

SELECTMEN'S MEETING AGENDA*

Donn B. Griffin Room, Town Hall

732 Main Street, Harwich, MA

Executive Session 6:00 P.M.

Regular Meeting 6:30 P.M.

Monday, August 3, 2020

REMOTE PARTICIPATION ONLY
OPEN PUBLIC FORUM – NEW STEPS – 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.

Please join my meeting from your computer, tablet or smartphone

<https://global.gotomeeting.com/join/256744605>

You can also dial in using your phone - United States: [+1 \(408\) 650-3123](tel:+14086503123)

Access Code: 256-744-605

I. **CALL TO ORDER**

II. **EXECUTIVE SESSION**

- A. Pursuant to M.G.L. c. 30A, § 21(a)(6), to consider purchase, exchange, lease or value of real estate if the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body;
- B. Pursuant to MGL, c. 30A section 21 (a) paragraph 2 to conduct strategy sessions for contract negotiations for nonunion personnel – Finance Director and Police Chief;
- C. Pursuant to MGL,c.30A section 21 (a) paragraph 3 to discuss with respect to collective bargaining for all town unions if an open session would have a detrimental effect on the town’s bargaining position and the chair so declares;
- D. Pursuant to MGL, c. 30A section 21 (a) paragraph 3 to discuss with respect to collective bargaining for Harwich Employees Association (HEA) and the Highways and Maintenance Employees Association (HMEA) if an open session would have a detrimental effect on the town’s bargaining position and the chair so declares.

III. **PLEDGE OF ALLEGIANCE**

IV. **WEEKLY BRIEFING**

- A. COVID-19 Updates
- B. Update on ongoing efforts by the Town in support of the business community

V. **OLD BUSINESS**

- A. Discussion and possible vote; ranking of Town Administrator candidates, possible offering of position and formation of a two person contract negotiation team
- B. Vote to approve the Interim Town Administrator’s recommendation on Ember Pizza Inc. DBA Ember’s Disciplinary Hearing held on February 27, 2020
- C. Vote to approve the Interim Town Administrator’s recommendation on Go Industries DBA Perks Disciplinary Hearing held on June 30, 2020
- D. Discussion and possible vote on specific topics related to FY 2021 Annual Town Meeting including;
 - a. Appropriations from Stabilization Fund,
 - b. Capital Outlay Plan,
 - c. Draft Warrant

VI. **PUBLIC COMMENTS/ANNOUNCEMENTS**

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

- A. Discussion and possible vote to approve the transfer of the seasonal, all alcohol liquor license from Go Industries, Inc. DBA Perks, Taylor Powell, Manager to Lucky Labrador, Inc. DBA, Taylor Powell, Manager – 545 Route 28, Harwich
- B. Discussion and possible vote to approve a new liquor license application for a section 15 annual wine and malt license – Pizza Shark Partners DBA Pizza Shark – 403 Pleasant Lake Avenue, Harwich

VIII. **CONSENT AGENDA**

- A. Minutes for Approval
 - 1. May 18, 2020
 - 2. May 26, 2020
 - 3. May 27, 2020
- B. Vote to approve the list of Harwich Republican Election Workers for one year beginning September 1, 2020 - as listed in the packet
- C. Vote to approve the list of Harwich Democratic Election Workers for one year beginning September 1, 2020 – as listed in the packet

IX. **NEW BUSINESS**

- A. Discussion and possible vote – Caleb Chase Trustees revision to policy as a result of COVID-19 financial hardships
- B. Vote to approve the change of manager from a seasonal all alcohol liquor license from Michael Jacek to Michael Strangfeld – 554 Street Bar DBA 3 Monkeys – 554 Route 28, Harwich Port
- C. Discussion and possible vote to designate the Interim Town Administrator as Hearing Officer for a hearing to be held relative to the Alcohol Beverages and Control Commission (ABCC) alleged violations regarding the Phase 2 Sector Specific Safety Standards at the Port Restaurant and Bar, Inc. 541 Route 28, Harwich Port during COVID-19 Restriction
- D. Discussion and possible vote to appoint a member of the Board of Registrars with a three year term to begin on July 1, 2020
- E. Vote to approve – 2020 Annual Committee Re-Appointments – As listed in the packet
- F. Vote to approve W. Paul White to the Golf Committee as a full member – term to expire 6/30/2023
- G. Vote to approve Bernadette Waystack to the Cultural Council as a full member – term to expire 6/30/2022
- H. Discussion and possible vote to approve Boundary Line Agreement between Town of Harwich and William J. Viggiano (owner) of 70 Willow Street, Harwich

X. **TOWN ADMINISTRATOR’S REPORT**

- A. Appointment of Custodian
- B. Departmental Reports

XI. **SELECTMEN’S REPORT**

XII. **ADJOURNMENT**

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

Authorized Posting Officer:

Patricia Macura, Admin. Secretary

Posted by: _____
Town Clerk

Date: _____
July 30, 2020

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

July 30, 2020

Weekly COVID-19 Update

As of today, the total number of *confirmed* cases of COVID-19 that have occurred in Harwich is 137. Included in this number are the 71 individuals that were associated with Wingate. Our fatalities remain at 24 total. We currently are following 6 active cases.

Overall in Barnstable County we are seeing an increase in daily cases. This is not the time to become careless, should our numbers progress in an upward direction I fear that we will need to go backwards in the re-opening process.

Our COVID compliance inspector continues to follow up on all complaints received regarding mandatory workplace standards. The Health Department put together information packages containing a mask and the Emergency Order issued by the Board of Health that are being handed out by our compliance inspector in the Harwichport area during high density times. He is finding good compliance with the new Order. No fines have been issued to date.

In cooperation with the Barnstable County Rapid Response Team, Barnstable County Department of Health and Environment and many surrounding towns, we are hosting a COVID test clinic for restaurant workers who may have been exposed to COVID-19. This clinic will be held on Tuesday, August 4th at the Community Center. *This clinic is not open to the public* and offered only to those working in a local restaurant. Pre-registration is required. All local establishments have been notified of this opportunity. All safety precautions will be in place before, during and after this clinic to ensure that the health and safety of the volunteers, staff and clinic participants is upheld.

If you are looking to be tested, please contact your primary care doctor or use the testing center locator tool on the mass.gov website. The locator tool can be found here:

<https://www.mass.gov/info-details/about-covid-19-testing>

The Travel Order goes into effect on August 1, 2020. This Order requires travelers coming into Massachusetts from higher risk states to register and self-quarantine for 14 days upon arrival or return to the Commonwealth. An exception to the quarantine is to provide a negative PCR test result that was done within the last 72 hours prior to arrival. Details about this Travel Order, including frequently asked questions can be found at: <https://www.mass.gov/info-details/covid-19-travel-order>

Thank you and take care of each other.

Meggan Eldredge
Health Director

Old Business



MEMO

TO: Board of Selectmen

FROM: Joseph F. Powers, Interim Town Administrator

CC: David J. Guillemette, Chief – Police
Gregg J. Corbo, Esq. – KP Law
Matthew P. Kelley, Esq. – Licensee’s Attorney

RE: Recommended action following disciplinary hearing held on February 27, 2020
Re: Ember, 600 Route 28 for violations of liquor/entertainment licenses

DATE: August 3, 2020

The following is my report on a disciplinary hearing held on February 27, 2020 for alleged violations of the liquor/entertainment license for Ember Pizza, Inc. dba Ember, 600 Route 28 in Harwich Port.

Violations alleged:

Specifically, the allegations of violations were:

- Three (3) entertainment license violations, in the form of live or recorded music being played at the licensed establishment in a manner that was plainly audible beyond 150 feet on Sunday, July 28, 2019, Wednesday, July 31, 2019 and Saturday, October 5, 2019.

Hearing summary:

The enclosed hearing summary outlines the manner in which the hearing was conducted, the witnesses who provided sworn testimony, their testimonies, as well as discussions that ensued between the town’s counsel, the licensee’s counsel and the hearing office.

Legal Standard:

I applied the following legal standard, as suggested by Town Counsel, in making my recommendation:

- Restaurants are permitted to offer live or recorded music if authorized by a license issued by the Board of Selectmen in accordance with Massachusetts General Laws, Chapter 140, Section 183A.
- The statute allows the Board to modify, revoke or suspend such a license if it finds that the licensed activity causes an unreasonable level of noise in the area, for any violation of law, or for any violation of the rules and regulations of the licensing authority.

- Chapter 189 of the Town's General Bylaws makes it "unlawful for any person or persons to cause or allow any noise which emanates from any building, boat, structure, vehicle, premises, or any sound amplification system, which is plainly audible at a distance of 150 feet from any such building, boat, structure, vehicle, premises or sound amplification system."
- The standard set forth in the Bylaw is adopted as a regulation of the Board of Selectmen, Section One, Subsection 1.09(e), and is set forth as a condition on the license.

Statement of findings:

I find that the licensed establishment did, in fact, cause an unreasonable level of noise in the area and that it violated the Bylaw, regulation and license condition with regard to the manner in which it presented outside entertainment on the three dates outlined above.

This finding is based on testimony and evidence that on the dates in question, officers of the Harwich Police Department observed that live music being played at the establishment was plainly audible from a distance of greater than 150 feet. These observations are described in greater detail in Harwich Police Incident Reports admitted into evidence at the hearing, which reports are consistent with the sworn testimony offered by the officers and which I credit as true.

Further, I am reminded that these violations occurred during and after other dates of violations that the licensee was previously found to be culpable of by the predecessor hearing officer and a penalty was rendered by the Board of Selectmen and not appealed by the licensee (hearing held on September 9, 2019; penalties affirmed by the Board of Selectmen on October 28, 2019).

My finding of three violations, combined with the four violations found by my predecessor, makes seven violations by this establishment in one season, with a written warning issued for the first violation.

On or about May 14, 2020, I received correspondence from the Licensee's attorney asking for leniency due to the effects of the COVID-19 crisis.

Recommended disciplinary action:

Whereas, the Board of Selectmen as licensing authority, affirmed a progressive discipline process with the licensee as noticed in a memo to the establishment on November 14, 2018; and

Whereas, the licensing authority affirmed a disciplinary course of action against the licensee as outlined by the previous Hearing Officer in a memo dated October 23, 2019 that resulted in the suspension of the licensee's outside entertainment on Sunday, June 28, 2020 and Sunday, July 12, 2020 and limiting outdoor entertainment to acoustical music only on Sundays in August, 2020; and

Whereas the resultant effect of restrictions in response to COVID-19 rendered the suspension of outside entertainment on Sunday, June 28, 2020 moot; and

Whereas, the Town did not enforce the Sunday, July 12, 2020 suspension due to the fact that the COVID-19 restrictions had just been lifted; and

Whereas this recommendation memo will be not adjudicated by the Board of Selectmen until Monday, August 3, 2020; and

Whereas the licensee is limited to only acoustical performances for all forms of entertainment on Sunday, August 2, 2020; and

Whereas the violations found to have occurred throughout 2019 equate to more than three (3) offenses – a total of seven (7), with the first offense being subject to a written warning consistent with the Town's practice; and

Whereas, the Board's licensing guidelines suggest a penalty in the range of warning to revocation of the liquor license for third and subsequent offenses; and

Whereas the previous Hearing Officer noticed in his memo to the licensing authority on October 23, 2019 that "Continued violations of the entertainment license may lead to a suspension or revocation of the liquor license for this establishment"; and

Whereas, notwithstanding this warning, the Board of Selectmen has not taken action to revoke or suspend the liquor license of the establishment; and

Whereas, the number of offenses that have occurred in a single season, demonstrates an egregious disregard for the licensee's responsibilities under the law.

Therefore, I recommend the following progressive discipline be rendered against the licensee as follows:

That the license suspension for Sunday, July 12, 2020, not having been served, be vacated and that restriction on outside entertainment being specifically limited to acoustical performances only on the remaining Sundays in August, 2020 be rescinded and that the following be instituted instead:

That the licensee serve a seven (7) day suspension of all entertainment, both indoors and outdoors, on successive days, during a period to be chosen by the licensee to be served prior to Monday, September 14, 2020.

**HEARING SUMMARY
EMBER NOISE HEARING
DON B. GRIFFIN ROOM
HARWICH TOWN HALL
THURSDAY, FEBRUARY 27, 2020
1:00PM**

PRESENT

Joseph F. Powers (Interim Town Administrator and Hearing Officer)
Attorney Gregg Corbo (Town Counsel)
David Guillemette (Chief of Police)
Tyler Vermette (Harwich PD)
John Sullivan (Harwich PD)
Derek Dutra (Harwich PD)
Attorney Matthew Kelley (Ember's Counsel)
Scott McMahon (Manager of Ember)
Jared "Griffin" Brackett (Owner of Ember)
Frances Rich
Robert Nickerson
Bill Galvin
Angela McNamara

MEETING CALLED TO ORDER AT 1:00PM by the Hearing Officer Joseph F. Powers. All parties were sworn in, legal notice was read and confirmation was made that the hearing notice was sent to the Brackett's via hand delivery and email. Mr. Powers asks all parties to sign in and introduces Town Counsel and Interim Support Staff Supervisor acting as the Hearing Clerk.

HEARING OVERVIEW

The Hearing Officer reads all exhibits and lists violations. Chief of Police, David J. Guillemette states his name and affiliation. Chief Guillemette states the dates the violations occurred and named the responding Police Officers.

Chief Guillemette calls the first Police Officer, Officer Tyler Vermette. Officer Vermette states his name and affiliation for the record and reads his police report dated July 28, 2020 and stated the timeline of events.

Attorney Gregg Corbo asks Officer Vermette what time the violation call came in, where he was located at that time and if his windows in his Police cruiser were up or down. Officer Vermette confirmed the call came in at 6:57 PM and he arrived at Ember at 7:02 PM and he could hear the music while driving by. He does not recall if his windows were up or down, but says he typically has them partially down. Attorney Corbo confirmed the location of Officer Vermette when the call came in and his route to Ember. Attorney Corbo proceeded to ask about the chain of events when Officer Vermette was present at Ember and if the Manager was cooperative and if he had to respond to any more calls at Ember that night. Officer Vermette

stated he advised the Manager of the complaint and he had walked away when approached and there was no more communication. There were no further complaints that night. Music was turned down. Officer Vermette confirms this was prior to the band stand being built.

Attorney Corbo asks the Chief if the reporting party is known and if they have reported before. Chief Guillemette believes complaints came from a Freeman Street Resident and that the party has complained before.

Attorney Matt Kelley confirmed with Officer Vermette the date of violation and also that he has responded to violations prior to these listed and states the dates. Attorney Kelley states 67% of the complaints against Ember Officer Vermette has written. Officer Vermette denies and states there have been many complaints for noise. Attorney Kelley asks if Officers receive training to understand what plainly audible means and asks if it's fair to say the term is subjective. Officer states no training and does agree the term is subjective. Attorney Kelley asked if the Officer knew what the decibel level was at the time of the violation and Officer did not and agreed sound does carry.

The Hearing Officer states Officer Vermette has never claimed to be a sound engineer and asks Attorney Kelley to explain his theory. Attorney Kelley states that there is no way for Officers to truly measure the sound with a consistent standard. Attorney Kelley states Officer Vermette can have a different standard to what plainly audible is than other Officers. Hearing Officer asks Attorney Kelley if there is a suggestion from the Licensee that this particular Officer is acting on his own volition and engaging in investigations. Attorney Kelley confirms he was making no suggestions and what he was suggesting is that the term plainly audible can differ from Officer to Officer.

Attorney Kelley proceeds to run through the course of events from that evening and goes through where the Officer was when the call came in and the route he took to Ember. Attorney Kelley asks the Officer how they measure the distance and Officer states he uses Google maps. Attorney Kelley confirms they do not measure as the crow flies. The Hearing Officer asks Attorney Kelley how one would do that. Attorney Kelley states to call an Engineer. Attorney Kelley states he will be hyper-technical because of the rulings Ember received from the last violations. Attorney Corbo reminds Attorney Kelley that this is an Administrative hearing not a trial. Attorney Corbo asks Attorney Kelley to move on. The Hearing Officer agrees with Town Council and asks Attorney Kelley to move on. Attorney Kelley asks who Attorney Corbo represents, which is the Town and the Police Department as they are one entity. Attorney Kelley continued to run through the events of the evening with Officer Vermette.

Chief Guillemette states Officer Vermette responded to a noise complaint at Ember on October 5, 2019 which he made observations and documented those in his report. Officer Vermette read his police report from the noise violation and states where he was at the time of the call and when he responded. Attorney Corbo recited the details of the police report with confirming the chain of events. Officer states he could hear the music from where he was located, but cannot recall the song. Officer Vermette states there were no further complaints that night.

Attorney Kelley confirms the time that the complaint came in was 8:37PM which Officer Vermette confirmed was correct. Attorney Kelley confirms this was a singular complaint which Officer Vermette

confirms is correct. Attorney Kelley confirms the manager of Ember agreed to turn down the music. Attorney Kelley asked what the notification process is for a violation. Officer Vermette states he makes contact with manager and describes the overall process. Attorney Kelley asks Officer Vermette to confirm that music is always turned down after a violation and that there has never been two complaints in one night. Officer Vermette confirmed that was correct.

Chief Guillemette calls Officer Derek Dutra, who was the responding Officer for the July 31, 2019 complaint and states the Officer made observations and documented those in his report. The Hearing Officer confirmed Officer Dutra was sworn in. Officer Dutra read his police report and reports the chain of events of July 31st. Attorney Corbo asks where the Officer was coming from when the call came in and the Officer states the east end of town. Officer Dutra confirmed he heard music at the residence where the call came from which is further than 150 feet from Ember. Officer Dutra stated he entered Ember from the side entrance and spoke with Manager. He confirmed Manager complied. Officer Dutra did not recall if he noticed a particular song, but heard voices and a guitar. He confirmed there were no further complaints that night.

Attorney Kelley stated he was confused due to the wording in Officer Dutra's report stating the location of 617 Route 28, where the call came from, was under construction and no one residing there at the time of complaint. Officer Dutra confirmed he wrote that in his report. Officer confirmed residence was dark and construction equipment was visible. Property was vacant. Officer Dutra confirmed reporting party was different than the address. Attorney Kelley confirms 617 Route 28 is near the corner of Route 28 and Bayview and property is east of Bayview. Officer Dutra confirmed when a complaint comes in he will measure 150 feet from the source of where the music is coming from to the source of where the person is calling from. Officer Dutra goes through where he was when the call came in and his route to Ember.

Chief Guillemette states that is it for the noise violations and he has no further questions. Attorney Corbo asks Chief Guillemette if there have been noise complaints that did not result in a violation and the Chief confirms out of 19 calls from May 1st to November 1st there were only 8 violations documented. Chief explains if there is no violation there is no report generated, however it is documented in the Police log. Each time a complaint comes in an Officer is required to go to the establishment and area of complaint to make observations. Chief outlines complaints for other establishments in the area.

Attorney Kelley confirmed with Chief Guillemette that Ember received 19 complaints and that over half the time there were no violations. Chief Guillemette agreed. Chief Guillemette confirmed there were no violations in the month of August and September. Counsel asks the Chief if he knows if Ember installed some type of structure and he said the structure was in place at the last hearing. Chief Guillemette then went through the police process for a violation.

The Hearing Officer Joseph F. Powers references Section 1.16 that is stated in the police memo's and asks the Chief to explain. This section references the complaint process for violations of liquor regulations. Chief Guillemette says the plainly audible language and 150 feet was added to liquor regulations in 2016 and prior to that in Harwich's anti- noise by-law.

Attorney Corbo asks the Chief if he meets with officers to explain by-laws. The Chief states he discusses at roll call and training and there is discussion every year. Chief Guillemette describes plainly audible as if you can hear it beyond 150 Feet from the source of noise. Attorney Corbo asks if the Police Department meets with license holders and the Chief explains they do an informational meeting every year for the license holders and include the ABCC along with other departments. Ember was present at the event. Attorney Corbo states to make the noise regulations and by-laws part of the record.

Attorney Kelley asks to recall on Officer Dutra to go over the timeline of events for the July 31st noise violation. Attorney Kelley asks if there are different regulations for Music in the Port nights. Officer points the question to the Chief since he does not typically work that detail. Chief Guillemette addresses Music in the Port nights and the requirements. Music in the Port is exempt from the noise by-law due to a Board of Selectmen vote. Chief Guillemette explains what Music in the Port is and they have a definitive shut down time of 9 PM. Lt. Sullivan confirms the shut down time for Music in the Port. Attorney Kelley asks the Chief questions regarding regulations for Music in the Port.

The Hearing Officer asks Attorney Kelley if there is an objection to Music in the Port. Attorney Kelley says absolutely not. He proceeds to explain his concerns with Music in the Port, Ember's music violations and discipline. The Hearing Officer is not sure if Music in the Port was had July 31st due to the tornado. Police Department state they will confirm that.

Attorney Kelley calls his first witness, Scott McMahan, Manager of Ember. Mr. McMahan confirms he is the Manager and he is aware of violations. He outlines what happens when the Police come into the establishment for a variety of issues. He confirms he complies. He states he has never refused to turn music down. Mr. McMahan confirms he is aware of the by-laws and does the best he can to comply.

Attorney Corbo asks Mr. McMahan a variety of questions indicating that he understands the obligations of the licensee. Attorney Corbo asks if he has changed any practices after receiving noise complaints. Mr. McMahan says he always explains the Noise by-laws to musicians and reiterates the strict policy. Mr. McMahan confirms he conveys complaints to the owners after he speaks with musicians. After Mr. McMahan explains complaints to the manager they do discuss. He cannot recall what they discuss and in his words "he just talks to me". Mr. McMahan does not measure the sound of the music. Attorney Corbo asks Mr. McMahan if he thinks the violations were mistaken or is he denying they are accurate. Attorney Kelley objects. The Hearing Officer explains Attorney Corbo's role in this administrative hearing. Attorney Kelley objects because how is Mr. McMahan able to know what the Officers can hear. Attorney Corbo asks questions pertaining to if the music can be heard at 150 Feet where complaint came in and where the Officer was parked at 800 feet away and Mr. McMahan states he does not believe music can be heard from 800 feet away. Mr. McMahan states he does not know distances from Ember to where complaints came in or where Officers were parked.

Attorney Kelley calls Jared "Griffin "Brackett as his second witness. Mr. Brackett introduces himself for the record. Mr. Brackett confirms he has heard testimonies and explains the process of how music is booked at Ember. He noted they have the same musicians on the same days of each week during the season. Mr. Brackett explains the measures they take regarding violations; Manager notifies Mr. Brackett immediately and then Mr. Brackett will meet with the musician. The Hearing Officer asks since Justin

Brackett is the Manager of Record is he involved. Mr. Brackett states Justin Brackett is his brother and co-owner of Ember and the Port. The Port has live music as well. Justin Brackett goes by Judd. He is not present at the hearing due to travel. Mr. Brackett confirms either he or his brother are at the establishment during the summer months. James Rice played on July 31st and does not recall noise violations from that musician prior to July 31st. Attorney Kelley ask Mr. Brackett to describe why in the past he has sent a band home prior to them finishing their set which Brackett confirmed he had done because they were clearly too loud. The Hearing Officer asks the difference between clearly loud and plainly audible which Attorney Kelley's response was difference of opinion. Attorney Kelley states they are trying to be cognizant of noise. Mr. Brackett shares that he built a music shell in early August to help with noise which is a shell fence. Mr. Brackett confirmed most of the calls come from Woodland Road area. The last violation after the music shell was built was October 5th.

Attorney Corbo asks to clarify the incident with the band when Mr. Brackett asked them to go home due to volume. Mr. Brackett confirmed that this was part of the last hearing and Attorney Corbo's response was that there was a complaint that evening which Mr. Brackett stated he was not there that night but yes, there was a complaint. Attorney Corbo asks Mr. Brackett if after the complaint came in and that is when you sent the band home and Mr. Brackett does not recall if the complaint came in first or after. Attorney Corbo states it seemed as if Mr. Brackett sent the band home on their own volition, but it really was because a complaint came in. Mr. Brackett disagreed and said that was not accurate. Brackett says they did not send the band home because of a complaint. Mr. Brackett states he is not here to discuss the violation on the 14th and Attorney Corbo's response was that Mr. Brackett brought it up to discuss. Mr. Brackett stated when the police come to Ember due to a complaint Mr. McMahon, the Manager, always lets him know and they do not send the band home. Attorney Corbo states he believes Mr. Brackett is being untruthful on his motivation to send the band home that night due to a complaint being called in. Attorney Kelley states that is ridiculous and he will not respond to that. Attorney Corbo asks Mr. Brackett why the music was so loud on July 31st and his response was he doesn't know. Attorney Kelley states how could Mr. Brackett know, his testimony is correct that he doesn't know.

Attorney Corbo states to the Hearing officer; prior to Attorney Kelley's closing argument that he recommends for him to not hear arguments as to whether the standard is incorrect or if there is a better standard and to only hear argument if the noise was plainly audible.

Attorney Kelley's closing Argument: He states a brief synopsis of violations. He states there is nothing in the record after 10PM, Ember is compliant on that section of the by-law. He is asking to consider the level of the violation due to Music in the Port happening the same night. He believes after all violations music was turned down and no other issues that night. Also, he states the same musicians have played twenty times with only one violation. He proceeds to touch on prior punishment and not being able to go before the Board of Selectmen. He states the punishment is excessive and inconsistent for violations and to keep that in consideration and punish Ember no further. He states it was unfortunate he and his clients were not afforded the chance to go before the Board of Selectmen.

The Hearing Officer confirms with Attorney Kelley that the punishment from previous violations did go before the Board of Selectmen and the Selectmen's Office did receive a letter from Attorney Kelley's office which was not dated, but stamped into the Selectmen's Office on November 13th. The Hearing

Officer reads a paragraph from the letter outlining how Attorney Kelley learned of Embers punishments. The Hearing Officer confirms with Attorney Kelley that his clients would have had the right of appeal. The Hearing Officer confirms with both Attorney's that the appeal process is Superior Court. Attorney Kelley states they were not going to appeal. The Hearing Officer states if Attorney Kelley's clients did not appeal the decision, than they must have accepted the punishment, not that they agreed with the decisions. Attorney Kelley states that is correct and shares the letter he wrote was out of frustration. The Hearing Officer states that he will give everyone the proper notice. Attorney Kelley starts to describe how the past Hearing Officer shared with him what Embers punishment was and the Hearing Officer States, we will not get into that. The Hearing Officer states for the record, a decision was rendered by a Hearing Officer, through the Local Licensing Authority. The Hearing Officer confirms that Attorney Kelley understands that a decision was rendered, which he does. The Hearing Officer asks Attorney Kelley if his clients took steps to appeal those decisions, which they did not. The Hearing Officer states the decision for today's hearing will be to take it under advisement. The Hearing Officer asks Attorney Kelly what he is asking for him to do in regards to punishment. Attorney Kelley states, to adopt the same penalties as the prior hearing with no additional penalties. Attorney Kelley outlines the past heard violations and the penalties from the prior Hearing Officer.

Attorney Corbo's Closing Argument: He states for the record, to clarify what the legal standard is, the by-law requires anyone presenting outdoor entertainment must contain the entertainment to a point where it is not plainly audible at a distance from 150 feet. He states that there is a subjective element to that. Attorney Corbo proceeded to go over case law that pertains to noise. Attorney Corbo reiterates the three complaints and shares in his opinion, the testimony of the officers establishes the three violations. He states there is no relevance to the evening where it was Music in the Port. Attorney Corbo states, in his opinion, there is sufficient evidence for the three violations. Attorney Corbo then goes though details of what the Hearing Officer can take into account upon making his decision. He continues to go over the owner and manager's testimonies and what his thoughts are. He says to the Hearing Officer he thinks he needs to weigh all of these details and the goal in mind is education and abatement. Attorney Kelley interjects to outline the timeline of violations that happened after the prior hearing.

The Hearing Officer states, in closing, he will draw upon all materials and resources as he comes to a conclusion. He states when he comes to his conclusion, under open meeting law he is to provide notice to the town that he will make a recommendation to the Board of Selectmen. He will also share his decision with both Counsels. He thanks all participants.

CONCLUSION

Hearing ended at 3:03PM

OFFICE OF THE TOWN ADMINISTRATOR

Phone (508) 430-7513

Fax (508) 432-5039

Joseph F. Powers, *Interim Town Administrator*

732 MAIN STREET, HARWICH, MA



MEMO

TO: Board of Selectmen

FROM: Joseph F. Powers, *Interim* Town Administrator

CC: David J. Guillemette, Chief – Police
 Gregg J. Corbo, Esq. – KP Law
 Taylor B. Powell – Perks, Manager of Record

RE: Recommended action following disciplinary hearing held on June 30, 2020
 re: Go Industries Inc., d/b/a Perks, Entertainment License Violations

DATE: August 3, 2020

The following is my report on a disciplinary hearing held on June 30, 2020 for alleged violations of the entertainment license for Go Industries Inc., d/b/a Perks, located at 545 Route 28, Harwich Port.

Violations alleged:

Specifically, the allegations of violations were:

- One (1) entertainment license violations, in the form of live or recorded music being played at Perks in a manner that was plainly audible beyond 150 feet — Sunday, September 1, 2019 (Police warning Saturday, July 4, 2019).

Hearing summary:

The enclosed hearing summary outlines the manner in which the hearing was conducted, the witnesses who provided sworn testimony, their testimonies, as well as discussions that ensued between the town’s counsel, the licensees and the hearing office.

Legal Standard:

I applied the following legal standard, as suggested by Town Counsel, in making my recommendation:

- Restaurants are permitted to offer live or recorded music if authorized by a license issued by the Board of Selectmen in accordance with Massachusetts General Laws, Chapter 140, Section 183A.

- The statute allows the Board to modify, revoke or suspend such a license if it finds that the licensed activity causes an unreasonable level of noise in the area, for any violation of law, or for any violation of the rules and regulations of the licensing authority.
- Chapter 189 of the Town's General Bylaws makes it "unlawful for any person or persons to cause or allow any noise which emanates from any building, boat, structure, vehicle, premises, or any sound amplification system, which is plainly audible at a distance of 150 feet from any such building, boat, structure, vehicle, premises or sound amplification system."
- The standard set forth in the Bylaw is adopted as a regulation of the Board of Selectmen, Section One, Subsection 1.09(e), and is set forth as a condition on the license.

Statement of findings:

I find that the licensed establishment did, in fact, cause an unreasonable level of noise in the area and that it violated the Bylaw, regulation and license condition with regard to the manner in which it presented outside entertainment on the date outlined above.

This finding is based on testimony and evidence that on the date in question, an officer of the Harwich Police Department observed that live music being played at the establishment was plainly audible from a distance of greater than 150 feet. This observation is described in greater detail in Harwich Police Incident Reports admitted into evidence at the hearing, which reports are consistent with the sworn testimony offered by the officer and which I credit as true.

Further, I considered evidence verifying that the location from which the officer heard the music as being plainly audible was from a distance of more than 150 feet from the source of the music. The manner in which this verification was determined is described in greater detail in the Harwich Police Incident Reports admitted into evidence and the hearing, which reports are consistent with the sworn testimony of the officers and which I credit as true.

Further, I credit the testimony of the owners of the establishment that they made honest attempts to limit the extent of the noise generated from the establishment, that all of the complaints appear to originate from the same location and that they in good faith believed that the location of the complaints was closer than 150 feet from the establishment.

