open space land. Particular emphasis should be placed on:
...Rare species habitat and other critical habitat and natural communities..., diadromous fish runs, and unfragmented forest habitat adjacent to previously protected open space.
- Goal IV: Enhance Trail Systems Within Open Space Areas
- Goal VI: Preserve and Enhance the Following Natural Resources: Groundwater
 - and Surface Water; Coastal Water and Adjacent Shoreline Areas; Inland and
 - Coastal Wetlands; and Wildlife and Plant Habitats
 - *Objective 2*. Preserve and improve the ecological integrity of marine and fresh surface waters.
 - *Objective 8*. Preserve, protect and enhance the quality and quantity of inland and coastal wetlands in Harwich
 - *Objective 9*. Continue to prevent the loss or degradation of critical wildlife and plant habitats, minimize the impact of new development on wildlife and plant habitats, and maintain existing populations and species diversity
- Goal VIII: Preserve and Enhance Unique Natural and Manmade Features and Resources
- Goal IX: Preserve and Enhance Opportunities for Passive and Active Recreation to Meet the Needs of Both Residents and Visitors; and,

WHEREAS, the Town of Harwich has adopted a *Conservation Restriction Program*, consisting of policies and guidelines approved by the Board of Selectmen, Assessors and Conservation Commission in 1991, which specified that purposes of a conservation restriction could include the following:

- to prevent disturbance of wetlands;
- to protect groundwater quality for drinking purposes;
- to prevent the cutting of trees or forests;
- to preserve important natural habitats and rare species;
- to limit or prevent construction on land of natural resource value; and,

WHEREAS, preservation of the Premises satisfies each of these objectives enumerated above because the Premises:

- is comprised of forested land that provides an upland buffer to freshwater wetland;
- is located 100% within the watershed recharge area for Sand Pond and Herring River;
- meets natural resource conservation goals set forth in the Town of Harwich Open Space and Recreation Plan;

*SAND POND WOODLANDS CONSERVATION RESTRICTION
Harwich, MA*

- meets natural resource conservation goals set forth in the Regional Policy Plan for Barnstable County; and,

WHEREAS, accordingly, the Premises possess significant open, natural, and scenic values (collectively, "conservation values") of great importance to the Grantee and the people of Harwich and the Commonwealth of Massachusetts; and,

WHEREAS, these and other conservation values of the Premises, as well as its current uses and state of improvement, are described in a Baseline Documentation Report ("Baseline Report") prepared by Grantee with the cooperation of the Grantor, consisting of maps, photographs, and other documents and on file with the Grantee and referenced herein. The Baseline Report (i) is acknowledged by Grantor and Grantee to be a complete and accurate representation of the condition and values of the Premises as of the date of this Conservation Restriction, (ii) is intended to fully comply with applicable Treasury Regulations, and (iii) is intended to serve as an objective information baseline for subsequent monitoring of compliance with the terms of this Conservation Restriction as described herein. Notwithstanding the foregoing, the parties may utilize any evidence of the condition of the Premises at the time of this grant other than the Baseline Report, should the Baseline Report be unavailable or if it does not adequately address the issues presented; and

WHEREAS, the Town of Harwich has in recent years come under increasing pressure for development, and such development can destroy or otherwise severely impact the open character, natural resources, and scenic beauty of the area; and,

WHEREAS, the Grantor is a publicly-supported, tax-exempt non-profit organization whose primary purpose is to preserve and conserve natural areas for aesthetic, scientific and educational purposes; and,

WHEREAS, the Grantor intends, as owner of the Premises, to convey to the Grantee the right to preserve and protect the above-mentioned conservation values of the Premises in perpetuity; and,

WHEREAS, the Grantee agrees by accepting this Conservation Restriction to honor the intentions of the Grantor stated herein and to preserve and protect in perpetuity the above-mentioned conservation values for the benefit of this generation and the generations to come; and,

NOW, THEREFORE, in consideration of the above and the mutual covenants, terms, conditions, and restrictions contained herein, the Grantor and the Grantee voluntarily agree that the CONSERVATION RESTRICTION described herein is an appropriate means to achieve the community's open space goals and objectives and to protect and enhance natural and scenic values of Cape Cod.

The terms of this Conservation Restriction are as follows:

I. PROHIBITED ACTS and USES, EXCEPTIONS THERETO AND PERMITTED USES

A. Prohibited Acts and Uses. Subject to the exceptions set forth in Paragraph I.B, the Grantor will not perform or allow others to perform the following acts and uses, which are prohibited, in, on, over and below the Premises:

1. Construction or placing of any temporary or permanent building, structure, facility or improvement, including but not limited to any dwelling unit or habitable living space, landing strip or helipad, mobile home, boats, trailers, swimming pool, tennis court, active recreational facility, dock, bulkhead, jetty, parking area, fence, shed or storage box, utilities, storage tanks, wells, asphalt or concrete pavement, antenna, satellite receiving dish, tower, windmill, solar array, sewage or septage disposal system;
2. Construction of any roads or driveways through or on the Premises, or the clearing of vegetation, or the addition, removal or movement of soil for such purpose;
3. Mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit, constructing, bulldozing, excavating or drilling of dikes, ditches, holes, swales, or making any other alterations in the natural topography of the Premises;
4. Placing, filling, storing or dumping on the Premises of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, wood chips, tree cuttings, waste, or other substance or material whatsoever;
5. Planting or otherwise introducing or nurturing any non-native tree or woody vegetation on the Premises;
6. Creation of a cultivated (i.e., seeded, fertilized, and maintained) lawn or formal or cultivated gardens; application or use of fertilizers, fungicides, herbicides or pesticides;
7. Any residential, commercial, or industrial use; any agricultural use including any animal husbandry or paddocking or grazing;
8. Cutting, removing or otherwise destroying trees, grasses or other vegetation;
9. Activities detrimental to drainage, flood control, water or soil conservation, erosion control, wildlife habitat, or the quality of surface or ground water or archaeological conservation;
10. The use, parking or storage of motorized trail bikes, all-terrain vehicles, snowmobiles, or any motorized vehicle, or boats or trailers, except for vehicles necessary for public safety (i.e., fire, police, other government officials) in carrying out their official duties or for purposes of upkeep, maintenance and habitat management of the Premises;
11. Conveyance of a part or portion of the Premises alone, or division or subdivision of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted);

12. Grantor, its successors and assigns, agree that all development rights in the Premises, are terminated and extinguished by this Conservation Restriction, and that the Premises may not be used for the purpose of calculating the amount of Grantor's or any other land available for additional subdivision or calculating the building requirements on this or any other land owned by the Grantor or any other person;
13. Any other use of the Premises or activity thereon which is inconsistent with the purposes of this Conservation Restriction or which would materially impair its conservation values.

B. Reserved Rights and Exceptions. The Grantor reserves the right to perform or permit the following uses and activities on the Premises, but only if such uses and activities do not materially impair the conservation values or purposes of this Conservation Restriction:

1. Passive outdoor recreational activities, including quiet, non-motorized activities that can be performed outdoors with minimum disturbance to the Premises' natural condition, such as walking, jogging, cross-country skiing, bird watching, hiking, wildlife observation, nature study, photography, sketching and painting and such other consistent activities;
2. The right to install temporary and permanent boundary monuments delineating the Premises;
3. The erection and maintenance of wooden split-rail or comparable open-faced (i.e., sight-pervious) fencing no more than six (6) feet in height, and designed to allow for the passage of wildlife, in connection with the creation and maintenance of foot trails, for public passive recreational access, and private property demarcation;
4. The creation, modification, use (limited to such uses described in Paragraph I.B.1) and abandonment of foot trails, provided said trails shall not exceed five (5) feet in width and shall not be paved, further provided that the Grantor provide notice to the Grantee prior to constructing any new foot trails, and the placement of simple sitting benches along said foot trails;
5. The erection and maintenance of small signs and an educational kiosk identifying Grantor and Grantee, the Premises' boundaries and its status as conservation land, the restrictions on the use of the Premises, the identity or location of trails, areas of interest, natural features or other characteristics, including the historical significance, of the Premises, or for providing other like information so long as such signage is consistent with the purposes of this Conservation Restriction. Signage will be subject to any applicable regional or local approvals;
6. In accordance with generally accepted forestry management practices, the right to control and remove invasive species in a manner designed to affect the targeted species and to avoid damage to the non-target species and water quality including the right to control poison ivy and other potentially hurtful species and other plant life that

