

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 24, 2020

REMOTE PARTICIPATION ONLY
OPEN PUBLIC FORUM – NEW STEPS – PLEASE READ

1. First, send an email [to comment@town.harwich.ma.us](mailto: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/275652981>

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United States: [+1 \(312\) 757-3121](tel:+13127573121)

Access Code: 275-652-981

I. **CALL TO ORDER**

II. **EXECUTIVE SESSION**

- A. Pursuant to M.G.L. 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;
- B. Pursuant to M.G.L., c.30A section 21 (a) paragraph 2 to conduct strategy sessions for contract negotiations for nonunion personnel – Interim Town Administrator;

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. **PUBLIC COMMENTS/ANNOUNCEMENTS**

VI. **NON-RESIDENT TAXPAYERS VIDEO** <https://youtu.be/tuyO2K7PaMc>

1. Community Center – Carolyn Carey
2. Recreation Department – Eric Beebe
3. Planning Department – Charleen Greenhalgh
4. Conservation Department – Amy Usowski
5. Harbormaster – John Rendon

VII. **NEW BUSINESS**

- A. Minutes for Approve
 1. June 15, 2020

VIII. **OLD BUSINESS**

- A. Discussion and possible vote to name Joseph F. Powers Interim Town Administrator for a 90 day period to expire no later than November 18, 2020
- B. Update on Annual Town Meeting logistics
- C. Discussion and possible vote on the remaining Articles for the 2020 Annual Town Meeting Warrant;
 1. Article #1 Town Offices & Committees
 2. Article #2 Reports of Town Officers & Committees
 3. Article #3 Elected Officials Salaries
 4. Article #4 Use of Stabilization Fund
 5. Article #5 Town Operating Budget
 6. Article #6 Monomoy Regional School District Budget
 7. Article #7 Cape Cod Regional Technical School District Budget
 8. Article #8 Water Department Budget
 9. Article #9 Wastewater/Sewer Department Budget
 10. Article #10 Adopt the Capital Plan
 11. Article #11 Capital Items Funded from Free Cash – Items Under \$50,000
 12. Article #12 Facility Maintenance and Repair Fund
 13. Article #13 Replace Fire Department Ambulance
 14. Article #25 Adopt M.G.L., Chapter 33, §59 – Continuation of pay for Reservists
 15. Article #38 Amend the Code of Harwich General By-Laws – Chapter 8 Departmental Revolving Funds §8-1. Funds Established
 16. Article #39 Annual Departmental Revolving Fund Authorization
 17. Article #43 Commercial Single – Use Plastic Water Bottle Ban
 18. Article #44 Rescind the action taken at the Annual Town Meeting, May 6, 2019 for Article 50
 19. Article #45 New Climate Policy By-Law

IX. **CONTRACTS**

- A. Discussion and possible vote to approve Phase 2 Contract 1 Change Order Number 2 for Robert B. Our Company, Inc. in the amount of \$36,768.00 to be signed by the Board of Selectmen Chairman.
- B. Discussion and possible vote to approve Phase 2 Contract 2 Change Order Number 1 for RJV Construction Corporation in the amount of \$33,188.00 to be signed by the Board of Selectmen Chairman

X. **TOWN ADMINISTRATOR'S REPORT**

- A. 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:

Danielle Delaney

Posted by: _____
Town Clerk

Date: _____
August, 20, 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

August 20, 2020

Weekly COVID-19 Update

No new cases have been reported over the last 7 days, Harwich remains at a total of 141 confirmed cases and 24 deaths. One hundred seventeen people have recovered from COVID-19. There are currently no known active cases living in Harwich.

The mass.gov weekly town-by-town report indicates that Harwich has 142 active cases, however the data is incorrect. One of the cases listed in the system is from a different town.

To date 3400 people in Harwich have been tested for COVID-19 and our positivity rate remains significantly unchanged at 0.89%.

On Tuesday, August 18th the Board of Health voted unanimously to amend the Emergency Order requiring face coverings to include face coverings to be worn while attending the Annual Town Meeting.

We remain in Phase 3, step 1 at this time. For the most up to date information on the re-opening plan for Massachusetts, including sector specific standards, please visit www.mass.gov

Thank you and stay well,

Meggan Eldredge
Health Director



MASSACHUSETTS EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

WORKPLACE SAFETY and REOPENING STANDARDS FOR BUSINESSES and OTHER ENTITIES PROVIDING YOUTH and ADULT AMATEUR SPORTS ACTIVITIES – Phase III, Step 1 Expansion of Activity Number 1

Amended on August 13, 2020

Effective on August 17, 2020

These safety standards for youth and adult amateur sports activities are posted in advance of the effective date to allow Facility Operators and Activity Organizers time to prepare to operate in compliance with these mandatory health and safety standards. Facility Operators and Activity Organizers may not allow any additional level of play beyond that currently allowed in the Phase III, Step 1 guidance issued July 24, 2020 until August 17, 2020.

I. INTRODUCTION

In accordance with the authority granted to the Secretary of the Executive Office of Energy and Environmental Affairs (EEA) pursuant to [COVID-19 Order No. 43](#) to issue Sector-Specific Rules to implement COVID-19 safety measures for organized youth and adult amateur sports activities, this Expansion of Activity Number 1 (“Expansion 1”) amends the Phase III, Step 1 guidelines and is effective on August 17 2020.

This document provides guidance for how to implement general workplace safety standards and other public health guidance (“COVID-19 measures”) in the context of recreational operations in Phase III, Step 1 of the Commonwealth’s reopening. Facility Operators and Activity Organizers who fail to implement applicable COVID-19 measures may be sanctioned in accordance with COVID-19 Order No. 43. Facility Operators and Activity Organizers are further reminded that in addition to implementing COVID-19 measures in Phase III, Step 1, they must still comply with all federal, state, and local laws.

The public health data and guidance on which this document is based can and does change frequently. The most recent version of this document can be found on the Commonwealth’s reopening website, <https://www.mass.gov/info-details/reopening-massachusetts>.

II. HOW TO USE THIS DOCUMENT

The guidelines in this document are designed to provide instructions to Facility Operators and Activity Organizers of youth and adult amateur sports activities to help protect against the spread of COVID-19. For the avoidance of doubt, this guidance applies to K-12 school and other youth sports activities.



The guidelines that follow include information on: (1) allowable sports and recreational activities; (2) facial covering requirements; and (3) additional safety protocols (e.g., social distancing, hygiene, staffing and operations, and cleaning and disinfecting).

Recognizing that in many instances, activities are organized by one entity and take place at a facility operated by a second entity, this document categorizes guidance based on an entity's role. The guidance provided on safety protocols includes specific guidance for both Facility Operators and Activity Organizers. Entities that organize activities in facilities for which they are responsible should comply with both sets of guidance (Facility Operator Guidance and Activity Organizer Guidance).

III. LIMITATIONS ON RECREATIONAL ACTIVITIES DURING PHASE III, STEP 1

The ability to participate in sports and recreational activities is determined by a combination of: (1) risk of transmission of COVID-19 inherent in the sport or recreational activity itself as traditionally played; (2) level of risk associated with the "Type of Play" without modifications to play; and (3) whether a sport or activity can "Modify Play" to reduce risk. This section covers each of these categories and outlines what activities are allowed to be performed under this Expansion 1 during Phase III, Step 1 as a result.

Facility Operators and Activity Organizers must comply with activity limitations listed herein. For non-organized sports and recreation, individuals should follow these guidelines, where it applies to their activities. Organizers of athletic and recreational activity competitions or tournaments should follow the competition and tournament guidance herein.

Organizations, businesses, schools, and government entities that operate outdoor or indoor sports facilities, such as athletic fields, courts and other playing surfaces, pools, and sailing and boating facilities, can operate their premises and facilities for use by adults and youth in Phase III, Step 1 provided that the safety measures outlined herein are implemented by Facility Operators and Activity Organizers.

Such athletic facilities subject to this guidance include, but are not limited to:

- Gymnastics Facilities
- Indoor & Outdoor Pools*
- Indoor and Outdoor Athletic Fields and Courts
- Ice Rinks
- Indoor and Outdoor Tracks
- Indoor Gymnasiums
- Martial Arts & Dance Facilities
- Indoor and Outdoor Racquet Courts
- Indoor and Outdoor Batting Cage Facilities

*Pool Facilities (both indoor and outdoor) must also ensure compliance with the [*Safety Standards for Public and Semi-Public Pools*](#).



Fitness Centers and Health Clubs must follow the [Sector Specific Workplace Safety Standards for Fitness Centers and Health Clubs to Address COVID-19](#).

Recreational camps or other programs that are subject to [105 CMR 430.000](#) must follow the requirements outlined in the [Massachusetts Child and Youth Service Programs Reopen Approach: Minimum Requirements for Health and Safety](#).

A. RISK LEVEL OF SPORTS

Sports and recreational activities are categorized as “**Lower Risk**,” “**Moderate Risk**,” and “**Higher Risk**” based on the risk of transmission of COVID-19 inherent in the sport or recreational activity itself as traditionally played.

Lower Risk sports and recreational activities are characterized by:

- Sports or activities that can be done with social distancing and no physical contact
- Sports or activities that can be done individually

Examples: Tennis, pickleball, swimming, catch, disc golf, golf, individual biking, surfing, horseback riding, individual sailing, fishing, hunting, motor sports, no contact exercise classes, gymnastics, cross country, individual crew

Moderate Risk sports and recreational activities are characterized by:

- Sports or activities that involve intermittent close proximity or limited, incidental physical contact between participants

Examples: Baseball, softball, crew, sailing, track and field, running clubs, team swimming, volleyball, dance class, fencing, field hockey, girls’ lacrosse, soccer

Higher Risk sports and recreational activities are characterized by:

- Sports or activities for which there is a requirement or a substantial likelihood of routine close and/or sustained proximity or deliberate physical contact between participants and a high probability that respiratory particles will be transmitted between participants

Examples: Football, wrestling, rugby, basketball, lacrosse, ice-hockey, competitive cheer, martial arts, ultimate frisbee, boxing, pair figure skating



B. SPORTS & RECREATIONAL ACTIVITIES ALLOWED BY RISK LEVEL DURING PHASE III, STEP 1

The risk associated with an activity is also dependent on the type of play. The following types of play are defined by level from least to greatest risk.

- **Level 1:** Individual or socially distanced group activities (non-contact workouts, aerobic conditioning, individual skill work, and drills)
- **Level 2:** Competitive Practices (Intra-team/group games, contact drills, and scrimmages)
- **Level 3:** Competitions (Inter-team games, meets, matches, races, etc.)
- **Level 4:** Tournaments (Outdoor only)

In Phase III, Step 1, through this Expansion 1 sports and recreational activities are subject to the limitations and guidelines set forth below:

- Sports and activities included in the **Lower Risk** category can participate in **Level 1, 2, 3, and 4** type of play.
- Sports and activities included in the **Moderate Risk** category can participate in **Level 1 as traditionally played**. Level 2 and Level 3 play are only allowed if the Minimum Mandatory Standards for Modification to Play are met.
- Sports and activities included in the **Higher Risk** category can participate in **Level 1 as traditionally played**. Level 2 and Level 3 play are only allowed if the Minimum Mandatory Standards for Modification to Play are met.

C. MINIMUM MANDATORY STANDARDS FOR MODIFICATION TO PLAY

All Facility Operators and Activity Organizers of **Moderate** and **Higher** risk sports and activities **must** develop and implement sport-specific modifications to play to minimize the risk of transmission of infection among participants.

There will always remain an inherent risk in participating in sports. To plan activities and implement modifications to minimize risk, Facility Operators and Activity Organizers must consider the following:

- ❖ Identify measures that can be implemented to significantly limit contact and increase physical distancing. Modify play and practice as much as possible to keep players spaced 6 feet apart for the majority of a game or practice.
- ❖ Conduct the activity or sport outdoors where possible, as outdoor participation is generally safer than indoors and allows for greater distancing.
- ❖ Shorten activities, practices, and game play or perform the activity with fewer participants to the extent possible.
- ❖ Modify the activity or sport to reduce the sharing of equipment or to allow for cleaning of shared equipment between participants.
- ❖ Incorporate protective equipment in a safe manner to further reduce the spread of respiratory particles.



Notwithstanding the above considerations, the below minimum standards for modifications **must** be met in order for **Moderate** and **Higher** risk sports to engage in **Level 2** or **Level 3** play. See the Appendix for additional representation of the below guidance.

i. Mandatory Modifications for Level 2 and Level 3 Play

In order for **Moderate** and **Higher** risk activities and sports to engage in Level 2 and Level 3 play, Facility Operators and Activity Organizers must:

- ❖ **Modify Play to Limit Contact or Increase Distancing for Participants** where there is intermittent close participant proximity and/or sustained face to face contact between participants. Modifications should strive to keep participants 6 feet apart for the majority of play and must eliminate all deliberate contact. Such modifications include, for example:
 - **Stagger Starts:** In race-like activities where players typically start or finish together, modifications **must** include staggered starts to avoid close contact. Starting lines should also be adjusted to allow for 6 feet distancing between participants at the start (e.g., have runners in every other lane, spacing competitors on start line 6 feet apart). If space is limited, staggered start times should be used to allow appropriate spacing for participants for each starting group.
 - **Eliminate Deliberate Contact:** Deliberate close contact must be eliminated. Deliberate close contact includes but is not limited to collisions, body checking, tackling, blocking, and racing/riding in packs.
 - **Minimize Intermittent Contact:** Game situations that result in intermittent close physical or face-to-face contact must be modified or eliminated, including: restarts, face-offs, throw-ins, scrums for the ball/puck, or similar activities. These activities may be allowed if face masks are used during contact (e.g., face-offs could take place with face masks worn by each player involved).

Those activities and sports that **cannot** modify play as outlined above cannot engage in **Level 3** play but may be able to participate in **Level 2** play **IF** they can incorporate the below modifications.

ii. Mandatory Modifications for Modified Level 2 Play (for Sports that Cannot Modify Play to Limit Contact or Increase Distancing)

Moderate and **Higher** risk activities and sports that cannot implement the mandatory modifications as described above, can participate in modified **Level 2** play. **Level 2** play can take place for sports with close physical or face to face contact using a cohort concept for competitive contact practices or training, provided that Facility Operators and Activity Organizers meet the following minimum requirements:

- Training activities must be performed in “cohorts” of the same small group of individuals that performs all training activities together and without interacting with other individuals or cohorts.



- Cohorts can be **no larger than ten (10) participants** and the same cohort assignments must be used for every training session or class. Participants cannot be a member of multiple cohorts, nor can cohort assignments rotate.
- Training areas or boundaries must be marked so that training **cohorts are separated in all directions by at least 14 feet**. Class sizes should be capped by the number of available training areas based on the size of the facility and in no event more than 25 people on a playing surface.
- A cohort can compete against other cohorts if each cohort performs separately from other cohorts (e.g., pair figure skating, or small group synchronized swimming) and no contact occurs between cohorts.

D. LEVEL 3 AND LEVEL 4 PLAY – COMPETITION AND TOURNAMENT REQUIREMENTS

For the purposes of these guidelines, a “**Competition**” is defined as multiple participants or two teams competing against one another in a single contest. A competition includes inter-team games, matches, shows, meets, and races. Teams are limited to competing against a single opposing team per day. A team may play multiple competitions against the same team in a single day, however there may be no competitions with additional teams.

A “**Tournament**” is a formal contest that consists of multiple competitions or a series of games between multiple persons or teams, that might include multiple stages, played in a condensed period of time, such as over the course of a single day or multiple days in a row. For the avoidance of doubt, a series of games is still a tournament even if there is a lack of an overall prize, scores, eliminations, brackets, or otherwise.

In Phase III, Step 1, only outdoor Tournaments are allowed for **Lower Risk Sports**.

Competition and Tournament Organizers must adhere to the following:

- **Outdoor Competitions & Tournaments Capacity Limits:**
 - No more than 25 players on any surface/playing area for team/group sports.
 - No more than 50 people excluding players, coaches, referees, or facility/activity workers in the aggregate in, on, or surrounding any surface/playing area or start/finish lines at any one time, provided that there is adequate space for all players, coaches, referees, facility/activity workers and spectators to maintain at least six feet social distancing, recognizing that for some moderate and high risk sports intermittent and limited contact may occur for players.
 - Spectators must wear facial coverings and maintain six feet of social distance at all times.
 - For competitions and tournaments in the water, the aforementioned limitations apply to any applicable activities on land.
 - No spectators are allowed for sports and activities played by individuals 21 years and older.
- **Indoor Competition Capacity Limits:**



- No more than 25 players on any surface/playing area for team/group sports.
 - If an indoor facility has a chaperone or spectator viewing area which allows for at least six feet social distancing between spectators and the presence of spectators plus players, coaches, referees, and facility/activity workers does not cause the facility to exceed more than 40% of the maximum occupancy for the indoor facility, then 1 spectator per player under 21 years old is allowed to attend.
 - Spectators must wear facial coverings and maintain six feet of social distance at all times.
 - For indoor competitions in the water, the aforementioned limitations apply to any applicable activities on land.
 - No spectators are allowed for sports and activities played by individuals 21 years and older.
- **Multiple Playing Surface Capacity Limits:**
 - For facilities with multiple fields, surfaces, courts, etc. the above capacity limitations for Outdoor Competitions & Tournaments and Indoor Competitions shall apply per playing field, surface, court, etc. provided that there is adequate spacing for at least six feet social distancing for all individuals, including those at adjacent fields, surfaces, courts, etc.
 - Activity Organizers should set Competition and Tournament schedules with a time buffer to prevent the overlap of competitions at any one time and to allow for disinfecting of equipment and cleaning of commonly touched surfaces, if necessary. Games should end in a draw if time expires.
 - For facilities with multiple fields, surfaces, courts, etc. Facility Operators and Activity Organizers should mark off designated areas for spectators for each field, surface, court, etc. to minimize the overlap of spectators from adjacent fields, surfaces, courts, etc.

IV. PROTECTIVE EQUIPMENT AND FACIAL COVERINGS FOR ALL SPORTS

While limiting proximity of participants is the first line of defense to reduce the risk of transmission, Facility Operators and Activity Organizers must require facial coverings to be worn by all participants except:

- During high intensity aerobic or anerobic activities, swimming, water polo, water aerobics or other sports where individuals are in the water; or
- When distancing of 6 feet or more is possible between participants whenever feasible; or
- For individuals that are unable to wear a face covering due to a medical condition or disability

Otherwise, Activity Organizers must require facial coverings to be worn while engaged in an activity wherever possible. Some sports by their nature involve intense aerobic activity throughout play. For these sports, it is required that players use facial coverings when possible, taking frequent breaks when they are out of proximity to other players using caution to avoid touching the front or inside of the face covering by using the ties or ear loops to remove and replace. For example, soccer players should have facial coverings with them at all times, and where possible play with the facial covering on, removing it for long runs down the field, for plays without close contact, and in the goal; baseball/softball batters must wear



facial coverings while at bat; lacrosse or hockey players participating in face-offs must wear facial coverings. Participants for all sports must wear facial coverings on the bench at all times and in any huddles or time-outs.

Coaches, staff, referees, umpires, and other officials are required to wear facial coverings and maintain social distancing of 6 feet from players, coaches, spectators, and other persons at all times.

V. REQUIRED SAFETY PROTOCOLS

All Facility Operators and Activity Organizers must incorporate the following standards for social distancing, hygiene, staffing and operations, and cleaning and disinfecting into sports across all risk categories.

A. SOCIAL DISTANCING

Facility Operator Guidance

- ❖ Indoor and outdoor athletic facilities may operate their facilities for use by youth and adult amateur sports activities and programs.
- ❖ Indoor facilities must limit capacity to no more than 40% of the building's maximum permitted occupancy and ensure adequate social distancing of at least 6 feet for all visitors and staff.
- ❖ For team and group sports, no more than 25 players or participants can be on a single playing surface/area/court at any one time. The number of coaches and staff should be limited. Larger playing areas and surfaces, such as athletic fields, tracks, facilities that have multiple courts or playing areas, may be used by more than one group of 25 at one time, provided that adequate social distancing and group separation can be maintained. To ensure group separation, groups must be spaced at least 14 feet apart while sharing a single playing surface, court or field.
- ❖ For outdoor facilities: Spectators must maintain distance of at least 6 feet between spectator groups. Operators are encouraged to mark off spectator/chaperone viewing sites to allow for social distancing and all spectators must be at least 6 feet away from the playing field, court, or activity area. Spectators must wear facial coverings or masks.
- ❖ For indoor facilities: If an indoor facility has a chaperone or spectator viewing area which allows for at least 6 feet social distancing between spectators and if the presence of spectators plus players/coaches as well as staff does not cause the facility to exceed more than 40% of the maximum occupancy for the indoor facility, then 1 spectator per player under 21 years old is allowed. Operators are encouraged to mark off spectator/chaperone viewing sites to allow for social distancing. Spectators must maintain distance of at least 6 feet between spectator groups. Spectators must wear facial coverings.
- ❖ Locker rooms and changing areas may open in Phase III, Step 1, but should be limited to 50% capacity. Operators should ensure that users can abide by capacity restrictions and social distancing standards and establish signage and visual guidelines. Signage should remind users to limit time spent in enclosed area. Locker room users must use facial coverings or masks whenever possible and safe to do so.
- ❖ Indoor showers should remain closed in Phase III, Step 1. Indoor and outdoor pool facilities



must provide access showers to swimmers prior to swimming in compliance with 105 CMR 435. If outdoor showers are not available, facilities may meet this requirement by providing access to indoor showers. If outdoor showers are available, facilities should keep indoor showers closed.

- ❖ Limit any nonessential visitors, spectators, staff, volunteers, and activities involving external groups or organizations as much as possible. While indoors, visitors, spectators, volunteers, and staff must wear facial coverings.
- ❖ Where feasible, indoor facilities should institute one-way entrance and exits while adhering to established fire and building codes.
- ❖ Indoor and outdoor batting cage facilities shall ensure adequate social distancing between each cage, such as limiting use to every other cage.
- ❖ Access to equipment storage and office space should be limited to employees only. First aid kits should be available at the playing area or court rather than in an office, where possible.
- ❖ Operators should ensure that individuals are not congregating in common areas or parking lots following practices or events.

Activity Organizer Guidance

- ❖ For team and group sports, no more than 25 players or participants can be on a single playing surface/area/court at any one time. The number of coaches and staff should be limited. Larger playing areas and surfaces, such as athletic fields, tracks, facilities that have multiple courts or playing areas, may be used by more than one group of 25 at one time, provided that adequate social distance and group separation can be maintained. To ensure group separation, groups must be spaced at least 14 feet apart while sharing a single playing surface, court or field.
- ❖ **Dugouts, benches & bleachers are allowed to open only if six feet of distance can be maintained between each participant at all times** and they can be thoroughly cleaned before and after every use.
- ❖ Sportsmanship should continue in a touchless manner – no handshakes/slaps/fist bumps.
- ❖ If social distancing is not possible in an athletic facility, chaperones/spectators may be asked to wait outside the facility until an activity is completed.
- ❖ Activity Organizers should ensure that individuals are not congregating in common areas or parking lots following practices or events.
- ❖ Once athletes have completed their competition or activity, they must leave the area if another team is taking the field or using the playing surface to ensure adequate space for distancing.

B. HYGIENE

Facility Operator Guidance

- ❖ If any equipment is provided by the Operator, the Operator must clean and disinfect shared equipment at the end of a practice or competition session using a product from the [list of disinfectants meeting EPA criteria for use against the novel coronavirus](#).



- ❖ Indoor facilities must provide access to handwashing facilities on site, including soap and running water, and allow sufficient break time for staff and participants to wash hands frequently; alcohol-based hand sanitizers with at least 60% alcohol may be used as an alternative.
- ❖ All facilities must supply employees with adequate cleaning products (e.g., sanitizer, disinfecting wipes).
- ❖ Operators must post visible signage throughout the site to remind employees and visitors of hygiene and safety protocols.
- ❖ Allow water fountains to be used as refill stations only, provided that social distancing can be maintained. Customers and workers should bring their own water bottles or purchase from the business.
- ❖ Any concessions or food service must follow the [Safety Standards for Restaurants](#).

Activity Organizer Guidance

- ❖ Organizers must ensure that any shared personal equipment is disinfected before use by each individual using a product from the [list of disinfectants meeting EPA criteria for use against the novel coronavirus](#). Personal equipment includes all gear that is worn by players (e.g., gloves, helmets, masks, skates, footwear, pads, etc.).
- ❖ Organizers should minimize sharing of other equipment, and clean and disinfect all shared equipment at the end of a practice session using a product from the [list of disinfectants meeting EPA criteria for use against the novel coronavirus](#).
- ❖ No shared food or drink may be provided during any activities for participants or spectators except by concessions and food service providers following the [Safety Standards for Restaurants](#).
- ❖ Water bubblers, fountains, and bottle filling stations can open. Managers are encouraged to install signs near any drinking equipment advising users to use for bottle refill only and not to touch the tap with their mouth or the mouth of their water bottle.
- ❖ Participants and spectators should only drink from their own containers. Organizers must provide individual, dedicated water bottles for children if they do not have their own.
- ❖ Participants and coaches must achieve proper hand hygiene at the beginning and end of all activities, either through handwashing with soap and water or by using an alcohol-based hand sanitizer.
- ❖ Organizers should encourage athletes to arrive dressed for practice and to leave immediately after practice. Locker room and changing room use should be minimized.

C. STAFFING AND OPERATIONS

Facility Operator Guidance

- ❖ Operators must ensure that hand sanitizer or hand washing stations are available in indoor facilities for use by players, staff, and coaches.