Notwithstanding the testimony of the owners, based on my review of the licensing file for the establishment, I find that the establishment was the subject of disciplinary hearings for similar noise violations in each of 2016, 2017 and 2018, with a total of five (5) violations being confirmed and one (1) additional violation being unconfirmed and with a total of three (3) written warnings and one (1) day of suspension being served.

Recommended disciplinary action:

Whereas, there were two offenses found to have occurred during the 2019 operating season; and

Whereas, the licensee was issued a written warning for the first offense; and

Whereas, the licensee was issued a one (1) day suspension for similar violations occurring in 2017, but that the last of said violations occurred on August 19, 2017, more than two years prior to the date of the subject violation.

Therefore, I recommend the following discipline be rendered against the licensee as follows:

That the licensee serve a one (1) day suspension of all entertainment, both indoors and outdoors, on a day to be chosen by the licensee to be served prior to Monday, September 14, 2020.

**HEARING SUMMARY
PERKS NOISE HEARING
REMOTE VIA GO TO MEETING
TUESDAY JUNE 30, 2020
1:00PM**

PRESENT

Joseph F. Powers (Interim Town Administrator and Hearing Officer)
Attorney Gregg Corbo (Town Counsel)
David Guillemette (Chief of Police)
Charles Brooks (Harwich PD)
Brendan Brickley (Harwich PD)
Mark Holmes (Harwich PD)
Taylor Powell (Perk's Owner)
Sarah Powell (Perk's Owner)

MEETING CALLED TO ORDER AT 1:00PM by the Hearing Officer Joseph F. Powers. The Hearing Officer introduces himself along with Town Counsel, Attorney Gregg Corbo, Chief of Police, David Guillemette and Perk's owners, Taylor and Sarah Powell. The Hearing Officer informs all parties that he will be taking everyone off of mute and that they will see on their video that there are two references; first is Danielle Delaney, Temporary Licensing Support Staff Supervisor who will be acting as the Recording Clerk. She is the only individual not required to be on video and she is also dialing in via phone. The Hearing Officer states this is a Public Hearing where we may be interrupted or joined by others parties in which case we will note the time and take a break. The Hearing Officer explains that he will take all parties off of mute and completes audio tests for all parties involved.

HEARING OVERVIEW

The Hearing Officer confirms with Police Chief David Guillemette that there will be three people that will be providing testimony. The Hearing Officer continues to explain that he will be swearing all parties in and that it is important that he is able to hear and see individuals on video. He clarifies that the Officer's testifying will be sworn in prior to giving testimony. Attorney Gregg Corbo, Town Counsel confirms that is correct.

The Hearing Officer reads the posted hearing notice that was advertised in the Cape Cod Chronicle on June 18, 2020. The Hearing Officer confirms that a letter and hearing notice was hand delivered to Taylor and Sarah Powell, who confirmed receipt. The Hearing Officer proceeded to read the letter for the record. At this time the Hearing Officer asks all parties to identify themselves for the record. The Hearing Officer confirms with Taylor and Sarah Powell that they have chosen to forgo counsel and represent themselves.

The Hearing Officer ask Attorney Corbo if it's correct to ask both sides to supply opening statements which Attorney Corbo states he can proceed in that manner or he can proceed directly to the presentation of evidence. The Hearing Officer proceeds to call on the Town of Harwich through Attorney Corbo to provide

an opening statement or witnesses regarding this matter. Attorney Corbo states he will go directly to witness testimony. The Hearing Officers asks if there is an opening statement from the Licensee or if they wish to proceed to witness testimony. Mr. Powell states he can present some of the facts regarding the alleged allegations and reports and shares he was a witness as he was there that evening. Both Mr. Powell and Ms. Powell share they do not know the process. The Hearing Officer clarifies that the Town has forgone an opening statement and they have the right to an opening statement which will be different than testimony and questioning. Mr. Powell states, let's get right to it and we will provide information as questions are asked and answered and everyone interacts.

The Hearing Officers asks Attorney Corbo to call his first witness for the Town and that witness will be sworn in prior to testimony. Attorney Corbo calls Officer Charles Brooks. The Hearing Officer asks the Police officer to state his name for the record and confirms he is an Officer for the Harwich Police Department. The Hearing Officer proceeds to swear in Officer Charles Brooks. Attorney Corbo asks Officer Brooks if he was on duty on September 1, 2019 at approximately 2000 hours and Officer Brooks confirms that to be correct. Attorney Corbo asks if Officer Brooks was dispatched to the area of 545 Route 28 and Officer Brooks confirms that is correct. Attorney Corbo asks the reason for being dispatched there and Office Brooks states a noise complaint. Attorney Corbo asked what happened when the Officer arrived at the location and Officer Brooks stated he met with the caller at their house and stood in the driveway and observed noise coming from Perks to be in violation of the Noise By-Law. Officer Brooks stated he could hear music coming from the Port which is the restaurant next door, but they were not plainly audible so they were not in violation. Attorney Corbo asked the Officer how he knew the music was coming from Perks and he responded that they had a male singer and he could hear his voice. Officer Brook stated he did not know what song he was singing. Attorney Corbo asks the Hearing Officer to display an aerial photo of 545 Route 28. Attorney Corbo confirms that Officer Brooks can see the red marker which is labeling Perks and confirms that is where Perks is located. Attorney Corbo describes where the residence is located on the map and Officer Brooks confirmed that to be accurate. Attorney Corbo asks the Officer to describe where he was standing at the residence of 549 Route 28. Officer Brooks states from the looks of the aerial map it appears he was standing near the black car. Attorney Corbo asks the Hearing Officer to put his cursor over that location. Attorney Corbo and the Hearing Officer go back and forth on where the cursor must be placed and if everyone can see the aerial. The Hearing Officer asks Ms. Delaney to unmute her phone and states he will have her share the document for better viewing. Attorney Corbo instructs Ms. Delaney to put the cursor on 549 Route 28. Attorney Corbo asks Officer Brooks if that properly represents where he was and he said yes. Attorney Corbo states to let the record reflect that the Officer was standing in the approximate location of the black vehicle depicted on the aerial photo. Attorney Corbo asks Officer Brooks to describe where the band was playing and Ms. Delaney moves the mouse over that area. Attorney Corbo states to let the record reflect the Officer identified the area right next to "&" symbol on the aerial map which is the approximate location of the band. Attorney Corbo asks the Officer how he knew he was over 150 feet away from the band at that time. Officer Brooks stated that was based on measurements other Officers had done. Attorney Corbo confirmed that the Officer did not independently measure the distance. Attorney Corbo asks the officer how long he listened for and he responded approximately 2 to 3 minutes. Attorney Corbo asked the Officer if he tried to listen from any other location, in which he stated he tries to park across the street and listen from there. He confirmed he parked on the back of Sea Street, which is on the other side of Perks and tried to go around to get his bearing and then went to where the call came from. Attorney Corbo asks how the Officer determined

that the music was not coming from the Port. Officer Brooks states Perks has a male singer and the Port had a female singer and it was a male voice that he was hearing. Attorney Corbo asks what the Officer did next after making his observation and he stated he went to Perks and spoke to who he believes to be Taylor Powell and the music was turned down to an appropriate level. He stated he also went to the Port and preemptively asked them to turn their music down to avoid any further calls for the evening. Officer Brooks stated he received no further calls to his recollection. He stated he did go their prior to this call, but there was no violation. Attorney Corbo asked if it was the same party who called in and Officer Brooks stated they were there three times and the second call was the same caller as this person. Attorney Corbo confirms that each time a call was received an Officer went down to confirm the call. Officer Brooks confirmed the third call was the only call that was confirmed. Officer Brooks confirmed he was present for each of the calls and confirmed he stood roughly in the same approximate location. Officer Brooks read out loud a section of his police report. Attorney Corbo asks if he has a copy of the report for the September 1st incident. Officer Brooks confirmed he had the report. Attorney Corbo asks Officer Brooks if he feels that report accurately represent his experience that evening, which he confirmed it did. Attorney Corbo states to the Hearing Officer that he would like the report and aerial photo entered as exhibits. The Hearing Officer confirms with Officer Brooks what report will be an exhibit and also if all parties have the call log, which they do not. The Powell's confirm they have the police reports, just not the police log. Attorney Corbo asks Ms. Delaney if the Powell's received the same hearing packet as he did, which she confirmed they did. Attorney Corbo states the document that he is referring to is page 5 of 8 in that packet. The Hearing Officer confirms Exhibit A is the Personal Narrative for Patrol Officer Charles Brooks, reference number 19-97-96-OF and Exhibit B is the aerial map which is still being shown on the screen. Attorney Corbo requests the hearing notice to be entered as an exhibit as well. The Hearing Officer confirms that the hearing notice will be Exhibit A, Personnel Narrative is Exhibit B and the aerial is Exhibit C. The Powell's confirm they are looking at the document. Attorney Corbo confirms with Officer Brooks that this is a print out of the call log from September 19th. Officer Brooks confirms that's accurate. The Hearing Officer confirms Exhibit D is the call record and confirms all parties have a copy. Attorney Corbo states he has no further questions for Officer Brooks. The Hearing Officer states the Powell's not have an opportunity to ask the witness questions. Mr. Powell states when he is able to present his facts and statement if Officer Brooks could chime in so he will do everything at once.

Attorney Corbo calls on Officer Brickley to provide witness testimony. The Hearing Officer asks Officer Brickley to state his full name and position with the Town. The Hearing Officer proceeds to swear in Officer Brickley. Attorney Corbo asks Officer Brickley if he was on duty on the evening of Thursday, July 4, 2019 at approximately 1930 hours. Officer Brickley confirmed that is accurate. Attorney Corbo asks if the Officer was dispatched to 549 Route 28 and the Officer confirms that is accurate. Attorney Corbo asks for what reason was the Officer dispatched and he answers for loud music. Attorney Corbo asks what the Officer did after receiving that call. Officer Brickley stated he met with the person at 549 Route 28 and listened to the music that was playing, which was coming from a liquor establishment. Attorney Corbo confirms with Officer Brickley that he can see the aerial photo on the screen and asks him to describe the location of where he is standing. Officer Brickley states he met with the home owner on their front steps. Attorney Corbo instructs Ms. Delaney to move the cursor to the property on the aerial photo. Attorney Corbo confirms with the Officer that is the approximate location. Attorney Corbo asks the Officer what he could hear and he states he could hear a woman singing. Attorney Corbo asks if he could hear anything else and the Officer states just the woman singing. Attorney Corbo asks if there were instruments playing

and the Officer confirmed there were, but did not know specifically what types of instruments. Attorney Corbo asked if the Officer could understand the words that were being said and if he knew the song. Officer Brickley said yes he could understand the words and did not know the song. Attorney Corbo asks where the music was coming from and the Officer stated the area of Perks and the Port. At that time the Officer did not know which establishment it was coming from. Attorney Corbo asks the Officer what he did next. Officer Brickley stated he went across the street into the Schoolhouse lot which is a public parking area in Harwich Port. From there he stated he was able to determine it was a female singer and a female was performing at Perks that night. Attorney Corbo instructs Ms. Delaney to scroll the aerial out to view the parking lot and put the cursor where the public lot is. Attorney Corbo confirms with Officer Brickley that he could hear music from that area, that it was a female singer and that Perk's had a female singer that night. Officer Brickley stated he met with the Powell's and found that it was within their entertainment license to be playing music at 7:30PM and that could continue however the volume of the music could not. He stated the Powell's had no issue turning the music down. Officer Brickley stated it was a violation and he wrote a Personal Narrative indicating the violation. Attorney Corbo asked how the Officer determined that when he heard the music it was at a distance of 150 feet. Officer Brickley stated he didn't at that time, he met with the reporting party at 549 Route 28 and did not know if he was within the 150 feet so he went well beyond 150 feet and was still able to hear the female singing. Attorney Corbo asks if that was the Schoolhouse Road location and Officer Brickley stated yes, that is why he went to Schoolhouse Road and the Chamber of Commerce area. Officer Brickley states in his report he indicated approximately 200 feet. The Hearing Officer asks Officer Brickley when he arrived at the caller's location he is saying the music was plainly audible and the Officers stated yes. The Hearing Officer confirmed with the Officer that he crossed the street to be certain he was in an area greater than 150 feet. The Hearing Officer confirmed with the Officer that in both locations the music was plainly audible. Attorney Corbo confirms that Officer Brickley offered a report from that night and that he has it with him. Attorney Corbo states for the record this is page 6 of 8 in the packet and titled Personal Narrative from Officer Brickley, reference number 19-9796-OF, Perks AKA Beer Garden Noise Complaint. Attorney Corbo confirms all parties have this document. The Hearing Officer states that document will be Exhibit E. Attorney Corbo asks the Officer if this report fairly and accurately summarizes his experience that night. Officer Brickley states yes. Attorney Corbo states he has no further questions. The Hearing Officer asks the Powell's if they have questions or would like to continue with the witness. Mr. Powell states he would like to continue on.

Attorney Corbo calls on Officer Mark Holmes. The Hearing Officer asks the Officer to state his full name and affiliation for the record. The Hearing Officer proceeds to swear Officer Holmes into the hearing. Attorney Corbo asks Officer Holmes if he was on duty at approximately 8:43AM on October 29, 2019. Officer Holmes confirmed that was accurate. Attorney Corbo asks the Officer if he responded to 549 Route 28 that day which Officer Holmes confirmed to be accurate. Attorney Corbo asked what the purpose was for going to that address on that date. Officer Holmes stated he was sent to the property to take measurements with a laser device. Attorney Corbo asks the Officer to describe the laser device. Officer Holmes states it's manufactured by Laser Technology Institute which is used for measurement and speed detection. It has several different modes and one is a detected measurement only. Attorney Corbo asks how it works. The Hearing Officer asks Officer Holmes how the device works in terms of measuring distances. Officer Holmes states its basic; you press the button that says fire and it sends out a laser beam to an object and it measure the time it takes for the laser beam to return to the sensor and then it does a

calculation and gives you a distance. Attorney Corbo asks if the device is known to be accurate. Officer Holmes states yes, it's certified every year. Attorney Corbo asks when the device was certified and Officer Holmes says he is not sure but the Town typically does certifications in September. Attorney Corbo asks prior to the use, on that date, was there any calibration done. Officer Holmes stated there was calibration done at the station, both internal and external. Attorney Corbo asks for an explanation. Officer Holmes states internally it automatically does a systems check and makes sure everything is functioning and then he used a tape measure and used a specific distance measurement and then measured again with the laser to make sure it was accurate. Attorney Corbo asks what was the purpose of the Officers visit to 549 Route 28 with the measuring device. Officer Holmes stated his reason for the visit was to determine whether 549 Route 28 was inside or outside of 150 feet from Perk's. Attorney Corbo asks Officer Holmes to describe what he did to make that determination. Officer Holmes met with Mr. Beloin and went into a sitting room on the second floor located in the front of the house and used several different points at the Perk's location and shot measurements. Attorney Corbo instructs Ms. Delaney to zoom back in on the aerial photo to get a better look of the house at 549 Route 28. Officer Holmes confirms he sees the house on the map. Attorney Corbo asks Officer Holmes if he sees the white vehicle at the top of the house, which he states he does. Attorney Corbo asks where the Officer was standing at the time of his first measurement. Officer Holmes states if you use the white car as a reference there is a dormer, it juts out on the front of the house by the white car, this is about where the sitting room is. Officer Holmes instructs Ms. Delaney where to put the cursor. Attorney Corbo described where the music stage was located, which was information from prior testimony, and asked Officer Holmes if he knew that to be correct. Officer Holmes stated he did not. Attorney Corbo asks the Officer to describe where he was aiming the laser. Officer Holmes referenced points on the aerial that he was aiming towards. The Officer stated the longest distance he measured was 190 feet. He stated he also measured the property fence, the actual back corner of the property fence, and another measurement from the fence closer to Route 28. Attorney Corbo asks if the hedge is also the fence at 549 Route 6A. Officer Holmes states that he does not believe there is a fence there and the fence he is describing is surrounding the Perk's property. Officer Holmes states it is hard to see on the aerial and tries to describe where it is on the map. Attorney Corbo instructs Ms. Delaney to move the cursor over the area Officer Holmes is describing. Attorney Corbo confirms with the Officer that he was standing at the same location at 549 Route 28. The Officer confirms that measurement was 157 feet to the corner post. The Hearing Officer stops the hearing due to Ms. Powell texting on her phone and asks that she refrain from texting during the hearing. Attorney Corbo confirmed with the Officer that distance where the cursor is placed to where the location in the restaurant is, is 157 feet. Attorney Corbo asked Officer Holmes if he took any other measurements, which he stated he had, which was on the fence further towards Route 28 and was 160 feet. Attorney Corbo instructs Ms. Delaney to zoom out on the aerial photo. Officer Holmes describes the approximate location of the third measurement. The Hearing Officer asks for clarification on where the Officer measured which is being shown by the cursor on the aerial. Attorney Corbo asks the Officer if he measured from any other location at 549 Route 28 and he states he measured from the outside of the property where the property line is along a hedge and measured to the front of their home by the main entry door. The Officer confirmed that measurement was 20 feet. Officer Holmes confirmed no other measurements were taken that day. Attorney Corbo asks the Officer if he offered a report on his experience, which he confirmed he did. Attorney Corbo asked the Hearing Officer if the Powell's have a copy of that report and the Powell's responded that they did not. Attorney Corbo instructs Ms. Delaney to send them the report. Officer Holmes states the Deputy Chief will be sending the report to Ms. Delaney for her to forward to the

Powell's. Attorney Corbo requests that this report be entered as the next exhibit. The Hearing Officer confirms this report will be Exhibit F. Sarah Powell stated they have questions regarding that report. The Hearing Officer stated once Attorney Corbo was done with the Officer the Powell's would have an opportunity to ask questions. The Powell's have no objection with the report being entered into the record. Attorney Corbo states he has no further questions for Officer Holmes.

Ms. Powell asks Officer Holmes who requested that he take the measurements and he responded that he does not know who specifically requested it and the on duty Lieutenant instructed him to take the measurements. The Hearing Officer asks the Officer who was the on duty Lieutenant which was Lieutenant Sullivan. The Hearing Officer confirms with Ms. Delaney that she will be sharing the missing document on her screen. The Hearing Officer asks Harwich Police Department if this document needs redaction of any kind and Officer Holmes responds that he is unsure. Attorney Corbo states there are phone numbers that need to be redacted prior to sharing. The Hearing Officer confirms with Ms. Delaney that this document had not been shared yet. The Hearing Officer states at the conclusion of the hearing the proper redactions will be made and then shared with the Powell's. The Powell's read the report and offered their thoughts and discussed those with the Hearing Officer and Officer Holmes. The Hearing Officer confirms with all parties that they are completed with their questioning with Officer Holmes.

Attorney Corbo calls on Police Chief David Guillemette to provide testimony. The Hearing Officer proceeds to swear in the Chief. Attorney Corbo asks the Chief if he is aware of the incidents that have brought us to this hearing and the Chief confirms he is aware. The Chief confirms he conducts an informational training session with Harwich licensees' and brings in Department Heads and a representative from the ABCC. During this meeting a copy of Harwich Liquor Regulations is distributed. The Chief confirms Taylor Powell was present at the 2019 meeting. The Chief confirms they did discuss noise at the meeting. The Chief proceeds to describe the procedure when an establishment receives their first noise offense. The Chief confirms he is aware of past incidents with this establishment. Attorney Corbo instructed the Hearing Officer to outline all past violations for them to be read into the record; Past Hearings which were September 27, 2016, September 27, 2017, and October 28, 2018. The Chief confirmed he was the person who requested the laser measurements be done. Attorney Corbo asks the Chief if he is aware of any issues with the equipment and he responds, no. Attorney Corbo states he has nothing further for the Chief. The Powell's have no questions for the Chief. Attorney Corbo states he has nothing further at this time.

The Hearing Officer states the Powell's have their opportunity to bring forward any witnesses or cross exam any witnesses. Mr. Powell confirms with the Hearing Officer that this is their time to speak. Mr. Powell first would like to discuss an email that he has brought from a musician that plays at their establishment. The Hearing Officer stated this person cannot be a witness if he is not present and swore under oath. Attorney Corbo states it is under the Hearing Officers discretion wither to accept the evidence. The Hearing Officer states the email will be Exhibit H. Ms. Powell confirms the email has been emailed to the Hearing Officer and Ms. Delaney. Mr. Powell proceeds to read the email out loud. Mr. Powell explains that they have done music for a long time, 10 years, and goes into detail about how they try to keep the noise level down. He stated there were no complaints until other establishments starting having music. Mr. Powell states the amount of times the establishment has live music per season is a total of 93 days and only one alleged violation. He continues to say he walks the neighborhood and down

side streets to make sure sound is not too loud and he works with the musicians. Mr. Powell asks the chief how many calls, for any establishment, has the resident at 549 Route 28 called about during the summer. The Chief states he has the number of complaints for Perk's, but not for every establishment. Mr. Powell stated he may be wrong but he thought there were close to 30 calls from this resident. Mr. Powell continues to describe what was happening with the resident harassing the police and the Powell's, swearing at the Officers and overall complaining. The Hearing Officer stated he did not see curse words in the documents and the person is not present to question, but he does understand the Powell's frustration. Mr. Powell stated he wanted to give the Hearing Officer some background on the complaining party and that most of the complaints are unfounded. The Chief confirms in 2019 Perk's received 13 calls for noise and there were 6 calls for Perks and or the Port and 6 calls for the Port alone.

Mr. Powell stated, for the record, on September 1st there was no band, there was only Ted Wyman playing who is a solo preformist. The Hearing Officer stated in Officer Brooks testimony he said he heard instruments, not a band. Mr. Powell stated he thought he heard a band. Mr. Powell stated he went to the Assessing Department to pull lot lines to see on a map how far this property actually is from the establishment. Mr. Powell continues to read the language on his entertainment license as he would like this noted in the hearing. Mr. Powell explains his thoughts on what this language means when it comes to where you measure from and how far this property is from the establishment. Ms. Delaney shares the aerial photo for all to see. Mr. Powell describes where the boundary line is for the establishment. From his mapping it is 90 feet to the residence at 549 Route 28. The Hearing Officer and Mr. Powell go back and forth over where the source of music is from. Ms. Delaney moves the cursor to where the music is set up in the establishment. Mr. Powell explains to the Hearing Officer his interpretation of the language on his entertainment license. The Hearing Officer explains the meaning behind the language as he does not agree with Mr. Powell. Ms. Powell states her interpretation is that if you are within 150 feet, property line to property, which she believes the residence at 549 Route 28 is within, you are not allowed to complain. The Hearing Officer clarifies that you go from the source of the amplification system, which everyone has testified that it's where the cursor is on the map presently. The Powell's explain their confusion that it states "from which is further" and the property line is further so that is where they thought the measurement started. Attorney Corbo clarifies that you measure from the source of the amplification or it can be the boundary line if you are further away from the boundary line than the source of the amplification. He continues that the point of measurement, in this case, would be the property at 549 Route 28 and you measure either 150 feet to the property line or 150 feet to the source of music. The Hearing Officer states he agrees with Attorney Corbo. Attorney Corbo states he would like to hear from the Chief of Police. The Chief reiterates the same language as Attorney Corbo. The Hearing Officer states, do all parties agree, that point A on the map is where the cursor is and where the amplification was, all parties agree and point B is where the Officers stood at 549 Route 28. All parties agree to point B. The Hearing Officer states his decision making is going to be in regards to Point A and Point B because that is the furthest point where it was plainly audible. Mr. Powell apologizes and states he and Ms. Powell disagree. He continues to explain why he disagrees. The Hearing Officer continues to clarify what the language means that is written on the entertainment license. The Hearing Officer states what is critical in this hearing is what is 150 feet and beyond and what those points are. Mr. Powell states it is ultimately up to the Hearing Officer and he is not trying to challenge him, he is trying to present things as they see it. Mr. Powell points out measurements to the neighboring property and where the Officers were standing. The Hearing Officer states he understands that they are relying upon readily available

documents, but that is not the intent of assessing documents. He states what we are looking at is surveyed plans that were stamped. He continues to say we have a laser measurement and a documents that goes back to 1935 and 2015 verse a laser within the same year. Mr. Powell states he agrees, however on the night in question Officers were not upstairs in the home. Mr. Powell continues to question the events of that night and pleads his case that this was not a violation. Mr. Powell states the Officer was at the property 4 or 5 times that evening and they never turned up the volume, only turned it down.

Attorney Corbo confirms with the Powell's that they had 93 days of music with 2 confirmed violations. They state they are not confirming them, but alleged, yes. Attorney Corbo asks what are they doing to contain the noise and Ms. Powell stated that was a great question. She stated she volunteered to be on the noise committee to try and figure out how they can help. Mr. Powell stated they are both there every night and will not both take a day off so one of them is there at the establishment. She shared they are constantly monitoring sound and this year they did have some ideas on what to do, but due to Covid they have not done any of them. Mr. Powell stated any musician he deemed too loud he has fired. He says he also will not allow musicians to bring in loud speakers and also they leave the speakers on the ground verse propped up. In the future he says he would like to talk with his neighbors, one of whom he is friendly with, about putting up a muffling system. They have also looked into hiring a sound person. Ms. Powell described the culture at their establishment and that no complaint has come in past 10PM. Attorney Corbo asked is the music equipment belongs to the Powell's or the musicians and Mr. Powell stated in the future he hopes it's ours, but it's the musicians. Attorney Corbo asked if they do sound checks and stand on Route 28 to test the sound level and Mr. and Ms. Powell state for every performance they go across the street to see if they can hear the music. Attorney Corbo states he has nothing further.

The Hearing Officer ask the Powell's if there is anything more they would like to put on the record which they decline. In closing, Attorney Corbo states the license requires the licensee to contain the sound to 150 feet. Today we heard testimony from Officers who were able to hear sound from 150 feet away. Attorney Corbo continues to describe what the Hearing Officer should take into account upon making his recommendation of discipline. In closing, the Hearing Officer stated this hearing was originally scheduled for December 18, 2019, he believes there were mutual conflicts, the hearing was continued to March 18, 2020, which unfortunately was disrupted by the pandemic so we are meeting today on June 30, 2020. He states he will expedite the review and decision making process and assures he will send notice to the Powell's along with Attorney Corbo and Chief Guillemette. The Hearing Officer thanks all who participated.

CONCLUSION

Hearing ended at 3:15PM

Town of

Anita N. Doucette, MMC/CMMC
Town Clerk



Harwich

732 Main Street
Harwich, Massachusetts 02645
Tel. 508-430-7516

TOWN OF HARWICH
ANNUAL TOWN MEETING
MAY 6, 2019

ADOPT THE CAPITAL PLAN

ARTICLE 9: To see if the Town will vote to adopt the Capital Plan for the ensuing seven year period as adopted last year by the Town Meeting with new fiscal year 2026 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.
(APPENDIX C)

THE FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED TO OUTLINE CAPITAL PROJECTS OVER THE NEXT 7 YEARS. FUNDING RECOMMENDATIONS FOR REQUESTS ARE MADE SEPARATELY. VOTE: YES-6, NO-1

MOTION: (Dana DeCosta-Finance Committee) I move that this article be accepted and adopted to outline Capital Projects over the next 7 years. Funding recommendations for requests are made separately.
Duly seconded

AMEND THE MAIN MOTION: (Ralph Smith) I move to amend the Capital Plan to take out the proposed \$131,000 to reimburse the Town for funds that were not authorized to be spent for initial work on and to complete construction of the pet burial ground.
Duly seconded

A motion was made and seconded to terminate debate, this required a $\frac{3}{4}$'s majority vote to pass, it was a unanimous vote, so declared.


ACTION ON THE AMENDMENT: A standing count was taken YES 331 NO 162,
The amendment carried.

After further debate a motion was made and seconded to terminate debate, this required a $\frac{3}{4}$'s majority vote to pass, motion carried.