- threatens indigenous species anywhere within the Premises, including the use of spot-applied herbicides, fungicides and pesticides, so long as surrounding species and water quality is not materially affected or disturbed;
7. In accordance with generally accepted forestry management practices, pruning or cutting down trees and other vegetation only as necessary to control or prevent an identified disease, infestation or other hazard, for storm clean-up, for safety reasons to prevent injury to persons or damage to property, and to create and maintain foot trails;
 8. The stockpiling and composting of stumps, trees, brush, limbs and similar biodegradable materials originating on the Premises. No such activities will take place closer than one hundred (100) feet from any wetland, waterbody or stream. Exercise of this Reserved Right shall take into account sensitive areas and avoid harm to nesting species during nesting season;
 9. With prior notice to the Grantee, undertaking measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, or rare or endangered species;
 10. Construction, repair, maintenance, and use of a parking area to accommodate up to six vehicle spaces, which shall be unpaved or surfaced with pervious materials only, to provide access to the Premises for the passive outdoor recreational activities described in Paragraph B.1, and the right to clear vegetation and regrade soil for the purposes of constructing such parking area, provided all such activities are confined to an area measuring 100 ft. by 100 ft. square as shown in Exhibit B with frontage and access on Main Street to said parking area;
 11. The right to conduct archaeological activities, including without limitation archaeological research, surveys, excavation and artifact retrieval, but only (a) after written notification to and approval by Grantee, and (b) in accordance with an archaeological field investigation plan prepared by or on behalf of the Grantor and approved in advance of such activity, in writing, by the Massachusetts Historic Commission (“MHC”) State Archaeologist as required by Massachusetts General Laws. A copy of the results of any scientific investigation on the Premises is to be provided to the Grantee. Plans for restoration of the site of any archaeological activity shall be submitted to the Grantee in advance of restoration, and such restoration shall be conducted only in accordance with a plan approved by the Grantee.

Activities detrimental to archeological and historic resources, including but not limited to earth moving and the alteration of historic stone walls/cellar holes/features shall not be deemed to be detrimental to archeological and historic resources if a description of the proposed activity and its location is submitted in writing with a plan of land (or assessors map) and a USGS map with the Premises outlined thereon, to Massachusetts Historic Commission (“MHC”) and MHC issues a letter stating that the proposed activity is not within a resource area or is determined to not have an adverse effect on said resources. Grantor and Grantee shall make every reasonable effort to prohibit any person from conducting archeological field investigations including metal detecting,

digging or artifact collecting, without MHC approval;

12. The right to convey the Premises in its entirety;
13. Any work undertaken in conjunction with the reserved rights mentioned above in this Paragraph I.B. shall seek to minimize disturbance within the Premises. Upon completion of any site work performed in conjunction with this Paragraph I.B., any disturbed areas shall be restored substantially to match the conditions with respect to soil material, grade, and vegetated ground cover that existed prior to said work; and,
14. The exercise of any right reserved by the Grantor under this Paragraph I.B shall be in compliance with all permitting requirements, the then-current Zoning By-Laws of the Town of Harwich, and all other applicable federal, state and local laws, rules, regulations and permits. The inclusion of any reserved right in this Paragraph I.B requiring a permit from a public agency does not imply that the Grantee or the Commonwealth takes any position on whether such permit should be issued.

II. ADDITIONAL PROVISIONS

A. Notice and Approval. Whenever notice to or approval by the Grantee is required under the provisions herein, the Grantor shall notify the Grantee in writing, by a method requiring receipt, not less than sixty (60) days prior to the date the Grantor intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the purposes of this Conservation Restriction. Where the Grantee's approval is required, the Grantee shall grant or withhold its approval in writing within sixty (60) days of the date of receipt of the Grantor's written request therefore. Failure of Grantee to deliver a written response to Grantor in accordance with the prescribed timeframe shall be deemed to constitute approval by Grantee of any request submitted for approval provided that the requested activity is not contrary to the express restrictions hereof, will not materially impair the purposes or conservation values of this Conservation Restriction, and Grantor's request sets forth in substance the provisions of this paragraph relating to deemed approval after the passage of time.

B.1. Extinguishment. If circumstances arise in the future such as to render the purpose of this Conservation Restriction impossible to accomplish, this Conservation Restriction can be terminated or extinguished, whether in whole or in part, only by judicial proceedings in a court of competent jurisdiction, after review by the Massachusetts Secretary of Energy and Environmental Affairs. If any change in conditions ever gives rise to extinguishment or other release of the Conservation Restriction under applicable law, then the Grantee, on a subsequent sale, exchange or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with Paragraph B.2. below. The Grantee shall use its share of the proceeds in a manner consistent with the conservation purposes set forth herein.

B.2. Proceeds. The Grantor and the Grantee agree that donation of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, with a fair market

value that is equal to ten percent (10%) of the fair market value of the unrestricted property. For the purposes of this Paragraph B.2, said proportionate value shall remain constant.

B.3. Grantor/Grantee Cooperation Regarding Public Action. Whenever all or part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantee under this Paragraph shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and the Grantee in shares equal to such proportionate value, as noted in Paragraph B.2., above. If less than the fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantee shall use its share of the proceeds in a manner consistent with the purposes of this grant.

C. Access. The Grantor shall have the right to provide public access at its discretion for passive recreation which for the purposes of this paragraph shall mean any activity of quiet, pedestrian enjoyment that can be performed outdoors with minimum disturbance of an area's natural condition, such as walking, jogging, bird watching, hiking, wildlife observation, nature study, photography, and such other consistent activities. This Conservation Restriction hereby conveyed, however, does not itself grant to the Grantee, to the public generally, or to any other person any right to enter upon the Premises, except the Grantee and its representatives are granted the right to enter the Premises (a) upon providing Grantor at least forty-eight (48) hours prior notice (which may be oral notice), and in a reasonable manner, for the purpose of inspecting the same to determine compliance with the provisions of this Conservation Restriction; and (b) to take any and all actions with respect to the Premises at the then fee owner's cost as may be necessary or appropriate, with or without order of court, to remedy, abate or enforce any violation hereof, provided that Grantee has provided Grantor with written notice of the violation and Grantor has failed to cure the same within thirty (30) days from said notice. Notwithstanding the foregoing, in the event of an emergency, Grantee shall have the right to enter upon the Premises and to cure any violations by giving Grantor as much notice as is practicable. Notwithstanding any public use of the Premises as permitted herein, neither the Grantor nor the Grantee assumes any obligation to maintain the Premises for public passive recreational use. Grantor and Grantee claim all the rights and immunities against liability for injury to the public to the fullest extent of the law.

D. Legal Remedies of the Grantee. The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including without limitation relief requiring restoration of the Premises to its condition at the time of this grant (it being agreed that the Grantee will have no adequate remedy at law), and shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction. The Grantor, its successors and assigns covenant and agree to reimburse the Grantee for all reasonable costs and expenses (including without limitation reasonable counsel fees) incurred in enforcing this Conservation Restriction or in taking reasonable measures to remedy or abate any violation thereof.

In the event of a dispute over the boundaries of the Premises, the Grantor shall pay for a survey and permanent boundary markers delineating the Premises.

The Grantor, its successors and assigns shall each be liable under this Paragraph for only such violations of this Conservation Restriction as may occur during their respective periods of ownership of the Premises. Any new owner may be held responsible for remedying any violations or encroachments.

By its acceptance, the Grantee does not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantee or its agents.