- ❖ All high touch surface areas must be cleaned at the end of each activity.
- ❖ Operators should work with Activity Organizers to stagger activity start and end times or to put in place other protocols to limit contact between all visitors as much as possible. This also allows for more time to clean the facility between users. Operators must have daily schedules prepared in advance.
- ❖ Operators of indoor facilities shall establish traffic patterns (one-way flow, designated exits and entrances where possible), and limit capacity to maintain social distancing for the facility, including any restrooms and locker rooms. If social distancing cannot be maintained, spectators should be asked to wait outside.
- ❖ Operators should log all persons (name and phone number or name and email address) who come in contact with facility to facilitate contact tracing, including staff, participants, and spectators.
- ❖ Operators must post notice to employees, workers, and participants of important health information and relevant safety measures as outlined in government guidelines.
- ❖ Encourage workers who test positive for COVID-19 to disclose to the workplace employer for purposes of cleaning / disinfecting and contact tracing. If the employer is notified of a positive case at the workplace, the employer shall notify the Local Board of Health (LBOH) in the city or town where the workplace is located and assist the LBOH as reasonably requested to advise likely contacts to isolate and self-quarantine. Testing of other workers may be recommended consistent with guidance and / or at the request of the LBOH.
- ❖ Employers should take measures to ensure employees comply with all State-issued rules concerning out of state travel for any employer-paid or employer-reimbursed travel.

Activity Organizer Guidance

- ❖ To participate or attend, organizers should ensure that participants, volunteers, coaches, and spectators must show no signs or symptoms of COVID-19 for 14 days. Current list of symptoms is available from the [CDC](https://www.cdc.gov/coronavirus/2019-nCoV/symptoms-and-signs/).
- ❖ If any individual develops symptoms of COVID-19 during the activity, they should promptly inform organizers and must be removed from the activity and instructed to return home.
- ❖ Organizers of activities are responsible for following all guidelines and creating a safe environment for participants.
- ❖ Organizers must educate all participants and spectators on the applicable protocols for the relevant activity, protocols for entering/leaving the facility, and any other hygiene requirements.
- ❖ Organizers in coordination with Facility Operators must ensure that hand sanitizer is available to all players.



D. CLEANING AND DISINFECTING

Facility Operator Guidance

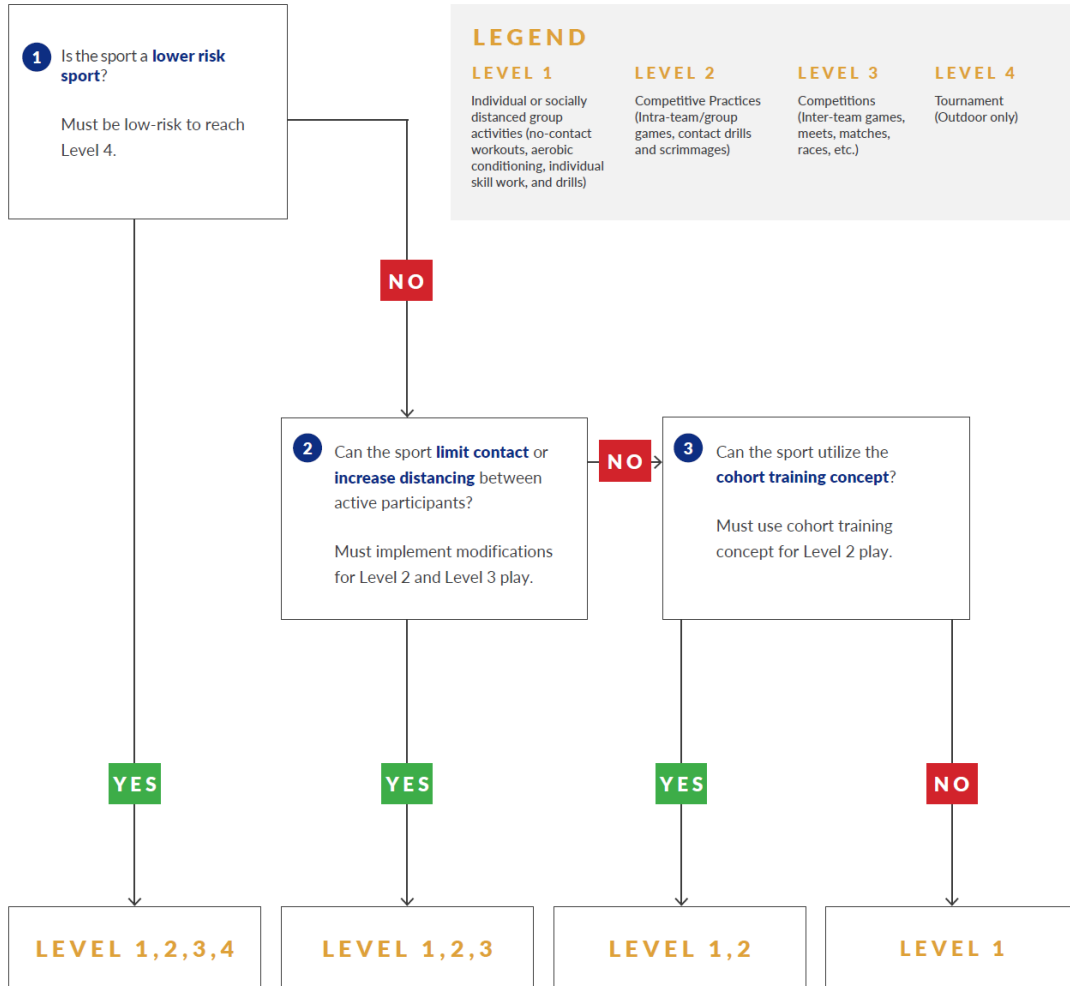
- ❖ Restrooms facilities shall be cleaned and disinfected in accordance with Centers for Disease Control guidance and best practices linked here: [*EEA COVID-19 Outdoor Recreation Facility Restroom Cleaning Best Practices*](#)
- ❖ Keep cleaning logs that include date, time, and scope of cleaning.
- ❖ Conduct frequent disinfecting of heavy transit areas and high-touch surfaces (e.g., doorknobs, handrails, bathrooms).
- ❖ In event of a positive case, shut down site for a deep cleaning and disinfecting of the workplace in accordance with current guidance.

Activity Organizer Guidance

- ❖ Organizers should disinfect any shared equipment before and after every clinic, practice, and game.
- ❖ Organizers should assess the cleanliness and disinfection protocols being employed at the facility they are using for athletic activity. If cleanliness is low, or any other concerns arise, organizer should immediately stop any ongoing athletic activity until such time as operator can show that conditions have been brought up to the standards outlined in this guidance.
- ❖ Organizers should understand the cleaning and disinfection protocols employed at the facility they are using and should raise any issues to the operator or Local Board of Health.



APPENDIX – SPORT ACTIVITY LEVEL ASSESSMENT



- 1**
- Lower risk sports include:**
- Sport activities are **done individually**
 - Sport activities are **conducted with 6 ft social distancing** and **no physical contact**
- Examples: Fishing, hunting, motor sports, no-contact exercise classes, pickleball, tennis, swimming, disc golf, golf, surfing, horseback riding, gymnastics, cross country, individual biking, individual sailing, individual crew

- 2**
- Required modifications:**
- Where players typically start together (e.g., start / finish of running events) modifications must include staggered starts or equivalent to avoid close contact
 - Deliberate close contact must be eliminated including: body checking, tackling, blocking, racing/riding in packs or similar activities engaged deliberately
 - Game situations that result in intermittent close face-to-face contact (where players are within 6 feet of one another) must be modified or eliminated, including: restarts, face-offs, throw-ins, scrums for the ball/puck, or similar activities. These activities may be allowed if face masks are used during contact (e.g., face-off could take place with face masks worn by each player involved).

- 3**
- The cohort concept is described as:**
- Cohorts can be no larger than **ten (10)** participants. Cohorts must workout together in all practices. Participants cannot be a member of multiple cohorts.
 - Cohorts must be **separated by 14 feet**. Class sizes should be capped by the number of available training areas, based on the size of the facility. In no event should there be more than 25 people on a playing surface.
 - A cohort can compete against other cohort, if each cohort performs separately from other cohorts (e.g., pair figure skating, or small group synchronized swimming).

NEW BUSINESS

MINUTES
SELECTMEN'S MEETING
REMOTE PARTICIPATION/GRIFFIN MEETING ROOM
Monday, June 15, 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 pm, and called to order the Board of Selectmen. He explained he first called the meeting to order at 5:45 pm for an Executive Session. In Executive Session, they discussed the collective bargaining for Harwich Employees Association and the Highways and Maintenance Employees Association, and that discussion will be continued. Secondly, they discussed the collective bargaining regarding open sessions on several items; mostly on vacation and sick leave times. Then thirdly, they briefly discussed a strategy session for contract negotiations for non-union personnel, namely the Finance Director, Fire Chief-elect and Police Chief.

He also noted that they are operating a little differently this evening, with regards to public comments, and hopes people are patient with them.

WEEKLY BRIEFING

A. Covid-19 Updates:

1. Use of Town property – Saquatucket Harbor parking lot in support of Outer Cape Health Services pop-up testing center for June 17, 2020 and June 18, 2020

Mr. Powers said that they are joined by Ms. Eldredge, Health Director, as well as by Ms. Patricia Nadle, CEO of Outer Cape Health Services.

He explained that Governor Baker announced pop-up testing facilities, for people who have attended large gatherings. There are 50 test sites which will pop-up around the Commonwealth on Wednesday, June 17th and Thursday June 18th. For the Cape, that will be the three facilities that are related to the Outer Cape Health Services organization. He knows that Outer Cape Health Services had reached out to the Health Director, who then reached out to him. They immediately assembled with the Harbormaster, Police Chief, Deputy Police Chief, Deputy Fire Chief, Town Engineer and the DPW to discuss this. For the Board, the topic has been added to the agenda because of what they are talking about, and to support Outer Cape Health Services to do this.

A plan has been identified, which encroaches on Town property. Mr. Powers showed on the map the site parking lot they would like to use for traffic flow. They expect approximately 200 people per day that may avail themselves of the testing opportunity during the hours of 8 AM to 7 PM each day. They are working with public safety and other officials to identify the quickest way to get people through the registration process and then proceed around and across the street to Outer Cape Health Services. They will then use Hoyt Road as egress. Mr. Powers requested that the Board authorize the use of the Town property in support of this. He then turned it over to Ms. Eldredge.

Ms. Eldredge said that she would like to have Ms. Nadel, Outer Cape Health Services, speak first. She can let them know what the background is and what her expectations are for the next couple of days and how many people she's anticipating. Then Ms. Eldredge can fill in the blanks from there.

Ms. Nadel explained that they were asked by the Governor's Command Center, last Friday morning, if they would participate and be a pop-up testing site, for anyone who had attended a mass gathering. Other than a CVS in East Falmouth, they are the only testing site on Cape Cod. They believe they will fill up the schedule fairly quickly in Harwich. Their concern, when they reached out this morning, was traffic on Main Street and trying to get everything into their lot. They have a tent already set up in the back. What they would like to do is to bring folks to the harbor area to make a lot longer queue to get them off the main road one way in and one away out.

It is a free testing for those who attended a mass gathering, and folks are calling for appointments, this is a popular opportunity for folks. It will be open from 8:00 am until 7:00 pm. They do expect a steady stream of cars and with the schedule they will try to plot it out. Although they have asked people to call for appointments, they do expect to have people show up without appointments and they will be prepared to take people in the queue and register them on-site. It is a very daunting endeavor and they certainly appreciate the help of everyone in the Town.

Mr. Powers said that they also have Police Chief David Guillemette on the call, who can also help answer questions on traffic control measures. He also made note, that they have already scheduled a follow-up briefing tomorrow morning at 9am. They will go over what is discussed tonight, make a contingency plan, and then will also do a walkthrough early Wednesday morning.

Mr. Ballantine asked Chief Guillemette how the traffic flow is going to work and for clarification on that.

Chief Guillemette explained that this was the best quick plan that they could come up with at the site. It is a very challenging area of town to do something like this, but they will try and use the lot at Saquatucket Harbor. The plan is to bring everyone in off of Route 28, to the initial staging area, in probably two or three queues, or as many fit in that area, and then up into the upper lot, around the corner, then back to Route 28 and then into the lot of Outer Cape Health. This location is very challenging with short notice, but they will make it work.

Mr. Ballantine asked if an officer will be positioned on Route 28. Chief Guillemette responded that they will have at least two officers and himself and the Deputy will be out there as well, to take a reading on the initial staging of this.

Mr. MacAskill said that the only concern he has is the harbor traffic flow. He would like to know what will be done to allow dockside traffic and boat trailers to be able to exit, when there is clearly going to be a bottleneck coming out of the harbor? Chief Guillemette said that it is going to be a busy point and they are getting Cert Personnel that are familiar with traffic flow and they will be in the lot and the police out on the main roads.

Mr. MacAskill confirmed that they will have someone out there, to allow municipal traffic to go first. Mr. MacAskill also asked if Mr. John Rendon, Harbormaster, has also been a part of this planning. Mr. Powers responded that he was part of the briefing and also felt that this was the best plan. They have also spoken to Mr. Rendon about reaching out to his client base and they will also be meeting again tomorrow morning. Mr. Powers reiterated that they have had Police and Fire, Engineering, Health, Harbor, Administration and Public Works all in place within minutes of hearing the call for support. The team responded quickly and thoroughly.

Mr. McManus asked what the process is for people who want to make a reservation for the testing. Ms. Nadel responded that she was not sure of the number, but it is listed on the Mass.gov website under [mass.gov/gettested](https://www.mass.gov/gettested). They do have a press release also and there is a separate number which has three lines and they would be able to leave a message. That number is 508-905-2801, that number is available to call throughout the day. They have had a very big response. There are no questions, it is a free test supported by the State. The Governor did encourage people to take advantage of this, and they do expect this location in Harwich to be the busiest location. Mr. Ballantine asked if she thought this would continue further beyond the two days. Ms. Nadel said that the State is paying for this, so it is free to the community, and they are only doing the two days.

Mr. Powers said they are also working on broadcasting to get this message out and the electronic signs as well.

Ms. Eldredge said that as the Health Department, they have planned for something similar to this, for large scale drive through clinics, so they do have some resources for Outer Cape and can offer help and believe they can run this efficiently. She is very excited to host it in Harwich and be able to offer it to the people of Cape Cod, and thinks it is a wonderful opportunity.

Mr. MacAskill moved that they approve the use of Town property at Saquatucket Harbor parking lot, in support of Outer Cape Health services pop up testing center for June 17, 2020 and June 18, 2020. Seconded by Mr. McManus. All in favor, motion carried by unanimous vote.

2. COVID-19 numbers update.

Ms. Eldredge reported on her memo from June 11th. To date there have been a total of 121 cases in Harwich, and 71 of those are associated with staff and residents at the Wingate Assisted Living Facility. Of the 50 cases outside of Wingate, 43 have recovered and 4 have passed away. This leaves only three people that are currently active and in isolation. Those three people are all under one household, and they understand where the infection came from. They are also following the isolation guidelines and will hopefully be released in the next week.

They are doing really well in Harwich. In Barnstable County they have 1,489 cases, and 130 deaths. The Commonwealth is up to 105,690 cases and 7,647 deaths. So, they are still showing a decline in the number of positive testing every day, and hospitalization rates are still going down. Today's numbers show that there are six people in Cape Cod Hospital in the COVID unit. And four of those six are in the ICU. In Falmouth Hospital, there are a total of nine patients with COVID, which are in the ICU. That is the numbers update.

3. Town's compliance with mandatory workplace safety standards

Mr. Powers ask Ms. Eldredge to provide an update on where they are at with the workplace safety standards and being able to get buildings open. Ms. Eldredge reported that they are allowed to be at 25% capacity. She had started with Town Hall, being the most pressing to get open. At 25%, that basically means one person per 400 ft.². The thing to remember, is that offices, if they are less than 400 ft.² can still have one person. We have the staff to worry about, and then the public to worry, about as far as getting the right occupancy in the buildings.

She went floor by floor and office by office to see where they are good and where they are too crowded. The tax office has three people, and it is only 802 ft.² so only two people could remain in the office the same time. Ms. Amy Bullock, Treasurer/Town Collector, is in her own office, so she can stay were she is. In the Accounting office there are two people that share a space that is much smaller, so one person would need to be relocated. On the other side, the Assessor's office, two women share the front space and then there's two offices in the back. One belongs to the Assessor and the other one is a used for meetings. So, one person would need to be

removed from the bigger office in the middle and relocated. Then the Administration Office, is all one person per office, so no changes are needed there.

Mr. MacAskill questioned why they could not utilize the meeting room in the Assessor's office for office space. Ms. Eldredge responded that there are options, and she is just giving the information and did not feel she was the person to move people around. Mr. Powers also noted that this evening they will hear from other task forces that are all part of the same goal and to also provide for remote work and spreading people out.

Mr. Howell also asked about the Town Election coming up and the significant number of mail-in ballots that will be coming in. So, they really need to have those employees in proximity. Mr. Powers said that they are targeting July 1st as the start date for all of this, because that is the mandated obligation they need to have this in place by. Also, they think this can be the beginning of Phase III, which all ties together and will hopefully get them past Town Election.

Mr. Ballantine asked Ms. Eldredge about opening up to the public, and if that will be part of Phase III. Ms. Eldredge said that she was holding off on public access right now, because first is the occupancy. We have enough square footage to have eight people from the public coming in, which is for all three floors, to meet maximum capacity. So, figuring out who gets the eight people, and when, has been a challenge. We figured out a plan, to allow each department to be able to have a guest/visitor/customer at a time, so that they can do things by appointment. This would be by call-ahead appointments, and would be put on the individual departments to figure out when they can have a person in. That way they don't have to have staff outside of Town Hall counting.

The other part of this is that the mandatory safety standards, which she gave them the training manual last week. These are mandatory things that they just haven't met. They are still waiting for a few signs, the training and hand sanitizer stations.

Ms. Eldredge continued with the second floor, which she said they have already made some office changes, to have more social distancing. Some of the inspectors are sharing space and will have to relocate or work remotely. The building administration area has a vacancy, but only one

person can use that space right now. So, when that position is filled, that would be a place for one person have to work in a different location. Planning is all set with one person in each area, and Conservation is sharing one large room which is smaller than 400 ft.², so one person there will have to work remotely or alternate schedules. They do have a small meeting room, which could be used as office space, as well.

4. Technology Task Force

5. Health and Safety Task Force

Mr. Powers said that they have in their packet, the descriptions of both of these task forces. As Ms. Eldredge had explained, the mandatory safety standards, occupancy, capacity, and also having to make changes for remote working capabilities. He had identified a Technology Task Force to evaluate and make recommendations to him, on the following topics that are listed here:

- Remote workplace equipment Computer equipment, desktop mirroring, docking stations, etc.; and
- Applications that support remote access to municipal processes and programs, including online ordering (City Hall Systems, UniPay, etc.), online permitting (Accela, others) and document handling (Laserfiche, King Information Systems, etc.)

This task force was going to bear fruit, as part a discussion later on this evening with a proposed contract for the purchase of laptops, which gets to a concept in the CARES Act of accelerated telework capacity. So, there is a reimbursement mechanism there, with a recognition to meet the occupancy standards, which they have done with all of their efforts in identifying office space. They will still have employees that do not have a place, and they can rely upon remote work capabilities and obviously rotational remote work capabilities.

Also tied into that, is the Health and Safety Task Force. This is a discussion which needs greater length with the board, as it may impact upon FY 2021 budget. These two areas are clearly born out for the last three months, with the pandemic, and what they see being the world for the next months, if not years ahead.

He has asked Ms. Eldredge and Mr. Libby, along with Ms. Tenaglia and the Health department, to work on both, health issues and occupational safety.

They had a conversation earlier this year with the DPW Director, to identify obligations which the Town has with the State Occupational Safety Standards, but those also come into play with COVID.

The three bullet points that he has asked them to look, listed here, are obviously everything that Ms. Eldredge has been doing on a health response to COVID-19.

- Health (focus on meeting CDC guidelines in response to COVID-19 specifically and other health crises);
- Occupational Safety (focus on state-based Workplace Safety & Health requirements);
- Custodial services (immediate focus on sanitizing and cleaning responsibilities under CDC directives)

Occupational safety which is going on now, but will need to be ramped up, and custodial services are critical, as they get into this discussion. The Technology Task Force will be part of a conversation later this evening, for a potential contract for that. He then asked Ms. Eldredge if she would like to add anything on the Health and Occupational Safety Task Force.

Mr. Ballantine first asked about the Technology Task Force, if it would be worthwhile to add a Department Head, to have a user involved, with that discussion as well? Mr. Powers responded that Lieutenant Tyldesly is on the call, and is a co-chair of that task force. He then asked Lieutenant Tyldesly if he could respond to how they have reached out to end users in this effort, for the task force.

Lieutenant Tyldesly said that they had to work quickly, and did not reach out to individual users to see what the individual needs were. However, they wanted to be sure Department Heads had the immediate ability to work remotely. Then they would expand in the second phase to support staff and clerical staff and all of the departments going to DPW, Water, Fire, Police and all those in Town Hall. They have received good feedback from Department Heads at this point. If the contract gets approved tonight, they will move quickly tomorrow morning to schedule the rollout of those.

Ms. Eldredge responded on the Health Task Force, and the three areas that she evaluated for health custodial services and occupational safety. Under normal good times, the Health Department is fairly well staffed, but they could use another person. Obviously, they have herself, one other full-time and one part-time person. They get the job done, but with COVID now, and moving forward with COVID, the phone calls and emails are incredibly overwhelming. She can't even say how many they get a day, probably hundreds of phone calls and emails, with the information, or questions from industry, or complaints from the public about people not complying with the rules. Moving forward, she can see a real need for an additional staff person.

For Custodial Services, they are grossly understaffed right now. They have buildings that they don't even clean professionally, there are buildings that the town occupies and uses daily that rely on staff members and Department Heads to clean and maintain those areas. Having more custodial staff is required. We have to cleanup frequently, and daily, for any building that is open to the public, or just to employees right now. We are not meeting that task. Custodial services are a top priority on the list for her as far as getting services for not only the building they occupy year round, but also for the bath houses and the parks which need daily cleaning, if not more than that, to maintain the sensitization levels.

For Occupational Safety, which is not normally under the Health Department realm, however being in the EEOC in hearing how our staff employees are operating she has seen that they did not meet some of OSHA standards. Therefore, she recommends that there is a staff member, or someone dedicated, to OSHA compliance. There are many materials that staff is using and without proper training on how to use them, it is an accident waiting to happen. On top of cleaning and disinfecting properly, they need to train and show staff how to clean and disinfect properly, and use the right supplies. Those three areas, is recommended that the Health Department is involved in, in order to get a level of professionalism and the level of expertise that they really need to keep stay healthy and safe, both the public and employees.

Mr. Powers said that with their time working with the EEOC, they have had numerous discussions about how to manage this in the long-term. He wanted these topics to be on the agenda, to let the Board know about that these other items of technology and health, which may need investments

in and he will have a proposal drawn up to the Board for consideration. He wanted to bring this up this evening because the topics are tied together. They will be talking this evening about FY 2020 and FY 2021, and the dire effects they have and also the need to be mindful of some obligations that they have going forward. This is the first time he wanted to put it out there, but he will have a proposal before the Board, possibly as soon as next week's meeting.

Mr. Ballentine said that they had heard a report about having to up their game regarding Occupational Safety Procedures, because of the State and Federal guidelines, which was before this all of this started.

Mr. Howell stated that they have already had numerous discussions about things that were discreet and related to COVID, that would be covered under the CARES act. The said this, so that the public understands they are not just going to beef up staff.

Mr. MacAskill asked if they could bring forward the plan that the other towns are doing? Also, to Mr. Howell's point, both items would be reimbursable by the CARES Act. If they are going to move forward with this, can they at least look at the county? As he always asks, can they look at what the surrounding towns are doing, and are their people they can share services with, instead of tackling it alone?

B. Update on ongoing efforts by the Town in support of the business community.

Mr. Powers reported that he and Ms. Eldredge had a conversation on Friday, and there was a Department of Public Health (DPH) call on Friday, which led to the memo which is included in the packet about outdoor entertainment. He asked Ms. Eldredge if she had further updates from the DPH that may have modified it slightly?

Ms. Eldredge said that she received an email confirmation from the DPH, on Friday afternoon with her question about outdoor entertainment at restaurants and it was clarified that during Phase II, of the reopening plan, that outdoor live performances are not currently allowed. They did not distinguish between a one-man band, comedian, or live performances of any nature. Regardless of whether it is outdoor, or extended outdoors, it is not allowed.

Mr. Powers continued that as they can see in the memo it is being asked for them to keep this in mind as they get into entertainment licenses, later on, even if the license is approved under this restriction by the State. Mr. Ballentine said that they can approve the licenses, but this supersedes it temporarily.

Mr. Howell said that he had read the underlying memo from the State, and what he doesn't understand are what the substantive differences are between live entertainment and amplified canned entertainment. He did not see any difference whatsoever. Mr. Ballantine said he does not either, and if anyone could explain it.

Mr. Powers said that he had that same conversation, and asked if they could interpret what the DPH directive was to include recorded. This is why Ms. Eldredge had sent an email to seek clarification and from the DPH standpoint they are only talking about live performances. Also, he does not believe he is overstepping, by saying that this Board is the Licensing Authority, and they can add further restrictions locally, which may be deemed necessary.

Ms. Cyndi Williams took the floor to discuss the full week they have had with all three industries; restaurants, retail and lodging. So far, they have said they had positive sales, and hotels and short term rentals are seeing some action which is all positive things. Restaurants are busy, and many have re-created themselves by using parking lots, or by adding tents or their businesses in general. One example is L'Allouette, where they have their own Harwich Port cowboy, with Christian. She does want to commend the Town staff for helping to get this done, so very quickly. She expressed a thank you to Mr. Power and Ms. Eldredge and team because all of the businesses are very happy. They are one of the first towns to move ahead and get restaurants creatively open.

Ms. Williams also noted that the new Harwich magazine is there. The magazine had an opportunity to hail to the chief, to acknowledge Chief Norm Clarke, and everything he has meant to Harwich.

She also mentioned that they are not allowed to be open, but they are open with a takeout window. They do have a welcome back they are doing with the magazine and they will be starting to do a visitor only beach sticker through the takeout window next Monday.