ACTION ON THE MAIN MOTION AS AMENDED: Motion carried

A true copy

Attest:


Anita N. Doucette, MMC/CMMC
Town Clerk

CAPITAL PLAN 2020 TO 2026 ITEMS OVER \$50,000

2/22/2019

Department	Project	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26
ADMINISTRATION								
Admin	Harwich Center ADA Sidewalk Project	\$ 700,000						
	Harwich Center ADA Sidewalk Proj. ADA/CDBG Grant (\$670K of 1 Million)	\$ -						
Admin	Harwich Center Initiative		TBD					
Admin	Albro House - Renovations		TBD					
Admin	Demolition/Remediation-203 Bank Street and Parking Lot Improvements	\$ 60,000						
Admin	Walkway Reconstruction Rte 28 SAQ to Harwichport (Supplemental)	\$ 576,500						
Admin	Walkway Reconstruction Rte 28 SAQ to Harwichport (Supplemental)GRANT	\$ -						
Admin	Walkway Reconstruction Bank Street Harwich Center to Rte 28	\$ -	\$ 450,000					
Admin	Insurance work to maintain Former West Harwich School on Bells Neck	\$ 20,000	TBD					
Admin	School House Road Revision to Site Plan Expand Parking Lot	TBD	TBD					
Admin	Preparation and Utilization of Queen Anne Road Solar Farm Expansion	TBD	TBD					
Admin	Updates to the Cultural Center Building (See Facility Maintenance)							
Admin	Green/Fuel Efficient Fleet Replacement Schedule	\$ 27,000	\$ 24,000	\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000
CEMETERY								
Cemetery	Pet Burial Ground completion (Finalize & Reimbursement) \$57K and \$74K	\$ 131,000						
Cemetery	Arbortuin Project Cemetery Mapping and Software	\$ 30,110	\$ 100,000					
CONSERVATION								
Conservation	Harwich Artificial Reef (Additional Project)			\$ 250,000	\$ -			
Conservation	Shore Stabilization/Jetty Extension Red River Beach	\$ 100,000	\$ -					
ENGINEERING								
Engineering	MS4 Municipal Surface Drainage Plan and Improvements	\$ 40,000	\$ 100,000	\$ 100,000	\$ 100,000			
Facility Main.-DPW								
Facility Main.-DPW	Implement Facilities Wide ADA Compliance Plan Improvements	\$ 20,564	\$ 11,605	\$ 75,235				
Facility Main.-DPW	Energy Management System Brooks Library HVAC		\$ 65,000					
Facility Main.-DPW	Highway Barn Metal Roof- Insulation	\$ 260,750						
Facility Main.-DPW	DPW Facilities and Mechanic Shop (Formerly Shop Only)	\$ -						\$ 1,200,000
Facility Main.-DPW	DPW Air Quality Retro-Fit	\$ -	\$ 75,000					
Facility Main.-DPW	Brooks Library Roof		\$ 135,000					
Facility Main.-DPW	Cultural Center - Boiler Replacement			\$ 160,000			\$ -	\$ -
Facility Main.-DPW	Cultural Center - Window Replacement Sash Windows that Failed			\$ -	\$ 200,000		\$ -	\$ -
Facility Main.-DPW	Cultural Center - Window Replacement -Casements and Picture Windows			\$ -	\$ -	\$ 200,000	\$ -	\$ -
Facility Main.-DPW	Community Center Generator			\$ 105,000				
Facility Main.-DPW	Community Center Remove and Replace Privacy Fence			\$ 52,000				
Facility Main.-DPW	Community Center 3 Condensing Units and Air Handlers				\$ 275,000			
Facility Main.-DPW	Community Center Roof Replacement					\$ 240,000		
Facility Main.-DPW	Library Boiler Replacement						\$ 120,000	\$ -
Facility Main.-DPW	Community Center Boiler Replacement						\$ 120,000	\$ -

Department	Project	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26
PUBLIC WORKS								
Public Works	5 Year Road Maintenance Plan	\$ 1,400,000	\$ 1,400,000	\$ 1,400,000	\$ 1,400,000	\$ 1,400,000	\$ 1,400,000	\$ 1,400,000
Public Works	West Harwich Route 28 Design(\$125K in FY 20 & Construction via Fed Funds)			\$ -	\$ 50,000			
	West Harwich Route 28 Design(Construction via Fed Funds)			\$ -	\$ 5,600,000			
Public Works	Lower County Road (Maintenance /Not Federal TIP Funds)	\$ 5,560,475						
	[\$1,000,000 from 5 Year Road Maintenance to be used to decrease DE]							
Public Works	Route 39/Pleasant Bay Road Roundabout (If Needed)	\$ -	\$ 600,000					
Public Works	Highway Barn Metal Roof- Insulation (See Facility Maintenance)							
Public Works	Mobile Lifting System for Large Vehicles	\$ 90,475						
Public Works	Ford F-350 Dump Truck - #42	\$ 80,000						
Public Works	2 - C&D Trailers (\$75,000 each)	\$ 150,000						
Public Works	Johnston Sweeper Body and Pony Motor - Highway #30	\$ 125,000						
Public Works	Vehicle Listing (FY 21 to 26) Summary	\$ -	\$ 355,000	\$ 325,000	\$ 320,000	\$ 325,000	\$ 320,000	\$ 355,000
REC & YOUTH								
Rec & Youth	Pleasant Road Beach Parking Lot Paving/Overlay	\$ 112,000	\$ -	\$ -		\$ -		
Rec & Youth	Sand Pond Restrooms and Playground Improvements	\$ 125,000	TBD			\$ -		
Rec & Youth	Whitehouse Field Scoreboard Replacement/Safety Netting	\$ 55,000						
Rec & Youth	Red River Beach Bulkhead (22) and Restroom Renovations (23)			TBD	\$ 125,000			
Rec & Youth	Cahoon Road Beach Restroom				\$ -	\$ 125,000		
WASTEWATER								
Wastewater	DHY Community Partnership - CWMP Revisions		TBD					
Wastewater	Harwich Wastewater Treatment Plant DN (2026) & DC (2027)	\$ -	\$ -					\$ 4,000,000
Wastewater	CWMP Phase 3 Pleasant Bay(North)Watershed Collection Sys. Des. & Con.	\$ -	\$ -	\$ -	\$ 1,000,000	\$ 15,300,000		\$ -
Wastewater	Evaluate Phosphorus issues in Seymour Pond & Restoration			\$ -	\$ 70,000	\$ 330,000		\$ -
WATER								
Water	Lothrop Avenue Water Line Replacement(NEW based upon failure of Line)	\$ 100,000						
Water	Pleasant Lake Tank - Fill Pipe Replacement	\$ 300,000						
Water	T1 Generator at Main Treatment Facility	\$ 65,000						
Water	Purchase John Deer 35D	\$ 64,000						
Water	New Water Source North Harwich Exploration and Development (D&C)	\$ -	\$ 250,000		\$ 500,000	\$ -		
Water	2019 Ford Super Duty F-550 Replace Truck 9 including Dump Body	\$ 76,551						
Water	Rte 28 Water Main Replacemnt/Lothrop Area Design (22) Construction (23)			\$ 100,000	\$ 2,000,000			
Water	Station 8 Generator			\$ 50,000	\$ -	\$ -		
Water	Various Access Road Pavement					\$ 175,000		
Water	Pleasant Lake Avenue Tank Rehabilitation			\$ -	\$ -		\$ 1,750,000	\$ -
Water	Phase 1 Discontinuity of Pipes per Masterplan 6,450 ft of Pipe			\$ -	\$ -	\$ -		\$ 1,500,000
Water	Construction/Renovation Asbestos Pipe Project							TBD
Water	Vehicle Replacements (Replace F-259 & Ranger in FY 23 and Tr 11 in (25))		\$ -	\$ -	\$ 125,000		\$ 75,000	

Public Hearings/Presentations



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc

APPLICATION FOR A TRANSFER OF LICENSE

Municipality

1. TRANSACTION INFORMATION

- Transfer of License
- Alteration of Premises
- Change of Location
- Management/Operating Agreement
- Pledge of Inventory
- Pledge of License
- Pledge of Stock
- Other
- Change of Class
- Change of Category
- Change of License Type (\$12 ONLY, e.g. "club" to "restaurant")

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

License No. 00088-GP-0506 is held by Go Industries, Inc. d/b/a Perks. Taylor Powell is a minority shareholder in GO Industries, Inc. and the approved manager of record. Application is to transfer the license from GO Industries, Inc. to an entity 100% owned and controlled by Taylor Powell called The Lucky Labrador, Inc. d/b/a Perks, with Taylor Powell to remain the manager of record. Perks is a seasonal beer garden and coffee shop. No changes are being proposed to the operations of Perks or the previously approved premises.

2. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
<input type="text" value="On-Premises-12"/>	<input type="text" value="\$12 General On-Premises"/>	<input type="text" value="All Alcoholic Beverages"/>	<input type="text" value="Seasonal"/>

3. BUSINESS ENTITY INFORMATION

The entity that will be issued the license and have operational control of the premises.

Current or Seller's License Number FEIN

Entity Name

DBA Manager of Record

Street Address

Phone Email

Add'l Phone Website

4. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. If this application alters the current premises, provide the specific changes from the last approved description. You must also submit a floor plan.

No change to existing approved premises under License No. 00088-GP-0506. Approved premises is as follows:
 Serving area: cafe located on first floor of building with 3 entrances and 4 exits. Front room with 3 entrances and 3 exits with indoor seating, tables & counter/bar, total indoor sq. ft. is 2,330. Patio and porch area with exterior seating/tables . . .

Total Sq. Footage	<input type="text" value="4636"/>	Seating Capacity	<input type="text" value="39"/>	Occupancy Number	<input type="text" value="301"/>
Number of Entrances	<input type="text" value="6"/>	Number of Exits	<input type="text" value="7"/>	Number of Floors	<input type="text" value="1"/>

APPLICATION FOR A TRANSFER OF LICENSE

5. CURRENT OFFICERS, STOCK OR OWNERSHIP INTEREST

Transferor Entity Name	GO Industries, Inc.	By what means is the license being transferred?	Gift
------------------------	---------------------	---	------

List the individuals and entities of the current ownership. Attach additional pages if necessary utilizing the format below.

Name of Principal	Title/Position	Percentage of Ownership
Alfred Novak	CEO	
Carol Novak	President	
Ryan Powell	Shareholder	
Jessica Novak	Shareholder	
Taylor Powell	Shareholder/Manager of Record	

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLC Members, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:
 - On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers** - At least 50% must be US citizens;
 - Off Premises (Liquor Store) Directors or LLC Managers** - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB
Taylor Powell	15345 SW 88th Avenue, Palmetto Bay, FL 33157		

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
President, Treasurer, Secretary, Director	100%	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

APPLICATION FOR A TRANSFER OF LICENSE

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST (Continued...)

Name of Principal	Residential Address	SSN	DOB
<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Additional pages attached? Yes No

CRIMINAL HISTORY

Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions.

Yes No

6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality
Taylor Powell - Shareholder and Manager	00088-GP-0506	GO Industries d/b/a Perks	Harwich

6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

APPLICATION FOR A TRANSFER OF LICENSE

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled?
 Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

7. CORPORATE STRUCTURE

Entity Legal Structure Date of Incorporation
 State of Incorporation Is the Corporation publicly traded? Yes No

8. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises.

- If the applicant entity owns the premises, a deed is required.
- If leasing or renting the premises, a signed copy of the lease is required.
- If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.
- If the real estate and business are owned by the same individuals listed in question 6, either individually or through separate business entities, a signed copy of a lease between the two entities is required.

Please indicate by what means the applicant will occupy the premises

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month \$

Lease Ending Date

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales? Yes No

9. APPLICATION CONTACT

The application contact is the person who the licensing authorities should contact regarding this application.

Name:

Phone:

Title:

Email:

APPLICATION FOR A TRANSFER OF LICENSE

10. FINANCIAL DISCLOSURE

A. Purchase Price for Real Estate	0.00
B. Purchase Price for Business Assets	0.00
C. Other* (Please specify)	0.00
D. Total Cost	0.00

*Other: (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):"

SOURCE OF CASH CONTRIBUTION

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
Total:	

SOURCE OF FINANCING

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No

FINANCIAL INFORMATION

Provide a detailed explanation of the form(s) and source(s) of funding for the cost identified above.

No costs will be incurred as part of the transfer of this license. Go Industries, Inc. shareholders are the parents and siblings of the sole owner of the proposed licensee.

11. PLEDGE INFORMATION

Please provide signed pledge documentation.

Are you seeking approval for a pledge? Yes No

Please indicate what you are seeking to pledge (check all that apply) License Stock Inventory

To whom is the pledge being made?

12. MANAGER APPLICATION

A. MANAGER INFORMATION

The individual that has been appointed to manage and control the licensed business and premises.

Proposed Manager Name Date of Birth SSN

Residential Address

Email Phone

Please indicate how many hours per week you intend to be on the licensed premises

B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?* Yes No *Manager must be a U.S. Citizen

If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime? Yes No

If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
2015	Present	Manager	Perks	N/A
2016	Present	Owner/CEO	Fly Fish South Florida Inc.	N/A
2015	2016	Manager	Islander Bar & Grill, Miami, FL	N/A
2013	2014	Manager	Il Milino Restaurant & Bar, Miami, FL	N/A

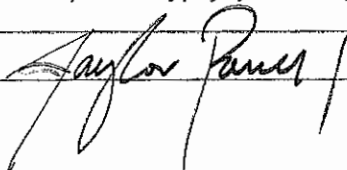
D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? Yes No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature



Date

13. MANAGEMENT AGREEMENT

Are you requesting approval to utilize a management company through a management agreement?
 If yes, please fill out section 13.

Yes No

Please provide a narrative overview of the Management Agreement. Attach additional pages, if necessary.

IMPORTANT NOTE: A management agreement is where a licensee authorizes a third party to control the daily operations of the license premises, while retaining ultimate control over the license, through a written contract. *This does not pertain to a liquor license manager that is employed directly by the entity.*

13A. MANAGEMENT ENTITY

List all proposed individuals or entities that will have a direct or indirect, beneficial or financial interest in the management Entity (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.).

Entity Name	Address	Phone
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

Name of Principal	Residential Address	SSN	DOB
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

CRIMINAL HISTORY

Has any individual identified above ever been convicted of a State, Federal or Military Crime?
 If yes, attach an affidavit providing the details of any and all convictions.

Yes No

13B. EXISTING MANAGEMENT AGREEMENTS AND INTEREST IN AN ALCOHOLIC BEVERAGES

LICENSE

Does any individual or entity identified in question 13A, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages; and or have an active management agreement with any other licensees?

Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

13C. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 13A, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held?

Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

13D. PREVIOUSLY HELD MANAGEMENT AGREEMENT

Has any individual or entity identified in question 13A, and applicable attachments, ever held a management agreement with any other Massachusetts licensee?

Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Licensee Name	License Type	Municipality	Date(s) of Agreement

13E. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question section 13B, 13C, 13D ever been suspended, revoked or cancelled?

Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

13F. TERMS OF AGREEMENT

- a. Does the agreement provide for termination by the licensee? Yes No
- b. Will the licensee retain control of the business finances? Yes No
- c. Does the management entity handle the payroll for the business? Yes No

d. Management Term Begin Date e. Management Term End Date

f. How will the management company be compensated by the licensee? (check all that apply)

- \$ per month/year (indicate amount)
- % of alcohol sales (indicate percentage)
- % of overall sales (indicate percentage)
- other (please explain)

ABCC Licensee Officer/LLC Manager

Management Agreement Entity Officer/LLC Manager

Signature:

Signature:

Title:

Title:

Date:

Date:

ADDITIONAL INFORMATION

Please utilize this space to provide any additional information that will support your application or to clarify any answers provided above.

4. DESCRIPTION OF PREMISES (continued)

... total outdoor sq. ft. is 2,406. Outside area consists of musician area, fire pit, outdoor bar, outside seats/tables, all totaling 39 seats on the property.

Hours of Operation for Alcohol Service: Monday through Saturday, 8:00 a.m. to 1:00 a.m.; Sundays and Holidays, 10:00 a.m. to 1:00 a.m.

12.C. MANAGER APPLICATION

2012	2013	Manager	AZN Restaurant & Bar, Naples, FL	N/A
2011	2012	Manager	The Maggie Restaurant & Bar, Breckenridge, CO	N/A
2003	2011	Self-employed	Charter Fishing	N/A

APPLICANT'S STATEMENT

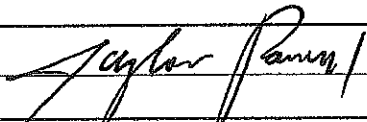
I, Taylor Powell the: sole proprietor; partner; corporate principal; LLC/LLP manager
Authorized Signatory

of The Lucky Labrador, Inc. d/b/a Perks
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

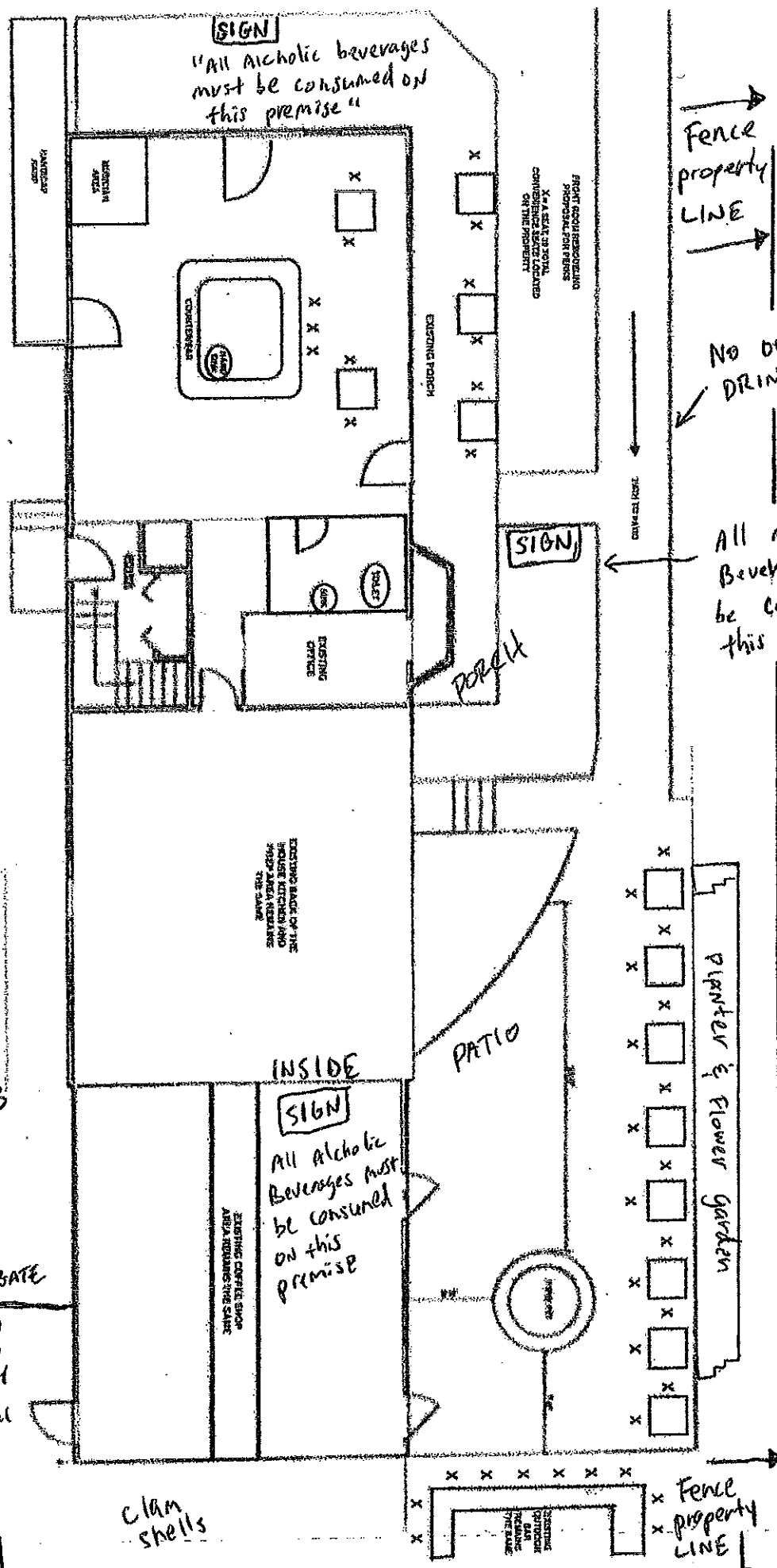
- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.


President, Secretary & Treasurer

FEB. 27, 2020

T.P.

= licensed service area



Fence property LINE

No outside DRINKS permitted

All alcoholic Beverages must be consumed on this premise

emergency exit to Route 28

GATE SIGN "emergency exit ONLY"

Fence property

clam shells

Fence property LINE

NOTICE OF PUBLIC HEARING
TOWN OF HARWICH
BOARD OF SELECTMEN
TRANSFER OF LIQUOR LICENSE

Notice is hereby given under Chapter 138 of the General Laws as amended that application has been made to this Board for a transfer of the Seasonal, General on Premise, All Alcoholic Beverages License now held by Go Industries, Inc. DBA Perks, 545 Route 28, Harwich Port, MA, Taylor Powell – Manager, to The Lucky Labrador, Inc. DBA Perks, 545 Route 28, Harwich Port, MA, Taylor Powell – Manager, on the following described premises located at 545 Route 28, Harwich Port, MA: 2,406 SF of outdoor space which consists of musician area, fire pit, outdoor bar, outside seats/tables. Total of 39 seats.

The Board of Selectmen will hold a hearing upon the application on Monday, July 27, 2020 no earlier than 6:30 p.m. in the Donn B. Griffin Room at Town Hall, 732 Main Street, Harwich, at which time all interested parties are cordially invited to call in via the dial in instructions below.

7/27/2020 Meeting of the Board of Selectmen
Mon, Jul 27, 2020 6:30 PM - 8:30 PM (EDT)

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

<https://global.gotomeeting.com/join/128809029>

You can also dial in using your phone.

United States: +1 (872) 240-3212

Access Code: 128-809-029

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/128809029>

Board of Selectmen
Local Licensing Authority

Chronicle
July 16, 2020



HARWICHPolice

DEPARTMENT

183 Sisson Road, Harwich, MA 02645

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



DAVID J. GUILLEMETTE
Chief of Police

KEVIN M. CONSIDINE
Deputy Chief

Memorandum

TO: Board of Selectmen
Joseph Powers
Interim Town Administrator

FROM: David J. Guillemette
Chief of Police

DATE: July 14, 2020

SUBJECT: **Application for a Transfer of License for the transfer of the seasonal, general on-premises liquor license held by Go Industries, Inc. d/b/a Perks, 545 Route 28, Harwich Port, Taylor Powell, Manager to The Lucky Labrador, Inc. d/b/a Perks, Taylor Powell, Manager.**

The Police Department has no objections regarding the Application for a Transfer of the Seasonal, General On-Premise, All Alcoholic Beverages License from Go Industries, Inc. d/b/a Perks to the Lucky Labrador, Inc. d/b/a Perks.

If you have any questions or need further clarification, please feel free to contact me at your earliest convenience.



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc

APPLICATION FOR A NEW LICENSE

Municipality

1. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
<input type="text" value="Off-Premises-15"/>	<input type="text" value="§15 Package Store"/>	<input type="text" value="Wines and Malt Beverages"/>	<input type="text" value="Annual"/>

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

We are seeking an off premise malt and wine license for the Pleasant Lake General Store. In addition to carry out, we are seeking the ability to deliver malt and wine with other food and goods from the premises. The store is located at 403 Pleasant Lake Ave in Harwich, and has previously held this license.

Is this license application pursuant to special legislation? Yes No Chapter Acts of

2. BUSINESS ENTITY INFORMATION

The entity that will be issued the license and have operational control of the premises.

Entity Name FEIN

DBA Manager of Record

Street Address

Phone Email

Alternative Phone Website

3. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

General Store with 1700 square feet of space on a ground floor. General store will have racks for red wine as well as 8 cooler doors for malt beverages and white/sparkling wine. Ice cream and pizza will be carry out, take out, delivery only.

Total Square Footage:	<input type="text" value="1700"/>	Number of Entrances:	<input type="text" value="1"/>	Seating Capacity:	<input type="text" value="0"/>
Number of Floors:	<input type="text" value="1"/>	Number of Exits:	<input type="text" value="1"/>	Occupancy Number:	<input type="text"/>

4. APPLICATION CONTACT

The application contact is the person whom the licensing authorities should contact regarding this application.

Name: Phone:

Title: Email:

APPLICATION FOR A NEW LICENSE

5. CORPORATE STRUCTURE

Entity Legal Structure	<input type="text" value="LLC"/>	Date of Incorporation	<input type="text" value="June 2020"/>
State of Incorporation	<input type="text" value="Massachusetts"/>	Is the Corporation publicly traded?	<input type="radio"/> Yes <input checked="" type="radio"/> No

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:
On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers - At least 50% must be US citizens;
Off Premises(Liquor Store) Directors or LLC Managers - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB
<input type="text" value="Joshua Koopman"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input type="text" value="Owner, Manager"/>	<input type="text"/>	<input type="radio"/> Yes <input checked="" type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text" value="Todd Montgomery"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input type="text" value="Owner, Manager"/>	<input type="text"/>	<input type="radio"/> Yes <input checked="" type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Additional pages attached? Yes No

CRIMINAL HISTORY
 Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions. Yes No

APPLICATION FOR A NEW LICENSE

6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

7. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises.

- If the applicant entity owns the premises, a deed is required.
- If leasing or renting the premises, a signed copy of the lease is required.
- If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.
- If the real estate and business are owned by the same individuals listed in question 6, either individually or through separate business entities, a signed copy of a lease between the two entities is required.

Please indicate by what means the applicant will occupy the premises

Lease

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales?

Yes No

APPLICATION FOR A NEW LICENSE

8. FINANCIAL DISCLOSURE

SEE ATTACHED

A. Purchase Price for Real Estate	<input type="text"/>
B. Purchase Price for Business Assets	<input type="text"/>
C. Other * (Please specify below)	<input type="text"/>
D. Total Cost	<input type="text"/>

*Other Cost(s): (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):"

SOURCE OF CASH CONTRIBUTION

Please provide documentation of available funds. (E.g. Bank or other Financial Institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
Total	<input type="text"/>

SOURCE OF FINANCING

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No

FINANCIAL INFORMATION

Provide a detailed explanation of the form(s) and source(s) of funding for the cost identified above.

9. PLEDGE INFORMATION

Please provide signed pledge documentation.

Are you seeking approval for a pledge? Yes No

Please indicate what you are seeking to pledge (check all that apply) License Stock Inventory

To whom is the pledge being made?

10. MANAGER APPLICATION

A. MANAGER INFORMATION

The individual that has been appointed to manage and control the licensed business and premises.

Proposed Manager Name Date of Birth SSN

Residential Address

Email Phone

Please indicate how many hours per week you intend to be on the licensed premises

B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen? Yes No *Manager must be a U.S. Citizen

If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime? Yes No

If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
04/2017	07/2020	Bartender/Manager	Brewster Pizza House and Sports Bar	
01/2016	03/2017	Teaching Assistant	UCLA School of Theater Film Television	
05/2014	10/2015	Bartender	Wequassett Resort and Golf Club	
01/2007	01/2013	Terminal Operator	ESCO Terminals, Cape Cod Canal	

D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? Yes No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature Date

11. MANAGEMENT AGREEMENT

Are you requesting approval to utilize a management company through a management agreement?
 If yes, please fill out section 11.

Yes No

Please provide a narrative overview of the Management Agreement. Attach additional pages, if necessary.

IMPORTANT NOTE: A management agreement is where a licensee authorizes a third party to control the daily operations of the license premises, while retaining ultimate control over the license, through a written contract. *This does not pertain to a liquor license manager that is employed directly by the entity.*

11A. MANAGEMENT ENTITY

List all proposed individuals or entities that will have a direct or indirect, beneficial or financial interest in the management Entity (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.).

Entity Name	Address	Phone
<div style="border: 1px solid black; height: 25px;"></div>	<div style="border: 1px solid black; height: 25px;"></div>	<div style="border: 1px solid black; height: 25px;"></div>

Name of Principal	Residential Address	SSN	DOB
<div style="border: 1px solid black; height: 25px;"></div>	<div style="border: 1px solid black; height: 25px;"></div>	<div style="border: 1px solid black; height: 25px;"></div>	<div style="border: 1px solid black; height: 25px;"></div>

Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<div style="border: 1px solid black; height: 25px;"></div>	<div style="border: 1px solid black; height: 25px;"></div>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<div style="border: 1px solid black; height: 25px;"></div>	<div style="border: 1px solid black; height: 25px;"></div>	<div style="border: 1px solid black; height: 25px;"></div>	<div style="border: 1px solid black; height: 25px;"></div>

Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<div style="border: 1px solid black; height: 25px;"></div>	<div style="border: 1px solid black; height: 25px;"></div>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<div style="border: 1px solid black; height: 25px;"></div>	<div style="border: 1px solid black; height: 25px;"></div>	<div style="border: 1px solid black; height: 25px;"></div>	<div style="border: 1px solid black; height: 25px;"></div>

Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<div style="border: 1px solid black; height: 25px;"></div>	<div style="border: 1px solid black; height: 25px;"></div>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<div style="border: 1px solid black; height: 25px;"></div>	<div style="border: 1px solid black; height: 25px;"></div>	<div style="border: 1px solid black; height: 25px;"></div>	<div style="border: 1px solid black; height: 25px;"></div>

Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<div style="border: 1px solid black; height: 25px;"></div>	<div style="border: 1px solid black; height: 25px;"></div>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

CRIMINAL HISTORY

Has any individual identified above ever been convicted of a State, Federal or Military Crime?
 If yes, attach an affidavit providing the details of any and all convictions.

Yes No

11B. EXISTING MANAGEMENT AGREEMENTS AND INTEREST IN AN ALCOHOLIC BEVERAGES

LICENSE

Does any individual or entity identified in question 11A, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages; and or have an active management agreement with any other licensees?

Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

11C. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 11A, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held?

Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

11D. PREVIOUSLY HELD MANAGEMENT AGREEMENT

Has any individual or entity identified in question 11A, and applicable attachments, ever held a management agreement with any other Massachusetts licensee?

Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Licensee Name	License Type	Municipality	Date(s) of Agreement

11E. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Has any of the disclosed licenses listed in questions in section 11B, 11C, 11D ever been suspended, revoked or cancelled?

Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

11F. TERMS OF AGREEMENT

- a. Does the agreement provide for termination by the licensee? Yes No
- b. Will the licensee retain control of the business finances? Yes No
- c. Does the management entity handle the payroll for the business? Yes No

d. Management Term Begin Date e. Management Term End Date

f. How will the management company be compensated by the licensee? (check all that apply)

- \$ per month/year (indicate amount)
- % of alcohol sales (indicate percentage)
- % of overall sales (indicate percentage)
- other (please explain)

ABCC Licensee Officer/LLC Manager

Signature:

Title:

Date:

Management Agreement Entity Officer/LLC Manager

Signature: *[Handwritten Signature]*

Title: *OWNER/MANAGER*

Date: *7 JUL 20*

ADDITIONAL INFORMATION

Please utilize this space to provide any additional information that will support your application or to clarify any answers provided above.