E. Non-Waiver. Enforcement of the terms of this Conservation Restriction shall be at the discretion of the Grantee, and any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

F. Acts Beyond Grantor's Control. Nothing contained in this Conservation Restriction shall be construed to entitle the Grantee to bring any action against the Grantor, its successors and assigns for any injury to or change in the Premises resulting from causes beyond the Grantor's, its successors' and assigns' control, including, but not limited to, fire, flood, storm, natural erosion, or from any prudent action taken by the Grantor, his successors and assigns under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. Grantor and Grantee agree that in the event of damage to the Premises from acts beyond Grantor's control, that if Grantor and Grantee mutually agree that it is desirable that the Premises be restored, Grantor and Grantee will cooperate in attempting to restore the Premises if feasible.

G. Duration and Assignability.

1. Running of the Burden. The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.

2. Execution of Instruments. The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction; the Grantor, on behalf of itself and its successors and assigns, appoints the Grantee its attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor and its successors and assigns agree themselves to execute any such instruments upon request.

3. Running of the Benefit. The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable by the Grantee, except in the following instances:

As a condition of any assignment, the Grantee shall require that the purpose of this Conservation Restriction continues to be carried out; that the assignee is not an owner of the fee

in the Premises, and the assignee, at the time of the assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and is a donee eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the Massachusetts General Laws. Any assignment will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

H. Subsequent Transfers.

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantee not less than twenty (20) days prior to the effective date of such transfer. Failure to do any of the above shall not impair the validity or enforceability of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

I. Termination of Rights and Obligations.

The rights and obligations under this Conservation Restriction of any party holding an interest in the Premises shall terminate upon transfer of that party's interest, except that liability for acts or omissions occurring prior to the transfer, and liability for the transfer itself if the transfer is a violation of this Conservation Restriction, shall survive the transfer. Any new owner shall cooperate in the removal of violations occurring prior to and still existing after the transfer, and may be held responsible for any continuing violations.

J. Estoppel Certificates.

Upon request by the Grantor, the Grantee shall, within thirty (30) days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance with any obligation of the Grantor contained in this Conservation Restriction.

K. Amendment.

If circumstances arise under which an amendment to or modification of this Conservation Restriction would be appropriate, Grantor and Grantee may jointly amend this Conservation Restriction; provided that no amendment shall be allowed that will affect the qualification of this Conservation Restriction or the status of Grantee under any applicable laws, including Section 170(h) of the Internal Revenue Code of 1986, as amended, or Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws. Any amendments to this Conservation Restriction shall occur only in exceptional circumstances. The Grantee will consider amendments only to correct an error or oversight, to clarify an ambiguity, or where there is a net gain in conservation value. All expenses of all parties in considering and/or implementing an amendment shall be borne by the persons or entity seeking the amendment. Any amendment shall be consistent with the purposes of this Conservation Restriction, shall not affect its perpetual duration, shall be approved by the Secretary of Energy and Environmental Affairs and if applicable, shall comply with the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, and any gifts, grants or funding requirements. Any amendment shall be recorded in the Barnstable Registry of Deeds.

L. Non-Merger.

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The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction to a non-fee owner that is qualified under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder and is eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the Massachusetts General Laws in order to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

M. Notices.

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantor: The Trustees of Harwich Conservation Trust, P.O. Box 101, South
Harwich, MA 02661

To Grantee: Town of Harwich Conservation Commission, 732 Main Street, Harwich,
MA 02645

or to such other address as any of the above parties shall designate from time to time by written notice to the other or, if notice is returned to sender, to an address that is reasonably ascertainable by the parties.

N. Miscellaneous Provisions.

1. Controlling Law. The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.
2. Construction. Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to effect the purposes of this Conservation Restriction and the policies and purposes of Sections 31-33 of Chapter 184 of the Massachusetts General Laws. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purposes of this Conservation Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.
3. Severability. If any provision of this Conservation Restriction shall to any extent be held invalid, the remainder shall not be affected.
4. Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to the Conservation Restriction and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Conservation Restriction, all of which are merged herein.

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5. Captions. The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.
6. Pre-existing Public Rights. Approval of this Conservation Restriction pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws by any municipal officials and by the Secretary of Energy and Environmental Affairs is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.
7. Effective Date: This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the Massachusetts General Laws have been obtained, and it has been recorded in a timely manner in the Barnstable Registry of Deeds.
8. Subordination. The Grantor shall record at the appropriate Registry of Deeds simultaneously with this Conservation Restriction all documents necessary to subordinate any mortgage, promissory note, loan, lien, equity credit line, refinance assignment of mortgage, lease, financing statement or any other agreement which gives rise to a surety interest affecting the Premises.

No documentary stamps are required as this Conservation Restriction is a gift.

Attached hereto and incorporated herein are the following:

Signatures:

Grantor – Trustees of the Harwich Conservation Trust
Grantee – Town of Harwich Conservation Commission
Approval by the Town of Harwich, Board of Selectmen
Approval by the Secretary of Energy and Environmental Affairs of Massachusetts

Exhibits:

- A. Legal Description of the Premises
- B. Sketch Plan of the Premises

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SAND POND WOODLANDS CONSERVATION RESTRICTION
Harwich, MA

Executed under seal this _____ day of _____, 2021.

Grantor:
Harwich Conservation Trust
By its Trustees,

Thomas M. Evans, President / Trustee

Colin A. Leonard

Donna J. Peterson

Edward Rubel

Patti A. Smith

Andrea Silbert

Matthew Cushing

Bruce Nightingale

Nancy Poor

Jonathon Idman

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss. _____, 2021

Then personally appeared the above-named Thomas M. Evans, President and Trustee of the Harwich Conservation Trust, and proved to me through satisfactory evidence of identification, which was personal knowledge of identity, to be the person whose name is signed on the document, and acknowledged he is duly authorized to act on behalf of said Trust, and further acknowledged the foregoing instrument to be his free act and deed on behalf of said Trust, before me.

Notary Public
My commission expires:

ACCEPTANCE

The Town of Harwich, acting by and through its Conservation Commission pursuant to the provisions of Section 8C of Chapter 40 of the Massachusetts General Laws, hereby accepts the foregoing Conservation Restriction from the Trustees of the Harwich Conservation Trust on this ___ day of _____, 2021.

TOWN OF HARWICH
CONSERVATION COMMISSION

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this _____ day of _____, 2021, before me, the undersigned Notary Public, personally appeared the above-named _____, Chairman of the Conservation Commission, and proved to me through satisfactory evidence of identification, which was personal knowledge of identity, to be the person whose name is signed on the document and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Town of Harwich.

Notary Public
My commission expires:

**APPROVAL BY BOARD OF SELECTMEN
TOWN OF HARWICH**

We, the undersigned, being a majority of the Board of Selectmen of the Town of Harwich, Massachusetts, hereby certify that at a public meeting duly held on _____, 2021, the Board of Selectmen voted to approve the foregoing Conservation Restriction from the Trustees of the Harwich Conservation Trust to the Town of Harwich, acting by and through its Conservation Commission, in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

TOWN OF HARWICH,
By its Board of Selectmen:

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss. _____, 2021

Then personally appeared before me, the undersigned notary public, the above-named Larry G. Ballantine, Edward J. McManus, Michael D. MacAskill, Donald F. Howell, and Stephen P. Ford, Board of Selectmen of the Town of Harwich, who proved to me through satisfactory evidence of identification, which was personal knowledge of identity, to be the persons whose names are signed on the document, and acknowledged to me that they signed the foregoing instrument voluntarily for its stated purpose on behalf of said Board of Selectmen of the Town of Harwich.