PUBLIC COMMENTS/ANNOUNCEMENTS

Mr. Ballantine asked Mr. Tyldesly if anyone was interested in speaking during public comments/announcements. He said that he had two people looking to speak in public comment, and someone for old business, and someone for new business.

The first person who indicated they wanted to speak was Mr. Tom Sherry. Mr. Tyldesly was not sure if Mr. Sherry was on the call but asked if he was, to press star six to unmute. After no response, they moved on to the next person, Ms. Donna Richardson.

Ms. Richardson thanked them for the opportunity and wanted to address the conflict of interest issue, currently happening in the Town of Harwich. She continued that a part-time employee of the DPW, is also a member of the Finance Committee. After speaking with the State Ethics Committee today, they say this person cannot be a part of any finance discussion for the DPW. They added that there is no gray area in this matter. A part-time or a full-time employee should not be a part of any finance committee discussion, in this case the DPW. So, that leaves her with three questions: 1. Are the parties, or persons involved aware of this, that they should not participate in these discussions 2. How does one know and step aside when DPW discussions occur, 3. And have there already been finance discussions which have been discussed, such as, prices for transfer station stickers. Which this person may have already been allowed to be a part of those discussions. She would like some direction.

Mr. Powers said that he can respond and answer her questions. First, to the question about if the employee knows, the answer is yes. This goes back to 2019, and the employee was advised of the conflict of interest with in the State ethic requirements. The employee in question, did file the requisite notifications and they are on file with the Town.

Also, regarding the question about how they would know if they were present during discussions; the person in question, was present at the daylong budget session on March 7, 2020. This can be seen on the video that at the time of the Department of Public Works budget, the gentleman recused himself, and removed himself from the room. Also, in that instance he removed himself from the building and he did return to the meeting until later when it was not related to public works.

To answer the other question, about if there have there been finance related meetings, related to the DPW, there was one on March 7th, prior to COVID. It is his understanding that the finance committee has not met again, but were they to meet and if it was related to DPW, that individual would handle themselves in the same manner; identifying the conflict, and recusing themselves and removing themselves from the room.

Ms. Richardson thanked them and appreciated it. Though, she wished they would have responded to this in her emails, as it would have saved her a lot of time. However, it is good to know.

Mr. MacAskill commented, that he had read a response to Ms. Richardson which outlined the legal opinion that they got. He wanted to make sure that it was clear, that they had responded to her. He commented directly to Ms. Richardson that the outline of the legal opinion answered almost every question. Ms. Richardson said she did not think that the same information was in the email, but it is clear tonight, so that is good.

CONSENT AGENDA

- A. Vote to approve Caleb Chase Fund request in the amount of \$800.00
- B. Vote to accept a donation from The Jeff and Sandy Wycoff Lane Foundation in the amount of \$15,900 to the Shellfish Lab Gift Account
- C. Vote to approve letter of support for the Municipal Vulnerability Preparedness (MVP) Action Grant Application Town of Barnstable

Mr. Ford moved to approve the three consent agenda items listed above. Seconded by Mr. Howell.

Mr. Ballantine added that he would request that they sign the letter of support tonight. It had come in at the last moment, and they need it, and it is to their benefit that they give money to that organization. Mr. Powers has that letter.

All in favor, motion carried by unanimous vote.

NEW BUSINESS

A. Vote to approve Police Department Annual Appointments – FY 2021

Mr. MacAskill moved that they approve the Police Department Annual Appointments for FY 2021. Seconded by Mr. McManus. All in favor, motion carried by unanimous vote.

B. Discussion and possible vote – Enhanced Enforcement in the Robbins Pond Conservation Area

Mr. MacAskill commented that he was not sure if this is an action needed, or just a consensus from the Board that they ask the Police Chief and the Police Department to respond to Conservation.

Mr. Ballantine said he agreed, and he thought it was important that they support this. He asked Ms. Amy Usowski, Conservation Agent, if that is sufficient? Ms. Usowski said that she has spoken in the past with the Chief and with Deputy Chief Kevin Considine, they have set something up to go out there. This was just to make it known to the Board of Selectmen and to get their support.

Mr. MacAskill said he would just like to add, to the Town Administrator to meet with the DPW Director, as well along with Ms. Usowski, to discuss where the vehicles are going in, and to put some more boulders. He added that he frequents that area, and they need to replace some of the boulders with the new trails that have been put in.

C. Discussion and possible vote – Use of town beach parking lot - Pleasant Road Beach for staging of sand nourishment for 11 Shore Road

Mr. MacAskill moved that they approve the use of town beach parking lot for Pleasant Road Beach for staging of sand nourishment for 11 Shore Road. Seconded by Mr. McManus.

Mr. MacAskill asked if they could know how long the sand would be in the parking lot, and what the date is and will it impact the beach users.

Mr. Powers asked if the applicant is on the line. Mr. Perry was not available. Ms. Usowski responded that she does not have a date yet, that was dependent

on their vote, but it would be a one day use, and they would coordinate with Mr. Eric Beebe, Mr. Lincoln Hooper and herself. So, it would not be during a high volume day.

Mr. MacAskill would just add, as part of their vote, that it is contingent upon the approval of Mr. Beebe, Mr. Hooper and herself.

All in favor, motion carried by unanimous vote.

D. Discussion and possible vote – Proposed Board of Selectmen 2020 Summer Schedule and Nonresident Taxpayers Meeting

Mr. MacAskill said he thinks this requires a conversation first. That given the current situation, he is not sure that they should be meeting every other week, he would rather see this be a weekly decision by the Chairman. There is enough information to have a meeting with the help and support of the businesses and the fact that they may be needed. He does not think a blanket statement to meet every other week, is a responsible decision.

Mr. Howell said, to further what Mr. MacAskill just said, they have a regular Town Meeting coming up on September 28th. If they are fortunate enough to keep the management of this town intact, until they get there, the last he wants to see is to short the time for preparation. He continued that they only need three of them to the conduct a meeting and he does not feel they should cancel because there is a lot of stuff they need to agree to.

Mr. Ballantine said he is agreeable with that, but he would like to have some flexibility. If it appears there is a week that they can take off, he would like to possibly be able to cancel a meeting.

Mr. Powers said his only question for the Board is if they want to affirm a proposed date for the nonresident taxpayers meeting. Mr. Ballantine said yes, they will do that and they were at a meeting every week and given option for them to cancel. Mr. MacAskill said for those in the public, the meeting for the nonresident taxpayers would be August 10.

There's no motion necessary on this item.

E. Discussion and possible vote - Proposed Holiday Schedule for FY 2021
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Mr. MacAskill moved that they approve the proposed holiday schedule for FY 2021. Seconded by Mr. McManus.

Mr. MacAskill had one question on the Friday before the 4th of July holiday. Mr. Powers confirmed it is a Federal holiday, and they adhere to the Secretary of State's calendar.

All in favor, motion carried by unanimous vote.

F. Discussion and possible vote – to approve application for a permit of relief from Noise By-Law (Chapter 189 of the Code of the Town of Harwich) for a Live Music Permit for the Farm Open House – Pot Luck – Cape Farm Supply – 1601 Factory Road – Date, June 27, 2020 – 3:00 PM – 11:00 PM
Note: coronavirus postpone dates if necessary; July 25th or August 19th – 3:00 PM – 11:00 PM

Mr. MacAskill moved that they approve the application for a permit of relief from Noise By-Law (Chapter 189 of the Code of the Town of Harwich) for a Live Music Permit for the Farm Open House Pot Luck at Cape Farm Supply, at 1601 Factory Road – Date, June 27, 2020 from 3:00 PM – 11:00 PM. With a note that the coronavirus postpone dates if necessary; July 25th or August 19th – 3:00 PM – 11:00 PM. Seconded by Mr. McManus.

Mr. Ford asked if they are restricted due to the rules of no live entertainment. Mr. Howell said that it is private property. Mr. Ballantine said that it is a good question. Mr. McManus commented that most entertainment licenses are on private property too. Mr. MacAskill said that he disagreed because this is a 20-acre piece of land where they can socially distance and he would also argue that a private property of a residence is different than that of a business.

Mr. McManus said he was not sure if this applicant needed to apply for this permit. Mr. MacAskill said he would agree, but he did, so therefore does not want to hold it up. He also said that there had been a complaint a few years ago from across the pond, so he thinks that the applicant applies so that if there are any complaints they could say there is a permit pulled for the event.

All in favor, motion carried by unanimous vote.

- G. Vote to approve –Allen Harbor Breeze Inn Realty Trust - Lodging House — Seasonal Renewal - 326 Lower County Road, Harwich Port

Mr. MacAskill moved that they approve the Allen Harbor Breeze Inn Realty Trust Lodging House Seasonal Renewal at 326 Lower County Road, Harwich Port. Seconded by Mr. McManus. All in favor, motion carried by unanimous vote.

- H. Vote to approve –Dockside Seafood Shack LLC - Common Victuallers License - Seasonal Renewal – 715 Route 28, Harwich Port

Mr. MacAskill moved that they approve the Dockside Seafood Shack LLC - Common Victuallers License - Seasonal Renewal – 715 Route 28, Harwich Port. Seconded by Mr. McManus. All in favor, motion carried by unanimous vote.

- I. Vote to approve – Ember Pizza, Inc. - Sunday Entertainment License – Renewal - 10AM-12AM inside and 10AM – 10PM outside –600 Route 28, Harwich Port

Mr. MacAskill moved that they approve the Ember Pizza, Inc. - Sunday Entertainment License – Renewal - 10AM-12AM inside and 10AM – 10PM outside –600 Route 28, Harwich Port. Seconded by Mr. McManus.

Mr. Ballantine asked if this is a separate action from the hearings that Mr. Powers is overseeing and if they approve this if it would affect any decisions on that matter. Mr. Powers confirmed that it is separate. Mr. Ford also asked if this has anything to do with the topic of the live music restrictions that Ms. Eldredge talked about. Mr. Ballantine said that he understood that it would supersede this. Mr. MacAskill said that he thinks they should get a letter to sign off on, when they get their license that states it is as per the Governor’s order, until the next phase or the Governor changes the order.

Mr. Howell said that in addition until the restrictions are lifted, primarily they will all be operating outdoors and 10am on a Sunday is pretty early. Especially with a noise committee giving recommendations based on conditions the way they used to be.

Mr. MacAskill said that it is his understanding that they are approving the entertainment licenses for the year. They are still going to require all of the COVID-19 monitoring. And he would also say if the noise committee is able to meet again, once this is lifted, they were going to come back with recommendations. This is re-doing the licenses from last year.

Mr. Ballantine said in terms of the memo that Mr. MacAskill suggested, he does like adding that for live and recorded music. Mr. Powers asked for a sanction from the Board and clarification and continued conversation on the difference between live vs. recorded music. Mr. MacAskill said they should not change anything. Mr. Howell said he will not favor this, because of where they are doing this and the issue of being outdoors.

Motion carried by a vote of 5-0-1. Mr. Howell was opposed.

- J. Vote to approve – Sundae School Inc.– Common Victuallers License – Seasonal Renewal — 606 Route 28, Harwich Port

Mr. MacAskill moved that they approve the Sundae School Inc.– Common Victuallers License – Seasonal Renewal — 606 Route 28, Harwich Port. Seconded by Mr. McManus. All in favor, motion carried by unanimous vote.

- K. Vote to approve – Sundae School – Weekday Entertainment – Seasonal Renewal - 11AM – 10:30PM Recorded Music – 606 Route 28, Harwich Port

Mr. MacAskill moved that they approve the Sundae School – Weekday Entertainment – Seasonal Renewal - 11AM – 10:00PM Recorded Music – 606 Route 28, Harwich Port. Seconded by Mr. McManus.

Mr. Howell added that this music is the typical background music that they use here. All in favor, motion carried by unanimous vote.

- L. Vote to approve - Sundae School, Inc. - Sunday Entertainment – Seasonal Renewal - 1PM – 10:30PM Recorded Music - 606 Route 28, Harwich Port

Mr. MacAskill moved that they approve the Sundae School, Inc. - Sunday Entertainment – Seasonal Renewal - 1PM – 10:00PM Recorded Music - 606 Route 28, Harwich Port

Seconded by Mr. McManus. All in favor, motion carried by unanimous vote.

- M. Vote to approve – Phoenix Park, Inc. DBA Cape Cod Irish Pub – Common Victuallers License Seasonal Renewal – 126 Route 28, West Harwich

Mr. MacAskill moved that they approve the Phoenix Park, Inc. DBA Cape Cod Irish Pub – Common Victuallers License Seasonal Renewal – 126 Route 28, West Harwich. Seconded by Mr. McManus. All in favor, motion carried by unanimous vote.

- N. Vote to approve – Phoenix Park, Inc. DBA Cape Cod Irish Pub– Lodging House - Seasonal Renewal – 126 Route 28, West Harwich

Mr. MacAskill moved that they approve the Phoenix Park, Inc. DBA Cape Cod Irish Pub– Lodging House - Seasonal Renewal – 126 Route 28, West Harwich. Seconded by Mr. McManus. All in favor, motion carried by unanimous vote.

- O. Vote to approve - Phoenix Park, Inc. DBA Cape Cod Irish Pub - Weekday Entertainment License – Seasonal Renewal - Recorded or Live Music with amplification system and dancing 7PM – 1AM – 126 Route 28, West Harwich

Mr. MacAskill moved that they approve the Phoenix Park, Inc. DBA Cape Cod Irish Pub - Weekday Entertainment License – Seasonal Renewal - Recorded or Live Music with amplification system and dancing 7PM – 1AM, at 126 Route 28, West Harwich. Seconded by Mr. McManus.

Mr. Powers explained that the Board had directed him back in February, to be mindful of entertainment licenses going beyond midnight. Ms. Lisa O’Neill, owner of the Irish Pub, is on the call and wishes to speak to this. The staff recommendation would be to approve from 7:00 pm to midnight, to be consistent with other areas, and what has been done previously tonight. Ms. O’Neill would like to speak to plead their case.

Ms. O’Neill stated that Brendan O’Reilly is there with her, along with her husband Dan O’Neill. She explained that they were surprised that their seasonal license was cut back to 12:00 am. If you know the Irish Pub, most of their business is done between 10:00 pm and 12:30 am. So, cutting back and having the band stop at midnight, was financially detrimental. Mr.

O'Reilly further explained, that they have had the license for quite some time and is it is necessary to stay to 1:00 am. Once you stop the band, the people leave. In terms of protocol, they have a very stringent way of shutting that place down. For years and years and years, they have been in control of it. This is the mainstay of their income.

Ms. O'Neill said that they are trained and certified, and they take it very seriously. They staff the parking lot and they do consider all of these things. They work very hard to keep it.

Mr. Howell asked when the last time was that they had a complaint about the Irish Pub. No one could remember one. Mr. MacAskill said that when they talked about the noise complaints, it was Harwich Port and the neighbors at what was the Claddagh. They have never had that issue here. He appreciates Mr. Powers keeping things consistent, but they have never sat and debated this and he would support this license being till 1:00 am.

Mr. Powers said that the only reason he proceeded the way he did is when they discussed the license for the Seal Pub back in January and February, statements were made to be consistent. He thinks they will likely get a pretty quick appeal for their license. Mr. MacAskill responded that he thinks that would be a great argument but at that time the business had changed hands, and they changed the usage of the building. He stands by the decision for that business. However, this business has been around for 40 years. There are no complaints, there is no change to the use, and he does not believe that right now they should just arbitrarily change it. If it sells, then maybe they look to change it, to make it consistent.

Mr. McManas said in history, there was a time when neighbors complained about noise from there. However, the owners analyzed their facility and made huge investments to keep the noise contained. They have been doing so successfully.

Mr. Ford said he agrees with Mr. MacAskill and Mr. McManus's comments. He thinks they should support it. Mr. Ballantine said he thanks Mr. Powers for his efforts and trying to follow their directives. Mr. Powers said that whatever the Board does, he will support.

All in favor, motion carried by unanimous vote.

- P. Vote to approve - Phoenix Park, Inc. DBA Cape Cod Irish Pub - Sunday Entertainment License – Seasonal Renewal Recorded or Live Music with dancing 7PM – 1AM – 126 Route 28, West Harwich

Mr. MacAskill moved that they approve the Phoenix Park, Inc. DBA Cape Cod Irish Pub - Sunday Entertainment License – Seasonal Renewal Recorded or Live Music with dancing 7PM – 1AM – 126 Route 28, West Harwich. Seconded by Mr. Ford. All in favor, motion carried by unanimous vote.

- Q. Vote to approve – Port Restaurant and Bar Inc. - Sunday Entertainment License – Renewal 10AM-12AM inside and 10AM – 10PM outside - 541 Route 28, Harwich Port

Mr. MacAskill moved that they approve the Port Restaurant and Bar Inc. - Sunday Entertainment License – Renewal 10AM - 12AM inside, and 10AM – 10PM outside - 541 Route 28, Harwich Port. Seconded by Mr. McManus. All in favor, motion carried by unanimous vote.

- R. Vote to approve –Windsong Antique’s Inc. – Junk Dealer – Seasonal Renewal - 364 Route 28, Harwich Port

Mr. MacAskill moved that they approve the Windsong Antique’s Inc. – Junk Dealer – Renewal - 364 Route 28, Harwich Port. Seconded by Mr. McManus.

Mr. Howell made note that this was not a seasonal renewal but a year round renewal. Mr. MacAskill adjusted the motion.

All in favor, motion carried by unanimous vote.

- S. Discussion and review of FY 2020 Revenue and FY 2021 Forecast - Carol

Mr. Powers said that he would turn this over to Ms. Carol Coppola, Finance Director, for the review of FY 2020 revenue and FY 2021 forecast.

Ms. Coppola said that they have a lot of numbers to review. She has prepared some documentation for them, with actual results through the end of May for this year, and then an estimation for June for revenues and expenditures. It

is just for the operating budget for the general fund. This shows a potential estimated surplus of revenue just over \$500,000. The golf revenues have started coming in very strong, disposable revenues are strong, tax receipts for real estate and personal property for the fourth quarter are as strong as they were last year. That's not what there were anticipating originally. The areas they are seeing a reduction in revenue is with the hotel and motel tax, meals tax and motor vehicles. For FY 20 they are definitely projecting a surplus in revenue. Ms. Coppola paused for questions.

Mr. McManus had a question on the sheet that she gave them from June 11th on the first page. What he can see, it says 2019 budget, but he was having trouble seeing the whole page. Ms. Coppola read through the departmental revenues. Mr. Ballantine said to summarize, that she is estimating for FY 2020, that they will have a surplus of \$500,000 going into FY 2021. Ms. Coppola confirmed that it will be a surplus, in revenues.

Ms. Coppola continued, stating that the departments have come to the table to adhere to their essential only spending requirements. They did not know how much this pandemic was going to cost them for funding sources, the Board of Selectmen froze the budget based on the recommendation. They have funding sources that come to the table and departments have really held off on spending. She has an expenditure report through the period of May 31st, with estimations of spending through June. This is still early estimations and based on the current state of the spending freeze, they are looking at just over \$2.1 million in surplus of expenditures. It is listed by department.

Mr. Howell commented that anything that does not get appropriated, or expended this year, winds up becoming free cash for next year. Nothing has changed in their thinking, of the cliff they would go off. This is the result of them slamming the brakes on to staff, to not do anything unless they absolutely had to and the hiring freeze. They brought together the Department Heads and asked for cooperation and discussions about where to find money to operate. It'll be very important for them to have that free cash. This is not a time to let off on saving money for the Town.

Mr. MacAskill thinks they did not impose the freeze, but thanks the Department Heads for not spending, they did an outstanding job. Also, Ms. Coppola's direction was great, and Mr. Powers' direction was great. Mr. Ballantine said, if you look at the sheet every department has spent less in their budget. Which is all they can ask for in preparation for next year.

Moving onto next year, and the 1/12 budget. Ms. Coppola explained that she has attended numerous webinars and numerous conversations with the Department of Revenue, with regard to the 1/12 budget. The 1/12 budget is basically a monthly spending plan. That monthly spending plan has to be the FY 20 amount raised on the tax recap, with a very minor changes, divided by 12. The monthly spending plan has to be at least that amount.

She worked with all departments in the Town to come up with the FY 21 overall 1/12 budget for the entire year. Then she analyzed the spending that happened in July, August, September and October for FY 19 and FY 20.

They know FY 20, the summer of FY 20, was not quite normal either, with the tornado that happen. So, she used both years to make the estimation. They do have a significant deficit with regard to revenue, of just over \$2.2 million. That deficit is in the area of hotel and motel, meals tax, and motor vehicle. She does think that folks will pay their taxes, it was very strong this year with 98% collected, last week. She expects that to go stronger, as the Board has allowed folks to wave interest and penalties through June 29th. She expects to see some strong revenues coming in through the end of the month. The beach sticker sales are very busy, as well is disposal.

Also, the other disposal revenue in their area is commercial MSW and commercial C&D, which are strong, very strong. The golf course continues to open and they will see green fees coming in. She has pulled back on her early estimation of where they would be with golf for FY 2021. The areas where they will have some challenges, maybe some discussions, and maybe some changes, is in the estimation of revenue for the areas that she highlighted. In addition to that, she really backed down on investment revenue, because she does not know where the market will be.

She gave them a very early calculation, and this has already changed on the 1/12 budget. It was revised on Friday, to include October, in case something happens in September. She had reached out to the Department of Revenue, shared the format with them, and got some feedback today. So, there is a revised need to budget for the four months. She does not expect them to vote on this tonight, but wanted to provide them with some early numbers. This is new to everybody, even the people at the Department of Revenue.

Mr. Ballantine asked what kind of update she gets to change the figures? Ms. Coppola said the last update they received was Last Friday morning, which was the subtraction of free cash, from the amount that was voted on the 2020 tax recap. So, the only amount they could remove from this calculation was the free cash that was appropriated for FY 19, and that would have been snow and ice. Originally they were thinking that all of the free cash would have been removed from the calculation that was not correct. That was the most important information she received. When she was analyzing a month and she could not get to 1/12, of the FY 20 amount that was calculated, she put it in the finance committee reserve. Today she heard from the Department of Revenue, that they would prefer to have it in an elected board line, instead of a committee, that was not elected by the general public. Those were the most important changes.

Mr. Ballantine said that by looking at what she handed out, under the expenses for July, it shows \$123,280 and under August, \$193,280, and then it repeats itself. He asked why it varies and is not constant? Ms. Coppola explained, that they have some expenses they expend one-time per year, or multiple times per year, such as regional school district assessments. So, when they are analyzing, it shouldn't account for those items. Mr. Ballantine said that this is not as simple as just dividing the annual budget by 12, she is taking into account specific numbers as well.

Ms. Coppola said she has analyzed the four months a spending, over the past two years, to find one-time items that were expended historically; such as Barnstable County Retirement, which is due in July. If they don't pay it in July, they have to pay interest. So, that was included in the July column for the monthly spending plan. Also, property and liability insurance is also paid in July, because they receive a significant reduction or credit, and that is made on an annual basis.

Mr. McManus asked in the top section under the general government section, salaries and wages are consistent across, capital outlay are consistent across. He would like to know why is there a \$70,000 added expense every month? Ms. Coppola said that she does not have it in front of her, but can get it for them for next week.

Mr. Ford said that they all knew it was going to be a complex effort in order to do the 1/12, and this is a very good analysis. He thanked Ms. Coppola and everyone that helped to put this together. He knows every month they will

have to be reviewing this, continually, to make sure they are doing this correctly, in conjunction with what the State wants them to do.

Mr. Howell said that he just wants to make sure that everything is covered. So far this year, in Administration, they were carrying a Town Administrator's salary, for someone who was not there. Mr. Powers has been filling in for eight months, at his lower rate. Someday, they are going to actually have an administrative office with full capacity. He asked if that was reflective in there; with the pay scales commensurate with the positions they were occupying. Ms. Coppola said that is correct, she listened to their meeting, in regards that the pay range for the Town Administrator position, and she used that figure for completing the administrative portion for the FY 2021 budget. She also included the appropriate salaries for all of the other staff members.

Mr. Ballantine asked if she'd be updating these on the four month cycle, monthly now until they have determined a budget. Ms. Coppola responded that she is hoping next week, to provide July's. Then the Boards early meeting in July, to be able provide the other three months, which are not likely to change very much. Then they can get those approved from the Department of Revenue, just so a plan is in place. But they can certainly take it on a month by month basis, if that is what they prefer. Mr. Ballantine said hopefully they will be having the September meeting, so they will have a budget that point.

T. Discussion and possible vote – proposal to rescind the current hiring and spending freezes for FY 2020.

Mr. Powers said that this again is for the Finance Director. He knows that the Finance Director and the Chairman had an email exchange to review the recommendation to rescind the current hiring and spending freezes for FY 2020.

Ms. Coppola said that as she mentioned before, the Department Heads have done a fantastic job with hunkering down and not spending anything that was not essential. Though, they are in great need of office supplies and making some repairs and the departments need some relief at this point in time. She thinks it would be prudent to allow them the ability to provide some services or supplies to the departments.

Mr. MacAskill stated that he feels the need to see a request, he is not comfortable with rescinding anything without an idea of exactly what they are talking about. He is certainly sympathetic to the Department Heads, and the departments. However, the Board needs to be very aware of the very deep hole they are about to face, and they made the commitment to try to not lose any bodies. So, he think the freezes should stay, but he would entertain them looking at a memo from a department stating what they need and what the cost would be.

Mr. Ballantine said he does not have a problem with that, as long as they don't stop them from doing the smart thing.

Ms. Coppola asked to add a comment, that the Department Heads have been contacting her, and Mr. Powers, when they have a real compelling need to purchase something. If they can provide such a compelling argument, she has said yes, to go ahead. This has been the case, if it is a safety issue, or a matter in which the town asset would be harmed, by not making a repair or making a purchase. Though these cases have been minimal. Personally, she thinks they can manage it internally, unless the Board wants to be involved, because they have been managing it very well.