APPLICANT'S STATEMENT

I, Joshua John Koopman the: sole proprietor; partner; corporate principal; LLC/LLP manager
Authorized Signatory

of Pizza Shark Partners LLC
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature: 

Date: 7 JUL 20

Title: OWNER / MANAGER

CORPORATE VOTE

The Board of Directors or LLC Managers of Entity Name
duly voted to apply to the Licensing Authority of City/Town and the
Commonwealth of Massachusetts Alcoholic Beverages Control Commission on Date of Meeting

For the following transactions (Check all that apply):

- | | | | |
|--|---|---|---|
| <input checked="" type="checkbox"/> New License | <input type="checkbox"/> Change of Location | <input type="checkbox"/> Change of Class (i.e. Annual / Seasonal) | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input type="checkbox"/> Transfer of License | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Change of License Type (i.e. club / restaurant) | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock) |
| <input type="checkbox"/> Change of Manager | <input type="checkbox"/> Change Corporate Name | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Management/Operating Agreement |
| <input type="checkbox"/> Change of Officers/
Directors/LLC Managers | <input type="checkbox"/> Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder | <input type="checkbox"/> Change of Hours |
| | | <input type="checkbox"/> Other <input type="text"/> | <input type="checkbox"/> Change of DBA |


"VOTED: To authorize Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

"VOTED: To appoint Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

A true copy attest,


Corporate Officer/LLC Manager Signature

Joshua Koopman
(Print Name)

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

(Print Name)



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc

**RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
 MONETARY TRANSMITTAL FORM**

APPLICATION FOR A NEW LICENSE

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

ECRT CODE: RETA

Please make \$200.00 payment here: [ABCC PAYMENT WEBSITE](#)

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE PAYMENT RECEIPT

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

ENTITY/ LICENSEE NAME

ADDRESS

CITY/TOWN

STATE

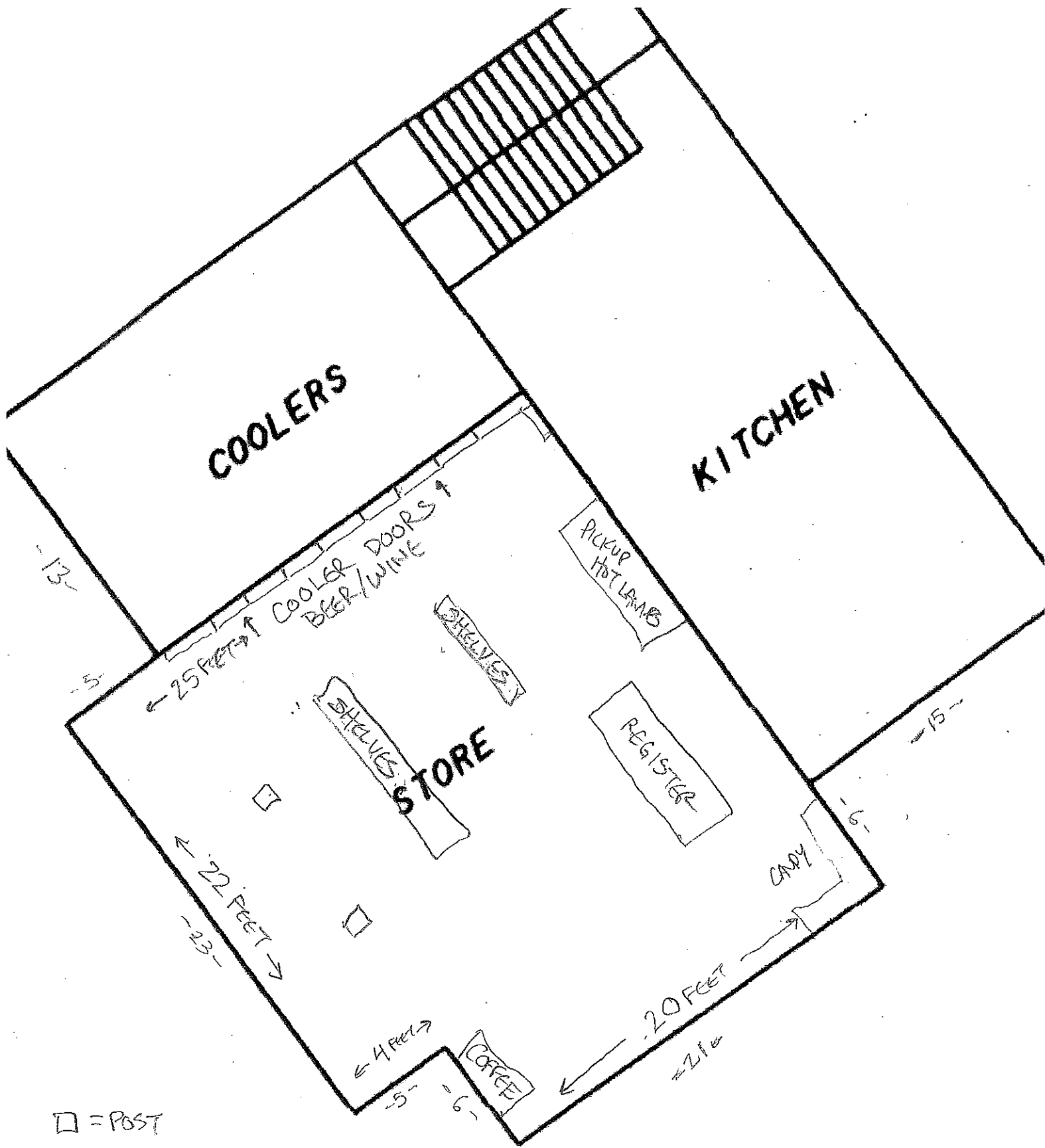
ZIP CODE

For the following transactions (Check all that apply):

- | | | | |
|--|---|---|---|
| <input checked="" type="checkbox"/> New License | <input type="checkbox"/> Change of Location | <input type="checkbox"/> Change of Class (i.e. Annual / Seasonal) | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input type="checkbox"/> Transfer of License | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Change of License Type (i.e. club / restaurant) | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock) |
| <input type="checkbox"/> Change of Manager | <input type="checkbox"/> Change Corporate Name | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Management/Operating Agreement |
| <input type="checkbox"/> Change of Officers/
Directors/LLC Managers | <input type="checkbox"/> Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder | <input type="checkbox"/> Change of Hours |
| | <input type="checkbox"/> Other <input type="text"/> | | <input type="checkbox"/> Change of DBA |

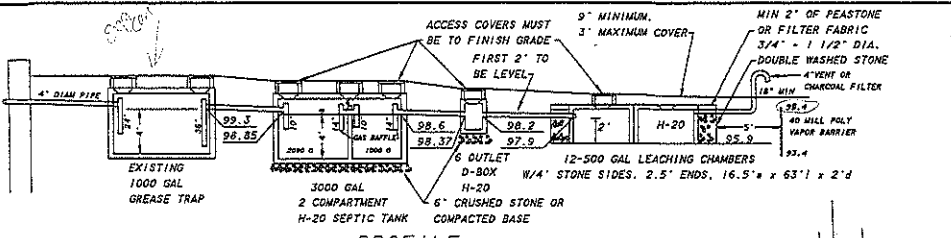
THE LOCAL LICENSING AUTHORITY MUST MAIL THIS TRANSMITTAL FORM ALONG WITH COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:

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

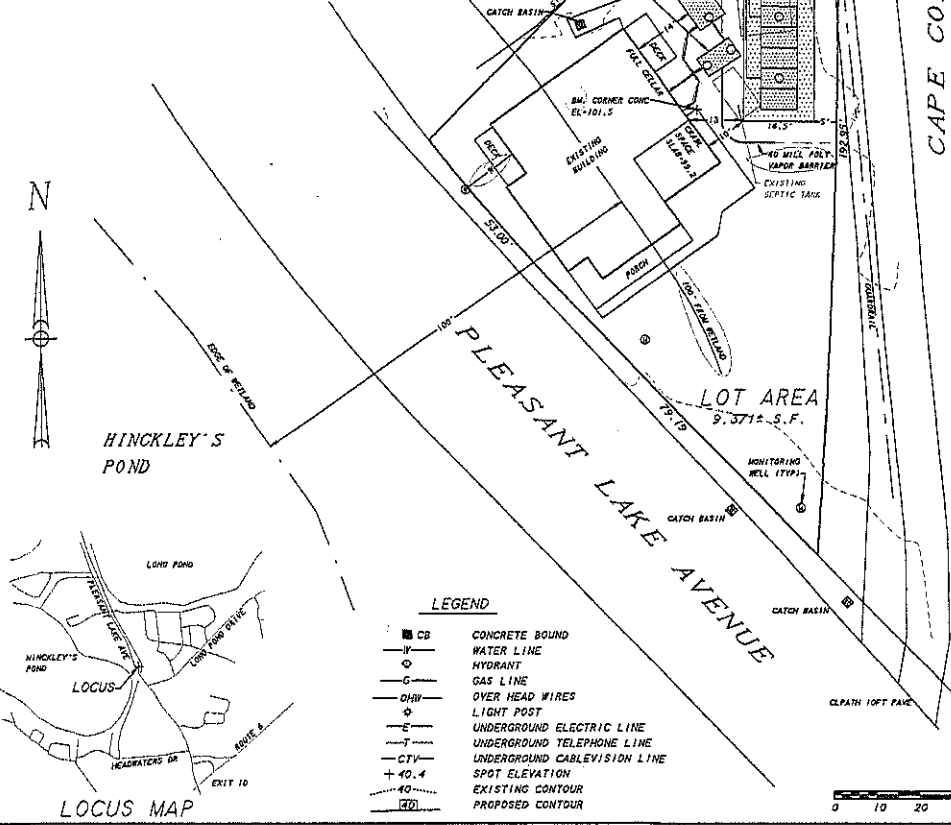
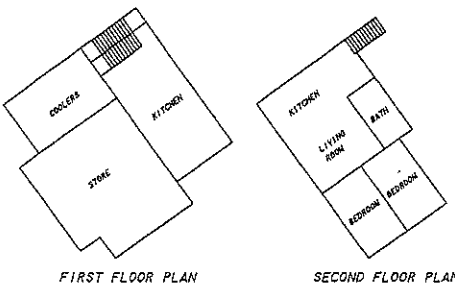


FIRST FLOOR PLAN

Line 2 comp tank, Risers to grade BOH



PROFILE: NOT TO SCALE



INVERT ELEVATIONS:

INVERT AT BUILDING #1: 100.0
 INVERT AT BUILDING #2: 99.35
 INVERT IN GREASE TRAP: 98.55
 INVERT OUT GREASE TRAP: 98.5
 INVERT IN SEPTIC TANK: 98.85
 INVERT OUT SEPTIC TANK: 98.6
 INVERT IN DIST. BOX: 98.37
 INVERT OUT DIST. BOX: 98.2
 INVERT IN LEACH CHAMBER: 97.9
 BOTTOM OF LEACH CHAMBER: 95.9
 BOTTOM OF TEST HOLE #2: 91.2

DESIGN CRITERIA:

DESIGN FLOW:
 2 BEDROOMS AT 110 GPD/BEDROOM - 220 GPD
 0 SEAT FAST FOOD RESTAURANT AT 20 GAL/SEAT - 0 GPD. USE 1000 GPD MIN
 GREASE TRAP REQUIRED: 1000 GAL MIN

2 COMPARTMENT SEPTIC TANK REQUIRED:
 1000 GPD X 2000 - 2000 GAL 1 1/2 COMP
 1000 GPD X 1000 - 1000 GAL 2nd COMP
 USE 3000 GAL 2 COMPARTMENT TANK

SOIL ABSORPTION SYSTEM REQUIRED:
 DESIGN PERC RATE C 5 MIN/INCH
 SOIL TEXTURAL CLASS - I
 EFFLUENT LOADING RATE - 0.74 GPD/SF
 1000 GPD / 0.74 GPD/SF = 1352 S.F. REQUIRED

PROVIDED: 12-500 GAL LEACHING CHAMBERS W/4" STONE SIDES, 2.5" ENDS, A-1358 S.F., 1358 S.F. x 0.74 = 1005 G.P.D.

- GENERAL NOTES:**
- THIS PLAN IS FOR THE DESIGN AND CONSTRUCTION OF THE SEWAGE DISPOSAL SYSTEM ONLY.
 - VERTICAL DATUM IS ASSUMED. FOR BENCH MARKS SET. SEE SITE PLAN.
 - ALL CONSTRUCTION METHODS AND MATERIALS AND MAINTENANCE OF THE SEPTIC SYSTEM SHALL CONFORM TO MASS. D.E.P. TITLE 5 AND LOCAL BOARD OF HEALTH REGULATIONS.
 - ALL SEPTIC SYSTEM COMPONENTS LOCATED UNDER AREAS SUBJECT TO VEHICULAR TRAFFIC OR GREATER THAN 3' IN DEPTH SHALL BE CAPABLE OF WITHSTANDING H-20 WHEEL LOADS.
 - ALL SEWER PIPE SHALL BE SCHEDULE 40 PVC OR APPROVED EQUAL.
 - SEPTIC TANK AND D-BOX SHALL BE REINFORCED PRECAST CONCRETE OR APPROVED POLYETHYLENE. BOTH SHALL BE WATERTIGHT. D-BOX SHALL BE WATER TESTED FOR LEVEL WHEN THERE IS MORE THAN ONE OUTLET.
 - BEFORE CONSTRUCTION CALL "DIG-SAFE", 1-888-DIG-SAFE AND THE LOCAL WATER DEPT. FOR LOCATION OF UNDERGROUND UTILITIES.
 - SEPTIC SYSTEM INSTALLER SHALL NOTIFY THE DESIGN ENGINEER TWO DAYS PRIOR TO CONSTRUCTION OF THE SYSTEM TO ALLOW FOR SCHEDULING OF THE CONSTRUCTION INSPECTIONS.
 - EXISTING SEPTIC TANK AND SAS TO BE PUMPED DRY, REMOVED AND BACKFILLED WITH SAND
 - ALL UNSUITABLE MATERIAL (FILL, A & B HORIZONS) ENCOUNTERED BELOW THE INVERT OF THE LEACHING FACILITY TO BE REMOVED FOR A DISTANCE OF 5' AROUND AND REPLACED WITH SAND IN ACCORDANCE WITH TITLE 5.
 - EXISTING GREASE TRAP TO BE PUMPED AND CLEANED. INSPECT AND REPLACE INLET TEE IF REQUIRED.

SOIL TEST PIT DATA

INDICATES REGULATION TEST INDICATES OBSERVED GROUNDWATER

TP #1				TP #2			
DEPTH	HORIZON	TEXTURE	COLOR	DEPTH	HORIZON	TEXTURE	COLOR
0"	FILL		102.0	0"	FILL		101.2
35"	A	LOAMY SAND	19R 2/4	34"	C1	COARSE SAND	19R 5/8
45"	B	LOAMY SAND	19R 3/2	51"	C1	COARSE SAND	19R 5/8
51"			97.9				
120"			92.0	120"			91.2

NO WATER NO WATER

DATE: JANUARY 20, 1998
 TEST BY: BERNIE YOUNG
 WITNESSED BY: NICK SCHWITZER
 PERC RATE: C 2 MIN/INCH



VARIANCES REQUIRED:

TITLE 5, MAXIMUM FEASIBLE COMPLIANCE SECTION 15.211(1) MINIMUM SETBACK DISTANCES
 10' IS REQUIRED BETWEEN THE SAS AND THE PROPERTY LINE. 5' IS PROVIDED.
 A 5' VARIANCE IS REQUESTED.
 20' IS REQUIRED BETWEEN THE SAS AND THE FOUNDATION. 13' IS PROVIDED.
 A 7' VARIANCE IS REQUESTED.

PERMIT # 15-17

SEPTIC SYSTEM DESIGN
 403 PLEASANT LAKE AVE. MAP 91. PARCEL K5-1
 HARWICH, MA.
 PREPARED FOR:
PLGS REALTY TRUST
 ROBERT PAYNE JR. 83 COURTNEY RD. HARWICH, MA
 SCALE: 1" = 20' JANUARY 26, 2015
STEPHEN A. HAAS
 ENGINEERING, INC
 P.O. Box 16
 South Dennis, MA 02660
 (508) 362-8132





HARWICH Police

DEPARTMENT

183 Sisson Road, Harwich, MA 02645

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




DAVID J. GUILLEMETTE
Chief of Police

KEVIN M. CONSIDINE
Deputy Chief

Memorandum

TO: Board of Selectmen
Joseph Powers
Interim Town Administrator

FROM: David J. Guillemette
Chief of Police 

DATE: July 20, 2020

SUBJECT: Application for an Annual Wine & Malt Beverages License for Pizza Shark Partners LLC d/b/a Pizza Shark 403 Pleasant Lake Avenue, Harwich, Joshua Koopman - Manager

The Police Department has no objections regarding the application for a Wine & Malt Beverages License for Pizza Shark. A background investigation of the proposed individual(s) indicates no liquor code violations or disqualifying history.

If you have any questions or need further clarification, please feel free to contact me at your earliest convenience.

NOTICE OF PUBLIC HEARING
TOWN OF HARWICH
BOARD OF SELECTMEN
APPLICATION FOR LIQUOR LICENSE

Notice is hereby given under Chapter 138 of the General Laws as amended that application has been made to this Board for an Annual, Package Store, Wine and Malt Liquor License for Pizza Shark Partners d/b/a Pizza Shark, Joshua Koopman, Manager, on the following described premises located at 403 Pleasant Lake Ave, Harwich, MA 02645. General store consisting of 1,700 SF of space on the ground floor. General store will have racks for red wine as well as eight coolers for malt beverages and white/sparkling wine. Ice cream and pizza will be carry out, takeout and delivery.

The Board of Selectmen will hold a hearing on the application on Monday, August 3, 2020 no earlier than 6:30 P.M. in the Donn B. Griffin Room at Town Hall, 732 Main Street, Harwich, at which time all interested parties are cordially invited to dial in. See below for dial in information.

8/3/2020 Meeting of the Board of Selectmen
Mon, Aug 3, 2020 6:00 PM - 8:00 PM (EDT)

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

<https://global.gotomeeting.com/join/256744605>

You can also dial in using your phone.

United States: +1 (408) 650-3123

Access Code: 256-744-605

Board of Selectmen
LOCAL LICENSING AUTHORITY

Cape Cod Chronicle
July 23, 2020

Consent Agenda

MINUTES
SELECTMEN'S MEETING
REMOTE PARTICIPATION ONLY
Monday, May 18, 2020
6:30 P.M.

SELECTMEN PARTICIPATING: Larry Ballantine, Stephen Ford, Donald Howell, Michael MacAskill, Edward McManus.

ALSO PARTICIPATING: Interim Town Administrator Joseph Powers, Health Director Meggan Eldredge, and Lieutenant Scott Tyldesly

CALL TO ORDER

Mr. Ballantine opened the meeting at 6:30 p.m., and called to order the Board of Selectmen. Roll call: Mr. McManus - Here, Mr. MacAskill - Here, Mr. Ford - Here, Mr. Howell - Here, Mr. Ballantine - Here. The Chairman declared a quorum is present.

WEEKLY BRIEFING

A. COVID-19 Updates,

Mr. Powers requested approval from the Board that in lieu of the weekly briefing, they move directly to the Old Business agenda item on the topic since they have Senator Julian Cyr and Representative Sarah Peake in attendance.

OLD BUSINESS

A. Discussion of the report of Governor Baker's Reopening Advisory Board to be released on Monday, May 18, including items related:

1. Reopening local economies by supporting restaurants and other businesses:
2. Guidance impacting upon recreational activities including:
 - a. Beaches and other bodies of water and
 - b. Municipal golf

First, Ms. Meggan Eldredge, Health Director, began with a review of the numbers for Harwich. Massachusetts' numbers have increased, showing numbers for yesterday at 86,010 and 5,797 deaths. In Barnstable County, they are up over 1,150, with 93 deaths. The good news is the numbers have not changed in Harwich, they are still at 107. In the packet is a graph, which shows where the numbers went up, and it was mostly related to the Wingate Long Term Care cluster. There are 67 cases that are connected to that facility,

and 7 deaths confirmed. They are still waiting on some other death certificates, it could be up to 12 fatalities related to COVID-19 at that facility. They are still doing daily check-ins with Wingate, and the Department of Public Health has a surveyor that calls in and asks specific questions on their PPE needs and staffing needs. The National Guard has still there providing staff support. The numbers are looking the same as last week. The hospitalization is down to 3%, from 4% last week. That is one of the indicators that will allow for the reopening plan.

Mr. Powers said he was turning it over to the legislative delegation for their updates and then he and Meggan will go through the specifics for the town.

Senator Cyr said it was great to be there, Representative Peake and himself are doing a bit of a road show tonight and Provincetown, Eastham, Chatham all in the same night. They are getting in front of all of the Boards on the cape this week and they have been working collaboratively with the business community and municipalities to make sure they are speaking with one voice as a region. And elevating up issues, concerns and challenges to the Governor and his administration. But also, now that they have a reopening plan and making sure they are disseminating that information in a uniformed fashion and speaking with one voice as a region. Our aim in forming the Cape Cod reopening Task Force and all of our efforts is really two-fold; to save lives and to save livelihoods. And particularly where they are on the eve of Memorial Day, in a non-pandemic environment they would be ramping up for our season and it looks like they may be able to do that in some way, but it is going to look very different. They have been working collaboratively to get out uniformed information and a uniformed public health message here. In the Governor's message today the first thing he talked about is personal responsibility. That to meet all of the, as they move through the various phases which will be informed by the public health surveillance they are going to need to have personal responsibility. All individuals should be covering their nose and mouth, if they can't be apart from people. They should be washing hands and surfaces frequently, staying vigilant and if they have symptoms staying home. The public does not distinguish between each town, so they need to be sure to have one voice particularly from a public health perspective. The reopening plan really provides a road map for how they get there. They are still digesting this and there is a lot of questions. Phase I basically starts May 25th, and the Governor said that the phases will be at least for a 3-week duration and they could be longer, again, being informed by the Department of Public Health. So again, our aim is speaking with one voice, to be supporting our business community, our employees, to support our municipalities as much as they can. He turned it over to Sarah and happy to answer questions. Though he will need to leave for the Mashpee meeting in a moment but they are in good hands with Representative Peake.

Representative Peake thanked them for the opportunity to be on the agenda and they felt it was important to be able to touch base with the local officials, because the group of them as the elected officials will be the ones fielding a lot of the questions as this moves forward. She and Senator Cyr wanted to be there to reinforce lines of communication that they are available to help answer questions. She had time with the Lieutenant Governor and she was thrilled that they were reaching out to the Boards of Selectmen and conveyed her

greetings. But also, to convey as the person who chaired the Governor's working group that it was public health, DPH and the DPH Commissioner that really drove this whole process. They tapped into the brightest and best minds, this reopening is just steeped with public health and science and data in that way. As they move from phase to phase it is really going to be the science in that data that is going to allow us to move forward, stay static or if things go badly to move backwards. They received input from business sectors all across the Commonwealth. Our very own Wendy Northcross from the Cape Cod Chamber along with the gentlemen that runs One Berkshire to really highlight for them some of the unique needs of our seasonal communities. Our time is limited when businesses can open up and operate and be viable down here. And she thinks it is the good work of Wendy Northcross and that presentation. If you look at page 15 of the DEC. that the administration put out today (<https://www.mass.gov/doc/reopening-massachusetts-may-18-2020/download>), there is a little asterisk under phase two under Restaurants and Lodging that says "Restaurant & Hospitality workgroup convened May 15 to develop procedures for opening".

So, Wendy is part of that group and the Berkshires. She would encourage if there are citizens or citizen business owners that want to give input that they reach out to Wendy and give her input. They are specifically looking at reopening plans for the seasonal and tourist destination type of economy and that to will be driven by public health, but also with an eye towards the urgency of time and the limited time that they have down here.

The other thing she wanted to highlight in terms of enforcement and inspections for the reopening, the process will be for example for restaurant to reopen or retail to be allowed for curbside pick-up, which is part of phase I, what will be required is that they go to the appropriate business segment portal of the <https://www.mass.gov/info-details/reopening-massachusetts> and look at what the public safety and public health protocols are and then they have to affirm that they have a plan in place to adhere to those protocols .. they sign a pledge that says they can and will adhere to those protocols and then they get a certificate that they print out and put it in the window of that establishment.

Now where the local Board of Health, health agent, or health inspectors come in to play is if there is a complaint by an employee or by a customer that the guidelines are not being followed, then they are the boots on the ground that go and inspect to see if the complaint has merits or not. She and Senator Cyr talked with Sean O'Brien with the County today and he wanted to make sure they let everyone know, that the County is staffing up in their health Department, he has already hired 3 new health inspectors and is reaching out to some retirees who are professionals in this area to bring them back on so they want to make sure no single town's resources are stretched too thin. So, the County is there to step in and help with that. They are still digesting this and there is beyond this 29-page DEC., on the State website under the various categories with a wealth of information; such as protocols for Beach openings. She would encourage everyone to take some time and go through the materials that can be found there.

Mr. Ballantine commented that in his observation, they can't take any risk with health protection, whether Federal, State or locally. However, on the other side, they need to get

businesses open. Either side, no matter they do, there is some risk. He is hoping that this group looked very hard at reaching the right balance.

Representative Peake said she thinks this group has looked really hard at reaching the right balance. And that is why the public health people were at the table to find the metrics that were looked at and this will be updated at least on a weekly basis if not more often as to where they are with the COVID-19 positive test rate. For today our positive test, for everyone that was tested, was less than 10%. Just a week or so ago, they were at 14-18%, so that shows a decline in infections. The number of individuals that died from COVID-19, a very important one is still a work in progress, shown with a yellow dot. Also, Number of patients with COVID-19 in hospitals, they will look at that. Healthcare system readiness, it is yellow here. But if you look at Cape Cod Hospital's readiness they have a declining population of COVID-19 patients and an increasing level of capacity. Mike Lowe from Cape Cod Healthcare has done a great job. Testing capacity has a green dot and Contact tracing capabilities is the other vector that they look at.

There are these two voices, she hears it also; shut it down, let's hibernate through the summer and hope it all goes away by next year and then they need to get open right away because people are dying because they don't have a livelihood and business may not be open next year.

She gives the administration and the Governor a lot of credit; this is a gigantic task and the consequences of getting it wrong are so significant. It is like Goldilocks, trying to get it just right. It is not static it is being continually looked at. If they see things going in the direction that is not in accord with the markers and guidelines that are set up, they can go from phase 2 back to phase I or stay in a particular phase for longer than 3 weeks. Public health and public safety are at the forefront but at some point in time the economy does need to start to reopen and looking at these public health data that is what is driving the decisions.

Mr. Powers asked Representative Peake to update the Board on where the legislation on Town Meetings stand at this point? Which was built off of senate 2680 or 2860?

Representative Peake responded that it has a new Senate number now and it is sitting still in the House Ways and Means. They are engaging in ever more bold steps in what they take on in formal sessions. Right when this COVID-19 crisis hit there were a lot of things they did in our informal sessions. Just on a voice vote, one member could object but if no member objected it would be enacted and on the governor's desk. When you get into things like these more complex municipal bills and write in voting and no excuse absentee voting and how you are going to manage town meetings, whether people can call in whether you will have on a town wide ballot. These are things that not everyone is going to agree to. So, they have to be able to meet file amendments, debate those amendments and come up with a final bill. So, this Wednesday will be my 3rd Wednesday going up to Boston, she is one of the division monitors, which means that she sits with ear buds in and has 19 colleagues on conference call through to her to make an objection or appoint of order. She facilitates it. The first two things they did were bills that had little or no debate. This week

they are taking up the IT bill. There were 136 amendments filed, so maybe it will be Friday morning. They are taking baby steps to see how the technology can work to meet remotely because it is not until phase 4, that 160 people can be in a room together. There are 160 members in the Massachusetts House. So, they are working on that and she is confident that more legislation will start to roll out as they get some of the kinks ironed out.

Mr. Ballantine commented that the drop-dead date to decide to go forward with Town Meeting is June 8th. He asked Representative Peake what her best guess is. Representative Peake said that she will make an inquiry, though she thinks it would be hard pressed to think they could do it by June 8th.

Mr. MacAskill thanked them for being on tonight and for all the information. As they are aware of the dynamics on Cape Cod, small businesses rely on the shoulder season to succeed. He would like to know what plans are being made on the State level for businesses. Restaurants are not likely to be up to any capacity, besides take-out until early July. Home owners with second homes and towns will have significant losses and probably won't survive this.

Representative Peake responded that this is part of an ongoing conversation. They are talking about a development bill, to be able to offer businesses relief. She has heard from business owners all across her district, even if they are able to get to a higher capacity, there will be fewer people here, less seating in their restaurants or just outside. Revenue will be diminished. She has heard over and over again that if there is not some kind of relief, many people will not be around by next April to open.

Both Senator Cyr and she are keenly aware of the concerns. Also, the Chair of the Economic Development and Emerging Technologies Committee, who happens to hail from Gloucester, is keenly aware as well. They know they have to do something. They haven't taken up a budget yet for local aid, in some part because of figuring out how they are going to meet. The last time she talked to Aaron Michlewitz, Chairperson of the House Committee on Ways and Means, he was hoping to have a budget out of the House Ways and Means the first of July and now it is looking like mid-July to end of July.

Every time they turn around, the revenue forecast keeps get adjusted downward. They have gone from \$3 to \$5 billion, now they are talking about a \$5 to \$8 billion deficit in revenue, versus the current fiscal year. If they have \$7 billion less in revenue, then they have in FY20, they have a \$42 billion budget. That is a significant percentage of the State budget that they are realizing this revenue loss in.

The House has always had local aid and chapter 70 funding as its priority, and it has always done well by the towns. They will try their best this year, but as the Town is doing their budget, they should not count on the same level of state aid as they have seen. The revenue is not there. They will need to see what the degree of relief will be from the Federal Government.

Mr. MacAskill would like to stress, that small businesses and second home owners, that rent their homes to pay their mortgages, need as much relief. They need to look at this on a day to day basis, not week to week. He has heard a lot from small businesses, that don't even think they will make it to July, because they count on the shoulder season to make up for getting out of a bad winter. And there is no relief in sight.

Representative Peake hopes that with the Restaurant and Hospitality Working Group, they can find a way to get some of those business open in more of a phase 1.5 instead of a phase 2. This can happen if all the public health indicators are pointing in the right direction; with a continued decrease in hospital admissions and decrease of positive test results etc.

Mr. MacAskill had one last question, and asked about the beaches. Mr. Powers said they will dive into that more after Representative Peake finishes. But Mr. MacAskill asked to please explain if it is a guidance, or an order.

Representative Peake replied that everything that the Governor has passed down has been a guidance, not an order. The stay-at-home was a guidance. He is a firm believer of people's personal responsibilities. They are guidance's that are based in science. The consequence of not following them is that the virus does not discriminate, it is passed from person to person to person. So, they have to behave in a way to limit this. If they don't, it will have dire consequences for us as individuals, who might suffer a severe illness, but also, it will have dire consequences for the entire ecosystem of the economy.

Mr. Ballantine thanked Representative Peake for her participation and passed it back over to Mr. Powers.

Mr. Powers said to try and expedite the conversation, he is sharing some documents for review. The first being the DEC document that Representative Peake shared earlier. This is the official overview report of the Reopening Advisory Board. He wanted to start on page 14, which lays out graphically what is intended for the reopening plan. Phase I started today and you can see what it is about. High risk should work from home, if possible, with consideration for workplace accommodation, they are still having gatherings of less than 10, safer at home, all travelers to MA urged to self-quarantine for 14 days, lodging restricted to essential workers only.

Then they will move on to Phase II, as being Cautious. On page 15, it starts to break it down to certain categories. Under worship, it identifies it began today, and it will show how it breaks down throughout the phases. Under businesses for today, it remains for essential businesses, manufacturing and construction. And then it shows what is anticipated for next week and then the phase 2 updated guidance for retail, restaurants, lodging etc. Moving to page 16, is the breakdown for recreation and outdoor. They will be having a call with the Department of Public Health tomorrow, and the state is looking at outdoor activities resuming as early as May 25th, with guidelines.

The next document is the Guidance to Municipalities on enforcing COVID-19 orders. This was a discussion that they had today with the Department of Public Health, about where the municipalities come in on the enforcement on all of this.

The next document is the one that Mr. MacAskill had mentioned, which is a version of what was released last week. This is a directive for municipalities and other beaches. The trick is, as you can see, the Governor is referring to all of these as guidelines, but what is being driven home, is that they are also expectations for stemming further cases of COVID-19. So, to Mr. MacAskill's question, talking about the distances, the distance of 12-feet is related to beach blanket groups. This means that groups of no more than 10 can combine together on the beach and trying to create a distance of 12 feet between those blanket groups. Beach visitors are required to maintain social distance of at least 6-feet. This is a document that was just created and it was based on discussions with staff and relying upon the guidance document that was shown today.

Eric Beebe, Carol Coppola and Amy Bullock are the call. They had joined Ms. Eldredge on the review of this and they now have a form called Beach Season Resumption Planning, which is specific to the Town of Harwich. Government remains an essential business, but in the reopening 29-page DEC, it says that essential businesses must come in to compliance with the various directives starting on May 25th. So, there are two things that they talked about today; steps the town needs to do to be in compliance with the Energy and Environmental Affairs directive as an essential business and then steps they will need to take to resume our traditional beach season. All of this is on the understanding that our beaches were never closed, they just need to take certain steps. They are talking about resident sticker sales and hoping most people will take advantage of online or mail-in sticker purchases beginning in early June. They are working on non-resident sticker sales, if they will happen in person, they are looking for a suitable location for social distancing, and a quick flow and all safety measures. Daily beach sticker passes at certain beaches. And certain beaches because some beaches would be negatively impacted. They will not be renting any equipment due to the sanitizing requirements. They will need to expand restroom cleaning efforts. There is also a need for compliance personnel to monitor both parking lot and beaches for compliance and if they demonstrate it in that matter it is potentially a CARES ACT reimbursable expense. This is all based on the guidance released today from the Energy and Environmental Affairs Secretary.

They also received guidance from the ABCC, which is more of a tip of the plan that may be coming down the road. The restaurants that are open, are allowed to sell alcoholic beverages to go, because they are not allowed to be consumed on premises. The ABCC has directed all licensees that are impacted by this, not to expect a change until at least June 8th. Mr. Powers found this to be significant. The Restaurant Hospitality Group started work on May 15th. They are not in a position yet to get into their guidance documents, but they are working with restaurants to come up with a plan to use outdoor space near their facilities. This will give them a fighting chance to get customers that may not want to go inside of their establishment, but willing to sit outside and eat.