Notary Public
My Commission Expires:

SAND POND WOODLANDS CONSERVATION RESTRICTION
Harwich, MA

**APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction from the Trustees of the Harwich Conservation Trust to the Town of Harwich, acting by and through its Conservation Commission, has been approved in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

Dated: _____, 2021

KATHLEEN A. THEOHARIDES
Secretary of Energy and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss:

On this _____ day of _____, 2021, before me, the undersigned notary public, personally appeared KATHLEEN A. THEOHARIDES, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

EXHIBIT A
Description of the Premises

The Premises subject to this Conservation Restriction is located in the Town of Harwich, County of Barnstable, Commonwealth of Massachusetts, and comprises 6.65 acres of vacant land, more or less, and described as follows:

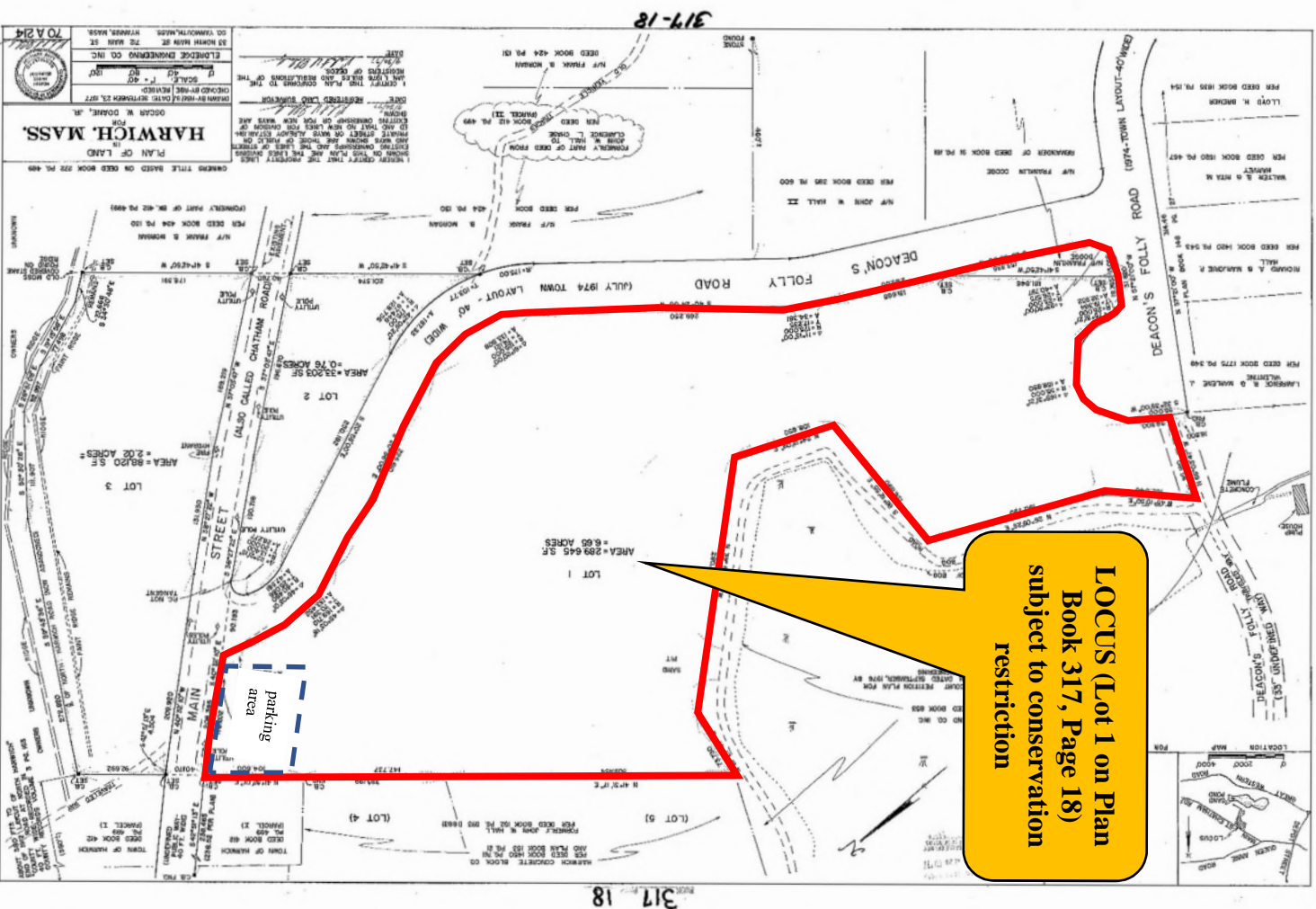
All of Lot 1 on Barnstable County Registry of Deeds Plan Book 317, Page 18 that is situated in the Town of Harwich, Massachusetts.

For Grantor's title, see deed recorded in the Barnstable County Registry of Deeds Book _____, Page _____.

Street Address: 0 Deacons Folly Road, Harwich, MA

Town of Harwich Assessor's Map 46 Lot F5

EXHIBIT B
Sketch Plan of Premises
Lot 1 on Plan Book 317, Page 18



CONTRACTS

OFFICE OF THE TOWN ADMINISTRATOR

Joseph F. Powers, *Town Administrator*
Meggan M. Eldredge, *Assistant Town Administrator*

Phone (508) 430-7513

Fax (508) 432-5039

732 MAIN STREET, HARWICH, MA 02645



Memo

To: Board of Selectmen
Joseph F. Powers, Town Administrator

From: Meggan Eldredge, Assistant Town Administrator
Griffin Ryder, Town Engineer

RE: Contract with Five Star Golf Cars & Utility Vehicles, LLC

Date: March 26, 2021

This memorandum corresponds to *Contracts Agenda Item A. Discussion and possible vote for the Board of Selectmen to execute a contract with Five Star Golf Cars & Utility Vehicles, LLC to lease eighty (80) golf carts and six (6) utility vehicles for the Cranberry Valley Golf Course per the following terms:*

- *Temporary Gas Carts (April 1, 2021 – August 31, 2021) with a revenue share of 83.25% of gross revenue for the Town and 16.75% for the Lessor*
- *Electric Carts (September 1, 2021 – December 31, 2025) with a revenue share of 60% of gross revenue for the Town and 40% for the Lessor.*

As you will see from the attached materials, this item was procured through the FAC-88 State Contract in accordance with MGL, c. 30B.

I recommend the Board's approval and execution of this contract.

Project Name: Electric Cart Lease TM Year and Article #:

Appropriation: \$ Revenue Share

Low Bidder: Five Star Golf Cars - State Contract FAC-88

Bid Price: \$ 60740

12/13/18 Revised Procurement Checklist

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

*Note: contracts (not grants) **below \$25,000** can be signed by Town Administrator.

- 1. Please provide a **separate page titled "Summary of Project"** which includes:
 - a. Provide how many bidders there were, the range of bids, and apparent low bidder.
 - b. Identify the funding source, such as article number and amount approved. 016954/432025
 - c. Include what you feel is pertinent, but keep this section to 4 sentences or less.

2. Finance Director has signed that funds are available: DocuSigned by: Carol Coppola Account # 48C2030D33D434...

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

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

<u>Buildings and Public Works</u>	<u>Goods and Services</u>
<input type="checkbox"/> C1. Please show Prevailing Wage was used. <input type="checkbox"/> C2. If construction is near \$10,000 you also need: <input type="checkbox"/> a. Written spec sheet. <input type="checkbox"/> b. Advertised for two weeks on Central Register and COMMBUYS. <input type="checkbox"/> c. Apparent low bidder posted to Town website. <input type="checkbox"/> C3. If construction over \$25,000 you need C1, C2, as well as: <input type="checkbox"/> a. Show project was in the Capital Plan. <input type="checkbox"/> b. Low bidder provides 50% payment bond after Selectmen's countersignature. <input type="checkbox"/> C4. If construction over \$50,000 you need C1, C2, C3, as well as: <input type="checkbox"/> a. Bid Bond of 5% of total value. <input type="checkbox"/> b. Sealed Bids. <input type="checkbox"/> c. End of Public Works construction requirements <input type="checkbox"/> C5. If Building estimated construction costs are over \$300,000 and estimated design costs are over \$30,000 you'll need to follow the Designer Selection RFQ process: <input type="checkbox"/> a. Advertise in Central Register and local newspaper for two weeks. <input type="checkbox"/> b. Set a designer fee or price ceiling. <input type="checkbox"/> c. Use Standard Designer Application Form <input type="checkbox"/> C6. If Building construction over \$150,000 you'll need C1, C2, C3, C4, C5, as well as: <input type="checkbox"/> a. 100% payment bond was in bids. <input type="checkbox"/> b. 100% performance bond was in bids. <input type="checkbox"/> c. DCAMM certified bidders. <input type="checkbox"/> i. DCAMM certified sub-bids if over \$25,000. <input type="checkbox"/> C7. If Building construction over \$10,000,000 you'll need C1, C2, C3, C4, C5, C6, as well as: <input type="checkbox"/> a. Solicit qualifications prior to sealed bids.	<input type="checkbox"/> GS1. If procured using the State Bid List : <input checked="" type="checkbox"/> a. Over \$25,000 please show project was on the Capital Plan. <input type="checkbox"/> GS2. If project is over \$5,000 : <input type="checkbox"/> a. Please provide written spec sheet used and who it was sent to. <input type="checkbox"/> b. Maximum contract length is three years. <input type="checkbox"/> GS3. If project is over \$50,000 : <input type="checkbox"/> a. Show project was advertised for two weeks in a newspaper and on COMMBUYS. <input type="checkbox"/> b. Show project utilized sealed bids. <input type="checkbox"/> c. Apparent low bidder posted to Town website. <input type="checkbox"/> GS4. If project is over \$100,000 : <input type="checkbox"/> a. Show project was advertised for two weeks in COMMBUYS and Goods and Services Bulletin. <input type="checkbox"/> b. Show project utilized sealed bids. <p>Note 1: If lowest bidder was found to be either not responsive or not responsible, the Town may begin negotiations with next lowest bidder.</p> <p>Note 2: Bids may be negotiated downwards but never higher than original quote.</p> <p>Note 3: Municipalities shall not provide a down payment, deposit, or provide funding before possession of purchased item.</p> <p style="text-align: center; color: red; font-weight: bold; font-size: 1.2em;">FAC 88 Statewide Contract</p>