Mr. Howell stated this is not a disparagement to Ms. Coppola or to Mr. Powers, but this is a policy, and it was not delegated to anybody. He agrees with Mr. MacAskill, if they are going to be doing this, they need to have a specific request brought in front of them. Unless it's a public safety concern, or it is going to ruin some other asset, otherwise they will have a cliff that they will be going over next year. They are the ones that are going to take the responsibility for making sure the town operates. So, they should be involved in every decision that loosens up what they already voted on.

Mr. Ballantine asked Ms. Coppola to package up those requests and to keep them informed, so they can approve those going forward then.

Mr. MacAskill said that he did not want to delay anybody, but why can't they have a weekly line item with purchase request in their packet? He does not want to micromanage either, and maybe there is a system that Ms. Coppola and Mr. Powers can come up with, based on an amount that the Board can approve. Mr. McManus said he does not want to sit there and go through purchase order requests for three reams of copy paper etc. That is not the level that they have been elected to oversee.

Mr. Powers added to what Ms. Coppola said, that when they had the virtual remote meeting, the Board directed them, and Ms. Eldredge, to make determinations as to if it was essential, and that is how they have been doing it. He has concern with rescinding either of these freezes. Though, he feels comfortable that they have a process in place and they have a Department Head meeting in place for Wednesday, so, they can reach out to staff and let them know that they can start ramping up on less than essential purchases for consideration. So, it ties into what they have been doing and it does not unnecessarily burden the Board. The second part of that is the hiring freeze removal, which he thinks has far greater implications.

Mr. MacAskill is fine with Mr. Powers and Ms. Coppola ramping up some of this, as long as they are very essential purchases. Mr. McManus said in regards to the hiring that they have to 14 days to not approve it. So, they have the ability to stop it from happening.

Mr. Howell said that this is not a discussion they started tonight, they voted to impose both of those freezes. So, if they lighten up, it should be based on what they want to see happen.

Mr. Ballantine recapped that where they are at is that Mr. Powers and Ms. Coppola are following through on the expense side, and their position has not changed for the hiring.

Mr. MacAskill asked about the hiring and if there were essential positions that they were looking to fill? Mr. Powers said that he discussed with staff what positions are essential. The only one that immediately comes to mind is dispatch. Whoever they may bring in, at this point, would not start until after July 1st.

Mr. Ford said that if the various departments have thoughts on hiring that they want them to hear, they would be more than willing to entertain it, but in the meantime they have the freeze on. There is no reason that a Department Head cannot go to Mr. Powers and say that they really need someone, this is why, and the Board would consider it.

Mr. MacAskill said that since Mr. Powers brought up dispatch, he asked for it before and he will ask again, that he would like to understand where they are with overtime related to dispatch. When it was brought up before, the

Chief did not think that they needed a dispatcher at the time and made a compelling case as to why not. The difference between a Patrolman going in and covering dispatch, versus hiring a dispatcher, is quite a difference. If they are not and paying overtime rate to have a patrolman there, and that is the number he asked to see before. He would like to see where they are at.

U. Discussion -Interim Town Administrator,
workload/prioritization/communication steps

Mr. Ballantine said he added this to the agenda and does not really see a big discussion on it. He has received some feedback on communication and he and Mr. Powers have discussed it, and to think about how they are communicating with residents and updating department heads.

Mr. Howell said he feels compelled to say that there is not a full office down there. They have one Acting Town Administrator, interim, another guy that is there two days a week and two new staff members. It is not the same as it was last year. Though, the response time has been better this year, even from when all of those people were there.

Mr. MacAskill said he agrees with Mr. Howell, as far as the newness down there, but at some point the job as the Town Administrator is to run the town. The board elected to put a two day a week person in that office, Mr. Powers decided on one of the staff and the other came with it. Though, he is completely confused with who works for the Board of Selectmen. He has asked about the roles of the support staff within the Administration office and the difficulties in getting a response. Where does he go to get his answers?

Mr. Powers clarified that he has not hired anyone in the department. Ms. Delaney was hired as a temp, and is still a temp. It was a position that was open and it has not been filled. It was decided by the Board, to include that position in the hiring freeze. With the exception of Mr. Robert Lawton, who he did recommend to the Board. Mr. Lawton two days is as good as anyone full time, but he is still limited with only two days. There is no directive to the staff to ignore the Board of Selectmen, in any way shape or form, and he would speak as their past HR Director, that the roles that are down there are as Executive Assistant to the Town Administrator and the Board of Selectmen. He does not want to get into a discussion on employee work habits, because they would be denied their rights to defend themselves. But,

the positions are Executive Assistant to the Town Administrator and the Board of Selectmen. The temporary assistant was meant to cover for the support staff supervisor, and working on trying to correct what he thinks are errors in the operational structure.

Mr. MacAskill thanked Mr. Powers for the clarification and said that changing from the part-time temporary assistant to the full-time temporary assistant was his decision. Which they absolutely needed to do, but it was his decision. Mr. Powers said it was approved by the Board. Mr. MacAskill added, to Mr. Howell's point of being understaffed, he has gotten a fair amount of complaints from residents that they are not hearing back. Though he acknowledged that Mr. Powers likely does not have the time, but asked, who can? Is there someone that can get back to people in a more reasonable time?

Mr. Powers said that he loathed having this conversation in this manner. Though explained that this has been a difficult time, with the daily reactions to the day and having items that divert his attention.

They are working in a state of emergency and a pandemic, and no one wants to return to normal more than he does. When you have a situation like a pop-up testing center that could affect more than 1,500 people during the middle of the week and it is directly in front of the harbor that took up 2/3rds of his day today. In the past few weeks he has dealt with the pop-up, a protest, and the pandemic. None of those were scheduled and the pandemic changes every day. There has to be an understanding that there is not a willful intent to not communicate, on the contrary, he is trying to communicate as much as he can.

Mr. MacAskill said just to clarify, before it shows up on social media as an attack that he was only asking, and asking the Board, because the list says prioritization; is there somebody else that can do some of this, because Mr. Powers is doing a ton. Is there someone else in the building that may not be working full time, that can get into some of this, that is his question.

Mr. Ballantine said that needs a further conversation, but are there delegations in other departments that can happen? The Governor takes a top priority, but they need to be sure to come back to Town business, moving ahead. He also added that since he has been involved with Harwich town government, the admins downstairs reported to the Town Administrator, but

answered the Board's questions. He knows that Mr. Powers steps in sometimes to make sure things are being answered correctly, unfortunately with the lack of experience, but they are working hard.

Mr. Howell stated that he believed that Mr. Powers was being very gracious here and asked about the schedule for the Interim Assistant Town Administrator. Mr. Powers confirmed that Mr. Lawton works on Mondays and Wednesdays, though he believes he does far more work beyond that. Mr. Howell said he was just saying that no matter how smart, how good or how motivated somebody is, if they are not there they are not answering questions. Which is really what precipitated this discussion. He does not want the public to misunderstand, it is not like they have untapped capacity in the office.

Mr. Ballantine said he hesitated to put this on because he did not want it to turn negative, but he does not think it has. There is a tremendous amount of work and he always wants to be sure they are moving forward in getting the job done.

Mr. Ford said the Interim Town Administrator or the Town Administrator position clearly reports to the Board of Elected Officials. If he was to be in that position, he would want to know who was saying what to the elected officials. It does not mean that they can slow down every ounce of communication and he agrees they need to get responses. They have all these crises swirling around their heads and hopefully they will get back to normal at some point. But, they should understand that a good Town Administrator should be able to know what is being said, what answers are being given, what guidance is being given to the Selectmen on any issue, no matter what it is. This is because he is going to be called to the floor on everything. This is just a running commentary but an important component and what they all need to understand as they continue to make a decision about who is going to lead this town.

Mr. Ballantine said this conversation was meant to be a checkpoint, and he feels they have done that.

Mr. McManus added that his request to staff, have been for information, such as copies minutes. He is not looking to them for opinions or comments, more to them as the keepers of files and documents. Those kinds of requests should not be bogging down the Town Administrator or the Assistant Town Administrator.

OLD BUSINESS

A. Update –Expansion of Outdoor Services

Mr. Powers provided an update on the expansion of outdoor services. He said that nothing has changed as of today, with regard to the three establishments which are not highlighted on the *Town of Harwich - Expansion of Outdoor Services* form provided in the packet. The point from last week was that 14 establishments had expanded outdoor service, and in some cases expanded outdoor alcohol service, within two business days. Again, he thanked staff and everybody for their patience.

Lieutenant Tyldesly reported that they had one person looking to speak at this time. Ms. Carol Porter. Ms. Porter introduced herself as a resident of Harwich Port, and began by thanking everyone for the great job they are doing.

She stated that she is a resident of Harwich and someone who just wants to park safely, so that she can shop and dine in Harwich Port. She saw on the news this week that Lieutenant Governor Polito said that the State is offering grants to municipalities; to improve sidewalks, streets, and parking lots, to allow businesses to continue to do their business during these restrictions. She is wondering if Harwich was going to make use of this offer. She added that they could use increased parking, particularly in Harwich Port. She cannot park safely with her grandkids and go to the store, because the parking lots are full. She was wondering with the grant, if it would allow them to somehow do something?

Mr. Powers thanked her for bringing this up. He has participated in a weekly call on Tuesdays, with the Lieutenant Governor, and two weeks ago she referred to the program, which is along the lines, of safer streets. Re-examining how they use the streets, sidewalks and everything else, in relation to the pandemic. So, they have that material and himself and staff are still going through it. There is a follow-up call tomorrow with the Lieutenant Governor, to get more information. They are aware those they have not gone into a full-bore yet but they should in very short order.

CONTRACTS

- A. Discussion and possible vote – Bid award to Sprague Operating Resources, LLC for Gasoline, Diesel Fuel and Heating Oil

Mr. MacAskill moved that they approve the Bid award to Sprague Operating Resources, LLC for Gasoline, Diesel Fuel and Heating Oil. Seconded by Mr. McManus.

Mr. MacAskill just wanted to point out to the public that this is a \$150,000 estimated savings to the Town this year, in fuel costs.

All in favor, motion carried by unanimous vote.

- B. Discussion and possible vote – Harwich Phase 2 Contract 1 (RBO) Sewer Construction Project – RFI 24/Request for Change - \$2,695.87

Mr. MacAskill moved that they approve the Harwich Phase 2 Contract 1 (RBO) Sewer Construction Project – RFI 24/Request for Change - \$2,695.87. Seconded by Mr. McManus.

Mr. Ballantine explained that this was a change, to allow water service in East Harwich, on Church Street and Route 137, to avoid some of the cut-offs they were planning on doing. This was stopped when everyone was staying home, and now they will continue it. Mr. MacAskill said that it is paid for out of the 5% contingency that was voted on, and there is approximately \$435,000 in that account.

All in favor, motion carried by unanimous vote.

- C. Discussion and possible vote – Bid Award for Printing of Tax and all other Town Bills

Mr. MacAskill moved that they approve the Bid Award for Printing of Tax and all other Town Bills. Seconded by Mr. McManus.

Mr. MacAskill would like to know how it was done the past and why they are doing to this now? He also asked what the cost is of doing it in-house, if that is what they had been doing the past?

Mr. Ballantine said he thinks it has always been contracted out and asked Mr. Powers or Ms. Coppola to respond.

Ms. Coppola confirmed that this has always been contracted out. However, she noticed this year that they have never gone out to bid on it, which is a requirement. So they went out to bid on it. They prepared the RFP, sent it out to potential bidders and received two responses. The lowest response was from our current vendor, so that is why it is on the agenda for you this evening.

Mr. MacAskill asked what the cost differences were between this contractor and what was done in the past. Carol said she believes is the same cost, no difference it's just that they wanted to comply with procurement laws.

All in favor, motion carried by unanimous vote.

D. Discussion and possible vote – Coastal Engineering Contract for annual required operation and maintenance of the Bioclere Treatment System at the Harwich Elementary School and the Cultural Center - \$26,760.00

Mr. MacAskill moved that they approve the Coastal Engineering Contract for annual required operation and maintenance of the Bioclere Treatment System at the Harwich Elementary School and the Cultural Center - \$26,760.00, and direct the Chair to sign. Seconded by Mr. McManus.

Mr. MacAskill explained that they went through this pretty extensively with the Middle School Repurpose Committee and they are required to pay half of this contract.

The only question is that this seems like an auto renew, and have they thought about going out to bid? Just to point out to the general public, this is roughly a \$53,000 contract. The Town of Harwich's portion is the \$26,760, and the school would pay the same. So, with the \$53,000 contract, would they go out to bid on this and if not, why not?

Mr. Powers will have to pull out the paperwork on it, and they all agreed it was worth looking into. At this time, it is a requirement and does need to be voted on tonight.

All in favor, motion carried by unanimous vote.

E. Discussion and possible vote – Computer equipment purchase agreement between the Town of Harwich and HUB Technical Services, LLC - \$65,559.30

Mr. MacAskill moved that they approve the Computer equipment purchase agreement between the Town of Harwich and HUB Technical Services, LLC for \$65,559.30. Seconded by Mr. Howell.

Mr. Ballantine asked if this was discussed last week. Mr. Powers said he referred to in the past and more specifically tonight under the Technology Task Force, and also in the occupancy capacity. When he established the Technology Task Force, they weren't made aware yet of the CARES Act reimbursement funds. He recognizes, in discussion with staff, that it has been confirmed, and as well as they responded, they were not prepared, as many places were not prepared, for this sort of item and the remoteness of it. They put together laptops but they did not have a sufficient amount for everybody. So, they did have work issues because people could not get in to work.

He asked Lieutenant Tyldesly and Mr. Foster Banford, IT Director, to look into the concept under the CARES Act, which is accelerated telework capacity. The reason why it is covered by some degree for reimbursement, he believes, which is about \$.25 cents on the dollar, is because there is a recognition by the Federal Government in the state that telework capacity is going to be increasing. Not just because of the pandemic and future waves but it is the wave of the future.

For this proposal, Lieutenant Tyldesly and Mr. Banford worked with HUB Technical Services, LLC to identify the number of laptops that can be disseminated to Department Heads. Also, with all Department Heads having the same materials and applications, which is not the case now.

This will allow us to have everyone on the same system, at the same time, and then with that to also be of the expansion of the online capabilities. Such as; online ordering, online permitting, online document management, and online document storage. All of which they need to successfully work remotely; in part or in whole. It is a big ask, but he does recommend the Board's approval on this process, and if this was approved, they would seek reimbursement through the CARES Act.

Mr. MacAskill said this is listed as one of the items that is reimbursable, correct? Mr. Powers said that is correct. They do not anticipate FEMA to match it, but they will not know until they request it. So it is possible to have full reimbursement that other part would be through FEMA and right now they have given no indication if they would approve this kind of purchase.

Mr. MacAskill asked, given the work load now and the re-phasing staff back in, is this purchase to completely fill in so everyone can work remotely or is it based on where we're going to be with phased in staff? Mr. Powers replied that right now this would be that every Department Head would have one. Also, the departments that he and Ms. Eldredge have reviewed for occupancy issues, where they just do not have a place for them, have been accounted for to have additional laptops. These would be a laptop with docking stations, so that where ever the employee is, they get the same connectivity.

Mr. MacAskill asked, start to finish, how quickly can this be up and running. Mr. Powers deferred to Lieutenant Tyldesly.

Lieutenant Tyldesly explained that they are working with HUB Technical Services, LLC, the company that was approved to be the IT support, and they are very happy to engage in this with us. They would not necessarily commit, as some of it depends on their ability to work with them to schedule people's desktops to be available to convert. They threw out the date of July 1st, which may not be doable, but he believes within five-weeks they can get this done.

All in favor, motion carried by unanimous vote.

TOWN ADMINISTRATOR'S REPORTS

A. Anchor donation from the Davis Family

Mr. Powers explain that he followed-up after the meeting with staff. He got some background information, and there are some complications to the process. Which they can get into now, or they can bring it back for full discussion. Mr. Ballantine suggested they bring it back for a full discussion.

Mr. Ford asked if this was the request from the communication they received from Matthew Sufferin, with the intent for the Davis family to donate it to the

Town, to put it in the small park overlooking Wychmere Harbor. He asked if it is was an issue with moving it, or with cost. He knows they have offered to restore some of it, as well.

Mr. Powers said there were some concerns for restoring it, but the greater concern is that staff came across the deed for that property of land, and that sort of use is prohibited. Mr. Ford asked if the Davis family donated that land to the town. Mr. Powers said that when staff reviewed it, they came across the deed which indicates that, *the grantee shall never permit a building, structure, docks, markers or monuments, except the monument presently being erected by the grantor, to be erected or moved onto said premises nor shall any concession or other commercial enterprise be permitted to operate thereon.*

Mr. Ford asked if it was the Davis Family that gave the land. He knows it was Dave Davis', when he passed away, it was his desire to donate the land. Mr. Powers said that it was Eloise B Larsen that donated the land, upon which the anchor is looking to be placed. So the overall update, is that they are working on it and there's more information. Mr. Powers also shared that his experience with another community, where by the town could take an effort to change that part of the deed.

Mr. MacAskill asked if this has been communicated back to Mr. Sufferin? Mr. Powers said that had not yet, but he certainly will.

SELECTMEN'S REPORT

Mr. Howell said that the Chair knows how he feels about this, but the rest the board does not, so he is going to say it out loud. They have been requested by the Chair to fill out the evaluation form for the Interim Town Administrator as the Assistant Town Administrator. Given the fact that for more than half of the year, he has been occupying the position higher than that, with no commensurate salary increase and the job duties are far greater than what he was hired to do. He finds it almost insulting, and he is not going to fill out a job evaluation for a job somebody is not filling.

Mr. Ballantine said his purpose for sending this out is to give a baseline, and to include the review of Interim Town Administrator. The first year contract ended May 20, so they are a few weeks behind of acting on that. Normal procedure would

be to give a review which would've been done by the Town Administrator. Of course he is filling both roles right now. We need to consider as a Board, if they want to consider an increase, a step increase in salary which would also be a normal procedure. It was not meant to insult anyone, simply a baseline to get us started. They are going through a selection process for a Town Administrator, but they need a way to move ahead on the existing position as well. Mr. Howell responded that Mr. Powers is getting paid less than nearly all of the other Department Heads and there is a possibility that he may not be selected for the job. So, he is not going to hamper his future by evaluating him, he would have to get 6 out of 5. Based on the fact that he's acting as the person who would be the boss for the job they would be evaluating him on. Mr. Ballantine said he's making it more complex than his intention. His intention is to move ahead on the position as it is now, to make sure they are treating him fairly, before it moves to the next one.

Mr. MacAskill said the he has no problem with it and he'll get his done. He sees it differently than Mr. Howell does. They should give him a six month evaluation and extra points for taking on extra duties. Which by the way is in his contract as the Assistant, that they take over as acting in the absence of the Town Administrator.

Mr. Ford said, just quickly, on the Elementary School question that they are going to engage in with the Town of Chatham. Mr. Powers, and himself, will be meeting tomorrow at 1:00 pm to open the conversation with the Town Manager. He believes that a Selectmen, a School Committee Rep and Superintendent, will also be in attendance.

ADJOURNMENT

Mr. MacAskill moved that they adjourn at 9:12 pm. Seconded by Mr. Howell. All in favor, motion carried by unanimous vote.

Respectfully submitted,

Lisa Schwab
Administrative Assistant

OLD BUSINESS



MEMO

TO: Joseph F. Powers, Interim Town Administrator

FROM: Griffin Ryder, Town Engineer

CC: Michael D. Ford, Esquire, Town Moderator

RE: Town Meeting – Monomoy Regional High School Football Field Schematic Site Plan

DATE: August 20, 2020

Please find the attached Schematic Site Plan for your use in updating the Board of Selectmen at their meeting on Monday (8.24) for Town Meeting which is scheduled for 10 am on Saturday, September 26, 2020 at the Monomoy Regional High School Football Field.

The attached draft layout plan depicts a potential seating arrangement on the field that is laid out with alternating single and double sets of chairs that are all spaced a minimum of 6-feet apart from each other. The main seating area is separated into quadrants with a 12-foot wide aisle in between. The white dashed lines show the 6-foot clear radius around each of the sets of chairs. There are 423 seats depicted in the main seating area on the turf field and 70 seats depicted at the southern end of the field for people who are not wearing masks. There is a 2-foot wide aisle (depicted in yellow) in front of each row of chairs for access and maneuvering. The 2-foot wide aisle is a minimum of 6-feet away from the adjacent row of chairs. At the end of the field, tables and chairs (minimum 6-feet apart) are shown for the Board of Selectmen, Town Administrator, Finance Director and the Finance Committee. The 10-foot x 10-foot area in front of the row of tables is intended to be the area for the Moderator and Town Clerk and could be tented.

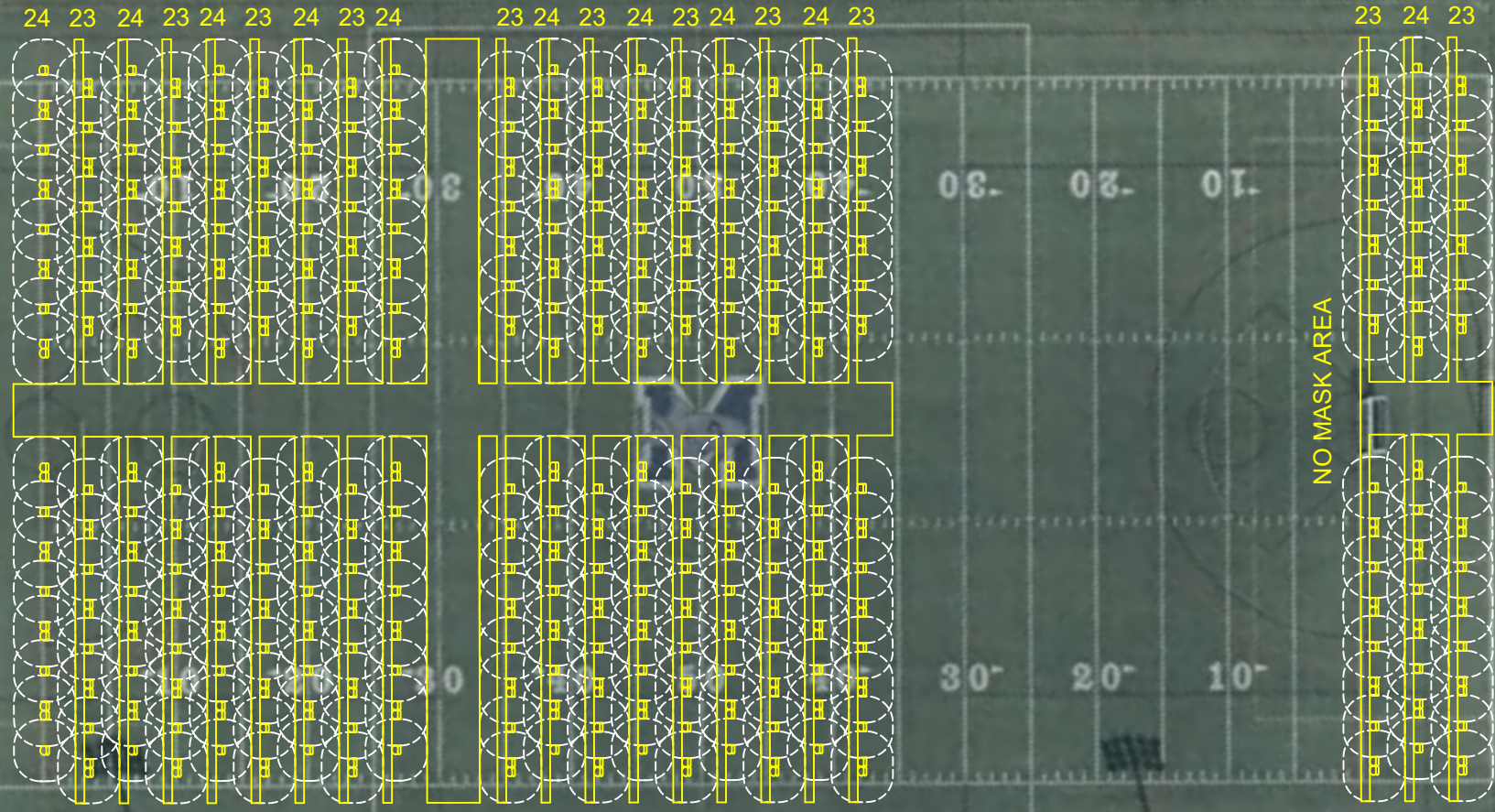
Based on your coordination with Monomoy Regional Schools Superintendent Dr. Scott Carpenter, the Town will be coordinating the use of the appropriate chairs for the field. Scott has indicated via e-mail on August 20, 2020 that all types of shoes are acceptable on the turf and that, "Staff and taxpayers need not worry about hurting the turf".

Please let me know if you have any questions.

493 TOTAL SEATS

MODERATOR
& TOWN CLERK

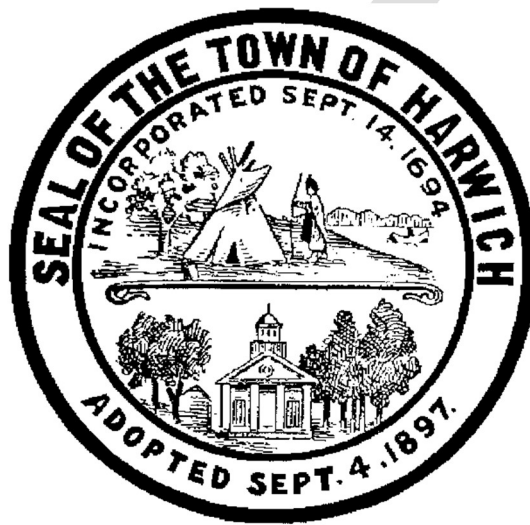
BOARD OF SELECTMEN,
TOWN ADMINISTRATOR,
FINANCE DIRECTOR
& FINANCE COMMITTEE



TOWN MEETING
DRAFT LAYOUT
AUGUST 20, 2020



**ANNUAL TOWN MEETING
WARRANT
With
RECOMMENDATIONS**



Saturday, September 26, 2020

10:00AM

Monomoy Regional High School

Stadium Field

75 Oak Street

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September 26, 2020**

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VOTING PROCEDURES

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

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

Motions	Debatable	Non Debatable	Amendable	Non Amendable	Second Required	Second Not Required	Majority Vote	2/3 Vote	¼ Vote	May Reconsider	Cannot Reconsider
Adjourn		X		X	X		X				X
Adjourn (in a time certain)	X		X		X		X			X	
Amendment	X		X		X		X			X	
Adopt a Resolution	X		X		X		X				X
Accept & Adopt Postpone Indefinitely	X		X		X		X ¹			X	
Previous Question Terminate Debate		X		X	X				X		X
Reconsider ²	X			X	X				X		X
Consider Articles Out of Order	X		X		X				X		X
Point of Order		X					X				
1. Unless a greater than simple majority required by General Laws of Town of Harwich bylaws.											
2. See section 1.207											

TAX RATE CHART

THE CHART BELOW SHOWS THE AMOUNT OF MONEY REQUIRED TO CHANGE THE
FY 2020 TAX RATE.