They have touched on the beaches and restaurants, but there is so much more to cover. The golf course is operating under the guidelines. They will continue with resumption plans to operate under the guidelines.

Mr. Howell had a question for Representative Peake about the state roads being used for dining options. This is out of their jurisdiction, but he would like to have that answered. Mr. Powers said that they have it front and center in their decision making. They are hoping for direction from the ABCC, and guidance for state roads.

Mr. Howell also asked about blanket distancing and how that will be governed. Mr. Powers responded that people can assemble in groups of 10. This may change by the time they get to the full beach resumption plan, as it may lighten. The guidance from the Governor is that you cannot be in groups larger than 10, and anyone on the beach should be wearing a mask.

Mr. Howell also asked for clarification on the beer and wine to go. He was under the impression that restaurants were not allowed to do cocktails, just beer and wine. Mr. Powers said that according to the ABCC guidance document, from April 3rd, licensees are allowed to sell wine and malt beverages only. That would mean that cocktails, would not be allowed.

Mr. Ballantine asked Mr. Powers how they plan to notify people, if they will be putting signs at the beach. Mr. Powers said that they are planning to do inserts with the online ticket sales. They are also partnering with rental companies.

Mr. Beebe said that informing the public is going to be very important. They are looking at signage for all beaches and doing inserts with mailings. The gate attendants will inform all of the public of the guidelines. They will also utilize their Twitter and Facebook accounts, as well as Channel 18, to get as much word out as they can.

Ms. Eldredge said that they have to be mindful of what is a guidance versus what they are mandated to do, or even what they should do. The reopening plan says that beaches can have patrons on them, with guidelines. The guidelines they have provided are fairly loose. They are able to open the beaches, as they normally have. They will have people out there and the guidelines they have are workable.

They will be restricting day passes for a number of reasons, such as, travelers should be self-quarantined and they may not want to sell day passes to them. Having monitors on the beach is the only way to monitor the social distancing. The greatest public health need, the beaches will be crowded and they need to do their best to maintain social distancing. They will need to spend some money and get the help.

Mr. MacAskill asked for clarification on the day passes. Was it an affirmative or not, or undecided? Ms. Eldredge said that they have decided to go forward with day passes, because they are able to do it without too much person to person.

Mr. MacAskill said that the documents, it shows that the amount available for the CARES ACT for the town of Harwich, is a little over \$1 million dollars. He would like to know if this is related to the much lower number they filed for or is this additional?

Mr. Powers said that there are two things going on there. They received confirmation today, that the town should receive the money from the tornado in two business days. The dollar amount of the \$1,069,000 is related to Harwich's reimbursable amount under the CARES ACT. They have gone through the paperwork and it is a fund that the town enables the town to get reimbursed for certain expenditures.

Mr. Ford assumed they may see some problems with private beaches, with people going into the private beach areas. Ms. Eldredge said yes, they will likely have problems with this and that is another good reason to have beach monitors. They will also be partnering with the police for this.

Mr. Powers said that they have covered everything and this week more guidance will come out, and more information will be coming out tomorrow from DPH.

Mr. MacAskill requested that they bring this back towards the end of the meeting, so that they can keep the agenda going now.

Roll Call Vote: Mr. Howell - Aye, Mr. MacAskill - Aye , Mr. Ford - Aye, Mr. McManus - Aye. Mr. Ballantine - Aye. Motion carried by unanimous vote.

NEW BUSINESS

- A. Discussion and vote to appoint Deputy Fire Chief David J. LeBlanc as Fire Chief effective upon the retirement of current Fire Chief Norman Clarke

Mr. Ballantine asked Deputy Fire Chief David J. LeBlanc to provide an overview of this background. Deputy Fire Chief LeBlanc said he was thankful to be there and explained how he began his career as a dispatcher and became a firefighter in 2000. He had been able to move up through the ranks. He had good mentorships through the years and benefitted from learning from above him. He has been fortunate from the beginning and being involved in a lot of projects, including writing grants for the town.

Mr. Ballantine asked if anyone had any questions and commented on how proud they are to have a department that sets a standard for training, mentoring, and providing a career path for promotion. This has been shown by all the accolades the department has gotten over the years. He will entertain a motion.

Mr. Howell made a motion to appoint Deputy Fire Chief David J. LeBlanc as Fire Chief effective upon the retirement of current Fire Chief Norman Clarke contingent upon the successful negotiations for contract. Mr. MacAskill seconded.

Chief Clarke commented that after a long career, he has also learned from the best of the best. He assured them that with this appointment, they will leave the Harwich Fire Department, and the Town of Harwich, in very very good hands. He is very proud of Deputy Fire Chief LeBlanc. He is a great man, a great friend and a true professional.

Mr. Howell said that he wanted to comment about the initial rumblings in the public, on nepotism, and he wanted to just take that head on. This department has a culture of accountability. Whenever they have any fiscal problems, the fire department is among the best departments and the most cooperative to save the town money. They do things the right way. Mr. Howell said that if they don't wind up rewarding people in the town, they will wind up with a morale problem. This reflects the merit that Deputy Fire Chief LeBlanc has shown as the next man up, not just because he is the next man up.

Mr. MacAskill said he wanted to congratulate Deputy Fire Chief LeBlanc. He has worked for it and has looked forward to this goal. He also explained that the Board got a letter about six months ago, from a resident. It was about the automatic reappointments, and that it is a practice that the town should not be involved in. He does not believe that the Board ever took that up. Though he does believe that Chief Clarke has done a great job, as well as the previous Chiefs before him, in mentoring and bringing these employees up. Deputy Fire Chief LeBlanc has earned this spot. He does a lot for the town outside of the Fire Department, and that is recognized.

Mr. Ford thanked Deputy Fire Chief LeBlanc for the letter that he sent to the Board, highlighting his reasons for being so committed and wanting this position. He also, thanked Chief Clarke for his recommendation of Deputy Fire Chief LeBlanc. His own experience has been superb with Deputy Fire Chief LeBlanc and he is happy to support him. They are in a difficult time for the Town and the Fire Department, which is even more reason to choose someone who has such deep knowledge of the department.

Roll Call Vote: Mr. Howell - Aye, Mr. MacAskill - Aye, Mr. Ford - Aye, Mr. McManus - Aye, Mr. Ballantine - Aye. Motion carried by unanimous vote.

- B. Discussion and possible vote to approve and authorize the Chair to sign Commonwealth of MA Dredging Program Grant award to the Town of Harwich for \$36,000.00

Mr. MacAskill moved to approve and authorize the Chair to sign Commonwealth of MA Dredging Program Grant award to the Town of Harwich for \$36,000.00. Seconded by Mr. Howell.

Roll Call Vote: Mr. Howell - Aye, Mr. MacAskill - Aye, Mr. Ford - Aye, Mr. Ballantine - Aye. Mr. McManus was not able to respond. Motion carried 4-1-0

- C. Presentation on Cold Brook Natural Nitrogen Attenuation Project Update

Mr. Powers turned this over to Griffin Ryder, Town Engineer.

Mr. Ryder explained that he was there to give an update on the Cold Brook Natural Nitrogen Attenuation Project, which is also known as the Cold Brook Eco-Restoration Project. It has some different names, because it has been born into different things. It is really more of an Eco-Restoration project with the number of partners the town has been working with.

The project was voted on and funded via Article 12, at the 2017 Annual Town Meeting. Here is a look at the project team, it is a large team with a lot of expertise.

The team consists of:

- Town of Harwich, Griffin Ryder, Town Engineer and Dan Pelletier, Water and Waste Water Superintendent.
- Harwich Conservation Trust, Michael Lach
- CDM Smith, David Young
- TMDL Solutions, Ed Eichner
- UMass Dartmouth School of Marine Science and Technology (SMAST) - Brian Howes
- Massachusetts Department of Fish and Game, Division of Ecological Restoration (DER) with Inter-Fluve. - Eric Ford
- And U. S. Fish & Wildlife Service

The town's focus, which was part of the 2017 Annual Town Meeting vote, was to implement this project as a means of natural nitrogen attenuation without having to put pipes in the ground. This is a natural project using the ecology in this area to attenuate the water. By attenuating the water and enhancing the water quality, they can increase the nitrogen removal before it gets out to Saquatucket Harbor.

One of the reasons they are required to implement the Comprehensive Waste Water Master Plan, is because of the issues they have with nitrogen in Saquatucket, Wychmere, Pleasant Bay and a number of other places. It is an interesting project that allows us to look at alternative technologies to receive and get nitrogen treatments, without pipes in the ground, and without major infrastructure improvements. From the initial MEP report, it showed that this project might be able to remove 35% of nitrogen. However, the way looking at it now, and moving into deeper design, it is looking at more like a 50% reduction.

Mr. Ryder passed it over to Mr. Howes, he has one of the longest tenured individuals with this project and can explain where this project has been and where it is going.

Mr. Howes would like to underscore what Mr. Ryder said, that the town voted on this really to use an innovative approach of removing nitrogen from Saquatucket Harbor. This is demanded under the Clean Water Act and is codified in the TMDL's "Total Maximum Daily Load" from the Mass DEP and for that Harbor, through the town as a steward. The town has taken on a really innovative way to do things. The concept was to take this cranberry bog and to restore it into a natural ecological system. It will be a resource and an attraction for the town. To get that system functioning again, as it should be, is getting the nitrogen levels flowing through to 50%.

Mr. Howes continued to overview the design aspect, with the concept of a string of ponds, a salt marsh, and around those ponds it was decided to put in an area of wetlands. They look for systems that would fit in with the natural landscape to the town of Harwich and the Cape Cod, but also improve the nitrogen attenuation. The salt marsh will be improved as the tide rises with some manipulations to the surface, and letting it naturally transition. The nice thing about salt marshes is that they are natural nitrogen scrubbers.

The string of ponds are not very big and about three to six feet in depth. They will be wet and resources for fish and wildlife. Ponds are fantastic at removing nitrogen. On Cape Cod, about 15% of nitrogen that goes through a pond is removed by the pond's ecosystem. Then around the pond is the deep emergent marsh. This means that it will be the pond in the middle, and then this wetter area around the outside, which will only have one to three feet of water at most in it. It should always have some water in it, which will allow the nitrogen to flow through. This will then go through to a slightly shallower wet area that could periodically go dry, which will benefit the wildlife and add diversity to the system.

All of these diverse systems, are great for natural resources and things that people like to see in nature. It will also save the tax payers of Harwich funds on not having to dig up their roads to put in sewers and pumps and pipes. It should be a win-win for everyone, and he appreciates the Town Meeting passing the money to date and they are really on track.

The DER is working on the design, and it should be 50% complete by June 30th, 2020. Final design and permitting will be complete by summer of 2021. Then it will go out to bid by the fall of 2021, to have construction complete before the start of the next summer. The Town of Harwich's efforts will be to update the baseline monitoring and then continue the post-construction monitoring.

Mr. Ballantine said it was a good presentation and it raised his comfort level. He had been concerned in the original plans, that it would not be removing enough nitrogen. Mr. Howes responded that every one of the mill ponds they have studied removes nitrogen. With the pond and the salt marsh you will get a little more bang for the buck. There is already regulation that shows it works, and the DEP will only want to see how much it is removing. That is why there is a monitoring plan on the back end.

Mr. Ryder added, that is where the monitoring plan is going to come in to play. The more we can monitor and prove how much we are removing, the better credit we are going to be able to take for it. This will be followed-up in front of the Board soon.

D. Update on DPW Spring Projects

Mr. Lincoln Hooper, Director of Highways and Maintenance, was present to provide an update on the DPW's spring projects. The major project that is now underway is Lower County Road. Robert Our is the drainage contractor and they are scheduled to begin on May 26th. Dirt Worx is going to begin patching on June 1st, and should take approximately five days. Seal Coating Inc., is the crack sealer, and they are expected to begin June 10th

and last three days. All State Asphalt is the chip seal contract and they are scheduled for June 20th, and will take one day. We will then have Markings Inc. in afterwards to stripe the project. All of those contracts, except for Robert B. Our, is under the country road bids.

After Robert Our finishes Lower County, they will be moving onto the miscellaneous locations, which are done annually. They have just scheduled the long line painting and are getting on the schedule for parking lines, stop lines, crosswalks, etc. with Parking Lines Inc.

We are behind due to COVID-19. This week is all hands on deck in the cemeteries and memorial squares, which is usually about a seven day process. They are not in a position to have mulch spread yet, they will begin after Memorial Day when it is in. The surf rake that cleans the beaches is currently down. They have ordered parts and hoping to have it operational later this week. They have redeployed the town's 80 plus trash cans to the beaches, parks, cemetery and bike trail, with normal trash pick-up. They started street sweeping last week, usually it is concluded by August but this year it will run into September. They have a 142 miles of public roads, which consists of 482 roads.

Some other ongoing repairs, which they will do as staffing permits, is Catch Basin cleaning and repairs. They don't have enough staff to do it all the time, but will do it when they can.

Mr. MacAskill asked if there has been any conversation with the Town Administrator, on delaying any of this work that is subcontracted out; based on what could be a very serious financial state for the Town of Harwich. Mr. Hooper responded, that all of the work he stated is out of contracts that have already been approved, and we will get full reimbursement for.

- E. Vote to approve the Interim Town Administrator's recommendation to grant permission request of NSTAR/Eversource for the purpose of the installing approximately 40' +/- of conduit and cable and one handhole# 65/H3A in town road to provide electrical service to customer at 22 Central Avenue.

Mr. MacAskill moved to approve the Interim Town Administrator's recommendation to grant permission request of NSTAR/Eversource for the purpose of the installing approximately 40' +/- of conduit and cable and one handhole# 65/H3A in town road to provide electrical service to customer at 22 Central Avenue. Mr. Ford seconded.

Mr. McManus asked if they held the undergrounding hearing on this. Mr. Powers said that they did a teleconference dial-in meeting, and the minutes are in the packet.

Roll Call Vote: Mr. McManus - Aye, Mr. Ford - Aye, Mr. Howell - Aye, Mr. MacAskill - Aye, Mr. Ballantine - Aye. Motion carried unanimously.

OLD BUSINESS, CONTINUED

Mr. Ballantine said they are back to old business, and asked Mr. MacAskill if he had the additional questions he wanted to bring back at this time.

Mr. MacAskill asked if anyone had spoken to Cyndi Williams, Executive Director at the Harwich Chamber of Commerce, in regards to beach sticker sales, and if the Chamber has made provisions. They were the only ones last year that sold stickers seven days a week.

Mr. Powers explained that they were waiting for the update on the guidelines today and that this is still to be determined. He will be following up with Mr. Beebe, and he will be doing that tomorrow or Wednesday. Ms. Bullock also said that they sold stickers seven days a week when the Community Center was open, from the 2nd Monday of June to about the third week of July. The Chamber then was the only option for the seven days a week. Ms. Bullock will be reaching out to Ms. Williams tomorrow to see what their feelings were.

Mr. MacAskill said that his next questions was about the materials in the packet from the MMA. The guidelines on special events, thinking about the Cranberry Festival and Wednesday in the Ports. Will they be taking that up tonight?

Mr. Powers said that he included that because the MMA presented late last week to the Governor Advisory Board, and they are still working through that presentation. They have a call with the Lieutenant Governor to follow up on that. He does not think they need to get into, but they will see elements incorporated into the remaining guidance documents.

Mr. MacAskill said he had one final comment about the guidance versus orders. He thinks there is a lot of pent up anxiety and there is no right decision to make at this point. However, people want to come here and use the beaches and the businesses need this. He hopes the Board will use this guidance and takes into account the businesses. We talked about restaurants and outdoor dining and in other areas boards are making concessions to allow for one day licenses for outdoor space. We need to discuss how to give some relief.

Mr. Ballantine agrees and hopes that the guidance coming down gives enough flexibility to take on some creative ideas. He said that they will keep this as a standard going forward.

Mr. Howell said that he had spoken with a number of restaurant owners and there is an urgency to this. They need to safely do some things or they will lose restaurants. They need someone speaking for them.

Mr. McManus said that they do need some guidance on the special events. In regards to the Cranberry Festival, they have had a lot of craft people reaching out and they are getting concerned about what plans to make. If they could push some guidance on those sorts of events, that would be helpful.

Mr. Powers said that he would first respond to the topic on the restaurants. They had a call on Thursday with the Cape & Islands Managers and they heard that the ABCC is partnering with the Massachusetts Restaurant Association, which is encouraging news. The fact that they are partnering to come up with solutions for restaurants, is very encouraging.

For outdoor activities, they have regular calls with the Department of Health, which is now combined with the DPH, the Boards of Health and the Administrators. On the call tomorrow they plan to cover all outdoor recreation activities. He would imagine that they will be having discussions through each phase.

Mr. MacAskill asked if they can have the Police Chief, or a representative, on the call about the beach. He is concerned that monitors alone, may not be effective.

TOWN ADMINISTRATOR'S REPORTS

A. Barnstable County HOME Consortium renewal

Renie Hamman, HOME Program Manager, sent him the documents that are in the packet. If the Board wishes to continue in the Barnstable County HOME Consortium, they do not need to do anything. However, if they want to consider getting out of the consortium, then they will need to add it to the agenda for further conversation and actions. It is in there for the Boards consideration.

Mr. Howell said that he signed this in 2005, when he was Chairman of the Board. Now, as the Chair of the Housing Trust, he would urge them to let it self-renew. Mr. Ballantine asked if there was an idea of what money is being contributed through some time period. Mr. Howell said that they rehab through rentals.

Mr. McManus said they have received several small grants for housing programs in Harwich. The program funded for building houses on single lots around town, that people qualified for, and they provided some of the initial planning and site investigation. It is a useful program.

Mr. Ballantine said that unless there is an objection they will let this stand. No objection, it will renew.

B. Execution of HUB Tech contract for Information Technology service support

Mr. Powers advised the board of a contract that he executed. This was from a conversation with Foster Branford, Lieutenant Scott Tyldesly and Detective Mark Harris and their need for additional IT support.

The independent contractor they were relying on, abruptly quit and they had no recourse. So, it was suggested to look at opportunities that had already been vetted. HUB Tech was on the state contract list and the procurement process went smoothly. HUB Tech is providing additional IT services in the short-term that were needed by the quitting of the independent contractor.

C. MVP Grant Extension

He will be updating the Board next week on the MVP Grant extension for \$20,000. Ms. Charleen Greenhaigh, Town Planner, has been working on the project and has a need to extend the process for the grant. They have filed the paperwork for the extension and it was granted for another year. He will have more details on the MVP grant that he executed, as well.

D. CARES ACT

The CARES ACT money was released through the House Ways and Means Chairman. This is the allocation for the CARES ACT money that is available, and the Town of Harwich stands to gain \$1,069,000 of reimbursements. It requires paperwork from the Chairman, therefore he will be following up with Mr. Ballantine later this week. He feels this was a very positive development.

E. Dockside Seaside Shack inspection

Mr. Powers received an update from the Building Commissioner that he was able to do the required annual state inspection. There were some minor deficiency and the payment of the inspection fees. The Building Commissioner feels that the regulatory compliance section of the Common Victuallers License has been satisfied, and this has been signed off on by building, health and public safety, and appears to be concluded.

OPEN PUBLIC FORUM

A. See dial in instructions above

Mr. Ballantine opened the Public Forum. The public was invited to call in and participate in the meeting to offer comments and/or questions. Mr. Ballantine asked Lieutenant Scott Tyldesly if anyone had called in. Lieutenant Tyldesly responded that there were no calls.

SELECTMEN'S REPORT

Mr. MacAskill asked if Mr. Powers could provide a brief update on how the employees are doing going back to work in the buildings full time.

Mr. Powers said, generally speaking people are doing well with it and they are doing well with the guidelines of social distancing, cleanliness, hygiene masks etc. There will be some anxiety around when they are able to receive the public. He was encouraged by the guidelines from the Governor, that when they receive the public it will be in a safe and orderly fashion. They are still several days, if not a week or two away from as many employees back as can be done, because of family care and childcare issues. But they are

trending very well. A testimate to everyone that worked on the changes for retrofitting and they will be mindful of the concerns.

Mr. MacAskill added another comment, given the email from the DPW Director, about the overtime at the dump. He would like to know what is happening about reallocation of staff so that they can prevent paying overtime and hopes that it is being worked on. He expressed his thanks to all of the staff.

Mr. Howell said that he would like to echo what Mr. MacAskill said about thanking the employees. He then reported that they had pulled back over the past couple of months to come up with a plan of action. They had a contractor that was going to be out soliciting for stakeholder workshops. They are holding a meeting this week about where they are at and moving forward. Mr. Howell also noted about an email they received from the Dockside about putting a canopy over the deck. This is a public document and it should be in the packet, at some point.

Mr. Ford had nothing to report, just reiterated the thanks for the staff.

Mr. McManus commented that the Cranberry Harvest Committee is assisting the library with the lending of orange stanchions to assist with them with their curbside pick-up. He also apologized for having to step off the call and missing some items, but thanked the board for approving the Fire Chief appointment.

Mr. Ballantine noted that the meeting next week will be held on Thursday, due to the Memorial Day holiday. Also, the Executive Meeting will be on Wednesday, at 1:00 pm.

ADJOURNMENT

Mr. Howell moved that they adjourn at 8:53 pm. Seconded by Mr. MacAskill.

Roll Call Vote: Mr. MacAskill - Aye, Mr. Howell - Aye, Mr. Ford - Aye, Mr. McManus - Aye. Mr. Ballantine - Aye. Motion carried by unanimous vote.

Respectfully submitted,

Lisa Schwab
Administrative Assistant

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL AND REMOTE PARTICIPATION
Tuesday, May 26, 2020
6:30 P.M.**

SELECTMEN PARTICIPATING: Larry Ballantine, Donald Howell, Michael MacAskill, Edward McManus.

ALSO PARTICIPATING: Interim Town Administrator Joseph Powers, Health Director Meggan Eldredge, and Lieutenant Scott Tyldesly

CALL TO ORDER

Mr. Ballantine opened the meeting at 6:30 pm, and called to order the Board of Selectmen.

WEEKLY BRIEFING

- A. Mr. Powers began by congratulating Ms. Carlene Jones, Assistant Assessor, for her completion of the 2019-2020 Suffolk University Certificate for Leadership and Municipal Government.

Ms. Jones was thankful for the opportunity and the networking she was able to do through the program. They had a great class in the beginning called Typology. It was about how history repeats itself, and having to look back to see forward. With this pandemic, she has found that what she learned in the class, is all coming in to play. Mr. Ballantine added the Boards congratulations. It is great for her personally, but also for the Town.

- B. COVID-19 Updates: Presenters: Joe Powers, Interim Town Administrator; Meggan Eldredge, Health Director

Mr. Powers turned it over to Ms. Eldredge, for the update. Ms. Eldredge started with the numbers for the Commonwealth, which are now at 93,693 positive cases since the beginning of COVID-19. Barnstable County now has 1,280 cases, and Harwich is up to 118 cases, since the beginning of March. For deaths, they have had 6,473 deaths within the Commonwealth, 110 in

Barnstable County, 21 of those are from Harwich. Of the 118 cases they have now, 71 of those are associated with Wingate; some are staff, but most are residents. For the remaining 47 cases; four have died, 31 have recovered, and the 12 remaining active cases are being followed by the Visiting Nurses Association, and are in isolation. Four of those 12 cases are associated with some type of health care facility, either inside or outside of Harwich. The other eight cases, some are household contacts of previous cases, but several are of unknown origin.

Ms. Eldredge said that they are continuing to push social distancing, hand washing and monitoring of one's own health. If people don't feel good, they should not go out. This is very important, as people are starting to venture out more. It is a safer at home advisory, but with more stores and places open, it is important not to expand exposure.

She does have good news that the restaurant guidance is coming in by Friday from the Reopening Advisory Board. That is good news, because restaurants have taken a hard hit, especially on Cape Cod. They need to know what to do in order to open safely. They have had a lot of questions on the safety standards that have gone out from the State, for non-essential and essential businesses, to be able to operate safely.

Mr. Ballantine asked for a clarification on the 6' versus 12' limits that she described last week, regarding blankets on the beach. Ms. Eldredge said that the beach guidance that was put out by the State indicates that 12' needs to be between blankets on the beach. It is a guidance, not a regulation, but having 12' between blankets or parties on the beach allows for some distance to be able to safely walk between. If people are within 6' of other people, they need to have a mask on. If it is a group of one family, they do not need to be 12' apart. This is a guidance, not a regulation. But the guidance is there to promote social distancing as best we can.

Mr. Ballantine also asked if there has been any update in easing regulations for outdoor seating. Mr. Powers said that he would start with that. He explained that he shared in the packet a memorandum with information that was based on guidance from the Board. Which talks about streamlining the regulations and policies, and anything they can do as a government to support their business community.

Prior to this news today, they had received a document from the Cape Cod Commission, which has been very helpful. The table of contents gets to all the topics which they have been discussing internally; most especially, the flexible outdoor seating, reduced parking requirements to allow for outdoor eating and sale pickup, as well as street closures and things of that nature. The teams have been working since last week to develop plans. They are at the point now that they are just waiting on the State guidance for the service of alcohol outside of the standard license premises and also the guidance on the closing of roads or portions of roads. Once they have that, they will be able to roll out a plan, hopefully as soon as June 1st.

C. Update on ongoing efforts by the Town in support of the Business Community

Mr. Powers said that this was covered in the memorandum he had just shared with the Board, and the information received from the Cape Cod Commission. The Commission has been fantastic in their documentation and it really has helped to develop a template that they can quickly turn around.

Mr. Ballantine requested that Ms. Cyndi Williams with the Harwich Chamber of Commerce join the meeting next week to give an update.

NEW BUSINESS

A. Vote to Approve Joseph F. Powers, Interim Town Administrator, to another 90 Day Term

Mr. Howell moved that based on exigent circumstances that they approve another 90-day appointment. Seconded by (could not hear).

Mr. Ballantine requested to invite Mr. Norman Clarke, who chairs the Town Administrator Search Committee, to join the meeting next week to provide the number of applicants and tentative schedule.

All in favor, motion carried by unanimous vote.

B. Vote to Approve the Memorandum of Understanding between the Harwich Community Center and the Nutrition Program of Elder Services of Cape Cod and the Islands

Mr. Powers said that they received in their packet, the letter that the Elder Services sent to Ms. Carolyn Carey, Director of the Harwich Community Center, with the Memorandum of Understanding for the Harwich Community Center and the Nutrition Program of Elder Services of Cape Cod and the Islands. This has been a critical program during the pandemic, in support of folks that are now even more restrictive to be able to get out and get meals.

The only item that he wanted to bring up for the Board's discussion, which was identified by Ms. Carey, is if they needed to add additional language about the pandemic. Robert Lawton and he will be speaking with her tomorrow. He thinks this is covered on the first page, where it says; "both parties agree to meet all requirements of inspection by fire, building and health officers". Health would cover the pandemic. There has been an ongoing issue with the generator, which is in the process of being replaced.

He would recommend that the Board accepts the Memorandum of Understanding, recognizing that any addition to language would only be relative to the generator or pandemic. Or if they would like to take any other action.

Mr. Ballantine asked if he could clarify what the generator has to do with this, if it's to keep the building open. Mr. Powers replied that without the generator they would lose the ability to use the building. In the past, the back-up has been the Tech school and is the back-up in case they run into problems. Mr. Ballantine will entertain a motion.

Mr. MacAskill moves to approve the Memorandum of Understanding between the Harwich Community Center and the Nutrition Program of Elder Services of Cape Cod and the Islands, with the understanding of the generator language that could be added. Seconded by Mr. Howell.

Mr. McManus asked for clarification on if the Tech is available as an option to be used as a back-up. Mr. Powers said that the Tech is not available, and they are in the process of looking for an alternate back-up option.

All in favor, motion carried by unanimous vote.

C. Discussion and possible Vote on proposed Annual Town Election Warrant for June 30, 2020

Mr. Powers said that they had in their packet a version of the Town Warrant and wanted to bring to their attention some language that had been removed in light of the potential for moving the Town Meeting. These are additional questions that he wanted to make the Board aware of. The warrant that they have in the packet, is the warrant that is being recommended this evening.

The original warrant had three questions. The first was a place holder regarding a fire truck, and as they have talked many times before, the fire truck was in the capital plan. This would have had a corresponding debt exclusion or override question. Mr. Powers said that since they will likely be holding off on that until the Fall, he would recommend that they not include it, but he wanted to make them aware of it.

As they will see in his memorandum, later on about Town Meeting, they do have two dates; a Town Meeting date in September, and a date identified if they have to address these types of override questions in the Fall. So, there are mechanisms in place.

The second question was the standard road maintenance question. As they may recall, the proposition 2 ½ was on the ballot in 2019 and it did not prevail. We feel that we can hold off on it and do it as part of a special in October, if that is where Town Meeting goes for that program. It still gives time to get that done, but given where they are financially it does not seem to makes sense to do it on June 30, which is the new date for the annual Town Election.

And the last question, they had discussions way back when about Wastewater and the Water Infrastructure Investment Fund, known as the WIF. They were looking at having that language provided and voted on at the Annual Town Election. However, given where they are at financially, and what they are doing in the spring, it makes sense to hold off on that question as well. So, what they have in the packet, is what is being recommended as the full warrant for the annual Town Election, to be held on Tuesday, June 30, 2020. These three items had been held out. If the Board wishes to proceed with the materials in their packet, he would suggest they refer to that in their motion.

Mr. Howell just asked for clarification on what Mr. Powers referenced as “special”, relating to Town Meeting. He would like to know if the reference to “special” was eluding to a special election that would be subsequent to Town Meeting. Mr. Powers responded saying yes, that it would occur on October 6th, and it is not a special town meeting.

Mr. Ballantine also asked for clarification on how this will work with a Town Election happening prior to the Town Meeting. Normally they vote on things at Town Meeting, before it goes to the Town Election. Would it pass a ballot, but not be effective unless it passes a Town Meeting vote?

Mr. Powers replied that if it requires a proposition 2 ½ or debt exclusion as a corresponding item, then both has to happen. They will have the mechanism in the Fall. This is doing it differently with the Town Election for offices, then the Annual Town Meeting in September. Then if needed, they will do the debt exclusions and overrides as a special Town Election in October.

Mr. Howell added another point for clarification, that since the charter language changes were based on a vote, at last year’s town meeting, that will be on with the election with office holders.

Mr. Powers confirmed, if they look at the warrant that they have access to, they will see those questions, as well as non-binding questions that the Board had voted previously on, regarding Pilgrim Nuclear Power Station.

Mr. Ballantine asked if there were any further questions, or if they need a motion. Mr. Powers requested that they make a motion to accept the warrant in the packet and then if voted, and if accepted, he would ask that they sign it this evening.

Mr. Howell moved that they accept the ballot warrant, as it is contained in the packet, for the June 30, 2020 election, and to sign that this evening. Seconded by Mr. MacAskill. All in favor, motion carried by unanimous vote.