Original for Accounting Original for Procurement Original for Vendor Contract to Treasurer's
Signature of Town Administrator or Assistant Town Administrator: DocuSigned by: Meggan Eldredge

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

Electric Cart Lease

Summary of Project

The attached agreement was negotiated with 5-Star Golf Cars utilizing state contract FAC-88 pricing and a scope of work that was a collaboration of the Harwich Golf Committee cart task force and the Director of Golf. The agreement was negotiated significantly below state contract pricing. Under this agreement, 5-Star Golf Cars will provide a temporary fleet of gas carts at the same revenue share rate that our previous vendor received (83.25% for the Town) while they produce the fleet of golf carts for delivery in September 2021 that meets our scope of work (new lithium battery electric carts with digital GPS screen and permanent tow bars) at a rate of 60% revenue for the Town. Golf Department revenue projections show that at this rate we will meet or exceed projected revenue goals for the Town.

TOWN OF HARWICH, MA

LEASE GOLF CARTS for CRANBERRY VALLEY GOLF COURSE 2021-2025

**The Town of Harwich is requesting:
bid proposals from qualified vendors to provide a minimum of:**

- A. Eighty (80) New 48-volt Lithium electric golf cars equipped with:
Canopy Top / Split Windshield / Two (2) Sand Bottle / Club Protector / Tow Bars / GPS
- B. One (1) Driving range vehicle with cage and universal picker adaptor
- C. Five (5) Utility vehicles with beds

SPECIFICATIONS

The Town is requesting bids for a five (5) year period for the rental of a total of eighty (80) new fleet golf cars. All units shall be current year model, new and in excellent working condition while equipped with the manufacturer's standard safety features. The following features will be required for all the golf cars proposed for Cranberry Valley Golf Club:

Body:

- Standard seating for an operator and one passenger
- Body constructed of automotive quality injection molded TPO
- Color shall be Ivory or Green
- Each unit to include sweater basket, molded plastic sun top and split windshield
- Each golf car shall be marked with a durable serial number plate & number decal

Chassis:

- Chassis shall be conventional 4-wheel design with an 800 lb. load capability to include operator, passenger and cargo
- Welded high grade steel with powder-coat protection
- Front Suspension: Independent A-Arm coil over shock
- Rear Suspension: Mono leaf springs with hydraulic shocks
- Service Brake: Induction Motor, Electronic Motor Brake
- Parking Brake: Automatic Electro-magnetic
- Steering: Double-ended Rack & Pinion
- Tires: Front & Rear: 18x8.50x8 (4 ply rated)
- Wheel Base: Approximately 65 inches
- Width: Approximately 47 inches
- Length: Approximately 95 inches
- Height: Approximately 70 inches (with roof)

Powertrain:

- Power Source: 56-Volt Electric
- Motor Type: 48-Volt AC Induction motor with shaft direct drive
- Transaxle: Limited Slip Differential
- Vehicle shall be capable of top speed of not more than 15 MPH
- Tow Capacity: Three golf cars with permanent tow bars
- Full-time regenerative braking system
- Safety-Brake Feature: Automatic hill hold

Electrical System:

- 7" GPS screens with graphics, yardages & car control
- Batteries: 56-Volt Lithium
- Speed Controller: 235-amp AC
- Charger: Lithium World Charger 56VDC (11' cord)
- Dash mounted direction selector switch (Forward-Neutral-Reverse)

PLEASE WRITE "NO" NEXT TO ANY BID SPECIFICATION NOT MET BY THE PROPOSED GOLF CAR. FAILURE TO IDENTIFY AN UNMET BID SPECIFICATION, WILL RESULT IN THE BID BEING REJECTED.

____: Standard seating for an operator and one passenger

____: Body constructed of automotive quality injection molded TPO

____: Each unit to include sweater basket, molded plastic sun top and split windshield

____: Each golf car shall be marked with a durable serial number plate

____: Conventional 4-wheel design with an 800 lb. load capacity to include

____: Welded high yield strength tubular steel frame

____: Front Suspension: Independent A-Arm coil over shock

____: Rear Suspension: Mono leaf springs with hydraulic shock absorbers

____: Service Brake: Induction Motor, Electronic Motor Brake

____: Parking Brake: Automatic, Electro-magnetic

____: Steering: Double-ended Rack & Pinion

PLEASE WRITE "NO" NEXT TO ANY BID SPECIFICATION NOT MET BY THE PROPOSED GOLF CAR. FAILURE TO IDENTIFY AN UNMET BID SPECIFICATION, WILL RESULT IN THE BID BEING REJECTED.

- _____ : Tires: Front & Rear: 18x8.50x8 (4 ply rated)
- _____ : Wheel Base: Approximately 65 inches
- _____ : Width: Approximately 47 inches
- _____ : Length: Approximately 95 inches
- _____ : Height: Approximately 70 inches (with roof)
- _____ : Power Source: Electric
- _____ : Motor: 48 Volt AC Induction motor, 4.4 hp (3.3kW) continuous
- _____ : Transaxle: Limited slip differential
- _____ : Vehicle shall be capable of top speed of not more than 15 MPH
- _____ : Full-time regenerative braking system
- _____ : Batteries: Samsung SDI 56-Volt Lithium ELiTE (Zero maintenance)
- _____ : Speed Controller: Solid state 235-amp AC controller
- _____ : Charger: Lithium World Charger 56-Volt (11' cord)
- _____ : 7" GPS screens with graphics, yardages & car control
- _____ : Dash mounted direction selector switch (Forward-Neutral-Reverse)
- _____ : Safety-Brake Feature: Automatic hill hold with forward only release

AGREEMENT FOR TOWN OF HARWICH

The following provisions shall constitute an Agreement between the Town of Harwich, acting by and through its Board of Selectmen, hereinafter referred to as "Town," and Five Star Golf Cars & Utility Vehicles, LLC, with an address of 174 Main Street, Buzzards Bay, MA 02532, hereinafter referred to as "Contractor", effective as of the ____ day of March, 2021. In consideration of the mutual covenants contained herein, the parties agree as follows:

ARTICLE 1: SCOPE OF WORK:

The Contractor shall perform all work and furnish all services necessary to provide the Town with a fleet of golf cars and utility vehicles for the Cranberry Valley Golf Course, including the scope of services set forth in Attachment A.

ARTICLE 2: TIME OF PERFORMANCE:

The Contractor shall complete all work and services required hereunder commencing March 29, 2021 through December 31, 2025.