TAX RATE CHANGE IN \$/1,000	DOLLARS REQUIRED
\$ 0.01	\$59,732
\$ 0.05	\$298,658
\$ 0.10	\$597,317
\$ 0.15	\$895,975
\$ 0.20	\$1,194,634
\$ 0.25	\$1,493,292
\$ 0.30	\$1,791,951
\$ 0.35	\$2,090,609
\$ 0.40	\$2,389,268
\$ 0.45	\$2,687,926
\$ 0.50	\$2,986,585
\$ 0.55	\$3,285,243
\$ 0.60	\$3,583,901
\$ 0.65	\$3,882,560
\$ 0.70	\$4,181,218
\$ 0.75	\$4,479,877
\$ 0.80	\$4,778,535
\$ 0.85	\$5,077,194
\$ 0.90	\$5,375,852
\$ 0.95	\$5,674,511
\$ 1.00	\$5,973,169

MUNICIPAL FINANCE TERMS

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

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

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

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

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

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

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

MUNICIPAL FINANCE TERMS RELATED TO CAPITAL IMPROVEMENTS

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

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

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

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

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

MUNICIPAL FINANCE TERMS RELATED TO PROPOSITION 2 ½ TERMS

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

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

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

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

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

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

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

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

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

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

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

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

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

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF HARWICH
ANNUAL TOWN MEETING
September 26, 2020**

BARNSTABLE, ss:

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

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in elections and Town affairs to meet at the Monomoy Regional High School Stadium Field, 75 Oak Street in said Town on Saturday, September 26, 2020 at 10:00 A.M., then and there to act on the following articles:

**ARTICLES
TOWN OFFICERS AND COMMITTEES**

ARTICLE 1: To choose various Town Officers and Committees.

The Finance Committee Recommends:

..... ROLL CALL VOTE:

The Board of Selectmen Recommends:

..... ROLL CALL VOTE:

REPORTS OF TOWN OFFICERS AND COMMITTEES

ARTICLE 2: To hear reports of all Town Officers and Committees for the year 2019.

The Finance Committee Recommends:

..... ROLL CALL VOTE:

The Board of Selectmen Recommends:

..... ROLL CALL VOTE:

ELECTED OFFICIALS SALARIES

ARTICLE 3: To see if the Town will vote the salaries of the Elected Officials of the Town for fiscal year commencing July 1, 2020 and ending June 30, 2021 as follows and to act fully thereon. Estimated cost: \$126,503

Selectmen (5)	\$2,400 each
Moderator	\$1,000
Water & Wastewater Commissioners (3)	\$1,000 each
Library Trustees (7)	\$1,000 each
Town Clerk	\$103,503

The Finance Committee Recommends:

..... **ROLL CALL VOTE:**

The Board of Selectmen Recommends:

..... **ROLL CALL VOTE:**

USE OF THE STABILIZATION FUND TO FUND ITEMS REMOVED FROM THE FY 2021 OPERATING BUDGET

ARTICLE 4: To see if the Town will vote to transfer from available funds such sums of money needed to fund budget shortfalls caused by reduced estimated receipts caused by the COVID-19 enforced Government shutdown, reducing Town charges for Fiscal Year 2021, and to act fully thereon. By request of the Board of Selectmen. ESTMATED COST: \$

Explanation: The FY 2020 which began in July 1st, 2019, presented many challenges to citizens of Harwich the likes of which the Town has not seen since the Civil War. On July 18th, 2019, a tractor trailer truck overturned in Harwich Port spilling thousands of gallons of gasoline, alarming the local citizens, and shutting down the area businesses. Soon after a weather “microburst” storm tore up trees and downed powerlines through parts of the Town, and just as that storm was being cleaned up a tornado that touched down first in Yarmouth went on to rip up major sections of Harwich in its’ 15 minute run through Town. Officials declared a Town emergency as the storm downed thousands of trees, powerlines and utility poles and causing the entire Town to go without power. Harwich Fire Chief Norman Clarke said crews had been stalled in clearing the massive mess, waiting on Eversource crews to secure power and deenergize the danger. “This is very bad, very bad,” Clarke said. The DPW Director Lincoln Hooper said, “Due to storm damage the fee from brush delivered to the towns Disposal Area is waived until 8-6,” and the employees and citizens of the Town went to work cleaning up. The cleanup continued right into the new year, and as the Town began to put the tornado behind us, a mild winter with little snow, the first signs of Spring brought new optimism to the Town.

On March 13th, 2020 the first case of the COVID-19 virus was reported in Barnstable County, to be followed on March 19th, 2020 with the first case in Harwich. Tuesday, March 24th, 2020 Governor Charlie Baker announced the shutdown of “non-essential” businesses throughout the Commonwealth. With one much needed exception, the rest of FY 2020 and into FY 2021 would be controlled by COVID-19. The exception came on June 6th, 2020 inspired by Monomoy High School students, citizens of Harwich showed the entire world how to peacefully protest the senseless killing of George Floyd, without the destruction and violence that much of the nation as well as cities around the world was experiencing.

This unprecedented series of events has changed the physical, emotional, and financial face of the Town like never before. As the pandemic worsened around the world the Board of Selectmen continued to work with the Health Director, a new Administrator, first responders, departments, businesses, and citizens to keep the Town functioning as safely as possible. The usual May Annual Town Meeting was moved to June, and soon after moved to September which invoked a little know Municipal Finance Law that has never used in Harwich, the “1/12th budget”. As everyone in Harwich grew apprehensive about the “new normal” the Board realized that having the FY 2021 budget passed three months into the financial year was going to be anything but normal.

Prior to the impacts of COVID-19 the Board of Selectmen started the FY 2021 budget cycle with a strong budget message that kept budgets at or below the 2 ½% annual thresholds. With lower then expected revenues due to COVID-19 they turn again to departments to lower as much as possible but fear even this will not be enough. Raising taxes and fees is also not the way to go in this pandemic year. As the Federal Government continues to deficit spend in the trillions of dollars, State and local governments are not given that option. As the State prepares its own budget the legislators are looking to spend their entire 2-billion-dollar reserve to meet their needs. As the Board of Selectmen prepare the Annual Town Meeting warrant to meet the FY 2021 needs of the Town of Harwich, they too are looking at the reserves the Town has built over the years. This article proposes to use some funds from the Stabilization account to support specific items removed from the Town Operation Budget.

The Finance Committee Recommends:

..... ROLL CALL VOTE:

The Board of Selectmen Recommends:

..... ROLL CALL VOTE:

BUDGETS
TOWN OPERATING BUDGET

ARTICLE 5: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow such sums of money as may be required to defray Town charges for Fiscal Year 2021, and to act fully thereon. By request of the Board of Selectmen. (BUDGET – APPENDIX A). Estimated Cost: \$###,###,###.

Operating Budget	
Betterments	166,779
Cable Fund	210,107
CPA	341,750
FEMA	13,855
Free Cash	230,000
Golf Improvement	208,200
Overlay Surplus	200,000
State Aid	664,496
Water Enterprise	730,290
Waterways & Mooring	100,000
Town Clerk State Aid	12,000
County Dog Fund	2,144
Subtotal	2,879,621
Local Receipts	12,131,298
Taxes	24,129,154
Operating Budget	39,140,074

The Finance Committee Recommends:

..... **ROLL CALL VOTE:**

The Board of Selectmen Recommends:

..... **ROLL CALL VOTE:**

MONOMOY REGIONAL SCHOOL DISTRICT BUDGET

ARTICLE 6: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow such sums of money as may be required to pay for the Monomoy Regional School District Assessment for Fiscal Year 2021, and to act fully thereon. By request of the Monomoy Regional School Committee. Estimated cost: \$26,960,046.

Monomoy Regional School District	
Operating Budget	24,495,819
Transportation	630,818
Capital	263,943
Debt	1,569,466
Total	26,960,046

The Finance Committee Recommends:

..... **ROLL CALL VOTE:**

The Board of Selectmen Recommends:

..... **ROLL CALL VOTE:**

CAPE COD REGIONAL TECHNICAL SCHOOL DISTRICT BUDGET

ARTICLE 7: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money as may be required to pay for the Cape Cod Regional Technical High School District Assessment for Fiscal Year 2021, and to act fully thereon. By request of the Cape Cod Regional Technical High School District. Estimated cost: \$1,737,789.

Cape Cod Regional Technical HS	
Operating Budget	1,148,308
Debt	589,481
Total	1,737,789

The Finance Committee Recommends:

..... **ROLL CALL VOTE:**

The Board of Selectmen Recommends:

..... **ROLL CALL VOTE:**

WATER DEPARTMENT BUDGET

ARTICLE 8: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow such sums of money as may be required to defray the Water Department Operating Budget for Fiscal Year 2021, and to act fully thereon. By request of the Water and Wastewater Commission. Estimated cost: \$4,291,075.

Water Operating Budget	
Salaries	1,321,050
Expenses	1,468,390
Debt	721,345
Indirect Costs	730,290
OPEB	50,000
Total	4,291,075

The Finance Committee Recommends:

..... **ROLL CALL VOTE:**

The Board of Selectmen Recommends:

..... **ROLL CALL VOTE:**

WASTEWATER / SEWER DEPARTMENT BUDGET

ARTICLE 9: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow such sums of money as may be required to defray the Wastewater/Sewer Department Operating Budget for Fiscal Year 2021, and to act fully thereon. By request of the Water and Wastewater Commission. Estimated cost: \$272,932.

Sewer Operating Budget	
Salaries	80,489
Expenses	192,443
Total	272,932

The Finance Committee Recommends:

..... **ROLL CALL VOTE:**

The Board of Selectmen Recommends:

..... **ROLL CALL VOTE:**

CAPITAL PLAN

ADOPT THE CAPITAL PLAN

ARTICLE 10: 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 2027 as proposed by the Board of Selectmen and set forth below or as amended by vote of the Town Meeting, and to act fully thereon. By request of the Board of Selectmen.

CAPITAL PLAN (APPENDIX B)

The Finance Committee Recommends:

..... **ROLL CALL VOTE:**

The Board of Selectmen Recommends:

..... **ROLL CALL VOTE:**

CAPITAL ITEMS FUNDED FROM FREE CASH – ITEMS UNDER \$50,000

ARTICLE 11: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to fund the items in the table below included in the FY 2021 Capital Plan, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$42,299.

Department	Description	Amount
Police	Taser Replacement Year 3 of 3	14,910
Fire	Air Pack – Capital Contribution	27,389
	Total – Less Grant Portion	42,299

Explanation:

The total cost of air packs is \$575,165.18. That amount is offset by a grant that the town earned in the amount of \$547,776.36. The town must demonstrate funding for training as well as amount funded by the town through our capital plan in order to meet the grant requirements, The training amount, \$7,388.82, is covered in the Fire Department’s operating Budget and the article above covers the capital expenditure.

The Finance Committee Recommends:

..... **ROLL CALL VOTE:**

The Board of Selectmen Recommends:

..... **ROLL CALL VOTE:**

FACILITY MAINTENANCE AND REPAIR FUND

ARTICLE 12: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money as may be required to defray costs related to Facility and Grounds Maintenance and Repair included in the FY 2021 Capital Plan, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$###,###.

Department	Description	Amount
Cultural Center	Cultural Center Subsidy	100,000
DPW	Replace Transfer Station Scale Decking	55,000
	Total - Less Grant Portion	155,000

Explanation:

[Use Free Cash for scale deck and revolving fund for subsidy; deferring Brooks Library Roof repair and 5 Bells Neck Roof repair.

The Finance Committee Recommends:

..... ROLL CALL VOTE:

The Board of Selectmen Recommends:

..... ROLL CALL VOTE:

FIRE DEPARTMENT

REPLACE FIRE DEPARTMENT AMBULANCE

ARTICLE 13: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money as may be required to purchase or lease, and equip one ambulance for the Fire Department, and to act fully thereon. By request of the Fire Chief. Estimated cost: \$378,000

Explanation:

The Finance Committee Recommends:

..... ROLL CALL VOTE:

The Board of Selectmen Recommends:

..... ROLL CALL VOTE:

..... ROLL CALL VOTE:

ADMINISTRATION

LEASE PURCHASE AGREEMENTS

ARTICLE 14: To see if the Town will vote to enter into various lease purchase financing agreements for town equipment included in the operating budget for FY 2021, said leases may be for a term not to exceed the useful life of the equipment as determined by the Board of Selectmen; or to act fully thereon. By request of the Board of Selectmen.

Explanation:

(The Municipal Modernization Act of 2016 contains a new section requiring a recommendation by the Town Administrator and a two-thirds vote of the legislative body to authorize a tax-exempt lease purchase agreement. To qualify under this new section a qualifying lease must be in excess of three years, must not exceed the useful life of the equipment, must establish a nominal residual value of the equipment at the end of the lease, and must be approved by a two-thirds vote of Town Meeting.

The Finance Committee Recommends: 6-1

..... ROLL CALL VOTE:

The Board of Selectmen Recommends: 4-0

..... ROLL CALL VOTE:

PEG FUND REQUEST

ARTICLE 15: To see if the Town will vote to raise and appropriate or transfer from available fund or borrow such sums of money that may be required to fund the management and upgrade of the equipment at the TV Studio located at the Monomoy Regional High School, and to act fully thereon. Estimated Cost \$119,307.50

Explanation: To be funded by the Cable Related Fund established at ATM 2016 Article 36 and expendable by a vote of the legislative body. The cost is proposed to be split 50/50 between the Town of Chatham and the Town of Harwich. The total projected project cost is \$238,615. Equipment purchases include cameras & pedestals, a production switcher, a recording deck, an intercom system, a streaming system, Teleprompters, installation and management of the system.

The Finance Committee Recommends: 6-0

..... ROLL CALL VOTE:

The Board of Selectmen Recommends: 4-0

..... ROLL CALL VOTE:

DEPARTMENT OF PUBLIC WORKS

PURCHASE AND EQUIP VEHICLES FOR THE DPW

ARTICLE 16: To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow a sufficient sum of money as may be required to purchase and equip the following vehicles and to further authorize the trade-in or sale of the following old vehicles toward the purchase price, where the Board of Selectmen find that the vehicles cannot be utilized elsewhere in Town and to act fully thereon. By request of the DPW Director. Estimated cost: \$215,000

(1) Catch Basin Cleaner (Highway) \$ 215,000

Explanation: The Catch Basin Cleaner, a priority of the Highway Department is funded out of free cash; and the purchase of the Dump Truck and the Ford E-250 Van are being deferred.

The Finance Committee Recommends: 6-0

..... ROLL CALL VOTE:

The Board of Selectmen Recommends: 4-0

..... ROLL CALL VOTE:

ROAD MAINTENANCE PROGRAM

ARTICLE 17: To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow the sum of \$350,000 to fund the Road Maintenance Program as requested in the Capital Plan for FY2021. The appropriation authorized by this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by M.G.L. c.59 § 21c (Proposition 2 ½) the amounts required to pay the principal of and the interest on any borrowing authorized under this article. And further, in accordance with Chapter 44 Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied, and to act fully thereon. By request of the DPW Director. Estimated cost: \$350,000

Explanation:

The capital request for road maintenance is for \$350k for FY2021, the Commonwealth has announced an apportionment of \$678,322 in Chapter 90 funds for the town.. The capital project request form lists 5 years of our road maintenance plan with cash flows of approximately \$1.4M each year and has our 5 year Road Maintenance Plan The following is the 5 year summary.

The Finance Committee Recommends: 6-0

..... ROLL CALL VOTE:

The Board of Selectmen Recommends: 4-0

..... ROLL CALL VOTE:

CEMETERY

MEMORIAL TREE REPLACEMENT

ARTICLE 18: To see if the Town will vote to raise and appropriate the sum of twenty thousand dollars (\$20,000.00) for the Memorial Tree Replacement, a program to plant at any of the Town owned Cemeteries in Harwich and to act fully thereon. By request of the Cemetery Commission. Estimate Cost: \$20,000

Explanation: This Article will be funded from the expendable portion of Cemetery Perpetual Care Fund totaling approximately \$20,000 by Town Meeting. There was a loss of over 400 trees within the Town Cemeteries with the largest losses being 275 in Island Pond, 75 in Mount Pleasant and 24 in Evergreen from July 23, 2019 Tornado. The replanting of trees at these locations and in other Town Cemeteries is necessary to properly maintain our cemeteries.

The Finance Committee Recommends: 6-0

..... ROLL CALL VOTE:

The Board of Selectmen Recommends: 4-0

..... ROLL CALL VOTE:

CHANNEL 18
CONTROL ROOM PLAYBACK SERVER UPGRADE

ARTICLE 19: To see if the Town will vote to raise and appropriate or transfer from available fund or borrow such sums of money that may be required to purchase and install a new playback server, video bulletin server and streaming service at the Channel 18 control room (100 Oak Street), and to act fully thereon. Estimated Cost \$58,985

Explanation: To be funded by the Cable Related Fund established at ATM 2016 Article 36 and expendable by a vote of the legislative body.

The Finance Committee Recommends: 7-0

..... ROLL CALL VOTE:

The Board of Selectmen Recommends: 4-0

..... ROLL CALL VOTE:

DONN B. GRIFFIN HEARING ROOM IMPROVEMENTS

ARTICLE 20: To see if the Town will vote to raise and appropriate or transfer from available fund or borrow such sums of money that may be required to purchase and install an improved audio system, projection equipment, video production software and components, furniture and network peripherals for the Donn B. Griffin Room at the Harwich Town Hall (732 Main Street), and to act fully thereon. Estimated Cost: \$97,000

Explanation: To be funded by the Cable Related Fund. The audio components of the Donn B. Griffin Room are 17 years old and are in need of replacing to enhance the audio quality of recorded meetings. The Griffin room is the most used hearing room and where the majority of all meetings are filmed. The projection equipment is not viewer friendly for citizens attending the meeting in person or watching from home. Updating this equipment will allow viewers at home and in the Griffin room to view presentations more clearly.

The Finance Committee Recommends:

..... ROLL CALL VOTE:

The Board of Selectmen Recommends:

..... ROLL CALL VOTE:

HARBORMASTER DEPARTMENT

SUPPLEMENTAL FUNDING FOR ROUND COVE BOAT RAMP

ARTICLE 21: To see if the Town will vote to transfer a sufficient sum of money from the Harbor Mooring Receipts Reserved for Appropriation Fund to complete the reconstruction of Round Cove Boat Ramp, and to act fully thereon. By request of the Harbormaster. Estimated cost: \$106,357.

Explanation: The existing public boat ramp at Round Cove landing is poorly constructed and in very poor condition. Every year several boat trailers get hung-up on the leading edge of the ramp because it is too short and not properly pitched, this caused significant damage to trailers. ATM 17 authorized the transfer of \$177,070.25 from prior articles however the total cost is estimated to be \$283,427.25.

The Finance Committee Recommends:
..... **ROLL CALL VOTE:**

The Board of Selectmen Recommends:
..... **ROLL CALL VOTE:**

ZONING BYLAW AMENDMENTS/ ACCEPT MASS GENERAL LAWS (M.G.L.)

ZONING BYLAW AMENDMENT – MULTI-FAMILY

ARTICLE 22: To see if the Town will vote to amend the Code of the Town of Harwich – Zoning as it relates to “Multifamily, (new text is shown in **bold underline**) as follows:

Within §325-2 – **Definitions**, amend the definition of “Bedroom” by deleting the existing definition and replace it with the following:

BEDROOM: Any room used or intended to be used for sleeping purposes or as determined by State and/or Harwich Board of Health Regulations.

Further, within §325-9 **Permitted uses**, amend the third sentence by adding the term “**multifamily,**” after “single-family,”

Further, within §325-13 - **Table 1 – Use Regulations, Paragraph I Residential Uses** amend within the table Item #8 Multifamily dwelling as follows:

Use	RR	RL	RM	RH-1	RH-2	RH-3	CV	CH-1	CH-2	IL	MRL	MRL-1	WR
8 Multifamily dwelling (§325-51.Q)	<u>S</u>	<u>S</u>	<u>S</u>	S	S	S	<u>S</u>	<u>S</u>	-	-	S	S	S

Further, within §325-16 - **Table 2, Area Regulations**, delete within RH-2 and RH-3 Districts the following Use “Multifamily” and Minimum Required elements and within the MRL and

MRL-1 Districts the following Use “Multifamily residential” and Minimum Required elements and add the following to the table:

District	Use	Minimum Required				
		Lot Area (square feet)	Lot Frontage (continuous feet)	Front (feet)	Side (feet)	Rear (feet)
<u>All Districts Where Permitted by Use Special Permit</u>	<u>Multifamily</u>	<u>40,000⁴</u>	<u>150</u>	<u>Footnote⁵</u>	<u>25</u>	<u>25</u>

⁴40,000 square feet is required for vacant lots. For lawfully pre-existing structures/use converting to multifamily residence the existing lot size shall be allowable.

⁵Front setback to be determined at the time of Site Plan Review §325-55 for existing buildings. For new construction the front setback shall be 25 feet.

Further, within §325-16 – **Table 3, Height and Bulk Regulations** amend within the table by deleting the MRL and MRL-1 rows and adding the following:

District	Maximum Permitted Height (feet)	Maximum Permitted Height (stories)	Maximum Building Coverage of Lot (covered area as % of total lot area)	Maximum Site Coverage as % of Total Site Area	Minimum Residential Net Floor Area (square feet)
<u>MRL</u>	<u>30</u>	<u>2 ½</u>	<u>15</u>	<u>25</u>	<u>None</u>
<u>MRL – 1</u>	<u>30</u>	<u>2 ½</u>	<u>15</u>	<u>25</u>	<u>None</u>
<u>In all Districts where Multifamily is Permitted by Use Special Permit</u>	<u>40</u>	<u>3 ½</u>	<u>-</u>	<u>80</u>	<u>Studio or efficiency unit: 250; bedroom unit: 550; 2-bedroom unit: 940</u>

Further, within §325-18 **Additional Regulations**, make the following amendments:

Within **Paragraph E**, delete the term “multifamily,”

Delete in their entirety **Paragraphs H, I, J, L and M**.

Re-letter Paragraph “K” to “H” and delete in its entirety and add the following language:

“No outside staircase shall be used to furnish primary access to any of the units in a hotel or motel.”

Additionally, reletter Paragraph “N” to “I”; Paragraph “O” to “J”; Paragraph “P” to “K”; Paragraph “Q” to “L”; and, Paragraph “R” to “M”

Further, within §325-20 Stories for human use or occupation, in the first sentence delete the words “multifamily dwelling,”

Further, within §325-39 Off-street parking schedule, Paragraph A, within the Residential Uses Parking Table, delete “multifamily” after “apartment,” and add a new “Multifamily” and parking spaces as follows:

<u>Multifamily</u>	<u>1.5 per studio, efficiency or 1-bedroom unit</u> <u>2 per 2-bedroom unit or greater</u>
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Further, within §325-51 Special Permits, Paragraph D and subparagraph D(1) delete the words “multifamily dwelling,” and subparagraph D(2) in its entirety and add a new Paragraph Q as follows:

Q. Multifamily Special Permit

- 1. The Planning Board shall serve as the special permit granting authority for multifamily developments, including conversion of existing structures/uses to multifamily and/or new construction.**
- 2. A Site Plan Review special permit pursuant to §325-55 is also required.**
- 3. All multifamily dwellings must be connected to a municipal water system.**
- 4. A habitable room in a multifamily dwelling unit shall have a minimum floor area of not less than 120 square feet and shall have no major width or length dimension less than 10 feet. Closets, storage spaces, bathrooms and kitchens are not habitable rooms for the purpose of these minimum area and dimension requirements.**
- 5. The number of multifamily dwelling units shall be determined by the ability to place an adequately size septic system for the number of bedrooms; and required parking per number of units and landscaping on the site pursuant to Article IX Off-Street Parking and Loading Requirements.**
- 6. All outside entrances to multifamily dwellings shall provide protection to the immediate area in front of said entrance from the weather.**
- 7. Whenever the land upon which a multifamily dwelling is to be erected is located partially within a Drinking Water Resource Protection District, maximum possible**

use of the area outside the Drinking Water Resource Protection District will be made for the disposal of stormwater runoff and sewage.

8. **Recreation areas. Where appropriate to the topography and natural features of the site, the Planning Board may require that at least 10% of the open space or two acres (whichever is less) shall be of a shape, slope, location and condition to provide an informal field for group recreation or community gardens for the residents of the multifamily development.**

The Finance Committee Recommends:

..... **ROLL CALL VOTE:**

The Board of Selectmen Recommends:

..... **ROLL CALL VOTE:**

Explanation: The Board of Selectmen met with the Planning Board met back in 2019 to discuss the need for the creation of workforce housing and the need for rental properties. This bylaw is a culmination of the effort to modernize a practical zoning bylaw and promotes for the health, safety and welfare of residents. The existing bylaw presented numerous language conflicts; this version will steam line the zoning bylaw and allow for the development in additional zoning districts. At the same time the use would still require a special permit from the Planning Board. This bylaw would help to assist with the creation of multifamily dwellings, with specific requirements and criteria to provide for safe housing for residents.