OLD BUSINESS

- A. Discussion and Vote – Interim Town Administrator’s Proposal to postpone Annual Town Meeting to September 28, 2020 and initiate 1/12th budget mechanism

Mr. Powers expressed that this is not an action he recommends lightly. It is in no way the preferred action that he thinks they should embark upon. However, it is the best course of action in light of the pandemic, and where they are with the guidance's that have come out and revenue projections that have been overwhelming by the virtue of the impact of what they have available. His recommendation, and for discussion this evening, is for the Board to engage in the process of postponing the Annual Town Meeting, which is currently scheduled for June 22, 2020.

They should instead convene that on September 28, 2020, which is a Monday. This is the date that they had set aside, when things were normal, for a potential Town Meeting related to Wastewater, and that is why they also had October 6th as a possible election for wastewater.

Therefore, they had the dates in question and they know that the dates work for the Town Clerk, and all the elections they will have going on. It also works for the moderator as well. If the Board is to do this, it will also require them to engage in the process of the One-Twelfth Operating Budget. As they can see from the information that has been provided in the bulletin, by the Director of Accounts at the Division of Local Services, there has been quite a bit of activity. Again, not a recommendation he is taking lightly, or is happy about, but he does think it is the appropriate next step for the Board to take.

Mr. Ballantine asked Mr. Powers if he could read the key points under paragraph B, in the bulletin from the Division of Local Services, for informational purposes. He imagines that this is the key to all of these discussions.

Mr. Powers read from the Bulletin under Section B, titled; *Develop a Monthly Expenditure Plan*. He further explained that what this really means is that due to an extraordinary health event, they do not feel it would be safe or prudent to conduct the Town Meeting in June. Therefore, they would not have the opportunity to approve an operating budget for the coming fiscal year, which will begin July 1st. State law mandates that municipalities have an operating budget, and if they don't they have to go through this process of the 1/12th budget.

Mr. Ford just wanted to reconfirm if they will need to do this each month. Mr. Powers said yes, that they will need to do this as early in June as they can, for July, knowing that they would not meet in July. They would then need to do one for August and September, in anticipation of the Town Meeting in September. If for some reason the meeting cannot occur in September, they would continue to do that process. Every month, until an operating budget is adopted by Town Meeting.

Mr. Ford, said he agrees, he would like to have the Town Meeting as well. This puts a real ownness on the Board of Selectmen to watch the budget, and each month, this allows them to do this. If they are not going to go in the direction of the Town Meeting now, this is a good methodology to use.

Mr. MacAskill moved that they postpone Annual Town Meeting from June 22, 2020 to September 28, 2020. Mr. Howell interrupted, that it is out of order. It needs to be one motion to rescind the previous motion, before they can make a motion to do anything else.

Mr. Powers said that if they look at the memo where he recommended that the Board of Selectmen, the Town Moderator and the Town Clerk take any and all necessary steps to postpone the 2020 Annual Town Meeting until Monday, September 28, 2020. It is his understanding that the Board of Selectmen and the Moderator once the determination is made that the June 22nd meeting would not occur, because of the pandemic, then the Moderator will continue to carry that over month after month, because of the pandemic. You have already voted for the June 22nd Town Meeting, so there is no action that the Board needs to take tonight, as far as cancelling the meeting, until that certain date. It is more of the action of preparing the process for the 1/12 budget.

Mr. Howell questioned why the approval for the meeting would not just be rescinded at this time. And Mr. Powers said it was not intended for it in this meeting, his intent was just to get the Board on the same page for the 1/12 budget. Then wait for the June 1st meeting with the moderator present to entertain those actions. They had further discussion on this and then decided to move forward with rescinding the date, because it has not been posted yet.

Mr. MacAskill moved that they rescind the previous vote to have Town Meeting on June 22, 2020. Seconded by Mr. Howell. All in favor, motion carried by unanimous vote.

Mr. MacAskill then moved to have their Annual Town Meeting on September 28th, 2020 and initiate the 1/12th budget mechanism. Seconded by Mr. Howell. All in favor, motion carried by unanimous vote.

Mr. McManus said he had a question on the bulletin, specifically bullet item; *appropriations such as reserved premiums, overlay surplus, free cash, stabilization or other similar funds balances*. He asked if Mr. Powers could explain what they are talking about, as things that they should not include. Mr. Powers said it is the concept of the 1/12. If you take your operating budget and divide by twelve, and you exclude these things, then you are in the ballpark of what they are looking for. But they don't want to get into the super majority votes, the stabilization, the overlay cash, the overlay funds, because that should be done by a full Town Meeting discussion and vote. So, they are giving the Board the authority to do this on a monthly basis until they get into Town Meeting.

Mr. McManus believes that is something that bears looking at further. They are looking forward not knowing what the revenues are going to be and trying to figure out what there is to spend. He can see how some of these require a two-thirds vote but, he is trying to get what their rationale is.

B. Discussion and possible Vote – 2020 Beach Season Operating Plan in response to COVID-19

Mr. Powers explained that the packet includes information that Mr. Eric Beebe, Director, Harwich Recreation Department, put together. This is based on two distinct time frames. The first is what the town has an obligation to do, based on the Governor's guidance with Phase I activities, which began yesterday, May 25th. This would go through the pre-cursor to the regular beach season.

Both, Mr. Beebe and Mr. Powers participated in a call last week, which was led by Senator Cyr and Representative Peake; along with Secretary Kathleen Theoharides, who is responsible for Energy and Environmental Affairs, to really get into questions and answers on beach resumption. Mr. Powers shared a document that came from Cape Cod Commission and the Cape Cod Reopening Advisory Board and Rep Peake and Representative Whelan. This document was based on recommendations published by the Massachusetts

Executive Office of Energy and Environmental Affairs and the Massachusetts Department of Public Health and the Center for Disease Control.

Mr. Powers turned it over to Mr. Beebe to provide the overview of the plan that he has been working on since this all started.

Mr. Beebe said that the plan was put together based on the regulations and guidelines that they were given. The pre-season monitoring with their COVID Compliance Personnel started yesterday. They will be stationed at the following ten beaches: Red River Beach, Bank Street Beach, Earle Road Beach, Pleasant Road Beach, Long Pond, Cahoon Beach, Atlantic Ave Beach, Grey Neck Beach, Brooks Road Beach, and Sand Pond. They will be monitoring for social distancing, looking to make sure people are not playing ball or any kind of games on the beach, which is prohibited. They will make sure people have masks on in appropriate situations and making sure no groups of 10 or more. This is a theme that will continue through out the summer.

They have staff precautionary measures, such as one life guard in a stand at all times and coning off larger areas around the stand to keep staff away from the public, as much as they can. Everything will be cleaned multiple times a day and they are really hammering home, that if a staff member does not feel well, to let them know.

For parking they will have full beach parking at all beaches, except for Earl Road and Pleasant Road. They are looking at roughly only half of the parking there, due to the small size of the beach. They will also only be selling day passes at Red River and Long Pond this summer. They also have a plan in place for the gate attendants to receive money from the public without a hand to hand contact. They will use a money box with a slot in it, and it will be exact change only. Restrooms facilities will be open for the beach season and will be cleaned on a daily basis by the DPW. Trash pick-up will continue. All of our food vendors are basically ready and securing final permits from the Health Department, and ensuring they are all familiar with the COVID guidelines. Signage will be at all the beaches, so people will know what to expect.

Mr. Ballantine said that he liked the signs they have posted, and that they are easy to understand. He asked for explanation on how they will plan to contact the police if they do get unruly patrons.

Mr. Beebe responded that he had a conversation with Chief Guillemette and they have a plan in place. This would be similar to what they would do in a normal summer with any issues that a life guard, gate attendant or parking officer may have to deal with. They are trained in orientation on how to deal with it and if the patron is pushing back, they first call a supervisor, if that does not solve the matter, then they do call the police. He has spoken to Chief Guillemette, and they have good understanding of what to do, if that is needed.

Mr. MacAskill asked about the hiring of 13 to 15 COVID compliance personnel, which he has brought up before. Can they get an explanation as to why they are doing this and if they are in addition to the gate attendants? Also, this was mentioned that it is a reimbursable item.

Mr. Powers responded that what they are saying in the guidance document is that they are not looking to use regular gate attendance and monitors. They are looking for security personal to make sure people are socially distancing themselves etc. When they went through the calls and asked the questions, they can use COVID compliance monitors from May 25 to June 26th, because they are not in the normal beach season and they did not budget for it. So that is reimbursable.

The question will come in, if they are still in Phase 2, and they have to have gate attendants, beach monitors and COVID compliance monitors. If they have to bear that cost or if they get into beach season and they see more relaxing of the distancing, then they would be able to rely on their standard budgeted staff of gate attendants and beach monitors.

Mr. Howell mentioned that Mr. Beebe was not on the call earlier when discussing the compliance monitors and asked for clarification, that they are not looking within the group of a family that may be together, but more so the interactions that re not authorized.

Mr. Powers said that Mr. Beebe and Ms. Eldredge worked together on the training materials for the COVID compliance officers and asked Ms. Eldredge to speak further on that. Ms. Eldredge said that she provided Mr. Beebe with an eight slide power point presentation for the compliance monitors. This covers for them when a mask is required or not, and if someone says they have a medical condition and can't wear a mask, that they aren't able to go forward and ask what the condition is. They are also looking for a distance of

approximately 12-feet, but they aren't going to be pulling out a tape measure to see that everyone is that far apart. The documents for the monitors describe that family units do not have to be 12-feet apart, and families with other families can stay within their own 12 foot block. It was pretty explicit to the monitors, on what to look for. Really, the only thing that is mandatory is the mask when you are within 6-feet of someone that is not with your family and then social distancing. The other stuff is guidelines, and if people are gathering with more than 10 people that is something to bump up to supervisors, if they are not willing to disperse.

Mr. Ballantine asked Mr. Powers if this required a vote tonight, or just a consensus. Mr. Powers said that the Board had asked earlier for a report on this and what they have been working on and looking to do going forward. There are no actionable items necessary because they were working with the guidance coming down from the State.

CONTRACTS

- A. Discussion and possible Vote to authorize Interim Town Administrator to execute contracts in excess of \$25,000 in response to COVID-19 reimbursable procurement

Mr. Powers explained that this came up from discussion with staff and put it out there for the Board's consideration. They are working on the certification process and the CARES Act money that was delivered to the State and available for municipalities. The allotment is up to \$1, 069, 00 and the question came up on the contract amount, as they are trying to procure and get into those services that are needed, such as sanitizing services at restrooms etc. So, he wanted to put in here as a discussion point for the Board. If they are willing to authorize him, as the Interim Town Administrator, to execute contracts in excess of \$25,000. This would be if they were in response to COVID-19 reimbursable procurement and they were not able to get it to the Board in a timely fashion. He is not looking for carte blanche, and willing to work under what they have presently, wanted to put it out there, as a management tool if it is needed.

Mr. Ballantine confirmed that his intent will be to bring it in front of the Board unless there is a time crunch. Mr. Powers said yes, it may not be needed, but

he does not want the Town to miss out on something that is reimbursable because they could not get to a Board meeting to execute a contract.

Mr. MacAskill asked for clarification on what could be so important, if they meet every week. What would be so important on the COVID reimbursements and how sure are they, that they will get those reimbursements. It sounded like it was still a “maybe”. If they are following all the guidance, they still have to deem it appropriate.

Mr. Powers said that there are two things in play here; CARES Act Fund, which is the 1,069,000 which is in queue for them once he and the staff decide what to tie back to it. They have talked about golf, beach and things that were not budgeted for. Mr. Powers referenced a document which they received in the packet; these are items that they should have a strong likelihood of reimbursement because it was CARES Act Funding. The other part of this is the FEMA reimbursement, which would be down the line. For example, the cleaning and disinfection of public buildings; Municipal buildings, including fire stations, public housing, specialized cleaning equipment, air filtration/HVAC and municipal buildings themselves, as in restrooms.

They are actively trying to get augment custodial staff to do the restrooms and any other places that need more than just cleaning and need disinfection. They don't have the capacity, so they are trying to see if there are vendors through the State contract. There will be a timeliness factor. If it falls between a Board meeting and when they have to put in, they could lose out on that reimbursement if they can't get to the Board, unless the Board wants to do an emergency meeting. He just wants to make sure they have all the tools to get all the money that they can and not be hamstrung by the process.

Mr. MacAskill said, just to confirm what ever motion gets put on this should be specific to the CARES Act Fund. Mr. Powers confirmed, and any other restrictions the Board wants to put in, as far as documentation.

Mr. MacAskill said that he is just concerned for anything that the Town needs to spend money on, that may not be reimbursable.

Mr. Ford echoes what Mr. MacAskill said. He also would like clarification on the restrooms, is it a different schedule for cleaning? Mr. Powers said there is cleaning and then disinfecting. The cleaning is a regular process,

disinfecting is the next step up. They have to disinfect on a daily basis, which is above and beyond the normal cleaning. The custodial staff they have right now, is already shorthanded.

Mr. Ford said that they should ask Mr. Hooper who cleaned the beach bathrooms last year, it was someone from the DPW that was not a custodian. Mr. Ballantine said to Mr. Ford's point, that they should look to use the people they have as much as possible.

Mr. MacAskill moves to authorize the Interim Town Administrator to execute contracts in excess of \$25,000, in response to COVID-19 reimbursable procurement with the CARES ACT Fund. Seconded by Mr. Howell.

Mr. McManus said that if they are going to have to disinfect for longer period of time, he would like to see they spend some of the reimbursable funds amongst their own people.

Mr. Powers said that this is FY20, and there is an expectation that there will be an additional funding for FY21. So, there is an expectation to be able to continue to use CARES Act Funds. Disinfecting is a significant transaction based on CDC guidance and requirements, and they have to certify that they have met it. These would be COVID-19 only, and only through the calendar year.

Mr. Howell said that the motion did not cover any of this and Mr. MacAskill should clarify this. He imagines that because it is the CARES Act, they are going to scrutinize this. He would think the DPW should come up with a plan for going forward. He also believes that Mr. Powers will put everything in front of them if not ahead of time, they will at least see it the following Monday.

All in favor, motion carried by unanimous vote.

B. Vote to Approve bid award for tree work at the golf course - \$34,998.00

Mr. Powers said that Mr. Roman Greer, Golf Director and Mr. Shawn Fernandez, Golf Superintendent, are on the call. As shown on the Memorandum in the packet from Mr. Robert Lawton, the bid process and

award of tree work at the golf course has been vetted by counsel and approved and asked Mr. Greer to speak further on this.

Mr. Greer said that the procurement team did vet and approve the bid for the tree work.

Mr. MacAskill asked if these funds were voted to be used in the Annual Town Meeting. He assumes there will be less funds in the account, and if they have any thoughts of not using all the money on this.

Mr. Greer said that they have a seven year plan, and they are currently carrying a balance in the golf improvement fund of \$200,000. So, they do have some reserves that have been dedicated to the future capital plan. They did, under essential spending guidelines, pull articles for this upcoming Town Meeting for further review of pending financial review of the funds. They are expecting them to be less than anticipated.

Mr. MacAskill moved to approve the bid award for tree work at the golf course of \$34,998.00. Seconded by Mr. Ford. All in favor, motion carried by unanimous vote.

C. Discussion and Vote to Approve CVEC Round 4 Solar Default and award two contracts to the second bidder

Mr. Griffin Ryder, Town Engineer, said that this pertains to round 4 of the CVEC solar contracts that the town engaged in with Con Edison. The three projects included; the Public safety building, a canopy in the front parking lot, the Community Center, a canopy on the south side, and then an as-of-right site, an expansion of the solar field at the old landfill.

The Board entered into this contract, about six or eight months ago. Since then, Con Edison has not delivered on any of their promises. They have spoken with Elizabeth Argo, Executive Director of CVEC, and she has spoken with Mr. Leo Cakounes. They believe the best thing to do is to declare Con Ed in default and cancel the three contracts. They have also had further discussion with the Police and Fire Department, and they do not want to have a solar canopy in their front parking lot, so calling them into default would allow them to cancel that project and continue the other two projects with the second bidder. The second bidder was already awarded the project on the

north side of the Community Center, which would be good to have the same contractor.

They would like to begin the default process. The Town of Brewster has also already called them into default as well.

Mr. Howell asked if they have taken the steps to terminate and wanted to know if anyone sent out a cure notice, which would give them x number of days to respond. Mr. Powers said that Ms. Argo has been in contact with his counterpart in Brewster and staff here since March 15th. They had delivered notice to Con Ed, that they had two months to rectify, and they have not rectified, so Ms. Argo is asking towns to move forward with terminating.

Mr. Howell asks because he wants to preserve their rights, if you re-procure on the default, if there is excess cost you can go after them legally, if you just terminate you can't. He would be willing to support that, but not cancelling the contract.

Mr. Powers responded that they would be looking for the Board to direct staff to direct CVAC that they consider Con Edison to be in default.

Mr. MacAskill asked Mr. Ryder if he can tell them how much more the second bidder was. Mr. Ryder does not have that information in front of him. Mr. MacAskill asked a second question, that this was a very heavily talked about project, why is it just coming out now that the Police Department does not want it. Mr. Ryder said he was not sure, that the Chief was not fully aware of the project. Mr. Powers commented that the original design, is not what they changed it to. It was going to be in the lower parking lot, but as they got into the design factor it changed it. Mr. MacAskill asked for a follow up by memo on this.

Mr. Howell moved that the Board of Selectmen declare that they enter into default proceedings through the appropriate officials in anticipation of re-procuring and charging against the previous contract. Seconded by Mr. MacAskill

Mr. Ford questioned about the second part regarding the second bidder. Mr. Powers confirmed that this can be two separate items, first going forward with the default.

Mr. McManus asked if they are voting on the default issue tonight. Mr. Powers said that if they declare Con Edison in default, then Mr. Ryder and Mr. Libby will work with Ms. Argo and the CVEC team to take the next steps for the projects they want to keep on tract. Which could include a future procurement contract with GreenSky's. Mr. Ryder agreed, that they would have to bring a new contract in front of the Board. What is in the agenda is spelling out the next steps, but really only asking the decision on the default. He also believes that in default, there is a provision for a 110% for any expenditure the town made to date, with this current vendor. He does not guarantee that, but will follow up on it.

Mr. McManus asked is there an expectation that tonight they give direction on the re-award process? Mr. Ryder said that it would be helpful, but there is some leg work that needs to be done before going to that next step.

All in favor, motion carried by unanimous vote.

D. Vote to Approve participation in CDBG COVID-19 Grant

Ms. Alice Boyd, Bailey Boyd Associates, has been writing community development block grants for the past 30-years. As a former Harwich resident, she wants to make sure they have an opportunity to participate in getting these funds. The COVID Grant came out a few weeks ago. It is through the Community Development Block Grant (CDBG) and is the first round of funding that is going to be coming available for Municipalities to benefit low and moderate income residents. This funding is \$19.6 million state wide. All nonentitlement communities statewide, can apply for these funds.

There are only three eligible opportunities through CDBG for COVID funds. One of the things they have noticed is the strong need for the micro enterprise and small business loans. Many small businesses have just been decimated by COVID, and they have the opportunity to provide up to \$10,000 to businesses as a forgivable loan to help get them through some of this. The funds can be used for payroll and for operating expenses.

There is also \$10 million available for rental and mortgage assistance. This money will now be going through the Housing Assistance Corporation. They will be dealing with the residents and will be reaching out to them directly. Ms. Boyd said she would still like the town to vote to participate.

Ms. Boyd said that there is more money coming for additional programs and she understands there is more money coming to help municipalities with loss revenues, not sure how much or when they will see it, but she will let them know.

Mr. MacAskill asked how local businesses apply for these funds and also asked about why it says Truro and how many communities are doing this.

Ms. Boyd responded, that CDBG has asked them to put in regional grants, not single town grants. Truro has been the leader of the Lower Cape Grant for the past eight years, previously Wellfleet and before that Eastham. That grant has been going in for 30-years.

People can apply once they have a subgrantee. They are told they are not going to see these funds until August 1st, and they are going out to bid through the Town of Truro for an organization to run the loan program. Those bids are due on June 4th, and they will be hiring someone. As soon as they can hire the organization, they will be sending information to the Town, posting on websites and getting in touch with the Chamber of Commerce and the business community announcing the availability of the grants. She anticipates they will be accepting applications by early June, for the initial applications. They still won't know how much money is available, but they will be able to get things started. Then as soon as the money comes in, they can get the money out within six weeks to businesses. As far as the housing assistance, there has not been a definitive allocation to the Housing Assistance Corporation, but that should be happening soon.

Mr. MacAskill asked, if this is not voted on tonight then the residents can not apply. Ms. Boyd confirmed, that is correct.

Mr. McManus asked what other towns are in this regional group. Ms. Boyd explained that this grant is for the eight Lower Cape towns, from Provincetown down to Harwich and Brewster. Every town has signed on to participate, Harwich is the last. They have worked with the eight towns very often. Harwich will get a significant amount, and this will be a real benefit for Harwich.

Mr. Howell questioned that there seems to be two moving parts and asked about the Housing Assistance Corporation portion. What is the total of the rental assistance portion.

Ms. Boyd said this is a new development since she had sent out the memo to the Board. The CDBG thought it was best to go to the Housing Assistance Corporation and they will have the funds and make them available to individuals. They will market through nonprofits and local housing organizations but they will deal directly with the families.

Mr. McManus moved that the town of Harwich participate in the regional FY19 CDBG COVID-19 Grant for small business and micro enterprise loans along with the rental and mortgage subsidies program. Seconded by Mr. MacAskill. All in favor, motion carried by unanimous vote.

- E. Vote to Approve and authorize the Chair to sign Commonwealth of MA Dredging Program Grant contracts for Allen Harbor and Wychmere Harbor - \$72,000.00

Mr. Powers made mention of the memorandum that is in the packet from Mr. John C. Rendon, Harbormaster, about the Barnstable County dredge contract. This would be for the Allen Harbor channel dredge and Wychemere Harbor channel dredge projects. He recommends that the Board approves the contracts.

Mr. MacAskill moves to approve and authorize the Chair to sign the Commonwealth of MA Dredging Program Grant contracts for Allen Harbor and Wychmere Harbor for \$72,000.00 Seconded by Mr. Howell. All in favor, motion carried by unanimous vote.

Mr. Rendon asked to make one comment, that the amount needs to be approved was inaccurately put as \$72,000 and mentioned the correct amount of \$36,000 that also accounts for the offset of 36,000 in grant funds.

TOWN ADMINISTRATOR'S REPORTS

- A. Update on Piping Plovers on Town Beaches

Ms. Amy Usowski, Conservation Administrator, was present to provide an update on the piping plover situation and how it will impact beach activities and parking. Currently, they have a couple of sets of plovers at Red River Beach, on the east end and they hatched today. This is good news because they will fledge or fly about a week prior to 4th of July. If you go to Red River Beach now, there are concrete barricades and are put up when the bird's hatch. They will come down when the birds take flight. It is a state requirement to protect the birds and by law they need to block that area off. Two-thirds of the beach is still open.

Ms. Usowski asks that people be patient. If the nests fail, they could potentially re-nest and cause the beaches to be closed for a longer time.

On Bank Street Beach, between Wychmere and Sea Street, they have three pairs of birds. Wychmere has a nest just to the west of Winstead, they have just laid eggs now, so they likely won't hatch till closer to July 4th. They will have increased monitoring and it will take more effort to monitor the plovers to be able to continue beach raking.

Ms. Usowski would like to thank all of those that have volunteered to help. They do still need assistance with the monitoring in the morning. Though they have a good handle on it.

Mr. Ballantine said it is nice to concern themselves with the wildlife.

OPEN PUBLIC FORUM

A. See dial in instructions above

Mr. Ballantine opened the Public Forum. The public was invited to call in and participate in the meeting to offer comments and/or questions. Mr. Ballantine asked Lieutenant Scott Tyldesly if anyone had called in.

Lieutenant Tyldesly introduced Ray Tomlinson that was already on the line.

Mr. Tomlinson introduced himself that he is there on behalf of the Brackett's and the Port and Ember Restaurants.

They did not have as busy of a weekend as they had hoped; which is likely consistent across the board. The news that there may be some updated guidance coming later this week for restaurants that have outdoor seating available, or parking to allow for outdoor seating, is very good news. He did exchange emails with Ms. Eldredge, and she was very responsive and he appreciates that. He also felt that the town is doing a great job in getting out the updated guidance, as much as possible.

Mr. Tomlinson explained that the restaurant industry is critical to Harwich and Harwich is critical to the local purveyors. They are hoping the new guidance will be informative and hopefully ease some of the restrictions that will greatly benefit the restaurant industry as a whole.

Mr. Ballantine said that they will continue to take that up weekly.

Mr. Tomlinson continued, that both the Port and Ember are large establishments, with large outdoor areas. One of the questions that he posed to Ms. Eldredge, is how do restaurants accommodate the patrons that gather while they wait for their food to be prepared. A lot of people were calling in the orders, prior to Memorial Day, because they were mostly locals. Now they are seeing more people walking up with orders and needing to wait 35-45 minutes. While Ember and the Port are fortunate to have large outdoor spaces, they are not allowed to consume anything on premises, but it is a large concern how they gather while they wait. It is fluid and they are still waiting on guidance.

Mr. Powers responded that the Board will have an opportunity to respond to that next week with more specifics.

Mr. McManus asked about what guidance was sent out. Ms. Eldredge responded that she sent out a guidance to all businesses, restaurants included, regarding the standard protocols for businesses that are open. This included social distancing, employee training and standard safety procedures. It was not specific to outdoor dining. She has sent several emails out to all restaurants at the beginning of COVID -19, and the middle of it to remind them of the regulations of curb side, take out, delivery only, and no onsite consumption of food or beverages. Mr. McManus asked if she could share that with them Board of Selectmen. Ms. Eldredge responded that she would but again that they are still the State guidance.

Mr. Powers said, just to build off of that, staff had sent five separate reminders to restaurants for beer and wine service, with the guidance from the ABCC. There has been nothing added, just the directive from the ABCC.

Mr. Ballantine read the email address again for the Public Forum, if there were others that wanted to email in.

TOWN ADMINISTRATOR'S REPORT CONT'D

Mr. Powers just wanted to remind the Board and the general public that there is a meeting on Wednesday, May 27th at 4pm. It is a go-to-meeting only and that it is a Board of Selectmen meeting with department heads.

SELECTMEN'S REPORT

No reports.

ADJOURNMENT

Mr. Howell moved that they adjourn at 8:13 pm. Seconded by Mr. MacAskill.

Respectfully submitted,

Lisa Schwab
Administrative Assistant

MINUTES
SELECTMEN'S MEETING
REMOTE PARTICIPATION ONLY
Wednesday, May 27, 2020
4:00 P.M.

SELECTMEN PARTICIPATING: Larry Ballantine, Stephen Ford, Donald Howell, Michael MacAskill, Edward McManus.

ALSO PARTICIPATING: Interim Town Administrator Joseph Powers and Town of Harwich Department Heads

CALL TO ORDER

Mr. Ballantine opened the meeting at 4:00 pm, and called to order the Board of Selectmen. Roll call: Mr. Howell - Here, Mr. Ford - Here, Mr. MacAskill - Here, Mr. McManus - Here, Mr. Ballantine - Here. The Chairman declared a quorum is present.

NEW BUSINESS

- a. Discussion on Fiscal Year 2021 Budget Status with Town of Harwich Department Heads

Mr. Ballantine explained that the intent of this meeting is to discuss the budget going into next year. This year has become difficult and next year will become more difficult with all the shut downs and the decrease in revenue during the year. Our initial reaction is to postpone most capital budget items. There is a penalty for doing that, and we may pay later for increased expenses, but our revenues are limited. The point of this meeting is to have an open discussion, as we are all in this together. Mr. Ballantine then turned it over to Mr. Powers.

Mr. Powers explained to the Department Heads that over the past couple of weeks, there have been meetings with the Board in Executive Session, regarding collective bargaining. This has been an opportunity to get an understanding of the obligations that exist, both through collective bargaining and personal services contracts and other things. The purpose for this today

is to first give Department Heads a sense of the headwinds that we are facing in FY20 and the stronger headwinds that we expect to impact us in FY21.

The Board accepted his recommendation, at their meeting last evening, regarding postponing the annual Town Meeting. They are hopeful that Monday September 28th, will be the new date for the Annual Town Meeting and that it will be as broad and robust as we have seen every other spring. In order to do this, they will begin with a process of dealing with a 1/12 budget. This is a monthly appropriations plan that will need to be formulated in July and then submit for August and September, until such time as the Board and Town Meeting have adopted an operating budget. As Mr. Ballantine mentioned, they are being impacted in their revenue line items and that will have an impact on how they budget going forward. Gone are the days that they had a \$1.8 million deficit. They had all struggled with it, but had reached a conclusion at the March 7, 2020 budget meeting; in anticipation of the Town Meeting.

We are not announcing on this call any actions or measures, certainly not layoffs or anything of that nature. The intent of this call is to give the Department Heads, the first heads-up that the Board will start using their weekly meetings, starting on Monday, June 1st, to continue to strategize on where they are at for the updated revenue projections, as well as what decisions will need to be made.

This meeting is really meant to represent the partnership that exists between the Board of Selectmen, Administration and Department Heads. Even though this is a public meeting, he speaks for the Board when he says they wanted the Department Heads to hear it from them first, and have a conversation, before getting into the planning and decision making.

Mr. Powers explained, again, that there are no specifics and they are not announcing layoffs or job actions of any sorts. He will be reaching out to each of the Department Heads over the next few days and weeks, as well as the Collective Bargaining Associations and everybody, to start strategizing to react to the devastating financial impacts of COVID-19.

Mr. Powers turned it back over to Mr. Ballantine and the Board.

Mr. Ford said that he thinks one of the important things that he and the other Board Members wanted to convey to the Department Heads, is how important a role they play in the process and are appreciated for what they do. They are a part of this team. The reason they are having this call is to ensure that they know they are part of this team, and that they are part of the decision making process. They should feel free to speak with Mr. Powers, or the Board of Selectmen, with any ideas, thoughts or concerns. It is such a difficult time and as they move into the 1/12 budget, it is going to be even more difficult. They will need help in defining the budget, as they move forward. They really wanted them to know that they are such an important part of this process and they greatly appreciate what they are all going through today, and what they are all going to go through to make sure this town functions in a way that serves all the tax payers.

Mr. MacAskill said that Mr. Ford could not have said it any better. He wanted to thank all of the Department Heads, for the sacrifices they have made. He also wanted to extend his apologies, because he learned that a lot of people were anxious about the meeting today. He is not sure that the Board did a good enough job letting them know that this was not going to get into staffing, that they weren't going to lose part of their departments or their jobs. He gave his apologies as a Board Member for not communicating enough on what this meeting was about. As Mr. Ford said, they have a lot of important decisions to make, so guidance from each Department Head is going to be extremely important.

Mr. McManus said, he thought that Mr. MacAskill and Mr. Ford said it well. It is going to be a tough year. They will need to communicate well to make it through, and they should feel free to reach out at any time, to let the Board know what is going on.

Mr. Ballantine said that they are all in agreement, that communication and joint action is critical. This is the start of the process, not the end, so we will continue to have these open discussions and input.

Ms. Sheila House, Licensed Mental Health Counselor, Youth and Family Services, asked if they go forward on June 1st, is there a plan for what this is going to look like? Will there be stuff on the agenda regarding which departments will be discussed, or will it be more of a blanket discussion? She

does not have a feeling for what this is going to look like, and wanted to know if there is any guidance for that.