ARTICLE 3: COMPENSATION:

The Town shall pay the Contractor for the performance of the work outlined in Article 1 above based on the following revenue share agreement where the percentage of the revenue share to be retained by the Town from **(April 1, 2021 – August 31, 2021)** is **83.25%** of gross revenue collected from the rental of cars with the Lessor retaining **16.75%** of gross revenue. The percentage to be retained by the Town from **(September 1, 2021 – December 31, 2025)** is **60%** of gross revenue collected from the rental of cars with the Lessor retaining **40%** of gross. The Contractor shall submit monthly invoices to the Town for services rendered, which will be due 30 days following receipt by the Town.

ARTICLE 4: CONTRACT DOCUMENTS:

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

1. This Agreement.
2. Amendments, or other changes mutually agreed upon between the parties.

3. All attachments to the Agreement.
4. The Commonwealth of Massachusetts Operational Services Division FAC88: Lawns & Grounds, Equipment, Parts and Services Statewide Contract.

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

ARTICLE 5: CONTRACT TERMINATION:

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

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

Either party may terminate this Agreement at any time for convenience by providing the other party written notice specifying therein the termination date which shall be no sooner than ninety (90) days from the issuance of said notice. Upon receipt of a notice of termination from the Town, the Contractor shall cease to incur additional expenses in connection with the Agreement. Upon such termination, the Contractor shall be entitled to compensation for all satisfactory work completed prior to the termination date as determined by the Town. Such payment shall not exceed the fair value of the services provided hereunder.

ARTICLE 6: INDEMNIFICATION:

The Contractor shall defend, indemnify and hold harmless the Town and its officers, agents, and all employees from and against claims arising directly or indirectly from the contract. Contractor shall be solely responsible for all local taxes or contributions imposed or required under the Social Security, Workers' Compensation, and income tax laws. Further, the Contractor shall defend, indemnify and hold harmless the Town with respect to any damages, expenses, or

claims arising from or in connection with any of the work performed or to be performed under this Agreement. This shall not be construed as a limitation of the Contractor's liability under the Agreement or as otherwise provided by law.

ARTICLE 7: AVAILABILITY OF FUNDS:

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

ARTICLE 8: APPLICABLE LAW:

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

ARTICLE 9: ASSIGNMENT:

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

ARTICLE 10: AMENDMENTS:

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

ARTICLE 11: INDEPENDENT CONTRACTOR:

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

ARTICLE 12: INSURANCE:

The Contractor shall be responsible to the Town or any third party for any property damage or bodily injury caused by it, any of its subcontractors, employees or agents in the

performance of, or as a result of, the work under this Agreement. The Contractor and any subcontractors used hereby certify that they are insured for workers' compensation, property damage, personal and product liability. The Contractor and any subcontractor it uses shall purchase, furnish copies of, and maintain in full force and effect insurance policies in the amounts here indicated.

- 1) General Liability of at least \$1,000,000 Occurrence/\$3,000,000 General Aggregate. The Municipality should be named as an "Additional Insured". Products and Completed Operations should be maintained for up to 3 years after the completion of the project.
- 2) Automobile Liability (applicable for any contractor who has an automobile operating exposure) of at least \$1,000,000 Bodily Injury and Property Damage per accident. The Municipality should be named as an "Additional Insured".
- 3) Workers' Compensation Insurance as required by law. Include Employers Liability Part B with a limit of \$1,000,000
- 4) Property Coverage for materials and supplies being transported by the contractor, as the Town's Property Contract provides coverage for personal property within 1000 feet of the premises.
- 5) Umbrella Liability of at least \$2,000,000/ occurrence, \$2,000,000/aggregate. The Municipality should be named as an Additional Insured.

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

ARTICLE 13: SEVERABILITY:

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

ARTICLE 14: ENTIRE AGREEMENT:

This Agreement, including all documents incorporated herein by reference, constitutes the entire integrated agreement between the parties with respect to the matters described. This Agreement supersedes all prior agreements, negotiations and representations, either written or oral, and it shall not be modified or amended except by a written document executed by the parties hereto.

ARTICLE 15: COUNTERPARTS:

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

CERTIFICATION AS TO PAYMENT OF STATE TAXES

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

32-0281555
Social Security Number or
Federal Identification Number

Five Star Golf Cars & Utility Vehicles LLC
Signature of Individual or
Corporate Name
DocuSigned by:
By: Matt McDonald
89DAF2C9CEAC4D7...
Corporate Officer
(if applicable)

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

CONTRACTOR

By Matt McDonald
DocuSigned by:
89DAF2C9CEAC4D7...

Matt McDonald
Printed Name and Title
Owner-Partner

TOWN OF HARWICH

by its Board of Selectmen Over \$50,000

Approved as to Availability of Funds:

Carol Coppola
DocuSigned by:
48C32039D33D434...
Finance Director
016954/432035

(\$ Revenue Share)
Contract Sum

by its Town Administrator Up to \$50,000

Town Administrator

ATTACHMENT A

TOWN OF HARWICH LEASE AGREEMENT

FOR LITHIUM ELITE POWERED GOLF CARTS FOR CRANBERRY VALLEY GOLF COURSE

Agreement made this 29 day of March, 2021 between the Town of Harwich, a municipal corporation situate in Barnstable County with a mailing address of 732 Main Street, Harwich, Massachusetts 02645, hereinafter referred to as "LESSEE" and Five Star Golf Cars & Utility Vehicles hereinafter referred to as "LESSOR".

Whereas, the parties wish to enter into a lease agreement for Lithium ELiTE powered golf cars for Cranberry Valley Golf Course located at 183 Oak Street, Harwich, MA 02645, it is mutually agreed by and between the parties as follows:

DURATION OF CONTRACT

This contract shall be in force for a period of five (5) years commencing on March 29, 2021 and ending on December 31, 2025.

SPEFICATIONS & CONDITIONS

Body:

- Standard seating for an operator and one passenger
- Body constructed of automotive quality injection molded TPO
- Each unit to include sweater basket, molded plastic sun top and split windshield
- Each golf car shall be marked with a durable serial number plate & number decal

Chassis:

- Chassis shall be conventional 4-wheel design with an 800 lb. load capability to include operator, passenger and cargo
- Welded high grade steel with powder-coat protection
- Front Suspension: Independent A-Arm coil over shock
- Rear Suspension: Mono leaf springs with hydraulic shocks
- Service Brake: Induction Motor, Electronic Motor Brake
- Parking Brake: Automatic Electro-magnetic
- Steering: Double-ended Rack & Pinion
- Tires: Front & Rear: 18x8.50x8 (4 ply rated)
- Wheel Base: Approximately 65 inches
- Width: Approximately 47 inches
- Length: Approximately 95 inches
- Height: Approximately 70 inches (with roof)

Powertrain:

- Power Source: 56-Volt Electric
- Motor Type: 48-Volt AC Induction motor with shaft direct drive
- Transaxle: Limited Slip Differential
- Vehicle shall be capable of top speed of not more than 15 MPH
- Tow Capacity: Three golf cars with permanent tow bars
- Full-time regenerative braking system
- Safety-Brake Feature: Automatic hill hold

Electrical System:

- 7" GPS screens with graphics, yardages & car control
- Batteries: 56-Volt Lithium
- Speed Controller: 235-amp AC
- Charger: Lithium World Charger 56VDC (11' cord)
- Dash mounted direction selector switch (Forward-Neutral-Reverse)

1. Lessor agrees to provide:

(April 1, 2021 – August 31, 2021)

80 – 2016-2021 model, gasoline powered golf carts equipped with Suntops, split windshields, bag covers, (2) sand bottles. The Lessor agrees to provide at no additional cost to the Town of Harwich the following additional vehicles: One (1) vehicle with cage for pushing the driving range ball picker. Five (5) utility vehicles with rear buckets.

(September 1, 2021 – December 31, 2025)

80 – 2022 model, Lithium ELiTE powered golf carts equipped with Suntops, split windshields, bag covers, (2) sand bottles, permanent tow bars, 7" GPS Screens and chargers. The Lessor agrees to provide at no additional cost to the Town of Harwich the following additional vehicles: One (1) vehicle with cage for pushing the driving range ball picker. Five (5) utility vehicles with rear buckets.