ZONING BYLAW AMENDMENT - WEST HARWICH SPECIAL DISTRICT

Article 23: To see if the Town will vote to amend the Town’s Zoning Bylaw, by establishing a new Article XXIV – West Harwich Special District, to include the following subsections:

§325-144 Statutory Authority and Purpose

§325-145 Intent

§325-146 Applicability

§325-147 Definitions

§325-148 Permitted Uses

§325-149 Special Permit Uses

§325-150 Prohibited Uses

§325-151 Continuation of Pre-Existing Non-Conforming Uses

§325-152 Change, Alteration, Expansion of Pre-Existing Non-Conforming Uses and/or Structures

§325-153 New Construction

§325-154 Review Standards

and further

Amend §325-2 Word Usage and Definition, “Overlay District”, add a new item G, as follows:
“G - West Harwich Special District, see Article XXIV”

and further,

Amend §325-3 Division of Town into Districts, by adding “West Harwich Special District”

and further,

Amend §325-4 Maps, by adding Subparagraph F as follows:

- F. The West Harwich Special District established hereunder as shown on a map titled, “West Harwich Special District” dated July 27, 2020, prepared by the Cape Cod Commission, a copy of which can be found as an attachment to this chapter in the town’s online Code and a copy of which is on file in the office of the Town Clerk.

Explanation: The Board of Selectmen nominated the West Harwich corridor of Route 28 from the Dennisport Town Line east to the Herring River as a District of Critical Planning Concern (“DCPC”). The Barnstable County Commissioners approved the nomination and it became a County Ordinance (19-18) on December 4, 2019. The Town has one (1) year from this date to establish implementing regulations. The following is the full text of the proposed zoning amendments:

XXIV - West Harwich Special District

§325-144 Statutory Authority and Purpose

A. Statutory Authority

On December 4, 2019, the Barnstable County Assembly of Delegates adopted Barnstable Ordinance 19-18 and designated the district shown on a map labeled “West Harwich DCPC District Boundaries” prepared by the Cape Cod Commission (“DCPC Map”) as a District of Critical Planning Concern (“DCPC”), pursuant to Cape Cod Commission Act Section 11(d). The Town created the following implementing regulations to regulate the DCPC which shall be known as the West Harwich Special District.

B. Purpose

The purpose of the West Harwich Special District (“WHSD”), as designated in Barnstable Ordinance 19-18, is to preserve the significant historic and architectural resources in the area, to guide development to be consistent with the area’s unique character, to address safety and transportation impacts within the commercial zone on Route 28, and to promote small-scale businesses consistent with the area’s character.

§325-145 Intent

It is the intent of this bylaw to encourage and incentivize the retention, preservation, creative reuse, change of use, or expansion of use of existing historic structures to the extent possible.

§325-146 Applicability

A. District Boundaries

The boundaries of the West Harwich Special District (“WHSD”) are shown on a map entitled “West Harwich Special District” Map dated July 27, 2020, prepared by the Cape Cod Commission which is hereby made a part of this bylaw.

B. Relationship to Other Regulations

The provision in this Section (XXIV - West Harwich Special District) apply to all development within the WHSD. Other sections of the Town of Harwich Zoning Bylaw also apply within this special district, except that where this Section conflicts with or differs from other sections of the Harwich Zoning Bylaw, this Section shall control.

C. Relationship to General Bylaws

All Chapters contained within the General Bylaws of the Town of Harwich, including but not limited to Article II Historically Significant Buildings, shall also apply to all development within the WHSD, as applicable.

§325-147 Definitions

Historic Structures: Those structures located within the boundaries of the WHSD and which are identified in the Town of Harwich Historic Properties Inventory List. Additionally, the following properties, identified by the street address and the Assessors Map and Parcel, are also determined to be Historic Structures for the purposes of this bylaw:

- 5 Route 28 – Map 10 Parcel N1-A
- 21 Route 28 – Map 10 Parcel N5
- 45 Route 28 – Map10 Parcel S4
- 55 Route 28 – Map 10 Parcel U1-A
- 126 Route 28 – Map 11 Parcel B5
- 76 Route 28 Map 10 Parcel F7-2
- 66 Route 28 – Map 10 Parcel F5
- 22 Route 28 – Map 10 Parcel C6

Principle Building Façade: The front plane of the building wall closest to the road frontage, not including stoops, porches, or other appurtenances, and measuring at least 25 feet in length.

§325-148 Permitted Uses

The following uses are permitted within the WHSD; however, for some uses either a Staff Plan Review, pursuant to §325-152.A or a Site Plan Review Special Permit may also be required, pursuant to §325-55:

- A. Single-Family Dwelling
- B. Two-Family Dwelling
- C. Uses Accessory to a Single- or Two-Family Dwelling
- D. Bed and Breakfast
- E. Home Occupation
- F. Single family dwelling and accessory apartment
- G. Church or other religious use
- H. Non-profit Library, Museum or Historical Use
- I. Hotel
- J. Motel
- K. Hotel, Motel – Incidental Use

- L. Professional Offices, including Dental Offices and Blue Economy
- M. Municipal Uses

Additionally, the following uses are permitted in historic structures:

- N. Multifamily
- O. Retail sales
- P. Restaurant
- Q. Mixed-Use commercial/residential developments

§325-149 Special Permit Uses

For new construction or reuse or change of use of structure or building not identified as an historic structure, the following uses are conditionally allowed within the WHSD through the Planning Board as the special permit granting authority, provided the use does not conflict with the purpose of the district, and for some uses a Site Plan Approval pursuant to §325-55 and the provisions of §325-153 shall be required:

- A. Multifamily
- B. Retail sales, greater than 1,000 square feet of gross floor area and/or exterior space.
- C. Restaurant
- D. Mixed-Use commercial/residential developments

§325-150 Prohibited Uses

Any use not specifically allowed as of right or by Special Permit within this district are prohibited. Within this district, use variances shall be prohibited.

§325-151 Continuation of Pre-Existing Non-Conforming Uses

Any lawfully existing use of a structure or land that does not conform to the provisions of this bylaw may continue.

§325-152 Change, Alteration, Expansion of Pre-Existing Non-Conforming Uses and/or Structures

Notwithstanding the provisions of M.G.L Chapter 40A, and §325-54 of the Harwich Zoning Bylaw, lawfully established structures and uses in existence as of December 4, 2019 that do not conform to the WHSD District Wide Development Standards may be changed, altered or expanded in conformance with §325-154 Review Standards and Procedures.

- A. A pre-existing, non-conforming structure or use may change or expand up to 250 square feet of gross building footprint or exterior of building or site area through Staff Plan Review in accordance with the provisions of §325-154 provided it does not involve demolition of significant parts of an historic structure. Said application shall be made to the Planning Department and a written decision shall be rendered within 30-days of receipt. Said decision shall be consistent with the provisions of §325-154 and may be appealed to the Planning Board with written notice within 10-days. Said decision shall be lapse two (2) years from the date of issuance unless construction or operation under the approval has commenced.

- B. A pre-existing, non-conforming structure or use may change or expand up to 1000 square feet of building footprint or exterior of building or site area or undergo a change of use in accordance with §325-55.F Waivers, provided the following criteria are determined to be met:
1. There shall be no more than one curb cut on to Route 28 and where practical, a driveway connection (shared driveway) shall be provided to an adjacent property;
 2. A landscaped area of at least 10 feet in depth shall be provided and maintained on the subject property along its road frontage. Any property with existing parking in front of the building will reduce the size of said parking area by at least 20% and will provide screening of said parking through landscape plantings and/or a low fence or wall. No expansion of parking in the front yard area is permitted;
 3. The specific change or expansion shall comply with all dimensional standards in the WHSD enumerated in Section 325-154.A; and,
 4. There shall be no demolition of an historic structure.

Said decision shall lapse two (2) years from the date of issuance unless construction or operation under the approval has commenced.

- C. A pre-existing non-conforming structure or use that proposes to change or expand more than 1,000 square feet of building footprint or exterior of building or site area requires Site Plan Approval pursuant to §325-55. The specific change or expansion shall comply with all dimensional standards in the WHSD pursuant to §325-154.A and B.

§325-153 New Construction

For new construction Site Plan Approval pursuant to §325-55 and all dimensional requirements of §325-154.A and B shall be required.

§325-154 Review Standards

- A. Dimensional requirements.
1. Lots shall have frontage along Route 28. Adjacent parcels may be included provided that they are under the same ownership and are also located within the WHSD.
 2. Setback requirements.
 - a. Front setback requirements for the principle building façade shall be a minimum of 20 feet and maximum of 40 feet.
 - b. Side lot line setback shall be a minimum of 20 feet.
 - c. Rear lot line setback shall be a minimum of 20 feet.
 - d. Parking shall be permitted at the side, measured a minimum of 10 feet back from the principle building facade on the property, or rear of the property.
 - e. Maximum site coverage shall not exceed 80%.
 3. The maximum permitted height for new constructions shall not exceed 30 feet or 2 1/2 stories.
 4. Minimum lot size shall be 20,000 square feet.
 5. For properties containing and maintaining/reusing historic structures, the Planning Board or its designee may waive or modify these dimensional requirements if it is found that such waiver or modification will not substantially derogate from the purpose and intent

of this bylaw and that such waiver or modification may be granted without substantial detriment to the neighborhood or overall public good.

6. The maximum length allowable for the principle building façade is 50 feet and adjacent street-facing building facades shall be stepped back a minimum of 10 feet from the principal building facade.
 7. A maximum building footprint of 2,000 square feet for front street-facing buildings is allowable; and a maximum footprint of 3,000 square feet for buildings sited behind a front street-facing building is allowable.
- B. Parking, Driveway, Vehicular and Pedestrian Access Standards
1. Parking
 - a. Parking areas shall be visually buffered from all streets and adjoining residential uses by placing them behind frontage buildings and/or through the use of berms or natural features and/or plantings, using materials that shall be maintained for visual buffering a minimum of 50% and 75% of their effectiveness year-round, for streets and residential uses respectively. Parking shall also comply with the requirements of Article IX – Off Street Parking and Loading Requirements.
 - b. Shared Parking – The number of parking spaces required may be reduced for shared parking at the discretion of the Planning Board through Site Plan Review §325-55, provided such reduction does not shift a demand for parking onto public streets or any areas not equipped to handle such activity.
 - c. All other parking standards shall comply with Article IX Off-Street Parking and Loading Requirements; however, in no case shall a driveway width be greater than 24 feet.
 2. A driveway shall be limited to one per street frontage; however shared driveways are encouraged to limit the number of curb cuts onto Route 28. Driveways must be situated to provide for the optimal sight distance along Route 28. All driveway access shall provide for adequate service and emergency access. All driveway shall comply with §325-154.B.1.b. and c. above.
 3. Commercial and residential pedestrian access shall include a combination of walkways and landscaping. Such pedestrian access shall be provided from the streets providing frontage and/or access for the project as well as the drives and parking areas within the project. Pedestrian access routes shall be laid out to minimize conflict with vehicular routes, and where they intersect, the pedestrian route shall be clearly marked on the vehicular surface and when appropriate, with signage. Pedestrian access routes shall be lighted to provide adequate visibility for use in the dark, and in conformance with Article XXI Outdoor Lighting.

and further

Amend §325-2 Word Usage and Definition, “Overlay District”, add a new item G, as follows:
“G - West Harwich Special District, see Article XXIV”

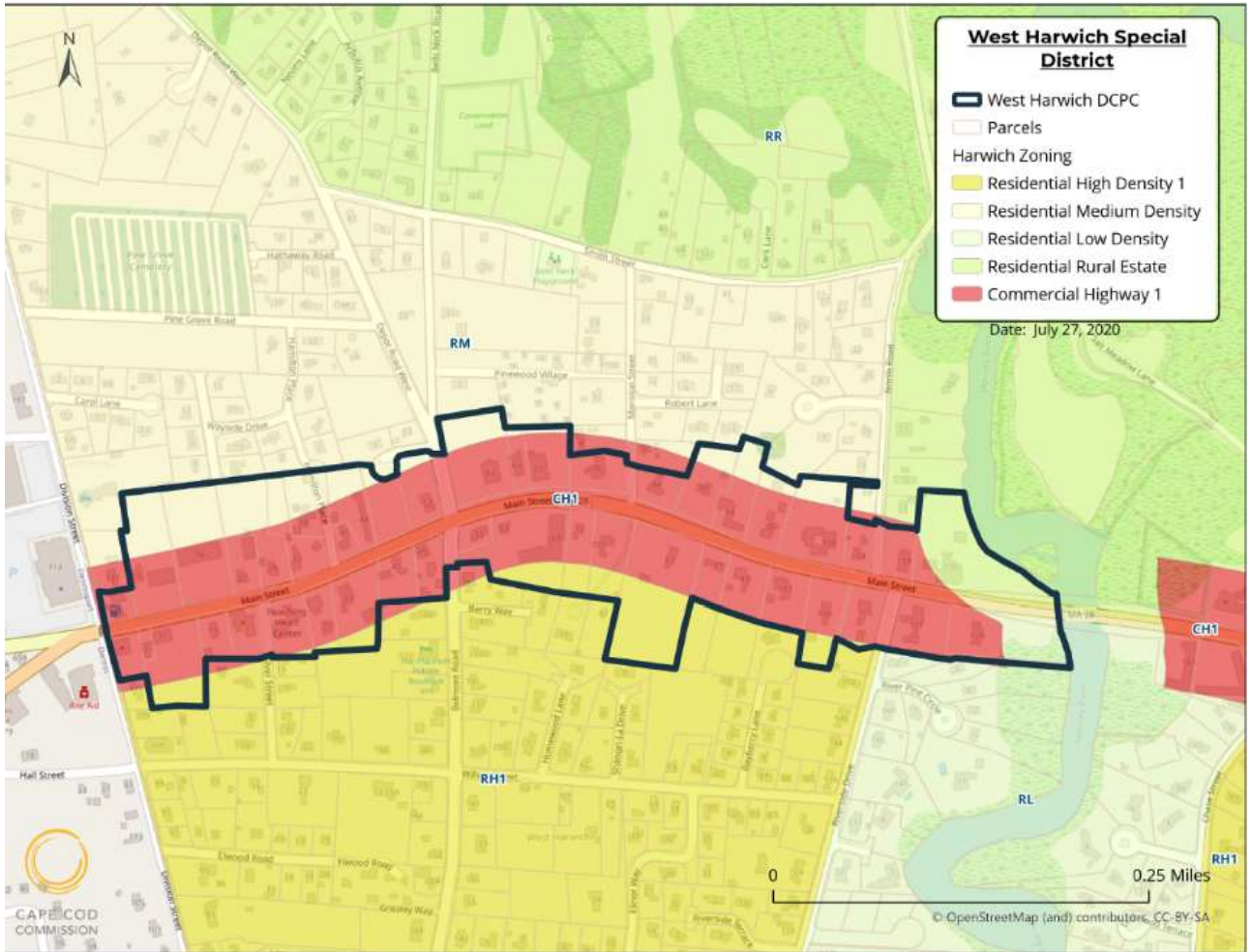
And further,

Amend §325-3 Division of Town into Districts, by adding “West Harwich Special District”

and further,

Amend §325-4 Maps, by adding Subparagraph F as follows:

- G. The West Harwich Special District established hereunder as shown on a map titled, “West Harwich Special District” dated July 27, 2020, prepared by the Cape Cod Commission, a copy of which can be found as an attachment to this chapter in the town’s online Code and a copy of which is on file in the office of the Town Clerk.



ZONING BYLAW – ESSENTIAL SERVICES

Article 24: To see if the Town will vote to amend the Code of the Town of Harwich – Zoning by deleting the definition of “Essential Services” within §325-2 – Definitions and by deleting within §325-13 – Table 1, Paragraph II – Public and Quasi Public Uses, Item 3 – Essential services; facility, utilities.

Explanation: The existing definition of ESSENTIAL SERVICES: “Services and appurtenant structures, facilities, uses or equipment provided by governmental agencies, including the Town of Harwich, or provided by public utility or public service companies, including but not limited to water distribution systems, Town-owned marinas, docking areas, fish piers, off-loading facilities, retaining walls, jetties and similar structures, gas and electric distribution, systems for telecommunications and sewerage systems.” And the definitions of MUNICIPAL USE: “A use, whether in a structure and/or on a parcel of land, owned and/or operated by the Town of Harwich.” Are in conflict with one another. All Municipal Uses are allowable by right, as are public utility uses (i.e. gas, electric, cable, cell). By deleting the definition of Essential Services it would eliminate this unnecessary conflict.

ADOPT M.G.L., CHAPTER 33, §59 – PAY FOR POLICE OFFICERS IN SERVICE IN RESERVES/NATIONAL GUARD

Article 25: To see if the Town will vote to M.G.L., Chapter 33, §59.

Explanation: This is a housekeeping item related to the Harwich Police Federation’s (M.C.O.P. Local #446) collective bargaining agreement with the Town of Harwich as mostly recently renegotiated and in effect as of July 1, 2019. The law relates to any Police Officers covered by this agreement who are also in the Armed Forces Reserves and/or National Guard and are ordered to service in the Reserves/Guard for more than thirty (30) consecutive days shall be paid the regular base salary as a public employee. As of this writing, there are no Police Officers who are active in the Reserves or National Guard.

ADOPT M.G.L., CHAPTER 59, §5, CLAUSE 18 – HARDSHIP UNDER AGE 60

ARTICLE 26: To see if the Town will vote to support the Harwich Board of Selectmen’s request to State Legislature to pass a bill amending the Hardship Exemption (as provided in Chapter 59 §5, Clause 18) for the right to grant up to a \$1,000 property tax exemption for taxpayers under the age of 60, as a local option for all cities and towns and/or as a home rule petition for the Town of Harwich, and to act fully thereon. By the request of the Board of Assessors. Estimated Cost: \$30,000

Explanation: The Board of Assessors would like to advocate for most vulnerable citizens of the Commonwealth. We feel that all citizens of our community and all others in the Commonwealth are struggling. We would like for this article to be approved by the Legislation. This article is for our most vulnerable residents under 60 who by reason of infirmity or poverty are unable to contribute fully to their tax liability in the judgement of the Board of Assessors. We estimate that we would receive 30 applicants.

The Finance Committee Recommends:
..... ROLL CALL VOTE:

The Board of Selectmen Recommends:
..... ROLL CALL VOTE:

ADOPT M.G.L., CHAPTER 59, §5, CLAUSE 41A – TAX DEFERRAL

ARTICLE 27: To see if the Town will vote to adopt a lower interest rate from 8% yearly interest to 5% yearly interest on the deferred taxes to for the purpose of real estate tax deferrals for qualifying persons age 65 and over, as provided in MGL Chapter 59, §5, Clause 41A. By request of the Board of Assessors. Estimated Cost: \$500

Explanation: The Commonwealth of Massachusetts, Department of Revenue allows cities and towns to establish the simple interest rate charged on deferrals of real estate taxes. The current environment on interest rates would dictate that the Town of Harwich lower the rate from 8% to 5%. The town has averaged 3 deferrals a year. Lowering the rate to 5% may encourage qualified seniors to apply for this program. Based on previous averages this change will result in a cost of approximately \$500 to the Town of Harwich.

The Finance Committee Recommends:
..... ROLL CALL VOTE:

The Board of Selectmen Recommends:
..... ROLL CALL VOTE:

ADOPT M.G.L., CHAPTER 59, §5, CLAUSE 56 – ASSESSMENT OF LOCAL TAXES -
PROPERTY; EXEMPTIONS

ARTICLE 28: To see if the Town will vote to reaffirm and extend MGL Chapter 59, §5, Clause 56. Upon acceptance of this section by the Town, the Board of Assessors may grant, real and personal property tax abatement up to 100% of the total tax assessed to members of the Massachusetts National Guard and to Reservists on active duty in foreign countries for the fiscal year they performed such service subject to eligibility criteria to be established by the Board of Assessors. The authority to grant abatements under this section shall expire after 2 years of acceptance unless extended by a vote of the city or town. Said change to take effect FY 2021 and act fully thereon. By request of the Harwich Veteran’s Agent and Board of Assessors. Estimated Cost: \$10,000.

Explanation: This local option for the National Guard and Reservists must be renewed every two (2) years.

The Finance Committee Recommends:
..... ROLL CALL VOTE:

The Board of Selectmen Recommends:
..... **ROLL CALL VOTE:**

COMMUNITY PRESERVATION

APPROPRIATE SUMS OF MONEY FROM THE FY 2021 ESTIMATED ANNUAL
REVENUES OF THE COMMUNITY PRESERVATION ACT FUND

ARTICLE 29: To see if the Town will vote to appropriate the following sums of money from the FY 2021 estimated annual revenues of the Harwich Community Preservation Act Fund as required by the G.L. Chapter 44B and Chapter 149, §298 of the Acts of 2004 as follows:

- A sum of money for the acquisition, creation and preservation of the open space;
- A sum of money for the acquisition, preservation, restoration and rehabilitation of historic resources;
- A sum of money for the acquisition, creation, preservation and support of community housing; and
- A sum of money for the Community Preservation Act Fund FY2019 Undesignated Fund Balance (including Recreation)

and to act fully thereon. By request of the Board of Selectmen.

<u>Appropriation</u>	<u>FY 2021</u>
Community Housing Reserve	\$177,600
Open Space Reserve	\$177,600
Historic Preservation Reserve	\$177,600
Undesignated Fund Balance Operating Expenses	\$50,000

Explanation: To see if the town will reserve for future appropriations amounts from the FY 2021 Community Preservation Act Fund estimated annual revenues for the purpose of acquisition, creation and preservation of open space and community housing, for the purpose of acquisition, preservation, restoration and rehabilitation of historic resources, and the acquisition and development of recreation facilities and for the support of the operating expenses to include wage, supplies, legal service and other operating expenses necessary for the committee.

The Finance Committee Recommends:
..... **ROLL CALL VOTE:**

The Board of Selectmen Recommends:
..... **ROLL CALL VOTE:**

FUND LAND BANK DEBT SERVICE

ARTICLE 30: To see if the Town will vote to appropriate from the Community Preservation Act Funds – Undesignated Reserve \$198,762.20 and from the FY 21 Estimated Revenue

\$142,987.80 for a total of \$341,750 to fund the Debt Service on the outstanding Land Bank Debt. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds – Undesignated Reserve, and to act fully thereon. By request of the Community Preservation Committee and the Finance Director. Estimated Cost: \$341,750.

The Finance Committee Recommends:

..... **ROLL CALL VOTE:**

The Board of Selectmen Recommends:

..... **ROLL CALL VOTE:**

COMMUNITY PRESERVATION ACTIVITIES UNDER \$50,000

ARTICLE 31: To see if the Town will vote to appropriate from the Community Preservation Act Funds, a sufficient sum of money to fund the items in the table below consistent with their respective applications. Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund from which the appropriation is made as specified in the chart below, and further authorize the Community Preservation Committee to enter into grant agreements with the following: Community Development Partnership, Chase Library Association, Inc., the Pleasant Bay Community Boating, and to act fully thereon. By request of the Community Preservation Committee, Historic District and Historical Commission, Chase Library Association, Inc., Community Development Partnership, Real Estate and Open Space Committee and Conservation Commission, and the Pleasant Bay Community Boating. Estimated Cost: \$102,000

	Project	Purpose	Amount	Appropriation Source
1	Historic Areas and Property Inventory	Update of Town Historic Areas and Property Inventory	\$34,500	Community Preservation Act Funds - Historic Reserve
2	Chase Library Door	Preservation of original door and entrance	\$15,000	Community Preservation Act Funds - Historic Reserve
3	Community Development Partnership	Lower Cape Housing Institute	\$7,500	Community Preservation Act Funds - Community Housing Reserve
4	Town Owned Conservation Land	Restoration and rehabilitation of Town owned Conservation Lands	\$20,000	Community Preservation Act Funds - Open Space Reserve
5	Pleasant Bay Community Boating	Handicapped Accessible Dock project	\$25,000	FY 21 Estimated Revenue
		Total:	\$102,000	

The Finance Committee Recommends:

..... ROLL CALL VOTE:

The Board of Selectmen Recommends:

..... ROLL CALL VOTE:

PINE GROVE CEMETERY GRAVESTONE CONSERVATION & PRESERVATION

ARTICLE 32: To see if the Town will vote to appropriate from the Community Preservation Act Funds – Historic Preservation Reserve, \$75,000 to fund the repair and restoration of gravestones and monuments at Pine Grove Cemetery. Any funds left unspent from the Article are to be returned to the Community Preservation Act Fund – Historic Preservation Reserve, and to act fully thereon. By request of the Community Preservation Committee and the Cemetery Administrator. Estimated Cost: \$75,000

The Finance Committee Recommends:

..... ROLL CALL VOTE:

The Board of Selectmen Recommends:

..... ROLL CALL VOTE:

HARWICH AFFORDABLE HOUSING TRUST

ARTICLE 30:

ARTICLE 33: To see if the Town will vote to appropriate from Community Preservation Act Funds –FY 21 Estimated Revenue, \$250,000 to fund the Harwich Affordable Housing Trust to create and preserve affordable housing in the Town of Harwich in the amount of \$200,000 and to fund a part-time Housing Coordinator in the amount of \$50,000. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds – Community Housing Reserve, and further authorize the Community Preservation Committee to enter into a grant agreement with the Harwich Affordable Housing Trust, and to act fully thereon. By request of the Community Preservation Committee, the Harwich Affordable Housing Trust and the Board of Selectmen. Estimated Cost: \$250,000.