Mr. Ballantine said that they are some time away from looking at specific department issues. The issues they have right now, are some assumptions on where the revenues might be, and how it is changing as they go through the various directives from the Governor on COVID-19. They will need to see how many businesses might open, how many visitors they might have, the potential for Government aid. The first few meetings will be broader based, about where the revenues will be before it can get into the specific departments.

Mr. Powers said that Mr. Ballantine was spot on, and further explained that what they can expect on June 1st, is a public presentment of a statement of where they think they are with revenue impacts for FY20, as well as FY21. This will be the start for getting it out there in the community, so that people begin to understand what we are up against right now, and continue that discussion going forward. As they get into concrete ideas and solutions, more discussions will happen at the department level, long before they would go to the public level.

Mr. Ballantine offered one other comment, following on what Mr. MacAskill said about this meeting scaring a few people. In terms of expenses, they have personnel expenses, debt expenses, capital budget items and some other issues that they can worry about expenses. The discussions about personnel or departmental, will be the very last thing they take up. He said that they are not over staffed and do not have a lot of leeway. They will take the other avenues first, and hopefully that will be the only avenue they will need to take.

Chief Clarke commented on having to go through the 2005 situation, with the layoffs and drastic budget cuts. It was devastating to the community, and certainly to the departments, and they were all involved. He just wanted to remind everyone, as the glass half full, the economy did not cause this. In 2005, they were in economic tough times, this is a virus and most viruses pass, like this one is going to. The Cape is doing really well, and we had anticipations of doing really well and that is going to come back. We need to work together and we are going to have to make drastic cuts, but they are temporary. On the other side of this, is a much brighter day. He strongly believes that in 12 to 18 months they will be back on track.

Mr. Howell said that it hasn't been said quite this way, but what they are really looking for is creativity. Perhaps doing things somehow differently, might save money without sacrificing jobs. How everything interrelates and how we can do things in a more effective manner to find some savings. This is really a revenue problem and they need some creative thoughts to address it.

Mr. Ballantine explained that they are doing things to get the job done with the people we have. For example, instead of hiring someone, they were able to ask for volunteers to help with the plovers this year.

Mr. Ford asked if Mr. Powers or Ms. Coppola, would be able to give a sense of where they are today, to share with the people on the phone.

Mr. Powers said that he would defer to Ms. Coppola. Ms. Coppola said that she would like to review the current fiscal year first. Basically, for the current fiscal year, they have collected real estate and personal property tax for the 4th quarter in higher quantities than they anticipated, which is really great news. All of the tax services have sent their \$9 million worth of payments, right on the original due date or before, which was May 1st. As they may be aware, the Board had authorized the real estate and personal property payments to be extended to June 1st, and also waived interest and penalties till June 30th. They do expect to receive quite a bit more. They have outstanding about \$2.7 million, and she expects to collect at least another \$1.5 million before the end of the fiscal year. That is great news.

Ms. Coppola also explained, that the golf department is more functional than they originally anticipated when the numbers were put together for the current fiscal year. They are doing really well and they are really busy. She has been speaking with Roman quite often, about where he thinks his revenue stream will be.

For this fiscal year, she is anticipating a surplus, which is based on the fact she thinks they are going to come close to expending all of their salaries and wages. They have debt they are still obligated to pay and school districts that they are obligated to pay, and other items as well. In addition to some health insurance, which is part of our requirements. So, she does think this year they will wind up in a surplus, but does not think it will be as large as it has been in prior years. For FY20 they will be ok. FY21 is where a lot of work has been done in estimating revenues and short falls in revenues. What is curious

is how lodging will be able to open up, and what restrictions will be placed on that. Also, what restrictions may be placed on restaurants and short term rentals. How many people will buy new cars and how many people will go to the beach. In addition to that, she does think that there are a bunch of people that are not going to be able to pay their taxes in the first couple of quarters, so they have reduced that as well. Right now, after reviewing some numbers at the end of last week, they increased their revenue estimations for golf, which is great. Right now, she is thinking they will be \$4.1 million in a shortfall for FY21, in revenue.

She was able to take part in a webinar today, that was hosted a week or so ago, and it talks about the CARES Act Funding. There is special legislation out there now, that may allow on the Federal level for the CARES Act money to be used for revenue reductions. That has not gone through yet, but she has her fingers crossed for that, so that they may be able to apply some of those funds. That is what she has right now, and she is happy to answer any questions.

Mr. Ballantine continued and talked about being in a hiring freeze, though they will need to hire additional part-time help this summer. This will be required, to be able to follow the Governor's directives on social distancing, space at the beaches, the golf course and cleaning bathrooms. It does turn out that they are able to get reimbursed through the CARES Act, so that will not come out of their budget. So, even though we have a hiring freeze on, there are two different revenue streams that we expect to cover the hiring that is needed. It will be necessary if we want to keep our beaches, golf courses and other public areas in town open. He is hoping that they understand and if anyone has questions, they should reach out to Mr. Powers.

Mr. MacAskill would like to comment, based on other things he has heard on the revenue loss. He does not want to minimize the \$4.1 million short fall, in anyway, and he would say the country is facing a giant economic disaster. At this point, small businesses and the heartbeat of the U.S. is about to take a huge hit. This could be a problem that extends well into 2022 and 2023, as people lose second homes, businesses, and restaurants, that are struggling.

Mr. Macaskill explained that the budget was built based on a 3 ½ to 7% growth over the last 7 years. As they look at the budget and look at cuts, the last thing he wants to do is lay anyone off. He believes that they need to look

at people last, otherwise, all of these families will be affected. Everyone should recognize that this is not going to be a 2020/2021 thing. This is going to go on for a while, and the economy is going to suffer, not just our revenue.

Dan Pelletier, Superintendent at the Water Department, asked about the 1/12 budget. He said that the Water Department pump a lot more water in the summer than they do in the winter. As they start to move into this 1/12 process, their electric bills for July, August and September are more than 1/12 of their annual electric line item. Are there any provisions to allow them to fund it, where it is needed, or is it purely 1/12 of the prior year?

Ms. Coppola said she could answer that. They have been meeting with the Department of Revenue and have received some guidance, and they are still waiting for more guidance.

Based on the fact that those on the Cape have different types of expenditures in the first quarter of the fiscal year, they will need to explain it, that is all, and they will need to provide an explanation that is not merely a 1/12 budget. She does not think it is insurmountable. Mr. Ballantine confirmed that Mr. Pelletier was satisfied with that answer.

Mr. Howell wanted to talk about the elephant in the room. This is not 2005, and the circumstances are different. There is not a single member of the Board that is thinking they can just go back to the public and ask for the additional revenues, in the form of an override. The very nature that Mr. Ford and Mr. MacAskill were talking about, is something that is going on everywhere. It is not just us. It is a question of being creative going forward. He would just caution not to look back at that circumstance, and say that is happening again. We do believe we can get through this together, if we understand what kind of efforts we can do to reduce the cost of operations.

Charleen Greenhalgh, Town Planner, said that she appreciates the communication and being made a part of this. She wanted to let Mr. Powers know that she will be out for a week and a half to two weeks. He can reach her on her cell phone if there is anything she can do to help, while she is out.

Mr. Ballantine said that they have a lot of experience here, and a very positive working relationship between the Department Heads and town staff. They can make this were they want it to be. They can look at how to improve

efficiencies and if Mr. MacAskill and Mr. Ford are right, this will likely be more than a one year process. They can learn from this and they will all need to keep communication open.

Mr. Powers would like to thank the Board and the Department Heads, for being on the call. They will continue the communication and partnerships in the days and weeks ahead.

Mr. Ballantine asked if they would like to continue the calls with a positive response from the Department Heads. They all agreed the more communication the better.

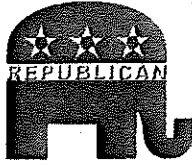
ADJOURNMENT

Mr. Howell moved that they adjourn at 4:32 pm. Seconded by Mr. McManus.

Roll Call Vote: Mr. Ford - Aye, Mr. McManus - Aye, Mr. Howell - Aye, Mr. MacAskill - Aye , Mr. Ballantine - Aye. Motion carried by unanimous vote.

Respectfully submitted,

Lisa Schwab
Administrative Assistant



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

July 17, 2020

Board of Registrars
Town of Harwich
732 Main Street
Harwich, MA 02645

Subject: List of Election Workers

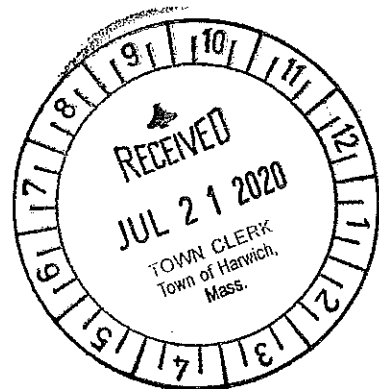
Attached please find the List of Harwich Republican Town
Committee Workers for 2020.

Best regards,



Peter Hughes, Chairman
Harwich Republican Town Committee

Attachment



7/28/2020

2020 Republican Election Workers

Leonora Arneson	18 Wood Lilly Road	432-2645
Ruth Barnett	18 Rainbow Way, Harwich	432-3648
Alice Bonatt	30 Indian Trail, South Harwich	774-212-0988
Emily C. Brutti	28 Hill Crest, Harwich,	397-6233
Janet Bowers	142 Kendrick Rd, Harwich	432-8895
Richard Bowers	P O Box 244, Harwich	432-8895
Eric Carroll	434 Lower County Road	432-9316
Gayle Carroll	434 Lower County Road	432-9316
John Eldredge	9 Forsythia Drive, Harwich	432-0965
Richard Gomes	15 Ridgevale Rd, So Harwich	432-1431
Jeffrey Hadley	29 Scotlin Way, Harwich	432-3124
Sandra Hall	24 Intervale Ln, Box 426, So Harwich	432-1963
Linda Hughes	41 Martha Ln, Box 54, So. Harwich	432-7512
Janet Kaiser	4 Spring Tide Lane, Harwich	432-3277
Ann Kaplan	154 Clearwater Dr, Harwich	432-9886
Barbara Madson	247 Church St, Harwich	432-2945
Beverly Millar	11 Carriage Lane, Harwich	432-3142
Sheila O'Toole	990 Queen Anne Rd, Harwich	432-3459
Mary Ann Pina	3 Frances Road, Harwich	774-408-7471
Deborah Sementa	1 Captain Bearse Road, Harwich	432-6147
Virginia Stark	105 Uncle Venies Rd Box 869 South Harwich	430-2632
Judith Sullivan	4 Paddock Road, Harwich	432-5526
Pat Switchenko	3 Riley Road, Harwich	432-2458
Lou Urbano	152 Riverside Drive, West Harwich	858-922-4212
Sally Urbano	152 Riverside Drive, West Harwich	425-583-8494
Roberta Winston	512 Route 28, Harwich Port	508-246-4109
Juell Buckwold	28 Ocean Street, South Harwich	508-432-1055
Sue Mills	Gorham Road, Harwich Port	508-432-9057
Dolores Sherry	9 Robert Road, Harwich	

Raymond Gottwald, Chairman
Democratic Town Committee
38 Huckleberry Path
Harwich, MA 02645

July 22, 2020

The Honorable Board of Selectmen
Harwich Town Offices
732 Main Street
Harwich, MA 02645



To The Honorable Board of Selectmen:

As requested, and in accordance with Massachusetts General Laws, Chapter 54, Section 12, the Harwich Democratic Town Committee submits the following names of enrolled Democrats who desire to be Election Officers for a one-year period beginning September 1, 2020.

It is our understanding that the Board of Selectmen shall, not earlier than July 14, 2020, not later than August 15, 2020, appoint Election Officers for each precinct from this filed list, which has also been submitted to the Town Clerk and Board of Registrars.

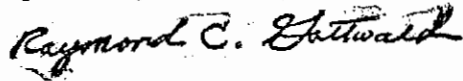
Joyce E. Bearse	19 Sequattom Road	Harwich	432-1892
Charles Callahan	4 Woodbine Road,	Harwich Port	432-3740
Joan Callahan	4 Woodbine Road,	Harwich Port	432-3740
Ursula Corbett	2 Baddeck Street P.O. Box 1642	Harwich	432-3272
Mary Eagan	EchoWoods Road, Box 191	South Harwich	432-8452
Donna W. Eaton	159 Long Pond Dr	Harwich	430-4372
Carolyn Flahive	3 Johns Way,	Harwich	432-9207
Leslie Flynn	54 Oak Street	Harwich	432-2576
William Flynn, Jr	54 Oak Street	Harwich	432-2576
Dorothy M. Harrington	19 Village Green	Harwich Port	432-9150
Shirley Knowles	62 Oak Street	Harwich	432-1048
Wilfrid Remillard	642 Queen Anne Road	Harwich	432-6249
Catherine A. Sacramone	43 Division Street	West Harwich	432-4718
Susan Weinstein	21 Lake Street	Harwich	432-1165
Maddyline Hastings	30 Kendrick Road	Harwich	
Marilyn Schlansky	28 Glenwood Drive	Harwich	774-237-0698

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Susan Weinstein	21 Lake Street	Harwich	432-1165
Maddyline Hastings	30 Kendrick Road	Harwich	
Marilyn Schlansky	28 Glenwood Drive	Harwich	774-237-0698
Paul Schlansky	28 Glenwood Drive	Harwich	
Kathleen Muller	20 Hunts Lane, Harwich		432-1062
Elaine Dickinson	10 Hillcrest Drive, Harwich		508-432-5023
Dean Panko	32 Long Pond Drive, Harwich		508-432-6047
Lynda Burchfield	22 Oak Street		508-631-2959
Donna Tavano	500 Route 28, Harwich Port,		508-432-6272
Colleen Murphy	39 Deep Hole Road,		617-735-0176
Roseanne Shapiro	339 Leightons Lane		508-430-1898
Margaret Rose	87 Grey Neck Road, Harwich		508-364-5256
Joanne Clancy	118 Cemetery Road	Harwich	508-432-4297 2019
Mary Anderson	19 Wilmas Way, Harwich		
Kathryn A. Gaudet	89 Riverside Drive, West Harwich		
Carol Genatossio	902 Orleans Road, Harwich		508-432-2820
Sandra Robinson	23 Catharine Rose Road, Harwich		

Paul Schlansky	28 Glenwood Drive Harwich	
Kathleen Muller	20 Hunts Lane, Harwich	432-1062
Elaine Dickinson	10 Hillcrest Drive, Harwich	508-432-5023
Dean Panko	32 Long Pond Drive, Harwich	508-432-6047
Lynda Burchfield	22 Oak Street	508-631-2959
Donna Tavano	500 Route 28, Harwich Port,	508-432-6272
Colleen Murphy	39 Deep Hole Road,	617-735-0176
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Kathryn A. Gaudet	89 Riverside Drive, West Harwich	
Carol Genatossio	902 Orleans Road, Harwich	508-432-2820
Sandra Robinson	23 Catharine Rose Road, Harwich	

I will contact you if there are any additional names to be added to this list.
Thank you for your consideration in this matter.

Respectfully,



Raymond Gottwald, Chairman
Harwich Democratic Town Committee

Pc: Board of Registers

New Business

Patti Macura

From: Paul Doane <paulvdoane@gmail.com>
Sent: Thursday, July 30, 2020 1:45 PM
To: Larry Ballantine; Patti Macura; JPowers@town.harwich
Cc: bob.doane@verizon.net; Jim Stinson
Subject: Caleb Chase Trustees Action

Dear Mr. Chairman,

At this past July meeting of the Caleb Chase Trustees, and following conversations, conveniently arranged, relative to current need/demand for financial assist, from the Town Accountant and the Director of Town's Council on Aging, it was the decision of the Trustees to move expeditiously on modifications in its policies governing distributions in light of the continuing and unprecedented COVID-19 fallout.

On behalf of the Trustees, I forwarded a letter to your Board, copying the COA and Town Accountant, that explained in detail the need for immediate action and the policy steps modified to address that need. It must be emphasized that these changes are temporary and will expire at the end of the current Fiscal Year if the Board of Trustees does not act to terminate these emergency steps prior to June 30, 2021. After that date, all policies will revert to those previously in effect.

In the past, the Trustees have come before your Board indicating its intention to make modifications, from time to time, and to request your endorsement of such proposed actions. However, the Trustees, by the actions of earlier Town Meeting votes, are charged with responsibility for the management and administration of the Funds within the Caleb Chase Trust account. It has often taken action directly such as to make modifications to the investments, rewrite investment policies as changing economic conditions dictate, rebalancing the assets as the ratio of fixed to equity holdings change overtime, replace custodians or previous investment management firms and other modifications necessary to exercise and comply with the Trustees' proper fiduciary demands. This also, from time to time, requires the Trustees to meet with Town officials to determine changing demand for funds as well as modifying policies employed as part of the determination of eligibility and the interviewing of prospective beneficiaries. None of these actions taken by the Trustees in the past have involved meeting or seeking approval of such actions by another entity, such as the Board of Selectmen.

In normal times, the Board has not been faced with such extreme and unique circumstances as the pandemic has created on a national scale as well as its impact on local potential beneficiaries of the Fund's assets. For this reason, given the importance of moving expeditiously but also prudently, the Trustees opted, in this case as it has in the other actions mentioned above, to exercise its own discretion as provided by the operational guidance authorized from prior Town Meeting actions that initially established and empowered the Board of Trustees,

My follow up letter to the Board was meant as courtesy to advise of these temporary emergency type modifications to operating policies. It was felt that to undergo the route of requesting the Board to endorse its actions to modify distribution policies could potentially bring even further harm by delaying eligible beneficiaries that are truly struggling from economic related hardships resulting from the COVID-19 circumstances. However, we felt it very necessary to advise the Board of these temporarily instituted provisions in order that all parties involved with the Caleb Chase Fund are fully informed. Our letter to your attention was intended to achieve that purpose.

If it were possible, as in normal times, to request an appearance before the Board to outline and seek your endorsement, we more than likely would have chosen that route. But the emergency nature of this action and the fact that we were already several months into this time of economic turmoil, argued that we delay not another day in making the funds, which the Estate of Caleb Chase set aside, available and in an enhanced and more meaningfully responsive manner for the benefit of qualified Town residents.

We do not anticipate needing to take such immediate and emergency type action in the future and will continue to follow, at least the recent tradition as long as I've been involved with the Trust Funds since 1990, of meeting with and advising all

responsible parties of planned actions. In these circumstances, however, it was the feeling of the Trustees that we would take action, as authorized, while simultaneously advising all other parties of these actions after consultation with the individuals on the front lines of this service who are best able to determine the appropriate nature of these emergency actions.

We would be pleased to appear before the Board in whatever manner current or future conditions allow and answer any further questions or concerns you may have.

I am pleased to mention that while we haven't fully recovered from the effects of the worst market conditions in two generations and which may not yet have run its full course, the Fund is sound and progressing very well. It continues to respond to the Town's periodic requests to replenish the financial accounts used to make appropriate distributions. Please also be advised that the Trustees have currently and purposefully retained larger amounts of cash reserves than normal in order to be ever responsive to anticipated requests in the immediate days and months ahead.

Very Respectfully,

For the Trustees,

Paul Doane, Esq., Robert Doane, James Stinson, Esq.

July 27, 2020

Harwich Board of Selectmen
Harwich Town Offices
Main Street
Harwich Center, MA 02645



RE: Caleb Chase Fund

Dear Board,

At the mid-July meeting of the Caleb Chase Trustees and following personal meetings/ conversations with the Town Accountant and the Executive Director of the Council on Aging, who handle distributions from the Fund and who administer the interviews of applicants for the Fund assets, the Board of Trustees voted to take emergency action as a result of the continuing COVID-19 pandemic. The Trustees have modified, on a temporary basis through the remainder of the current Fiscal Year ending June 30, 2021, certain policies governing the eligibility and distribution of Caleb Chase Fund assets.

As you know, the Fund periodically makes funds available to eligible Harwich residents who need financial assistance in meeting certain utility, housing and heating related costs. Recently the Trustees had approved an increase to \$800 in the eligible grant amount and modified the terms to once every three years/family from the former one grant/lifetime.

In lieu of the current financial hardships as a result of the COVID-19 pandemic, the Trustees approved the following policy changes impacting the distribution of the Fund's cash assets: Commencing immediately,

- 1) the maximum amount per grant for eligible family support expenses is increased from \$800 to \$1000.00;
- 2) internet related expenses will now be included as an eligible expense;
- 3) the current three-year time period between grants is waived, allowing eligible recipients to access grant support more frequently as legitimate need, determined by the application process administered by the COA, is deemed appropriate.

These important steps are being taken to immediately address the serious needs among Harwich families in this unprecedented period. However, should this circumstances of this pandemic change to no longer justify such changes, the Trustees will act to terminate these modifications above. In any event, unless the Trustees expressly approve their continuation, these changes in policy will expire at the end of the current Fiscal Year.

Additionally, the Trustees have requested that the Town Accountant and Council on Aging Director maintain regular communications with the Trustees to advise regarding levels of increased demand and projected need for additional funding during this "emergency period".

Please advise if your Board has any questions regarding the above unprecedented emergency action by the Trustees who maintain the fiduciary responsibility for the supervisory management of the Fund's assets.

Respectively,


Paul Doane, Esq., Robert Doane, James Stinson, Esq.
Caleb Chase Trustees

cc: Carol Copolla, Town Accountant; Emily Mitchell COA Executive Director



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc

**RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
 MONETARY TRANSMITTAL FORM**

AMENDMENT-Change of Manager

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

ECRT CODE: RETA

Please make \$200.00 payment here: [ABCC PAYMENT WEBSITE](#)

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE PAYMENT RECEIPT

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

ENTITY/ LICENSEE NAME

ADDRESS

CITY/TOWN

STATE

ZIP CODE

For the following transactions (Check all that apply):

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> New License | <input type="checkbox"/> Change of Location | <input type="checkbox"/> Change of Class (i.e. Annual / Seasonal) | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input type="checkbox"/> Transfer of License | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Change of License Type (i.e. club / restaurant) | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock) |
| <input checked="" type="checkbox"/> Change of Manager | <input type="checkbox"/> Change Corporate Name | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Management/Operating Agreement |
| <input type="checkbox"/> Change of Officers/
Directors/LLC Managers | <input type="checkbox"/> Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder | <input type="checkbox"/> Change of Hours |
| | | <input type="checkbox"/> Other <input type="text"/> | <input type="checkbox"/> Change of DBA |

THE LOCAL LICENSING AUTHORITY MUST MAIL THIS TRANSMITTAL FORM ALONG WITH COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:

**Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3
 Chelsea, MA 02150-2358**



**The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc**

AMENDMENT-Change of Manager

Change of License Manager

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
554 Street Bar (dba 3 Monkeys)	Harwich	

2. APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name	Title	Email	Phone
MICHAEL STRANGFELD	OWNER		

3A. MANAGER INFORMATION

The individual that has been appointed to manage and control of the licensed business and premises.

Proposed Manager Name	MICHAEL STRANGFELD	Date of Birth		SSN	
Residential Address					
Email		Phone			
Please indicate how many hours per week you intend to be on the licensed premises	75	Last-Approved License Manager	MICHAEL JACEK		

3B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen? Yes No *Manager must be U.S. citizen
 If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.
 Have you ever been convicted of a state, federal, or military crime? Yes No
 If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

3C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
3/1/2015	N/A	MANAGER	MT GROUP LLC	TONY GULLOTTI
3/1/2018	N/A	MANAGER	554 STREET BAR LLC	TONY GULLOTTI

3D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? Yes No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature		Date	7/10/2020
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APPLICANT'S STATEMENT

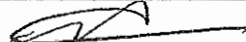
I, MICHAEL STRANGFELD the: sole proprietor; partner; corporate principal; LLC/LLP manager
Authorized Signatory
of 554 STREET BAR LLC
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature:



Date:

7/10/2020

Title:

OWNER/MANAGER/OFFICER

CORPORATE VOTE

The Board of Directors or LLC Managers of Entity Name
duly voted to apply to the Licensing Authority of and the
City/Town
Commonwealth of Massachusetts Alcoholic Beverages Control Commission on
Date of Meeting

For the following transactions (Check all that apply):

Change of Manager

Other

"VOTED: To authorize
Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

"VOTED: To appoint
Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

A true copy attest,



Corporate Officer /LLC Manager Signature

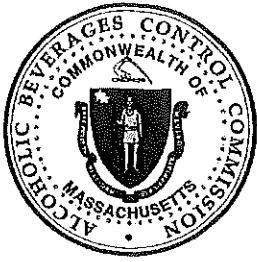
Michael Strangfeld
(Print Name)

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

(Print Name)



The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Chelsea, MA 02150

Investigative Report

To: Chief Investigator Frederick Mahony

From: Investigator Nicole Smith

Licensee: Port Restaurant and Bar, Inc. **DBA: Port Restaurant and Bar**
541 Route 28
Harwich, MA 02646

Date: Friday, July 17, 2020

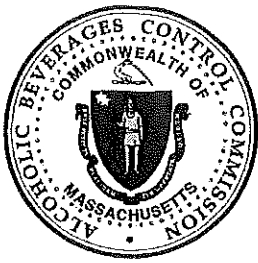
On Thursday July 16, 2020 at approximately 9:00PM Special Investigators Smith, Binienda and Temple investigated a complaint regarding the Port Restaurant and Bar. Smith approached the premises and asked the manager how late food would be available and he advised that the kitchen would close at 10:00PM.

At approximately 11:00PM Smith, Binienda and Temple entered the establishment and observed individuals seated or standing at two outdoor bar locations and an outdoor area with Adirondack chairs. Individuals in these areas were consuming what appeared to be alcoholic beverages but Investigators did not observe any indication of food service.

Investigator Binienda informed the manager that the Phase 2 Sector Specific Safety Standards require that Restaurants comply with the following distancing standards: Restaurants may not seat any customers at a bar; all customers must be seated and eat-in service to standing customers (e.g., around bar areas) is prohibited; Restaurants must require face coverings for all customers and workers at all times and Ensure separation of 6 feet or more between all individuals.

The manager stated that they offer slices of pizza to guests that remain on the premises after 10:00PM when their kitchen closes. Binienda informed him that the Safety Standards require that restaurants serve alcoholic beverages only to customers that order food for seated dining and he indicated that he would make changes to ensure compliance with the Safety Standards.

On July 17, 2020 at approximately 9:00PM, Smith and Binienda returned to the Port Restaurant and Bar where they observed at least 25 individuals walking throughout the licensed premises without facial coverings and did not observe any Port staff to take any corrective action.



The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
Chelsea, MA 02150

Investigative Report

To: Chief Investigator Frederick Mahony

From: Investigator Nicole Smith

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Smith and Binienda observed several individuals without facial coverings playing a ring and hook game on the premises in violation of the Safety Standards which require that areas not employed for food and beverage service (dance floors, pool tables, playgrounds, etc.) be closed.

Smith and Binienda observed two tables with seven customers. Per the Governor's Phase 2 Sector Specific Safety Standards, the size of the party cannot exceed 6 people.

Smith and Binienda further observed at least 6 tables in the outdoor area where individuals were consuming what appeared to be alcoholic beverages without ordering or consuming food. At approximately 10:30PM a vehicle delivered several boxes of pizza to the premises.

At approximately 11:30PM Binienda advised the manager of our observations; he responded that he had been trying to remind customers to wear a mask and then stated, "People get drunk and stupid, well not overserved, but drunk and stupid and forget".

Smith pointed out to the manager that several customers were walking around without facial coverings; to which he responded, "if I wasn't talking to you, I would be telling them to wear their masks". Smith also pointed out a table of 6 individuals where at least 4 other individuals without facial coverings stopped to engage in conversation and the waitress did not take any corrective action.

Binienda asked the manager about the pizza delivery and he again indicated that that he offers slices of pizza to guests that remain on the premises after 10:00PM when the kitchen closes. The manager indicated that the pizza was delivered from Ember, a nearby restaurant.

Investigators informed the manager, identified as Jake, that a violation report would be filed with the Chief Investigator for further review.

Respectfully Submitted,

Nicole Smith

Special Investigator Nicole Smith

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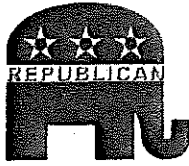
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Respectfully Submitted,

Nicole Smith

Special Investigator Nicole Smith



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

July 17, 2020

Harwich Board of Selectmen
732 Main Street
Harwich, MA 02645

Please be advised that at its July 16, 2020 meeting the Harwich Republican Town Committee voted to submit the following names as candidates for the Board of Registrars.

Deborah Sementa

Eric Carroll

Linda Hughes

Sincerely,

Peter S. Hughes
Chairman
Harwich Republican Town Committee



TOWN OF HARWICH

The Selectmen's Interview/Nomination Sub-committee submitted the following list of annual committee/board/commission re-appointments. The Selectmen approved the appointments below on Monday, August 3, 2020

I, do solemnly swear that I will perform the duties of Position/Committee, to which I have been APPOINTED, I will faithfully and impartially, to the best of my knowledge and ability. Signed under the penalties of perjury.

COMMITTEE	NAME	SIGNATURE	DATE SWORN IN	EXP. DATE
Board of Health	Matt Antoine			6/30/20
Waterways Committee	Mathew Hart			6/30/20
Agricultural Committee	Brent Hemeon - Alternate			6/30/20

Larry G. Ballantine, Chair

Stephen P. Ford, Vice Chair

Michael D. MacAskill, Clerk

Edward J. McManus

Donald F. Howell

HARWICH BOARD OF SELECTMEN



**CITIZENS ACTIVITY RECORD FORM
ACT NOW – SERVE YOUR COMMUNITY**

Town government needs citizens who are willing to give time in the service of their community. The Citizens Activity Record program was adopted by the Selectmen as a means of compiling names of interested citizens to serve, on a voluntary basis, on Boards and Committees.