2. All maintenance, repairs, and parts including labor will be at the expense of the Lessor. The Lessee agrees to keep the carts clean and orderly so that they will not detract from the standards, appearance and cleanliness of the golf course. The carts will be rotated daily. The golf course will be responsible for gassing up the carts and performing some minor maintenance (i.e., repairing flat tires).

3. Lessor agrees to furnish a mechanic on request to handle any major maintenance that may be required on cars.

4. Title to said vehicles shall at all times remain the sole exclusive property of the Lessor. Said vehicles may not be removed from the premises of the lessee and/or the Golf Course.

5. The Lessee assumes responsibility for the safe housing indoors or under suitable cover of the golf carts during the night hours. Ignition keys are to be removed from the cars after release by patron and at night time.

6. Lessor shall maintain and keep in effect adequate fire and extended coverage, theft, and collision insurance covering the golf carts. The Lessee expects the Lessor to adequately cover casualty losses. The Lessor will comply with the specifications which the Lessee provided in the proposal.

7. Lessor shall obtain, at the Lessor's expense, but on behalf of the Town, general liability insurance coverage with minimum coverage for bodily injury, including death, of \$1million for any one person and \$2 million for any single occurrence. Such insurance policy shall name the Town of Harwich as the primary insured. The Lessee and the Lessor shall have the right to obtain and maintain additional policies of liability insurance as each of them in their sole discretion deem appropriate. The insurance coverage provided by the Lessor pursuant to the Lease Agreement shall be primary insurance, and any other insurance covering Lessor or the Town shall be secondary and in excess of such policy.

8. Use of golf carts by Lessee, its employees, invitees or agents for the purpose of carrying refreshments, picking up balls from the driving ranges, performing duties as rangers or marshals, maintenance, transportation between residences and golf courses, parades, and any use on public thoroughfares or any use other than rental while playing golf is strictly prohibited without the approval from the Lessor and any insurance coverage provided herein does not apply to these unauthorized uses of the golf carts without such approval.

9. Any acts of vandalism to the rental vehicle shall be reported in writing to the Lessor upon discovery together with any names and/or evidence that would lead to the apprehension of the vandals or would aid in filing an insurance claim. Property damage, fire, theft, and injuries resulting from the use of the vehicles shall be reported in the same manner.

10. The Lessee, by authority of this contract, agrees to collect and pay all amusement, sales, or other taxes payable under the laws governing the Lessee's particular location and hereby waives any responsibility of the Lessor to do so.

11. Lessor shall have the right to withdraw any carts at any time for maintenance, inadequate revenue or any reasons and abuses beyond normal wear and tear. Lessor will replace said carts which are removed for certain reasons. Lessee will always have 80 golf carts on site.

12. Lessor shall have the right to withdraw carts for default, non-payment, insolvency, or bankruptcy whereupon the Lessor can enter the premises of the Lessee to take possession. The lessee shall not be relieved of the liability of past-due payments in the event of such circumstances.

13. The Lessee agrees that there shall be no other electric or mechanically driven golf carts for lease on the Lessee's grounds except machines furnished by the Lessor during the term of the lease.

14. Normal wear on the golf carts will be expected but abuse to carts will be the responsibility of the Lessee.

15. The Lessor will furnish the Lessee with eight spare tires to keep the golf carts running between service calls.

16. Advertising - Lessee shall not, without the prior consent of the Lessor, use, nor shall it permit others to use, the equipment for the purpose of displaying any advertisements or publicity materials.

17. The Lessor will provide at no expense to the Lessee all supplies related to the customer use documentation.

18. The Lessor will provide the Lessee with special tournament fleet requests at no additional charges above normal customer use fees. Fee to be charged not to exceed \$55.00 to the Lessee per cart per day.

19. The Lessee agrees to pay the Lessor as per payment schedule per month. The Lessor will require the renter to sign the rental ticket in each instance that the cars are used.

20. The Lessee agrees not to allow the use of said cars by minors or any persons obviously incapable of operating said carts safely.

21. The percentage to be retained by the Town from **(April 1, 2021 – August 31, 2021)** is **83.25%** of gross revenue collected from the rental of cars with the Lessor retaining **16.75%** of gross.

The percentage to be retained by the Town from **(September 1, 2021 – December 31, 2025)** is **60%** of gross revenue collected from the rental of cars with the Lessor retaining **40%** of gross.

IN WITNESS WHEREOF, the parties hereto have mutually set their hands and seals this day and year first above written.

PROCUREMENT CHECKLIST & APPROVAL FORM

STAFF LEAD: Roman Greer

DEPARTMENT: Golf

FUNDING SOURCE: Golf Budget (Revenue Share)

Appropriated amount: \$0.00

Estimated cost: _____ Actual cost: _____

PROCUREMENT METHOD:

M.G.L. 30b, purchase off State Contract FAC-88

PURCHASE DESCRIPTION:

Purchase descriptions should contain the following components (see document on purchase descriptions):
Description of supplies or services required; quantities required; schedule for performance and delivery terms.

Rental Golf Cart Fleet - 80 – 2022 model, Lithium ELiTE powered golf carts equipped with Suntops, split windshields, bag covers, (2) sand bottles, permanent tow bars, 7 " GPS Screens and chargers. The Lessor agrees to provide at no additional cost to the Town of Harwich the following additional vehicles: One (1) vehicle with cage for pushing the driving range ball picker. Five (5) utility vehicles with rear buckets.

Until the above fleet can be produced (by 9/1/21) the vendor will provide a temporary fleet of 80 – 2016-2021 model, gasoline powered golf carts equipped with Suntops, split windshields, bag covers, (2) sand bottles. The Lessor agrees to provide at no additional cost to the Town of Harwich the following additional vehicles: One (1) vehicle with cage for pushing the driving range ball picker. Five (5) utility vehicles with rear buckets.

PROCUREMENT MAY PROCEED ONLY IF SIGNATURES PROVIDED BELOW

Funds Available: Finance Director: Carol Coppola
48C32039D33D434...
40% Revenue Split

Account # 016954/432035

DocuSigned by:
Joseph F. Powers
0623C0C579964E...

Approved to proceed: Town Administrator or Designee: _____

TOWN OF HARWICH LEASE AGREEMENT

FOR LITHIUM ELITE POWERED GOLF CARTS FOR CRANBERRY VALLEY GOLF COURSE

Agreement made this 29 day of March, 2021 between the Town of Harwich, a municipal corporation situate in Barnstable County with a mailing address of 732 Main Street, Harwich, Massachusetts 02645, hereinafter referred to as "LESSEE" and Five Star Golf Cars & Utility Vehicles hereinafter referred to as "LESSOR".

Whereas, the parties wish to enter into a lease agreement for Lithium ELiTE powered golf cars for Cranberry Valley Golf Course located at 183 Oak Street, Harwich, MA 02645, it is mutually agreed by and between the parties as follows:

DURATION OF CONTRACT

This contract shall be in force for a period of five (5) years commencing on March 29, 2021 and ending on March 29, 2026

SPEFICATIONS & CONDITIONS

Body:

- Standard seating for an operator and one passenger
- Body constructed of automotive quality injection molded TPO
- Each unit to include sweater basket, molded plastic sun top and split windshield
- Each golf car shall be marked with a durable serial number plate & number decal

Chassis:

- Chassis shall be conventional 4-wheel design with an 800 lb. load capability to include operator, passenger and cargo
- Welded high grade steel with powder-coat protection
- Front Suspension: Independent A-Arm coil over shock
- Rear Suspension: Mono leaf springs with hydraulic shocks
- Service Brake: Induction Motor, Electronic Motor Brake
- Parking Brake: Automatic Electro-magnetic
- Steering: Double-ended Rack & Pinion
- Tires: Front & Rear: 18x8.50x8 (4 ply rated)
- Wheel Base: Approximately 65 inches
- Width: Approximately 47 inches
- Length: Approximately 95 inches
- Height: Approximately 70 inches (with roof)

Powertrain:

- Power Source: 56-Volt Electric
- Motor Type: 48-Volt AC Induction motor with shaft direct drive
- Transaxle: Limited Slip Differential
- Vehicle shall be capable of top speed of not more than 15 MPH
- Tow Capacity: Three golf cars with permanent tow bars
- Full-time regenerative braking system
- Safety-Brake Feature: Automatic hill hold

Electrical System:

- 7" GPS screens with graphics, yardages & car control
- Batteries: 56-Volt Lithium
- Speed Controller: 235-amp AC
- Charger: Lithium World Charger 56VDC (11' cord)
- Dash mounted direction selector switch (Forward-Neutral-Reverse)

1. Lessor agrees to provide:

(April 1, 2021 – August 31, 2021)

80 – 2016-2021 model, gasoline powered golf carts equipped with Suntops, split windshields, bag covers, (2) sand bottles. The Lessor agrees to provide at no additional cost to the Town of Harwich the following additional vehicles: One (1) vehicle with cage for pushing the driving range ball picker. Five (5) utility vehicles with rear buckets.