The Finance Committee Recommends:

..... ROLL CALL VOTE:

The Board of Selectmen Recommends:

..... ROLL CALL VOTE:

RENTAL ASSISTANCE PROGRAM

ARTICLE 31:

ARTICLE 34: To see if the Town will vote to appropriate from Community Preservation Act Funds - Community Housing Reserve \$160,911 and from the FY 21 Estimated Revenue \$39,089 for a total of \$200,000 to fund the rental assistance program for families earning 80% or less than average median income (AMI). Any funds left unspent from this Article are to be returned

to the Community Preservation Act Funds - Community Housing Reserve, and further authorize the Community Preservation Committee to enter into a grant agreement with the Harwich Housing Authority, and to act fully thereon. By request of the Community Preservation Committee and the Harwich Housing Authority. Estimated Cost: \$200,000

The Finance Committee Recommends:
..... **ROLL CALL VOTE:**

The Board of Selectmen Recommends:
..... **ROLL CALL VOTE:**

WHITEHOUSE FIELD LIGHTING PROJECT

ARTICLE 35: To see if the Town will vote to appropriate from Community Preservation Act Funds- FY 21 Estimated Revenue in the amount of \$380,360 to replace the current Whitehouse Field Lighting System with a new comprehensive lighting system. Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund - Undesignated Reserve, and to act fully thereon. By request of the Community Preservation Committee and the Harwich Recreation and Youth Commission. Estimated Cost: \$380,360

The Finance Committee Recommends:
..... **ROLL CALL VOTE:**

The Board of Selectmen Recommends:
..... **ROLL CALL VOTE:**

BROOKS PARK FENCING PROJECT

ARTICLE 36: To see if the Town will vote to appropriate from Community Preservation Act Funds - FY 21 Estimated Revenue, \$72,657 to replace the current fencing at Brooks Park Baseball Field. Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund - Undesignated Reserve, and to act fully thereon. By request of the Community Preservation Committee and the Harwich Recreation and Youth Commission. Estimated Cost: \$72,657

The Finance Committee Recommends:
..... **ROLL CALL VOTE:**

The Board of Selectmen Recommends:
..... **ROLL CALL VOTE:**

HARWICH COMMUNITY PLAYGROUND PROJECT

ARTICLE 37: To see if the Town will vote to appropriate from Community Preservation Act Funds –FY 21 Estimated Revenue in the amount of \$500,000 to construct a playground at Harwich Elementary School. Any funds left unspent from this Article are to be returned to the

Community Preservation Act Fund – Undesignated Reserve, and to act fully thereon. By request of the Community Preservation Committee and the Board of Selectmen. Estimated Cost: \$500,000

The Finance Committee Recommends:
 ROLL CALL VOTE:

The Board of Selectmen Recommends:
 ROLL CALL VOTE:

REVOLVING FUNDS

AMEND THE CODE OF HARWICH GENERAL BYLAWS – CHAPTER 8
 DEPARTMENTAL REVOLVING FUNDS § 8-1. FUNDS ESTABLISHED

ARTICLE 38: To see if the Town will vote to amend the Departmental Revolving Funds BYLAW, Section 8-1 of the Town Code, by expanding the scope of fees to be credited to the Wetlands Revolving Fund and the Community Center Revolving Fund as set forth below (the language to be added is shown in underlined text): Further to amend the uses of the Community Center Revolving Fund to include weight room supplies, care and support as well as exercise and educational instructors (the language to be added is shown in underlined text): Or to take any other action relative thereto. By request of the Finance Director, Conservation Administrator and Community Center Director.

<u>Revolving Fund</u>	<u>Authorize to Spend Fund</u>	<u>Revenue Source</u>	<u>Use of Fund</u>
Community Center	Director & Facilities Committee	Community center exercise and educational classes and 75 % of the fees from use of the weight room	Weight Room equipment maintenance, supplies, care and support. <u>Exercise and educational instructors.</u>
Wetlands	Conservation Commission	Notice of Intent Filing Fees as well as in-lieu fees generated as a result of an approval of a Notice of Intent	<u>Consultants, wetland, buffer zone management and restoration projects</u>
Cemetery	Cemetery Administrator and Cemetery Commission	90% of Lot Sales, 100% of all Cemetery Services and Fees	Maintenance, care and support of town cemetery properties, <u>including part time salary and wages.</u>

Explanation: 1) To expand the use of the Community Center Revolving Fund to include exercise and educational programs previously charged to the Recreation Revolving Fund. 2) To

expand the source of revenue for the Wetlands Revolving Fund to include in-lieu fees. 3) to allow for part time wages to be expended from the Cemetery Revolving Fund.

The Finance Committee Recommends:

..... ROLL CALL VOTE:

The Board of Selectmen Recommends:

..... ROLL CALL VOTE:

ANNUAL DEPARTMENTAL REVOLVING FUNDS AUTHORIZATION

ARTICLE 39: To see if the Town will vote to set spending limits for various revolving funds that have been authorized pursuant to Section 8.1 of the Town Code: and to act fully thereon. By request of the Finance Director.

<u>Revolving Fund</u>	<u>FY 2020 Spending Limit</u>	<u>Disposition of FY 2020 Fund balance</u>

The Finance Committee Recommends:

..... ROLL CALL VOTE:

The Board of Selectmen Recommends:

..... ROLL CALL VOTE:

FUND PRIOR YEAR'S UNPAID BILLS

ARTICLE 40: To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to pay unpaid bills of prior years as provided for in M.G.L. Ch. 44, Section 64, and to act fully thereon. By request of the Finance Director. Estimated cost: \$7,595.83

	Invoice/Debt	Description	Amount	Source
1	Monomoy Regional High School	After Prom Planning Committee Contribution	\$2,500.00	Free Cash
2	Eastward Companies	Saquatucket Harbor Redevelopment Project Extra	\$ 942.87	Free Cash
3	Tighe & Bond	Water Rate Study	\$1,500.00	Retained Earnings for Water
4	Tighe & Bond	Water Rate Study	\$2,250.00	Retained Earnings for Water
5	WB Mason	Selectmen's Office Ordinary Office Supplies	\$ 35.79	Free Cash
6	Motorola Solutions	Police Department Repairs - Portable	\$ 367.17	Free Cash
		Total:	\$7,595.83	

Explanation:

The Finance Committee Recommends:

..... **ROLL CALL VOTE:**

The Board of Selectmen Recommends:

..... **ROLL CALL VOTE:**

PRIVATE PETITIONS

DEFRAY THE EXPENSES OF THE CHASE LIBRARY AND HARWICH PORT LIBRARY

ARTICLE 41: To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$20,000 to help defray the expenses of the Chase Library and the Harwich Port Library; said funds to be expended under the direction of the Chase Library and Harwich Port Library Trustees, and to act fully thereon. By Petition. Estimated cost: \$20,000

Explanation: Chase Library and Harwich Port Library are free, publicly supported libraries. Town funds have been appropriated either through the general budget or by articles since 1911 (Chase) and 1926 (Harwich Port). These funds are essential for continued operation and for the customary State reimbursements.

The Finance Committee Recommends:

..... **ROLL CALL VOTE:**

The Board of Selectmen Recommends:

..... **ROLL CALL VOTE:**

PROMOTE THE TOWN OF HARWICH

ARTICLE 42: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money for the Harwich Chamber of Commerce to promote the Town and its businesses and cultural endeavors to advance economic development initiatives for and with the Town of Harwich. Said monies to be used to manage and fulfill year-round visitor/resident/business information services, to promote and market the Town, to generate and initiate materials and activities that encourage the establishment, growth and sustainability of businesses in Harwich, and to implement economic development objectives and activities in partnership with the Town, and to act fully thereon. By Petition. Estimated cost: \$30,000

Explanation: For more than 60 years, Harwich Chamber of Commerce (HCC) has worked in the best interest of Harwich and for the people living in, working in and visiting the Town of Harwich. Since 1995, the citizens of Harwich, through the annual Town Meeting, have voted to fund warrant articles submitted by the Harwich Chamber of Commerce in support of its work promoting the community, providing needed informational services, and developing and advancing economic sustainability and development strategies. We are again requesting the Town's support for the Chamber's efforts in:

(a) providing year-round informational services to residents, visitors, second homeowners, and businesses (over 78,000 visits to our Information Center in 2018)

(b) Support of the Chamber's efforts, in partnership with the Town of Harwich, to develop and implement economic development initiatives to benefit the Town as defined by objectives in the Town's Local Comprehensive Plan, and marketing Harwich's Cultural Districts; the simultaneous designation of both Harwich Port and Harwich Center in 2019.

(c) Promoting the Town of Harwich and its brand: The Warm Side of the Cape, thereby continuing to grow the vitality and economy in the community.

*(a) **Year-Round Information Services:** Harwich's Information Center is open 52 weeks a year. Combining this valuable resource with the Chamber's internet/website portals, New explore boards located at Logan Airport, North and South Stations as well in many locations throughout Massachusetts, New England and Nationally and continued telephone and mail inquiries, Harwich Chamber annually provides more than 320,000 instances of contact with visitors, seasonal and year-round homeowners and residents, organizations and businesses. These connections offer the opportunity to market and promote the Town utilizing our new brand "The Warm Side of the Cape." By being available to meet the needs of our "customers" we are able to encourage patronage of our local amenities and businesses and to connect individuals and businesses with the appropriate Town offices and officials 12 months a year in a friendly, warm and upbeat fashion.*

*(b) **Promoting the Town of Harwich:** The Harwich Chamber continues to be the lead force in promoting the Town of Harwich. By utilizing a multi-faceted approach, HCC strives to position Harwich as a premier destination for local, regional, national and international individuals and families. The marketing strategies are aimed at encouraging residents, second homeowners (current and potential), and visitors to avail themselves of Harwich's recreational amenities, as well as for shopping, dining, vacations, day trips, events and festivals. The plan, which positions*

Harwich as a desired vacation destination and an outstanding place in which to live and work, includes:

- 1. The 2019 Harwich Magazine will celebrate our history and our future as well as continue to share our Arts and Culture , the Town's primary comprehensive printed and online publication for attracting visitors to Harwich, and a year round resource for our residents, second home-owners and businesses.*
- 2. The HCC website's robust content complements the Magazine and links to a wide range of Town resources.*
- 3. Ancillary printed and on-line pieces, including specialized maps (cranberry bogs, lodging locator, dining locator, beaches, bike trail) that target market segments and interests. As well as the new Cultural District maps for Harwich Port and Harwich Center.*
- 4. Media placements in local, regional and national publications.*

Special events and festivals are about more than attracting people to town to enjoyable experiences. They are about defining key elements of Harwich's brand and about parlaying those assets into support for our businesses, non-profit organizations, and the community. In 2017 the Harwich Chamber of Commerce in partnership with sponsorships from Harwich Chamber of Commerce members we brought back after a 10 year absence the much loved Fireworks as part of the Harwich Cranberry Festival and continues to grow today. In addition, Fall for Harwich provided the umbrella under which thousands of people were invited to participate in a wide array of more than 30 events, including the half-marathon road race, music festival, bog walks, concerts, teas, arts & crafts, our second sidewalk sale and more. Fall for Harwich and Christmas in Harwich also provide opportunities for our local non-profits to raise much needed funds and increase their visibility. In addition, the Chamber continues to actively engage in creating and implementing new events as well as expanding existing events. In 2018, the Chamber coordinated ten Port Summer Night Musical Strolls in Harwich Port, (traditionally every Wednesday in July & August in 2018 we added the last Wednesday in August and the first Wednesday in September as a thank you to our residents) several musical concerts that combined opportunities with restaurants and other businesses to increase meals, shopping and a night out with a show. We look forward to continuing to expand these offerings in 2019.

Economic Development: *HCC will continue to collaborate with the Town on economic development strategies and initiatives. Over this past year, HCC has worked tirelessly on behalf of the Town and its businesses and continues to do so with sponsoring gatherings with key partners at the state level bringing them into our town. The Chamber has also provided training, counsel and support to dozens of small businesses challenged to survive in the current economic climate, and has met with several individuals considering locating their business in Harwich. HCC continues to strengthen its collaboration with other local chambers of commerce through the Local Cape Chambers Collaborative (LC3) and the Lower Cape Chambers group. Among the many activities currently underway are:*

With LC3 meeting with the Economic Development Council on regional economic development priorities, identified by local chambers in consultation with town officials

With LC3 continued advocacy on transportation issues, including real time information, bridge issues, issues relating to drug use, attracting more traffic to the Regional Airport and more.

With Lower Cape Chambers hosting the Annual Lower Cape Home & Garden Show this year again to be held at the Cape Cod Tech, trainings, inter-chamber networking (giving greater business-to-business opportunities)

Parking and Connectivity continue to explore opportunities for remote parking lots and transit service for harbors, beaches and other sites with high seasonal demand

The Chamber is honored to partner with the Town on building a better community, but the Chamber relies on the Town's support to help achieve its goals. Without this support, the Chamber's marketing activities will be significantly reduced. We appreciate the past support of the Town of Harwich and request funding for these important, revenue-generating initiatives. Thank you for your consideration.

The Finance Committee Recommends:

..... ROLL CALL VOTE:

The Board of Selectmen Recommends:

..... ROLL CALL VOTE:

COMMERCIAL SINGLE-USE PLASTIC WATER BOTTLE BAN

ARTICLE 43: To see if the Town will vote to adopt the following as a general bylaw and to authorize the Town Clerk to insert it into the appropriate place in the Town Code of Harwich, Massachusetts.

Section 1. Sale of Single-use Plastic Water Bottles

Effective on September 1, 2021, it shall be unlawful to sell non-carbonated, unflavored drinking water in single-use plastic bottles of less than one gallon in the Town of Harwich.

Section 2. Definitions

A single-use plastic bottle is a beverage container made from any type of plastic resin.

Section 3. Exemptions

Sales or distribution of non-carbonated, unflavored drinking water in single-use plastic bottles occurring subsequent to a declaration of emergency (by the Emergency Management Director or other duly authorized Town, County, Commonwealth or Federal official) affecting the availability and/or quality of drinking water to residents of the Town shall be exempt from this bylaw until seven days after the declaration has ended.

Section 4. Enforcement

Enforcement of this article shall be the responsibility of the Town Administrator or his/her designee.

This bylaw may be enforced through the non-criminal disposition procedures as specified in G. L. Chapter 40 § 21D. The following penalties apply:

First violation: Written warning

Second violation: \$150 fine

Third and subsequent violations: \$300 fine

Each day a violation continues constitutes a separate violation, incurring additional fines. Any such fines collected shall be payable to the Town of Harwich. Estimated cost: \$0

Explanation: Single-use plastic bottles impact environmental health, and the health and longevity of other species, who may ingest plastic as food. Ultimately, plastic re-enters the human food chain where the adverse consequences are both known and emerging. Plastics pollute and impact our environment across their life cycle from production, use and disposal.

Over 1,500 single-use plastic water bottles are used and discarded in the U.S. per second. Elimination of the use of single-use plastic water bottles will have a significant impact on future plastic-based pollution including the nation's greenhouse gas footprint and is consistent with protection of the natural environment in Harwich, Barnstable County, our nation and our earth, which we have a common responsibility to protect and steward.

The Finance Committee Recommends:

..... **ROLL CALL VOTE:**

The Board of Selectmen Recommends:

..... **ROLL CALL VOTE:**

RESCIND THE ACTION TAKEN AT THE ANNUAL TOWN MEETING May 6, 2019 FOR
ARTICLE 50

ARTICLE 44: To see if the town will vote to rescind the action taken at the Annual Town Meeting May 6, 2019, Article 50.

Explanation: Last year's Article 50 is discriminatory and is financially inhibitive to various non-profit organizations that utilize Town properties, including Monomoy Little League, Monomoy Booster Club, Cape Cod Baseball League, et al. Further, it puts an unfair financial burden on small businesses that participate in lo a craft fairs, farmers markets, and beach vendors, et al. The article also did not include a means of enforcement. The action should be rescinded and the group who wrote the article should reconsider the verbiage as well as the intent.

The Finance Committee Recommends:

..... **ROLL CALL VOTE:**

The Board of Selectmen Recommends:

..... **ROLL CALL VOTE:**

NEW CLIMATE POLICY BYLAW

ARTICLE 45: To see if the Town Will vote to adopt the following as a general bylaw and to insert it into the Code of the town of Harwich, Massachusetts:

Chapter () Climate Policy

§ ()-1 Climate Policy

The Town of Harwich recognizes that the climate emergency, driven by human activity including energy consumption and land use practices and leading to global warming, rising seas, deadly storms, dangerous heat waves, acidifying oceans, and melting ice sheets, poses an imminent threat to the health, safety and economic security of the residents of the Town. The Town of Harwich therefore adopts as its policy the objective of reducing net greenhouse gas emissions from human activity within and by the Town to zero at the earliest technically and economically feasible time, and directs that all officers and departments of the Town take such measures within the scope of their respective responsibilities and authority as may be necessary and prudent to facilitate such policy and objective.

Explanation: This Article would establish a town policy on climate change which recognizes that we are living in a climate emergency that threatens our communities and our childrens' futures. In line with the official policies of the Commonwealth of Massachusetts and supported by the recommendations of scientists worldwide, as reflected in the reports of the Intergovernmental Panel on Climate Change established by the United Nations, this bylaw would accept the central goal of reducing net greenhouse gas emissions to zero at the earliest economically and technically feasible time. The science tells us that we must make a significant cut in the current rate of carbon emissions within the next ten years or it will be too late to head off the most catastrophic consequences of rising seas, monster storms, runaway fires, deadly heat waves, and the loss of countless species. This bylaw does not set an arbitrary deadline or define the specific steps to attain the goal: that will require a long and challenging process of identifying a multitude of strategies to improve energy efficiency in homes and businesses, to produce renewable power, to increase the use of electric vehicles for private and public transportation, to preserve and expand forested land to offset carbon emissions, and to adopt new technologies as they emerge to support these goals. The policy does not mandate any new public expenditures: every action is measured by technical and economic feasibility, and most improvements in energy efficiency and renewable power generation now offer financial savings or new revenue streams that should reduce net public spending. The bottom line, however, is that there is no time to lose to begin the hard work of finding ways to reduce carbon emissions.

The Finance Committee Recommends:

..... ROLL CALL VOTE:

The Board of Selectmen Recommends:

..... ROLL CALL VOTE:

CUSTOMARY ARTICLES

SUPPLEMENT THE ANNUAL ALLOCATION OF MASS CULTURAL COUNCIL FOR
LOCAL CULTURAL COUNCIL GRANTS

ARTICLE 46: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to supplement the Massachusetts Cultural Council annual allocation for community grant awards to artists, performers, and interpretive scientists who bring events and programs to local venues which enhance the cultural experience of Harwich citizens of all ages, and to act fully thereon. By request of the Harwich Cultural Council. Customary Article. Estimated Cost: \$3,900.

Explanation:

The Finance Committee Recommends:

..... ROLL CALL VOTE:

The Board of Selectmen Recommends:

..... ROLL CALL VOTE:

HERRING FISHERIES

ARTICLE 47: To see what action the Town will take in regard to the Herring Fisheries and to act fully thereon. Customary Article.

The Finance Committee Recommends:

..... ROLL CALL VOTE:

The Board of Selectmen Recommends:

..... ROLL CALL VOTE:

Hereof fail not to make return of the Warrant with your doings thereon at the time and place of said meeting.

Given under our hands this __th day of August, 2020

Larry G. Ballantine, Chair

Stephen P. Ford, Vice Chair

Michael D. MacAskill, Clerk

Donald F. Howell

Edward J. McManus

BOARD OF SELECTMEN

A true copy Attest:

Constable

APPENDIX A – Budget

APPENDIX B – Capital Plan

Notes

CONTRACTS



MEMO

TO: Joseph F. Powers, Interim Town Administrator

FROM: Griffin Ryder, Town Engineer

CC: Carol Coppola, Finance Director
Daniel Pelletier, Water & Wastewater Superintendent

RE: Town of Harwich Phase 2 Contract 1 Sewer Construction Project
Change Order Number 2 – Robert B. Our Co., Inc.

DATE: August 20, 2020

Please find the attached Change Order Number 2 (CO #2) for the Phase 2 Contract 1 Sewer Construction Project with contractor Robert B. Our Co., Inc. (RBO) for review and signature by the Chairman of the Board of Selectmen on behalf of the Board of Selectmen.

CO #2 is comprised of three (3) requests for change (RFCs) that have been submitted by RBO following Change Order Number 1 for the Phase 2 Contract 1 project for a total cost of **\$36,768**. In addition to the attached CO #2 signature page are a summary of the various change requests and the back-up calculation information for each RFC.

The Change Order has been reviewed and vetted by CDM Smith and Town staff in coordination with RBO. There was a meeting on July 29, 2020 attended by the Engineer, Water & Wastewater Superintendent and the CDM Smith in which each of the change requests were reviewed in detail.

CO #2 will be funded by the 5% construction contingency included with Contract Number 1. The attached Department of Environmental Bureau of Water Resources Payment Requisition No. 11 (the latest loan payment requisition) depicts the approved amount through the Town's Clean Water Protection loan. There is currently **\$468,950** available within Construction Contingency No.1 which will cover the cost of CO #2 (**\$36,768**).

Please let me know if you have any questions.

CHANGE ORDER

SRF Number CWSRF-4424/1
Public Entity Town of Harwich MA
Contract Number Contract No. I
Change Order Number 2

Contract Amount (As Bid) \$11,368,663.48
Net Change in Contract Price (This change order) \$36,768.00
Net Change in Contract Price (Previous change orders) \$95,208.00
Total Adjusted Contract Price (including this and all other change orders) \$11,500,639.48

This change order extends the time to complete the work by 0 calendar days.

The extended completion date is N/A

This change order checked by Konell G. Ford 8/6/2020
(Chief) Resident Engineer Date

This change order is requested by: Robert B. Our Co.

This change order is recommended by: CDM Smith Inc.

Michael Quinlan #38074 8-6-20
Consultant Engineer P.E. Number Date

The undersigned agree to the terms of the change order.

[Signature] 8-6-2020
Contractor Date

Owner Date

Certification of Appropriation under M.G.L. c.44, §31C: Adequate funding in an amount sufficient to cover the total cost of this change order is available.

By: Carl Cook 8/20/20
Certification Officer (Auditor, accountant, treasurer) Date

Do not write below: this space reserved for STATE AGENCY APPROVAL

DEP/DMS

Public Entity Town of Harwich, Massachusetts

SRF No: CWSRF-4424/1 Contract No. Contract No. 1 Change Order No. 2

Contract Title: Sewerage Works Improvements Phase 2 Contract No. 1

Owner's Name: Town of Harwich, Massachusetts

Owner's Address: 732 Main Street Harwich MA 02645

Contractor's Name: Robert B. Our Co.

Contractor's Address: 24 Great Western Road Harwich, MA 02645

Descriptions and Reasons for Change

Item No. 1

This change, (RFC 009) provides replacement traffic signal vehicle loop detection wiring at the Route 137/Stop & Shop traffic signal. This work is necessary due to changes in the routing of the sewer in Route 137 after direction was given by the Town not to proceed through the Stop & Shop easement as originally designed in the Contract Documents. Sections of the loop detection system required replacement that would not have been affected with the original routing. The quote provides for labor, equipment and material necessary to install the vehicle loop detector system after both the intermediate wear course and the final paving.

Bell Traffic Inc will complete the work as they are the preferred Town vendor and familiar with the current installation.

The net increase to the Contract Price for this change is \$ 8,333.84

Item No. 2

RFC 012 provides payment to RBO, subcontractors and suppliers for costs related to the rerouting of the main line sewer through the Route 137/Route 39 intersection in order to avoid the Stop & Shop easement at the direction of the Town. These costs include unusable materials that had already been fabricated and purchased by RBO (manhole bases, sections and risers), as well as coring of manholes related to the new alignment, removal and restoration of traffic signal power wiring and conduit at the Route 137/Route 39 intersection and manpower and equipment for RBO to support the work.

The net increase to the Contract Price for this change is \$ 25,737.97

Item No. 3

This change (RFC 014) is for an additional tapping sleeve/valve at an existing 10" ductile iron watermain along Route 137. The tapping sleeve/valve allowed for the installation of a fire hydrant assemble without shutting down the entire watermain near the Queen Anne Road intersection. The fire hydrant will be used to facilitate maintenance of the metering vault at this location. This method of installation provided for the least disruption to the residents in that area.

The net increase to the Contract Price for this change is \$ 2,695.87

Town of Harwich, Massachusetts
Sewerage Works Improvements Phase 2 Contract No. 1
SRF No: CWSRF-4424/1

Change Order No.2 Summary

<u>Item No.</u>	<u>RFC No.</u>	<u>Item Description</u>	<u>Amount</u>
1	RFC 009	Replace traffic signal wiring at Stop & Shop/Route 137	\$8,333.84
2	RFC 012	Changes Related to Sewer Rerouting at Stop & Shop	\$25,737.97
3	RFC 014	Tapping Sleeve and valve for new Route 137 fire hydrant	\$2,695.87
Total Change Order No.2 =			\$36,768

Harwich Sewerage Works Improvements Phase 2 - Contract No.1

Item 1

Robert B Our Co.

24 Great Western Rd, Harwich, MA

Project: Harwich Sewerage Works Improvements Phase 2 - Contract 1
 Engineer: CDM Smith

29-Jan-20

RFC 009 R

Replacement of Traffic Signal Wires at Stop and Shop Entrance on RT 137 (RFI 12)
Replacement of loops after intermediate wear course and final paving (2 occurrences)

RBO	Rate	Hours	QTY	Extended Total
Laborer	\$ 56.68	0	0	0.00
Operator	\$ 75.78	0	0	0.00
Truck Driver	\$ 59.55	0	0	0.00
Forman	\$ 85.00	0	0	0.00

Direct labor Costs :

Labor	\$ -	45.65%	0.00
Operator	\$ -	43.57%	0.00
Truck Driver	\$ -	45.32%	0.00

Subtotal Labor \$ -

RBO Equipment	Rate	Quantity	Extended Total
Excavator	\$ 74.80	0	\$ -
Loader	\$ 74.80	0	\$ -
Truck (10/W)	\$ 73.80	0	\$ -
Utility Truck	\$ 12.30	0	\$ -

Subtotal Equipment \$ -

GC Materials	Rate	Quantity	Extended Total
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Subtotal Material \$ -

Sub Contractors	Rate	Quantity	Extended Total
Bell Traffic	\$ 5,850.00	2 occurrences	\$ 11,700.00

Misc.	Rate	Quantity	Extended total
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Subtotal Misc. \$ -
 Total Subs \$ -

Credit for portion in LD Lane \$ (3,861.00)
 Subtotal Subs \$ 11,700.00
SUBTOTAL \$ 7,839.00
 RBO direct Markup 15%
 RBO Markup on Subs 5 % \$ 391.95
 RBO suplimental markup (bond) 1.25% \$ 102.89

\$ 8,333.84

Total	\$ 8,333.84
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1/27/20

Robert B. Our Co. Inc
24 Great Western Rd.
Harwich, MA 02645

Attention: Abigail Our Rose / Project Manager-Estimator

Re: Harwich MA / Rte 137 @ Stop & Shop Drive / Vehicle Loop Detector Replacement

We are pleased to provide the following quote for labor, equipment and material to furnish and install Vehicle Loop Detectors at the subject location.