Activity records are being updated to include categories consistent with the changing needs of the Town. Indicate your order of preference and return this form to:

**CITIZENS ACTIVITY RECORD PROGRAM
BOARD OF SELECTMEN**

732 Main Street, Harwich, MA 02645

Name W. PAUL WHITE ^{Residence} Rd. HARWICH, MA 02645
Street/P. _____ Town W. HARWICH Zip 02641
Occupation ATTORNEY/GOV'T. RELATIONS Email _____ Telephone _____
m *cell:*

(LIST IN ORDER OF PREFERENCE)

PLANNING AND PRESERVATION

- Agricultural Commission
- Architectural Advisory Committee
- *Board of Appeals
- Brooks Academy Museum Commission
- Building Code Board of Appeals
- By-law/Charter Review Committee
- Community Preservation Committee
- *Conservation Commission
- Cultural Council
- Historical/Historic District Commission
- Middle School Repurpose Committee
- *Planning Board
- Real Estate, Open Space & Land Bank Committee
- Town Forest Committee
- Traffic Safety Committee
- Trail Committee
- Utility & Energy Conservation Commission
- OTHER _____

OTHER

- *Board of Assessors
- *Board of Health
- Capital Outlay Committee
- Cemetery Commission
- Community Center Facilities Committee
- Constable
- Council on Aging
- Disability Rights Committee
- Finance Committee
- Harwich Housing Committee
- Herring Supervisor (Voluntary)
- Saquatucket Development Committee
- Shellfish Constable (Voluntary)
- Treasure Chest Volunteers
- Wastewater Implementation Committee
- Youth Services Committee
- Voter Information Committee

RECREATION

- Bikeways Committee
- Golf Committee
- Recreation & Youth Commission
- Waterways Committee

*please include resume

EDUCATIONAL BACKGROUND:

B.A. Boston College (1967)
M.A. SUNY ALBANY (1969)
J.D. SUFFOLK LAW School (1973)
M.P.A. HARVARD (JFK School) (1980)

RELEVANT SKILLS:

PRACTICING ATTORNEY, GOVERNMENT RELATIONS PROFESSIONAL,
Volunteer board member, 25 YEARS ELECTIVE OFFICE,

Please see ATTACHED RESUME

REASONS FOR INTEREST IN COMMITTEE/COMMISSION/BOARD:

LONGSTANDING MEMBER CRANBERRY VALLEY GOLF COURSE,,
WOULD LIKE TO CONTRIBUTE TO THE TOWN,
VERY INTERESTED IN MAINTAINING BENEFITS AND
OPPORTUNITIES FOR THE WHOLE TOWN OF HAVERHILL

W. PAUL WHITE

W. Paul White is a Principal in the Boston government relations firm The Karol Group, Inc. White joined the firm in September 2001 following four years as the Associate Vice President for State and Community Affairs at his alma mater, Boston College. As an administrator at Boston College, White managed the University's relationship with its host communities Boston and Newton. He also handled B.C.'s activities at the state level and in concert with organizations representing private higher educational institutions. His duties included coordinating key aspects of the school's Master Plan as it was developed in concert with the community and the planning agency for Boston, the Boston Redevelopment Authority (B. R. A.) now known as the Boston Planning and Development Agency. White served as a member of the President's Cabinet at Boston College meeting with all high-ranking university officials on a bi-weekly schedule.

Prior to his service at Boston College, White served as a Massachusetts State Senator from the Suffolk and Norfolk district for nine years. Elected 5 times to the Senate representing a Boston/ suburban district, he chaired the Banks and Banking Committee, the Federal Financial Services Committee, the Ethics Committee, and served as Assistant Majority Whip. He has been recognized for his leadership in the Senate by the Massachusetts Children's Trust Fund, Action for Boston Community Development, the Massachusetts Banker's Association, The Massachusetts League of Community Health Centers, the State Labor Council, A.F.L./C.I.O., the Massachusetts's Association of Day Care Agencies, the Environmental League of Massachusetts, the Massachusetts Community Action Program Directors' Association, the Caritas- Carney Hospital, and by the University of Massachusetts at Boston as the ROBERT H. QUINN AWARD recipient.

Paul White also served for sixteen years in the Massachusetts House of Representatives from a district in Boston's Dorchester section. During his House tenure, White was appointed the first Chair of the Criminal Justice Committee, a period of service which saw the rewriting of the Commonwealth's drunk driving laws, proposed revamping of all criminal statutes, overhaul of the court system and reorganization of all public appointed counsel. He also served on the Ways and Means Committee and as House Majority Leader. He was recognized by the Massachusetts Bar Association as Legislator of the Year and received awards from Suffolk University Law School and the Massachusetts Amvets. White pioneered legislation for community health, community development and public transportation.

While serving in the legislature, Paul White was an active member of the Council of State Governments where he served as a regional Chair of the Eastern Regional Conference (ERC) and as national Chair of CSG in 1991.

Paul White is a graduate of Boston College where he received an A.B. in Political Science in 1967. He followed that with a Masters degree in Political Science from the Graduate School of Public Affairs at the State University of New York at Albany in 1969. He then earned a J.D. degree from Suffolk University Law School in 1973. He completed the Massachusetts Bar in 1974. He has been a practicing attorney since then with a variety of experience in the Probate, District and Superior Courts of the Commonwealth. White is also admitted to the Federal District Court and the US Supreme Court. For over twenty years he was a partner in the Boston firm White, Salimbene and Madek. He remains active in legal affairs as a member of the Massachusetts Committee for Public Counsel Services, a fifteen-member board. White is one of nine members appointed by the Massachusetts Supreme Judicial Court.

Paul White enrolled in the mid-career Master in Public Administration program at the Kennedy School at Harvard in 1979 and received his M.P.A. in 1980.

Paul White has served over the years on a number of community boards and organizations. He is currently a board member for the St. Mary's Center for Women and Children, a human services agency affiliated with the Archdiocese of Boston located at the site of the former St. Margaret's Hospital in Dorchester. This is in addition to his service referenced above on the Massachusetts Committee for Public Counsel Services. He also serves on the board of Family Aid Boston a non-profit family homeless services agency.

White is married to Dr. Caroline White, Retired Superintendent of the Millis Public Schools. They have owned property in Harwich since 1974 and now have been residing full-time in Harwich at 7 Littlefield Pond Road since 2018. White has been a member of Cranberry Valley Golf Course for over 25 years.



**CITIZEN'S COMMITTEE VACANCY FORM
VOLUNTEER NOW -- SERVE YOUR COMMUNITY**

Town government needs citizens who are willing to give time in the service of their community. This form was adopted by the Selectmen as a means of compiling names of interested citizens to serve, on a voluntary basis, on Boards and Committees and Commissions

Vacancy Forms are updated to include categories consistent with the changing needs of the Town. Indicate your order of preference and return this form to:

**CITIZEN'S COMMITTEE VACANCY FORM
BOARD OF SELECTMEN
732 Main Street, Harwich, MA 02645**

Name BERNADETTE WAXSTACK Street/Highway [redacted] Town HARWICH PORT Zip 02646
Occupation ARTIST/TEACHER Email [redacted] Telephone [redacted]

(LIST IN ORDER OF PREFERENCE)

PLANNING AND PRESERVATION

- Agricultural Commission
- *Board of Appeals
- Brooks Academy Museum Commission
- Building Code Board of Appeals
- By-law/Charter Review Committee
- Community Preservation Committee
- *Conservation Commission
- Cultural Council
- Historical/Historic District Commission
- *Planning Board
- Real Estate, Open Space Committee
- Town Forest Committee
- Traffic Safety Committee
- Trail Committee
- Harwich Energy Committee
- OTHER _____

OTHER

- *Board of Assessors
- *Board of Health
- Capital Outlay Committee
- Cemetery Commission
- Community Center Facilities Committee
- Constable
- Council on Aging
- Disability Rights Committee
- Finance Committee
- Harwich Housing Committee
- Herring Supervisor (Voluntary)
- Saquatucket Development Committee
- Shellfish Constable (Voluntary)
- Treasure Chest Committee
- Wastewater Support Committee
- Youth Services Committee
- Voter Information Committee

RECREATION

- Bikeways Committee
- Golf Committee
- Recreation & Youth Commission
- Waterways Committee

* Please include a resume with form

EDUCATIONAL BACKGROUND:

- University of Mass/AMHERST B.F.A. in Studio Art
minor in Art Education
- Savannah College of Art & Design Masters in Painting
- Mass. Dept. of Elementary and Secondary Education
Certified Teacher of Visual Arts K-12

RELEVANT SKILLS:

- Practicing Artist, resident artist at Cultural Center
- Visual Arts Teacher Harwich/Monomoy Schools since 1995
- Past teacher/performer at Harwich Junior Theatre

REASONS FOR INTEREST IN COMMITTEE/COMMISSION/BOARD:

As a practicing artist and community member since 1986, interested in volunteering in support of the arts/culture in Harwich

Patti Macura

From: Shirin Everett <SEverett@k-plaw.com>
Sent: Thursday, July 30, 2020 3:09 PM
To: Patti Macura
Cc: John Giorgio; Joe Powers
Subject: 70 Willow Street, Harwich

Hi Patti,

You could provide the following explanation:

In 1979, the Town acquired the property located at 70 Willow Street pursuant to a tax taking. It is my understanding that the building on and sewer system serving the property at 74 Willow Street, owned by Bill Viggiano, have encroached onto the Town property for a long period time (according to the property card, the building was constructed in 1950).

Since property held by the Town for tax title purposes is subject to claims of adverse possession, the Town decided that, rather than engaging in litigation, it would enter into a boundary line agreement by which the Town would convey to Mr. Viggiano the land under the encroachments in exchange for Mr. Viggiano releasing any right, title or interest he may own in 70 Willow Street. The Boundary Line Agreement accomplishes those goals.

Please run this past Joe and let me know if you have any questions.

Shirin Everett, Esq.
KP | LAW
101 Arch Street, 12th Floor
Boston, MA 02110
O: (617) 654 1731
F: (617) 654 1735
severett@k-plaw.com
www.k-plaw.com

Patti Macura

From: Shirin Everett <SEverett@k-plaw.com>
Sent: Thursday, July 30, 2020 10:06 AM
To: Patti Macura
Cc: John Giorgio
Subject: 70 Willow Street, Harwich
Attachments: Harwich_Viggiano 81X.pdf; KP-#698685-v2-HARW__Boundary_Line_Agreement.DOC

From: Shirin Everett <SEverett@k-plaw.com>
Sent: Wednesday, July 22, 2020 1:49 PM
To: Joe Powers <jpowers@town.harwich.ma.us>
Cc: John Giorgio <JGiorgio@k-plaw.com>
Subject: 70 Willow Street, Harwich

Hello Joe,

I reviewed the attached plan and approved it as to form. Attached is a Boundary Line Agreement, which I revised to state that while the Town does not claim any right in Mr. Viggiano's property, the Town retains any easement it may have in the portion of the property that is included within the 20-foot wide easement shown on the plan. Mr. Viggiano's attorney has accepted my changes.

You may want to compare it to the plan that was shown in the warrant under Article 47 of the 2018 Annual Town Meeting.

If the Boundary Line Agreement is acceptable, I recommend you request the Board of Selectmen to sign one original and attach to it a certified copy of the vote taken under Article 47 of the May 7, 2018 Town Meeting. Please send the originals to Attorney Norcross, with a copy to me.

Thanks very much. Please let me know if you have any questions.

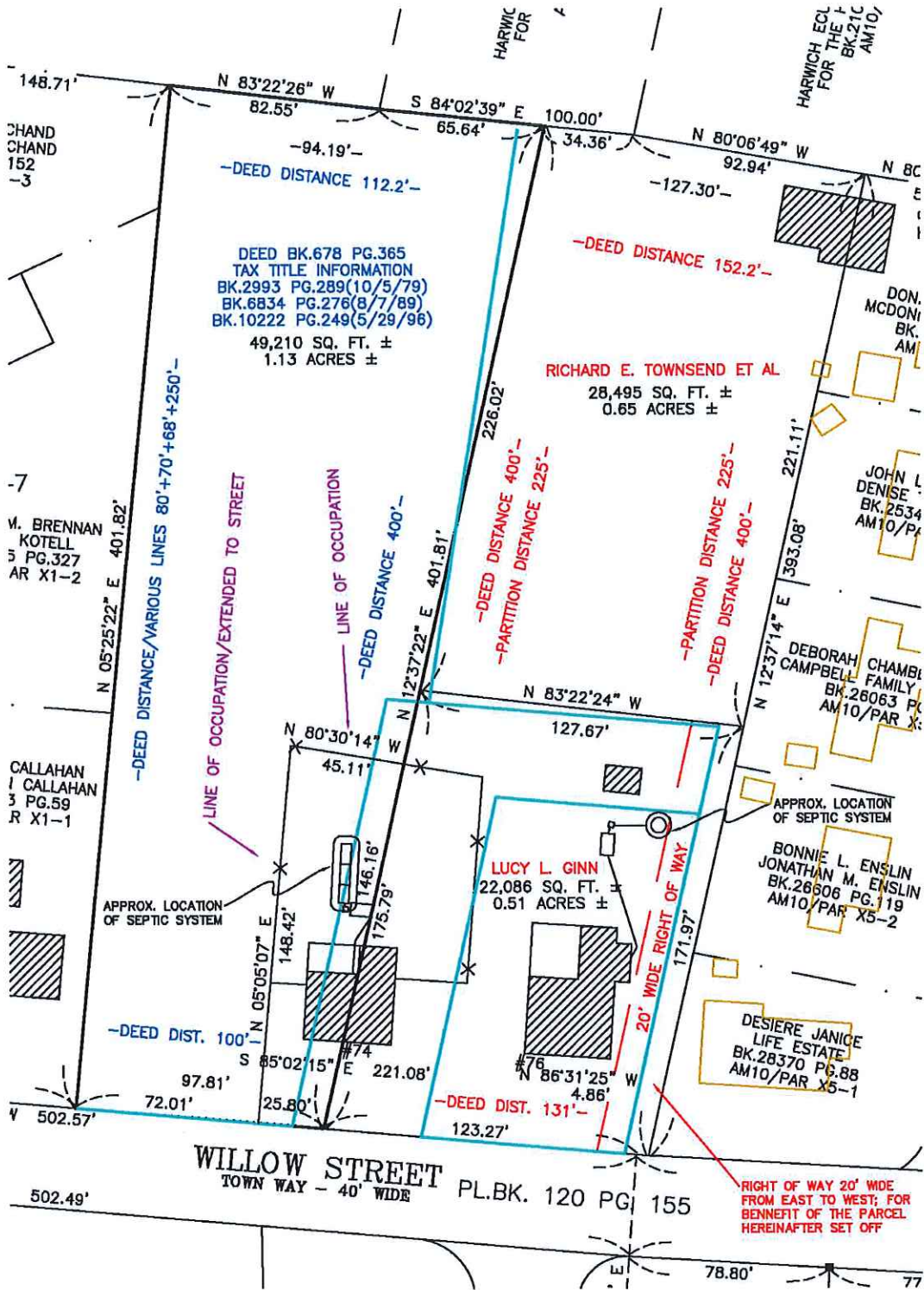
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70 WILLOW STREET TOWN PROPERTY CLEAR TITLE AND REVISE BOUNDARY
LINES

ARTICLE 47: To see if the Town will vote to transfer the care, custody and control of the parcel of land located on Willow Street and identified by the Assessors as Parcel 10-X3 from the tax custodian for tax title purposes to the Board of Selectmen for general municipal purposes and for the purpose of conveyance; to authorize the Board of Selectmen to enter into agreements with abutters, and to convey a portion or portions of Parcel 10-X3 to abutters, and, in connection therewith, to accept deeds from abutters to portions of the abutting parcels, for the purpose of establishing the boundary lines of all said parcels, for general municipal purposes and/or for the purpose of conveyance; to authorize the Board of Selectmen to take Parcel 10-X3 and/or the foregoing portions of the abutting parcels by eminent domain, if appropriate, for the purpose of clearing the Town's title thereto and/or for affordable housing purposes; and, further, to authorize the Board of Selectmen to convey all or portions of Parcel 10-X3 and other land acquired by the Town hereunder for affordable housing purposes for such consideration, which may be nominal consideration, and on such other terms and conditions as the Board may deem appropriate; and act fully thereon.

Explanation: 70 Willow Street is a Town Owned piece of property that when acquired had some defects in Title and Property Boundaries. This Article will allow the Board of Selectmen to clear title by Eminent Domain and allow for revisions to the Property Boundary lines to reflect the actual situation. Two neighbors have portions of their property on "town owned land". The Board of Selectmen will be authorized under this article to clear up long standing issues.

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



Article 47

BOUNDARY LINE AGREEMENT

THIS BOUNDARY LINE AGREEMENT (this “Agreement”) is entered into on this _____ day of _____, 2020, by and between the **Town of Harwich** (the “Town”), a Massachusetts municipal corporation acting by and through its Board of Selectmen pursuant to the vote taken under Article 47 of the May 7, 2018 Annual Town Meeting, a certified copy of which is attached hereto and incorporated herein, having an address of Harwich Town Hall, 732 Main Street, Harwich, MA 02645, and **William J. Viggiano** (the “Owner”), having an address of 420 Mars Way, Juno Beach, Florida 33408.

WHEREAS, the Town is the owner of a parcel of land located at 70 Willow Street in Harwich, and identified by the Assessors as Parcel X-3, by virtue of the instrument recorded with the Barnstable Registry of Deeds (the “Registry”) in Book 10222, Page 249;

WHEREAS, the Owner is the owner of land abutting the Town’s property, namely, the parcel of land located at 74 Willow Street, Harwich, identified by the Assessor as Parcel X-4, and described in a deed recorded with the Registry in Book 19273, Page 3; and

WHEREAS, the Owner and the Town desire to establish a fixed boundary line between their respective parcels of land;

NOW, THEREFORE, for consideration paid of One Dollar (\$1.00), the receipt and sufficiency of which is hereby acknowledged, the parties hereby covenant and agree as follows:

1. The boundary line separating the Town’s property and the Owner’s property is shown on a plan entitled “Boundary Line Agreement Plan of Land in West Harwich, Massachusetts as Prepared for Town of Harwich & William Viggiano”, dated July ____, 2020, prepared by Paul E. Sweetser, Professional Land Surveyor, and recorded in Plan Book ____, Page ____, a reduced copy of which is attached hereto as Exhibit A and incorporated herein (the “Plan”). The Town’s property is shown as “Parcel 1” on said Plan and the Owner’s property is shown as “Parcel 2” on said Plan.

2. The Owner hereby remises, releases, quitclaims and conveys to the Town all his right, title and interest in and to said Parcel 1; and

3. The Town hereby remises, releases, and conveys to the Owner all of its right, title and interest in and to Parcel 2, provided, however, that the Town does not release any easements it may have, if any, in, on and under the portion of Parcel 2 shown on the Plan as “20’ R.O.W.”.

The Town and the Owner mutually covenant and agree that this Agreement shall run with the land and be binding upon and inure to the benefit of the successors and assigns of the respective parties hereto. The recitals to this Agreement are incorporated herein.

IN WITNESS WHEREOF, the parties hereto have set their hands and seal as of this _____ day of _____, 2020.

OWNER:

TOWN OF HARWICH,
By its Board of Selectmen

William J. Viggiano

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this ____ day of _____, 2020, before me, the undersigned notary public, personally appeared _____, member of the Town of Harwich Board of Selectmen, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding document and acknowledged to me that he/they signed it voluntarily for its stated purpose on behalf of the Town of Harwich.

Notary Public
My commission expires:

COMMONWEALTH OF MASSACHUSETTS

_____, ss.

On this ____ day of _____, 2020, before me, the undersigned notary public, personally appeared William J. Viggiano, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding document and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public

My commission expires:

698685/HARW/0221

EXHIBIT A

Legal Description of Parcel 3

VIRGINIA CHAMBERLAIN
87 ROUTE 28
WEST HARWICH, MA 02671
BK.29921 PG.343
AM 10/PARC W3

DONALD T. MARCHAND
PATRICIA A. MARCHAND
9 SHAGRI-LA DRIVE
WEST HARWICH, MA 02671
BK.17083 PG.152
PL.BK.195 PG.47
AM 10/PARC X1-3

THOMAS M. BRENNAN
JOANN KOTELL
12 PHEASANT LANE
BEDFORD, MA 01730
BK.5145 PG.327
PL.BK.195 PG.47
AM 10/PARC X1-2

PARCEL 1
44,040 SQ.FT.±
1.01 ACRES±
1,069.66 PERIMETER

MCDONNELL FAMILY TRUST
DONNA M. CLARK, TRUSTEE
105 BRAYTON ROAD
BRIGHTON, MA 02135
BK.23403 PG.306
PL.BK.636 PG.67
AM 10/PARC X5-5

CAMPBELL FAMILY IRREV. TR.
DEBORAH CHAMBERLAIN, TR.
400 HEMENWAY ST., SUITE 135
MARLBOROUGH, MA 01752
BK.26063 PG.98
PL.BK.91 PG.17
AM 10/PARC X5-3

BONNIE L. ENSLIN
JONATHAN M. ENSLIN
4 BAYBERRY LANE
WEST HARWICH, MA 02671
BK.26606 PG.119
PL.BK.91 PG.17
AM 10/PARC X5-2

NANCY CUTKOMP REV. TRUST
NANCY CUTKOMP, TRUSTEE
117 GOOSEBERRY HILL
WETHERSFIELD, CT 06109
BK.30971 PG.102
AM 10/PARC X4-B

MARY ELLEN CALLAHAN
68 WILLOW STREET
WEST HARWICH, MA 02671
BK.18763 PG.59
PL.BK.195 PG.47
AM 10/PARC X1-1

PARCEL 2
16,373 SQ.FT.±
0.38 ACRES±
679.68 PERIMETER

FOR REGISTRY USE ONLY

DEED REFERENCES—
BK. 19273 PG. 003
BK. 10222 PG. 249

PLAN REFERENCES—
PL.BK. 180 PG. 121
PL.BK. 200 PG. 019
LCP 32595

AREA—
56,002 SQ.FT.±
1.29 ACRES±
PERIMETER=1,126.44

THIS PLAN SHOWS A BOUNDARY LINE PER AGREEMENT BETWEEN THE TOWN OF HARWICH AND WILLIAM VIGGIANO PER ARTICLE 47 OF THE ANNUAL TOWN MEETING HELD ON MAY 7, 2018. SAID ARTICLE WAS PASSED UNANIMOUSLY.

A SURVEY WAS MADE ON THE GROUND BETWEEN MAY 9, 2020 AND JULY 10, 2020

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

DATE _____ PROFESSIONAL LAND SURVEYOR

I CERTIFY THAT THIS PLAN CONFORMS TO THE 1976 RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

DATE _____ PROFESSIONAL LAND SURVEYOR

HARWICH ECUMENICAL COUNCIL FOR THE HOMELESS, INC.
BK.21083 PG.20
PL.BK.673 PG.73
AM 10/PARC W5-3

CB/DH(FND)
-HELD-

N 05°23'20" E 402.56'

S 82°37'21" E 83.99'

N 83°29'16" W 98.53'

64.88'

N 80°59'05" W 152.00'

93.59'

N 12°37'22" E 254.84'

N 85°02'15" W 128.76'
(DEED DISTANCE 131')

S 12°36'25" W 393.08'

N 80°40'59" W 44.16'

14.23'

1.62'

29.09'

S 05°25'48" W 148.05'

13.66'

29.74'

71.86'

S 85°02'15" E 220.92'

74.61'

34.94'

S 85°05'44" E 80.00'

1.88'

35.00'

N 12°36'15" E 140.00'

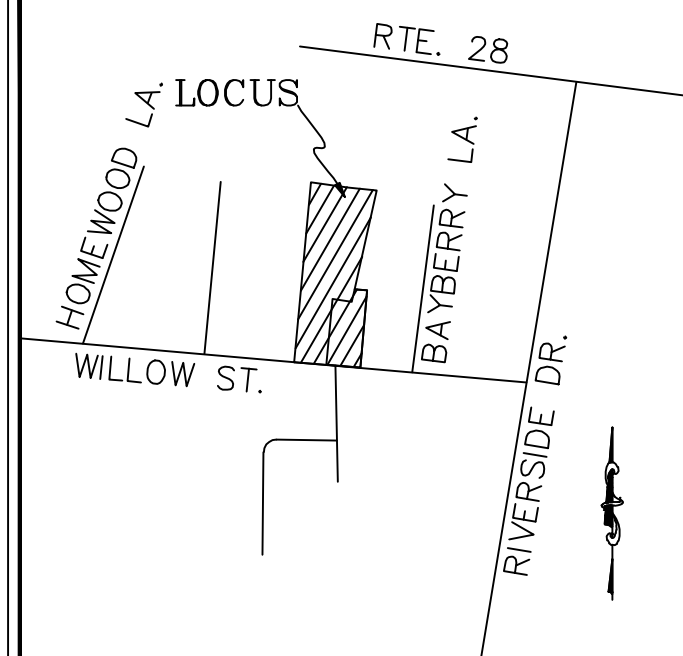
140.00'

20' R.O.W.

74.45'

5.55'

N 86°31'25" W



LOCUS MAP

ASSESSORS MAP: 10

PARCELS: X4-A

ZONING CLASSIFICATION: R-H-1
REQUIRED:
AREA-40,000 SQ.FT.
FRONTAGE-150'
SETBACKS:
FRONT-25'
SIDE-20'
REAR-20'

OWNER:
TOWN OF HARWICH
732 MAIN STREET
HARWICH, MA
02645

WILLIAM VIGGIANO
420 MARS WAY
JUNO BEACH, FL
33408

LOCUS ADDRESS:
70 & 74 WILLOW STREET
HARWICH



PLAN BOOK 120 PAGE 155

BOUNDARY LINE AGREEMENT
PLAN OF LAND IN WEST HARWICH,
MASSACHUSETTS
AS PREPARED FOR

TOWN OF HARWICH & WILLIAM VIGGIANO
JULY 11, 2020



SCALE: 1"=30'

PAUL E. SWEETSER
PROFESSIONAL LAND SURVEYOR
P.O. BOX 1146
DENNISPORT, MA
02639

**Town
Administrator's
Report**



MEMO

TO: Joseph F. Powers, Interim Town Administrator

FROM: Griffin Ryder, Town Engineer

CC: Robert Lawton, Interim Assistant Town Administrator
Sean Libby, Facilities Maintenance Manager
Eric Beebe, Recreation Director

RE: Brooks Park & Whitehouse Field Preliminary Electrical Engineering Study
Cost Estimating Amendment #1

DATE: July 31, 2020

Please find the attached contract amendment for professional engineering services between the Town of Harwich and Thompson Engineering Company, Inc. to engage a sub-consultant, A.M. Fogarty & Associates, Inc., to provide cost estimating services for the Preliminary Electrical Engineering Services at Brooks Park and Whitehouse Field (the Project) for signature. This is Amendment #1 to the original engineering services agreement with Thompson Engineering.

Stakeholders for the project (Recreation Commission representatives, the Facilities Maintenance Manager, and the Town Engineer) met on July 8, 2020 with Kevin Murphy from Thompson Engineering to review the details and kickoff the project. Cost estimating was discussed at the meeting and it was determined that it would be in the Town's and Project's best interest to engage a cost estimating firm to develop a construction cost estimate based on the Preliminary Electrical Engineering Report.

The Interim Assistant Town Administrator, the Facilities Maintenance Manager and the Recreation Director have reviewed the amendment and recommend endorsement. The Finance Director has signed off as the availability of funds.

Based on the information presented herein, I recommend that Contract Amendment #1 with Thompson Engineering Company, Inc. for \$2,750, bringing the project total to \$9,950, be endorsed.

Please let me know if you have any questions.

Thompson engineering company inc.
FOUNDED 1936
CONSULTING ENGINEERS

July 23, 2020

Mr. Griffin Ryder
Town of Harwich
732 Main Street
Warwich, MA 02645

Subject: Brooks Park and Whitehouse Field
Athletic Lighting Study
Additional Services Proposal - Cost Estimating

Dear Mr. Ryder:

In accordance with your request, Thompson Engineering Company, Inc. is pleased to submit an Additional Services Scope of Services and Proposed Fee for the above referenced project.

Additional Scope of work – Cost Estimating:

1. As discussed during our site visit, the committee may need to request additional funding from the Town. Attached is a proposal from A.M. Fogarty for cost estimating.

Study Base Fee \$7,200.

Requested Additional Services Fee - Cost Estimating \$2,750.

Total fee including AS \$9,950.

Standard Terms and Conditions

The above stated services will be performed in accordance with the attached *Standard Terms and Conditions to Letter Agreement*, dated January 13, 2020.

If you are in agreement with the scope and terms in this proposal, please sign in the space provided below, and return a signed copy for our files.

Thank you for considering our firm for this project. If you have any questions or need additional information, please feel free to call.

Very truly yours,

Thompson Engineering Company, Inc.

Kevin W. Murphy
Kevin W. Murphy
President

Approved as to the Availability of Funds:
Accepted by: Carl Couch (\$9,950.00)
Finance Director Contract Sum

Town of Harwich 80291292/618054

Name: Joseph F. Powers
Date: July 30, 2020

A.M. Fogarty
& Assoc., Inc.

175 Derby St., Suite 5, Hingham, MA 02043
TEL: (781) 749-7272 FAX: (781) 740-2652
ptim@amfogarty.com

"Construction Cost Consultants"

July 21, 2020

Kevin Murphy
Thompson Engineering Company, Inc.
89 Newbury Street
Danvers, MA 01923

RE: Town of Harwich – Brooks Park

Dear :

A.M. Fogarty and Associates proposes to provide cost estimating services for the above referenced project as follows:

FEE SCHEDULE:

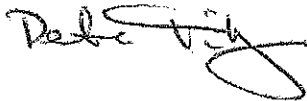
Study/ Schematic Cost Estimate	\$ 2,500
-Brooks Park Tennis and Pickle Ball Court	
-Brooks Parking – Parking Lot Lighting	
-Whitehouse Field	

Our work will entail providing quantity surveys and pricing for all civil, architectural, structural, mechanical and electrical work. We will provide an estimate in the **CSI Master Format and/or Unifomat** including sub-totals by division.

Our fees includes assistance with Value Engineering, if appropriate.

If this proposal is acceptable, please sign below and return to our office.

Sincerely,



Peter T. Timothy
President

PTT/bkr

Accepted By: _____
Thompson Engineering Co. , Inc.

Date: _____



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

July 16, 2020

Weekly COVID-19 Case Update

As of July 16, 2020 Harwich has seen a total of 131 cases. 71 of those cases are related to Wingate. We have 104 recoveries and 24 deaths (21 at Wingate), leaving 3 active cases. Two of the three active cases are travel related.

The weekly public health report from the Department of Public Health indicates that a total of 2117 tests have been conducted for Harwich residents or visitors. Over the last two weeks, 268 tests were performed.

We had our first Covid-positive case related to a food establishment this week at The Port. The restaurant took all necessary safety measures including closing for 24 hours, deep cleaning and disinfecting as well as notifying patrons who may have been exposed. Fellow employees were also voluntarily tested with no positive results as of yet. The Port followed all Mandatory Safety Standards and have been cleared to reopen.

If you have not been contacted by the Restaurant, a Covid Contact Tracer or the Visiting Nurse Association, there is no need to feel that you have been exposed. Coronaviruses are spread mainly from person to person through respiratory droplets and there is no evidence to suggest transmission is through the consumption of food. As with any case, if you feel symptomatic or would like to get tested, get in contact with your primary care physician.

Handwashing, social distancing and wearing a face covering are the best ways to keep yourself safe from this virus. The risk of transmission is lowest when outside, so get out and enjoy the great outdoors!

Thank you and stay safe!

Meggan Eldredge
Health Director



TOWN OF HARWICH
OFFICE OF THE TREASURER/COLLECTOR
732 MAIN STREET, HARWICH, MA 02645
TEL: 508-430-7501 FAX: 508-430-7504

Amy Bullock
Treasurer / Collector

Nancy Knepper
Assistant Treasurer/Collector

Monthly Report to the Board of Selectmen

June 2020

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

Collections

	FY 2020	FY 2019
Tax/Water net Collections:	\$1,787,018.56	\$642,930.42
Departmental turnovers:	\$6,344,397.12	\$14,041,570.09
Total:	\$8,131,415.68	\$14,684,500.51

Disbursements

	FY 2020	FY 2019
Accounts Payable	\$12,459,564.58	\$15,055,420.48
Payroll	\$1,710,639.00	\$1,651,756.78
Total:	\$14,170,203.58	\$16,707,177.26

Respectfully submitted,
Amy Bullock
Treasurer/Collector