(September 1, 2021 – March 29, 2026)

80 – 2022 model, Lithium ELiTE powered golf carts equipped with Suntops, split windshields, bag covers, (2) sand bottles, permanent tow bars, 7" GPS Screens and chargers. The Lessor agrees to provide at no additional cost to the Town of Harwich the following additional vehicles: One (1) vehicle with cage for pushing the driving range ball picker. Five (5) utility vehicles with rear buckets.

2. All maintenance, repairs, and parts including labor will be at the expense of the Lessor. The Lessee agrees to keep the carts clean and orderly so that they will not detract from the standards, appearance and cleanliness of the golf course. The carts will be rotated daily. The golf course will be responsible for gassing up the carts and performing some minor maintenance (i.e., repairing flat tires).

3. Lessor agrees to furnish a mechanic on request to handle any major maintenance that may be required on cars.

4. Title to said vehicles shall at all times remain the sole exclusive property of the Lessor. Said vehicles may not be removed from the premises of the lessee and/or the Golf Course.

5. The Lessee assumes responsibility for the safe housing indoors or under suitable cover of the golf carts during the night hours. Ignition keys are to be removed from the cars after release by patron and at night time.

6. Lessor shall maintain and keep in effect adequate fire and extended coverage, theft, and collision insurance covering the golf carts. The Lessee expects the Lessor to adequately cover casualty losses. The Lessor will comply with the specifications which the Lessee provided in the proposal.

7. Lessor shall obtain, at the Lessor's expense, but on behalf of the Town, general liability insurance coverage with minimum coverage for bodily injury, including death, of \$1million for any one person and \$2 million for any single occurrence. Such insurance policy shall name the Town of Harwich as the primary insured. The Lessee and the Lessor shall have the right to obtain and maintain additional policies of liability insurance as each of them in their sole discretion deem appropriate. The insurance coverage provided by the Lessor pursuant to the Lease Agreement shall be primary insurance, and any other insurance covering Lessor or the Town shall be secondary and in excess of such policy.

8. Use of golf carts by Lessee, its employees, invitees or agents for the purpose of carrying refreshments, picking up balls from the driving ranges, performing duties as rangers or marshals, maintenance, transportation between residences and golf courses, parades, and any use on public thoroughfares or any use other than rental while playing golf is strictly prohibited without the approval from the Lessor and any insurance coverage provided herein does not apply to these unauthorized uses of the golf carts without such approval.

9. Any acts of vandalism to the rental vehicle shall be reported in writing to the Lessor upon discovery together with any names and/or evidence that would lead to the apprehension of the vandals or would aid in filing an insurance claim. Property damage, fire, theft, and injuries resulting from the use of the vehicles shall be reported in the same manner.

10. The Lessee, by authority of this contract, agrees to collect and pay all amusement, sales, or other taxes payable under the laws governing the Lessee's particular location and hereby waives any responsibility of the Lessor to do so.

11. Lessor shall have the right to withdraw any carts at any time for maintenance, inadequate revenue or any reasons and abuses beyond normal wear and tear. Lessor will replace said carts which are removed for certain reasons. Lessee will always have 80 golf carts on site.

12. Lessor shall have the right to withdraw carts for default, non-payment, insolvency, or bankruptcy whereupon the Lessor can enter the premises of the Lessee to take possession. The lessee shall not be relieved of the liability of past-due payments in the event of such circumstances.

13. The Lessee agrees that there shall be no other electric or mechanically driven golf carts for lease on the Lessee's grounds except machines furnished by the Lessor during the term of the lease.

14. Normal wear on the golf carts will be expected but abuse to carts will be the responsibility of the Lessee.

15. The Lessor will furnish the Lessee with eight spare tires to keep the golf carts running between service calls.

16. Advertising - Lessee shall not, without the prior consent of the Lessor, use, nor shall it permit others to use, the equipment for the purpose of displaying any advertisements or publicity materials.

17. The Lessor will provide at no expense to the Lessee all supplies related to the customer use documentation.

18. The Lessor will provide the Lessee with special tournament fleet requests at no additional charges above normal customer use fees. Fee to be charged not to exceed \$55.00 to the Lessee per cart per day.

19. The Lessee agrees to pay the Lessor as per payment schedule per month. The Lessor will require the renter to sign the rental ticket in each instance that the cars are used.

20. The Lessee agrees not to allow the use of said cars by minors or any persons obviously incapable of operating said carts safely.

21. The percentage to be retained by the Town from **(April 1, 2021 – August 31, 2021)** is **83.25%** of gross revenue collected from the rental of cars with the Lessor retaining **16.75%** of gross.

The percentage to be retained by the Town from **(September 1, 2021 – March 29, 2026)** is **60%** of gross revenue collected from the rental of cars with the Lessor retaining **40%** of gross.

IN WITNESS WHEREOF, the parties hereto have mutually set their hands and seals this day and year first above written.

TOWN
ADMINISTRATOR'S
REPORT

TOWN OF HARWICH, MASSACHUSETTS
SEWERAGE WORKS IMPROVEMENTS PHASE 2 – CONTRACT #1
ROBERT B. OUR COMPANY
SEWER PROJECT

CONSTRUCTION SCHEDULE – WEEKLY UPDATE
Date Submitted: March 22, 2021

One Week Look Ahead (03/22/21-03/26/21)

- Pump Station Crew # 1
 - Continue Working on Spence's Trace & RT 137 Pump Station Site's
 - Continue Working on the Parshall Flume

Two Week Look Ahead (03/29/21-04/02/21)

- Pump Station Crew # 1
 - Continue Working on Spence's Trace & RT 137 Pump Station Site's
 - Continue Working on the Parshall Flume

Three Week Look Ahead (04/05/21-04/09/21)

- Pump Station Crew # 1
 - Continue Working on Spence's Trace & RT 137 Pump Station Site's
 - Continue Working on the Parshall Flume

Please note that this is a projected schedule and will be adjusted accordingly based on the Contractor's actual progress and the weather. On an as needed basis auxiliary crews will be performing testing, installing inverts, raising castings, paving , and performing general cleanup at various locations throughout the project area.

TOWN OF HARWICH, MASSACHUSETTS
SEWERAGE WORKS IMPROVEMENTS PHASE 2 – CONTRACT #2

CONSTRUCTION SCHEDULE – WEEKLY UPDATE

One Week Look Ahead (03/22-03/26)

- Pump Station Crew #1
 - Continue work at Church Street north and south pumping stations
- Sewer Crew #1
 - Flush and Clean Pipe Network

Two Week Look Ahead (03/29-04/02)

- Pump Station Crew #1
 - Continue work at Church Street north and south pumping stations
 - Begin Harden lane electric duct work and site preparation

Three Week Look Ahead (04/05-04/09)

- Pump Station Crew #1
 - Continue work at Church Street north and south pumping stations
 - Continue Harden Lane electric duct and site preparation

Please note that this is a projected schedule and will be adjusted accordingly based on the Contractor's actual progress and the weather. On an as needed basis auxiliary crews will be performing testing, installing inverts, raising castings, paving , and performing general cleanup at various locations throughout the project area.