Price includes a total of (4) 6ft x 20ft *Quadrupole* Inductive Vehicle Loop Detectors for the Rte 137 N.B approach. (2 Quadrupole Detectors per lane).

Total: Labor, Equipment and Material Furnish and Install.....\$ 5,850.00*

Price includes separate mobilization of an Electrician for splicing and activation of new vehicle detectors.

Replacement Detectors can also be quoted at **\$18.00 PLF complete which is essentially what the above lump sum quote is 325Ft x \$18.00 PLF**) if that would be easier and there are going to be additional Detectors needed including at other locations

Temporary or Permanent Loop Detectors are the same price as it is the same exact installation regardless.

***Excludes Police Details**

Quote is based on utilizing existing Traffic Cabinet/Controller Equipment.

Quote is based on average Prevailing Wage Labor rates for MassDOT District 5 Area as the Prevailing Wage

Rates were not provided for this job.

Thank you for the opportunity to quote you on this project.

Joe Bellofatto

Bell Traffic Signal Co, Inc.

41 Moore Road-Weymouth Industrial Park

Weymouth, Ma 02189

Office # 781-340-1045

Fax # 781-340-9835

Cell #617-908-3124

jbellofatto@belltraffic.com

Harwich Sewerage Works Improvements Phase 2 - Contract No.1

Item 2

Robert B Our Co.

24 Great Western Rd, Harwich, MA

Project: Harwich Sewerage Works Improvements Phase 2 - Contract 1
 Engineer: CDM Smith

27-Mar-20

RFC 012

Design Change Cost to continue up RT 137

Includes time on 3/3 & 3/4 dealing with traffic signal wire power source and other utilities
 3/3- 2.5 hours 3/4 - 2 hours

RBO	Rate	Hours	QTY	Extended Total
Laborer	\$ 57.54	4.5	3	776.79
Operator	\$ 76.93	4.5	3	1038.56
Truck Driver	\$ 60.57	4.5	2	545.13
Forman	\$ 85.00	0	0	0.00

Direct labor Costs :

Labor	\$ 776.79	45.65%	354.60
Operator	\$ 1,038.56	43.57%	452.50
Truck Driver	\$ 545.13	45.32%	247.05

Subtotal Labor \$ 3,414.63

RBO Equipment	Rate	Quantity	Extended Total
Excavator	\$ 166.73	4.5	\$ 750.29
Loader	\$ 69.50	9	\$ 625.50
Truck (10/W)	\$ 66.75	9	\$ 600.75
Utility Truck	\$ 15.31	4.5	\$ 68.90
			\$ -

Subtotal Equipment \$ 2,045.43

GC Materials	Rate	Quantity	Extended Total
Sewer Manhole Bases	\$ 6,371.00	1	\$ 6,371.00
18 " Boots	\$ 250.00	4	\$ 1,000.00
Boot Tool Rental	\$ 150.00	1	\$ 150.00
Trench Box due to utility layout	\$ 2,965.00	1	\$ 2,965.00
			\$ -

Subtotal Material \$ 10,486.00

Sub Contractors	Rate	Quantity	Extended Total
Axiom Sawcutting - Cores	\$ 2,900.00	1 times	\$ 2,900.00
Bell Traffic	\$ 3,845.00	1 times	\$ 3,845.00

Subtotal Subs \$ 6,745.00

subtotal Labor, equipment & materials	\$ 15,946.06
Subtotal Subs	\$ 6,745.00
RBO direct Markup 15%	\$ 2,391.91
RBO Markup on Subs 5 %	\$ 337.25
RBO suplimental markup (bond) 1.25%	\$ 317.75

\$ 25,737.97

Total	\$ 25,737.97
--------------	---------------------

- ** Asphalt & Gravel Used to be invoiced per the units in the contract
- ** Traffic Markings (Paint or Thermo) to be invoiced seperatly once work is completed.
- ** Traffic Signal Wires is a separate change order.

Axiom Concrete Sawing, LLC
 350 Manley Street
 West Bridgewater, MA 02379



WBE Certified

Invoice

Date	Invoice #
3/19/2020	13269

Bill To
ROBERT B OUR CO POST OFFICE BOX 1539 HARWICH, MA 02645

Project Details
Stop & Shop Route 137 Harwich, MA

P.O. No./ Job No.	Terms	Rep	Due Date
	Net 30	WG	4/18/2020

Item	Quantity	Description	Rate	Amount
Core Drill	1	Core Drill - 3/11/2020 2 - 24" diameter holes x 6" thick concrete man hole 1 man - half day minimum <i>OKAD HSI CO</i>	750.00	750.00

Past due invoices may be subject to a service charge of 1.5% per month. (18% per annum)			Total	\$750.00
ALL APPLICABLE STATE SALES/USE TAX INCLUDED.				
Phone #	Fax #	Any questions E-mail	Payments/Credits	\$0.00
508-580-9788	508-580-0028	chris@axiom.net	Balance Due	\$750.00

NEED O.K.

Aaxiom Concrete Sawing, LLC
 350 Manley Street
 West Bridgewater, MA 02379



WBE Certified

Invoice

Date	Invoice #
3/12/2020	13235

Bill To
ROBERT B OUR CO POST OFFICE BOX 1539 HARWICH, MA 02645

Project Details
Stop & Shop Route 137 Harwich, MA
H.S.I. C.O.

P.O. No./ Job No.	Terms	Rep	Due Date
	Net 30	WG	4/11/2020

Item	Quantity	Description	Rate	Amount
Core Drill	1	Core Drill - 3/2/2020 1 - 24" diameter hole x 6" deep concrete manhole 1 - 12" diameter hole x 6" deep concrete manhole 1 man - half day	750.00	750.00

NEED O.K.

Past due invoices may be subject to a service charge of 1.5% per month. (18% per annum)			Total	\$750.00
ALL APPLICABLE STATE SALES/USE TAX INCLUDED.				
Phone #	Fax #	Any questions E-mail	Payments/Credits	\$0.00
508-580-9788	508-580-0028	chris@aaxiom.net	Balance Due	\$750.00

Abbey

Axiom Concrete Sawing, LLC
 350 Manley Street
 West Bridgewater, MA 02379



WBE Certified

Invoice

Date	Invoice #
2/10/2020	13096

Bill To
ROBERT B OUR CO POST OFFICE BOX 1539 HARWICH, MA 02645

Project Details
Stop & Shop Route 137 Harwich, MA <i>OK AO</i> <i>HSI</i> <i>CO</i>

		P.O. No./ Job No.	Terms	Rep	Due Date
			Net 30	SPG	3/11/2020
Item	Quantity	Description	Rate	Amount	
Core Drill	1	Core Drill - 2/7/2020 1 - 24" diameter core x 5" thick manhole 1 - 12" diameter core x 5" thick manhole riser 1 man - 8 hours	1,400.00	1,400.00	
Past due invoices may be subject to a service charge of 1.5% per month. (18% per annum)				Total \$1,400.00	
ALL APPLICABLE STATE SALES/USE TAX INCLUDED.				Payments/Credits \$0.00	
Phone #	Fax #	Any questions E-mail		Balance Due \$1,400.00	
508-580-9788	508-580-0028	chris@aaxiom.net			

NEED O.K.

Robert

ACME-SHOREY PRECAST CONCRETE PRODUCTS

P.O. BOX 374 - NORTH FALMOUTH MA. 02556
 PHONE (508) 548-9607 FAX (508) 548-1664 TOLL FREE 1-800-560-9949

Invoice

Invoice Number:
27963

Invoice Date:
Mar 23, 2020

Page:
1

Unpaid

Sold To:

Robert B. Our Co., Inc.
 PO Box 1539
 24 Great Western Road
 North Harwich, MA 02645

Ship to:

CHATHAM SEWER
 CHATHAM

Requested Time	Time Out	Time In	Sales Order #	Quoted
Customer ID	Customer PO		Payment Terms	
OUREX			Net 30 Days	
Sales Rep ID	Shipping Method	Ship Date	Due Date	
Diane	OUR TRUCK	3/23/20	4/22/20	

Quantity	Item	Description	Unit Price	Extension
4.00	BOOT1822	BOOT 18" PIPE SIZE/ 24" HOLE	250.00	1,000.00
1.00	DESCRIP.	BOOT TOOL	150.00	150.00

I have examined the products delivered for any damage. Our company will accept them as they are, with the signing of this slip. Waiting or extra time will be charged out at the company's current posted rates.

Authorized Signature _____

COPY

Subtotal	1,150.00
Sales Tax	
Freight	
Total Invoice Amount	1,150.00
TOTAL	1,150.00

By the signing of this invoice, the agent for the above named company, gives Acme-Shorey the authority to collect amount(s) due and makes the company responsible for any balance of invoice, including all collection costs, court cost and attorney fees. Acme-Shorey is not responsible for any damages incurred by our equipment to property or dwelling after truck leaves State or Town pavement.

042319318

ACME--SHOREY PRECAST CO., INC. Sales Order

Sales Order Number:
8172

MAIL: P.O. BOX 374, NO. FALMOUTH, MA. 02556
508-548-9607 800-560-9949 FAX 508-548-1664

Sales Order Date:
Mar 24, 2020

Ship By:
Mar 24, 2020

Page:
1

Sold To:
Robert B. Our Co., Inc.
PO Box 1539
24 Great Western Road
North Harwich, MA 02645

Ship To:
HARWICH SEWER PROJECT
BASE SECTIONS PRODUCED /NOT USED DUE TO REDESIGN
VARIOUS LOCATIONS
HARWICH, MA

Voice: 508-432-0530
Fax: 508-432-4385

To ensure these quoted prices, use sales order number when ordering or prices may vary.

Customer ID OUREX	PO Number	Sales Rep Name Michael Shea
Customer Contact Christopher Our	Shipping Method OUR TRUCK	Payment Terms Net 30 Days

Quantity	Item	Description	Unit Price	Extension
5.00	DESCRIP.	BASE SECTIONS PRODUCED AT 5'-6 IN HEIGHT (TWO BOOTS) NOT USED DUE TO REDESIGN SMH; S3-3, S3-4, S4-1, S4-2, S5-5	793.50	3,967.50
1.00	DESCRIP.	BASE SECTION PRODUCED AT 5'-6 IN HEIGHT (THREE BOOTS) NOT USED DUE TO REDESIGN SMH; S4-5	918.50	918.50
1.00	DESCRIP.	BASE SECTIONS PRODUCED AT 4'-6 IN HEIGHT (TWO BOOTS) NOT USED DUE TO REDESIGN SMH; S3-5	716.50	716.50
1.00	DESCRIP.	BASE SECTIONS PRODUCED AT 5'-6 IN HEIGHT (TWO BOOTS) NOT USED DUE TO REDRSIGN SMH; S5-5	768.50	768.50

Upon acceptance of this sales order, all material listed shall be placed into production. Any changes may incur additional costs. Any items ordered that are not manufactured by Acme Shorey Precast, (Pumps, Filters, Specialty Items, etc..) if returned may incur restocking charges. Sales orders are good for 30 days. If expected delivery is going to be more than 30 days from time of order please let

Subtotal 6,371.00

Sales Tax

Acceptance:

TOTAL ORDER AMOUNT

6,371.00

By: _____



238E Cherry Street
Shrewsbury, MA 01645
www.AmericanShoring.com
608-842-2822 Phone
608-842-2824 Fax

Status: Agreement
Contract #: 6993-2

Reserved Date: Thu 3/ 5/2020 6:30AM

Typed By: Rob Foley
Terms: Net 30

Customer #: 2854

ROBERT B. OUR CO.,INC.
24 GREAT WESTERN ROAD
PO BOX 1539
HARWICH, MA 02645
608-432-0530 Phone
608-432-7067 Fax

OK AO HSI
C.D.

Ordered By: Brad 774-722-4425

Salesperson: Mark Dusseault mark.dusseault@americanshoring.com

Delivery Thu 3/ 5/2020 6:30AM

Brad 774-722-4425
RT 137 @ RT 39
Harwich, MA

MTI-MA

Qty	Key	Items	Ser#	Status	Each	Price
1	SRS1-2	SLIDE RAIL SYSTEM		Reserved	\$2,215.00	\$2,215.00
		1day \$2,215.00 1week \$2,215.00 4weeks \$6,645.00 components				
2	UPF14.8-2	UTILITY PANEL FRAME 14.8'L		Reserved	\$0.00	\$0.00
1	WALER14.8-2	14.8' WALER FOR SLIDE RAIL		Reserved	\$0.00	\$0.00
1	WALER14.8-2	14.8' WALER FOR SLIDE RAIL		Reserved	\$0.00	\$0.00
4	HANGING CHAINS-2	HANGING CHAINS		Reserved	\$0.00	\$0.00
14	KD22-2	KD V/8 SHEETING 22'L		Reserved	\$0.00	\$0.00
2	JTE Del/PU-2	Tax Exempt Delivery/PickUp-Mass		Selling	\$375.00	\$750.00

NOTE: This is a Contract for Rental Equipment.

RENTAL EQUIPMENT IS NOT AVAILABLE FOR SALE!

We make no offers for sale of this equipment: Customer MUST Initial:

For billing purposes please note: One Month = 4 Weeks/28 Days To cancel call 24 hours prior to delivery.

Rental Contract

This contract is three pages. These pages contain important terms and conditions including lessor's disclaimer from all liability for injury or damage and details of Lessee's obligations for rental charges and responsibilities to care for and return the item (s) rented. All rentals are subject to the terms and conditions as stated. THEY ARE A PART OF THIS AGREEMENT, PLEASE READ THEM AND SIGN BELOW.

I certify that I have read and agree to all terms of this contract.

We REQUIRE a Certificate of Insurance naming American Shoring Inc as Additional Insured and Loss Payee

Rental:	\$2,215.00
Delivery Charge:	\$750.00
Subtotal:	\$2,965.00
MA 6.25%-MASS:	\$138.44
Total:	\$3,103.44
Paid:	\$0.00
Amount Due:	\$3,103.44

Print & Sign:

ROBERT B. OUR CO.,INC.

3/26/20

Robert B. Our Co. Inc
24 Great Western Rd.
Harwich, MA 02645

Attention: Abby Rose / Project Manager

Re: Harwich MA / Rte 137 at Rte 39 / Traffic Signal Conduit and Cable Restoration

Labor equipment and material to mobilize to the subject location for removal of Traffic Signal System electrical conduit and cable to allow for Sewer Construction operations and subsequent restoration of conduit and cable.(all existing cable was reutilized.)

Labor

(1)Electrician @ 10 Hours
(1)Laborer @ 10 Hours

Equipment

(1)Bucket Utility Truck @ 10 hours

Material

(75') 3" Sch 80 PVC
(2) 3" Sch 80 90deg Sweep
(1)3" Sch 80 45 deg Sweep
(4)3' PVC Couplings
(1)quart PVC Cement
(LS) Electrical Splicing Materials

Total: Labor, Equipment and Material Furnish and Install.....\$ 3,845.00*

***Excludes Police Details**

Quote is based on utilizing existing pull boxes/conduit and existing Traffic Cabinet/Controller Equipment.

Thank you for the opportunity to quote you on this project.

Joe Bellofatto

Bell Traffic Signal Co, Inc.

41 Moore Road-Weymouth Industrial Park
Weymouth, Ma 02189
Office # 781-340-1045
Fax # 781-340-9835
Cell #617-908-3124
jbellofatto@belltraffic.com

Harwich Sewerage Works Improvements
Phase 2 - Contract No.1

Item 3

Robert B Our Co.

24 Great Western Rd, Harwich, MA

Project: Harwich Sewerage Works Improvements Phase 2 - Contract 1
 Engineer: CDM Smith

12-May-20

RFC 014

Install Tapping Sleeve and Valve for RT 137 Hydrant

RBO	Rate	Hours	QTY	Extended Total
Laborer	\$ 56.68	0	0	0.00
Operator	\$ 75.78	0	0	0.00
Truck Driver	\$ 59.55	0	0	0.00
Forman	\$ 85.00	0	0	0.00

Direct labor Costs :

Labor	\$ -	45.65%	0.00
Operator	\$ -	43.57%	0.00
Truck Driver	\$ -	45.32%	0.00

Subtotal Labor \$ -

RBO Equipment	Rate	Quantity	Extended Total
Excavator	\$ 166.73	0	\$ -
Loader	\$ 69.50	0	\$ -
Truck (10/W)	\$ 66.95	0	\$ -
Utility Truck	\$ 15.31	0	\$ -
Tap Machine	\$ 1,500.00	1	\$ 1,500.00
Subtotal Equipment			\$ 1,500.00

GC Materials	Rate	Quantity	Extended Total
Tap Sleeve , Gate & Misc.	\$ 1,380.04	1	\$ 1,380.04
Subtotal Material			\$ 1,380.04

Sub Contractors	Rate	Quantity	Extended Total
Credit	-	-	-

Credit	Rate	Quantity	Extended total
Credit for Tee and coupling & misc.	\$ (564.75)	1.00	\$ (564.75)
Subtotal Misc.			\$ (564.75)
Total Subs			\$ (564.75)

subtotal Labor, equipment & materials	\$ 2,880.04
Credit	\$ (564.75)
RBO direct Markup 15%	\$ 347.29
RBO Markup on Subs 5 %	
RBO suplimental markup (bond) 1.25%	\$ 33.28
	\$ 2,695.87

Total	\$ 2,695.87
--------------	--------------------

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATER RESOURCES**

PAYMENT REQUISITION

LOAN NO.: <u>CWP-18-23</u> DMS PROJECT NO.: <u>CWSRF-4424</u>	REQUEST NO.: <u>11</u> SERVICE DATES: <u>06/01/2020 to 06/30/2020</u>
--	--

LEGAL NAME AND ADDRESS OF BORROWER:

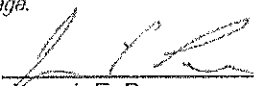
Town of Harwich
 732 Main Street
 Harwich, MA 02645

EXPENDITURE TYPE	APPROVED AMOUNT \$	PREVIOUS REQUESTS \$	THIS REQUEST
Construction Services - Cont. No. 1 & 2	\$ 2,290,000	\$ 971,413	\$ 97,869
Construction: Contract No. 1 (RBO)	\$ 11,463,871	\$ 5,615,935	\$ 407,451
Construction: Contract No. 2 (RJV)	\$ 6,621,306	\$ 1,291,316	\$ 381,652
Construction Contingency No. 1	\$ 468,950	\$ -	\$ -
Construction Contingency No. 2	\$ 331,065	\$ -	\$ -
Other: Police - Cont. No. 1 & 2	\$ 1,035,000	\$ 834,052	\$ 61,756
Other: Water Usage - Cont. No. 1	\$ 4,275	\$ 3,570	\$ 705
Totals	\$ 22,214,467	\$ 8,716,286	\$ 949,433

CERTIFICATION OF THE BORROWER:

The Authorized Representative of the Borrower identified below certifies the following:

- (i) This payment is for Project Costs and the obligations specified herein have not been the basis for a prior requisition that has been paid;
- (ii) there has been no Default, as defined in the Regulatory Agreement hereunder or no Event of Default as defined in the Loan Agreement, and no event or condition exists which after notice or lapse of time or both, would become a Default under the Regulatory Agreement or an Event of Default under the Loan Agreement exists; and
- (iii) the payment requested by this requisition is due for work actually performed or materials or property actually supplied prior to the date of this requisition less retainage.

Signature:  Date: July 23, 2020
 Print Name: Joseph F. Powers
 Title: Interim Town Administrator

(To be completed by the DEP Division of Municipal Services)

Amount Requested: _____ Amount Approved: _____
 Signature: _____ Date: _____
 Print Name: Maria E. Pinaud
 Title: Division Director



MEMO

TO: Joseph F. Powers, Interim Town Administrator

FROM: Griffin Ryder, Town Engineer

CC: Carol Coppola, Finance Director
Daniel Pelletier, Water & Wastewater Superintendent

RE: Town of Harwich Phase 2 Contract 2 Sewer Construction Project
Change Order Number 1 – RJV Construction Corporation

DATE: August 20, 2020

Please find the attached Change Order Number 1 (CO #1) for the Phase 2 Contract 2 Sewer Construction Project with contractor RJV Construction Corporation (RJV) for review and signature by the Chairman of the Board of Selectmen on behalf of the Board of Selectmen.

CO #1 is comprised of three (3) requests for change (RFCs) that have been submitted by RJV during the course of the Phase 2 Contract 2 project thus far for a total cost of **\$33,188**. In addition to the attached CO #1 signature page are a summary of the various change requests and the back-up calculation information for each RFC.

The Change Order has been reviewed and vetted by CDM Smith and Town staff in coordination with RJV. There was a meeting on July 29, 2020 attended by the Engineer, Water & Wastewater Superintendent, CDM Smith, and RJV in which each of the change requests were reviewed in detail.

CO #1 will be funded by the 5% construction contingency included with Contract Number 2. The attached Department of Environmental Bureau of Water Resources Payment Requisition No. 11 (the latest loan payment requisition) depicts the approved amount through the Town's Clean Water Protection loan. There is currently **\$331,065** available within Construction Contingency No.2 which will cover the cost of CO #1 (**\$33,188**).

Please let me know if you have any questions.

CHANGE ORDER

SRF Number CWSRF-4424/2
Public Entity Town of Harwich MA
Contract Number Contract No. 2
Change Order Number 1

Contract Amount (As Bid) \$6,621,306.25
Net Change in Contract Price (This change order) \$33,188.00
Net Change in Contract Price (Previous change orders) \$0.00
Total Adjusted Contract Price (including this and all other change orders) \$6,654,494.25

This change order extends the time to complete the work by 0 calendar days.

The extended completion date is

N/A

This change order checked by

Thomas G. Fal (Chief) Resident Engineer

8/14/20 Date

This change order is requested by:

RJV Construction Corporation

This change order is recommended by:

CDM Smith Inc.

Michael Quinlan

Consultant Engineer

38074

P.E. Number

08/18/20

Date

The undersigned agree to the terms of the change order.

Contractor

8/14/20 Date

Owner

Date

Certification of Appropriation under M.G.L. c.44, §31C: Adequate funding in an amount sufficient to cover the total cost of this change order is available.

By:

Carl Corp

Certification Officer (Auditor, accountant, treasurer)

8/20/20

Date

Do not write below: this space reserved for STATE AGENCY APPROVAL

DEP/DMS

Public Entity Town of Harwich, Massachusetts

SRF No: CWSRF-4424/2 Contract No. Contract No. 2 Change Order No. 1

Contract Title: Sewerage Works Improvements Phase 2 Contract No. 2

Owner's Name: Town of Harwich, Massachusetts

Owner's Address: 732 Main Street Harwich MA 02645

Contractor's Name: RJV Construction Corporation.

Contractor's Address: 5 Lincoln Street Canton, MA 02021

Descriptions and Reasons for Change

Item No. 1

This change (RFC 001) provides payment to RJV Construction for impact to their new sewer installation progress at four separate Nor'East and Sou'West Drive locations. While excavating for the new sewer, RJV Construction encountered underground gas and electric utilities that were not shown on utility company plans (and therefore not shown on the contract drawings) and/or incorrectly marked by the utility companies in the field. The impact was a total of sixteen hours for the four locations.

The net increase to the Contract Price for this change is \$24,761.39

Item No. 2

This change (RFC 004) provides payment to RJV Construction for furnishing and installing a replacement drainage structure on Church Street (adjacent to Sewer Manhole S3-5). The existing drainage structure was shown on the contract drawings to be removed and reset but was not salvageable resulting in the installation of a new one by RJV Construction.

The net increase to the Contract Price for this change is \$2,158.21

Item No. 3

This change (RFC 005) provides payment to RJV Construction for impact to their new sewer installation progress at Church Street. While excavating for the new sewer, RJV Construction encountered underground electrical conduits that were not marked by the utility company in the field or shown on utility company plans (and therefore not shown on the contract drawings). It was necessary for RJV Construction to alter their shoring, trench box installation and excavation methods impacting the progress of the new sewer installation.

The net increase to the Contract Price for this change is \$6,268.63.

Town of Harwich, Massachusetts
Sewerage Works Improvements Phase 2 Contract No. 2
SRF No: CWSRF-4424/2

Change Order No.1 Summary

<u>Item No.</u>	<u>RFC No.</u>	<u>Item Description</u>	<u>Amount</u>
1	RFC 001	Costs associated with unmarked utilites at Nor'East and Sou'West Drives	\$24,761.39
2	RFC 004	Replacement Drainage Structure at Church Street	\$2,158.21
3	RFC 005	Costs associated with unmarked conduits at Church Street	\$6,268.63
Total Change Order No.1 =			\$33,188

Harwich Sewerage Works Improvements Phase 2 - Contract No.2

Item 1



5 Lincoln Street, Canton, MA 02021
Tel: (781) 821-1469 Fax: (781) 832-3443

March 23, 2020

Mr. James T. Maher, Vice President
Construction Manager
CDM Smith
75 State Street, Suite 701
Boston, MA 02109

**Subject: Town of Harwich
Sewerage Works Improvements
Phase 2 – Contract No. 2
Sou'West & Nor'East Drive Utilities (COR-001)**

Dear Mr. Maher,

During the installation of the proposed sewer on Sou'West and Nor'East Drive (Sheets C-10 & C-11) underground utilities were uncovered at the site not shown or indicated in the Contract Documents. Such utilities impacted the progress of the new sewer installation.

Please find attached, RJV Construction Corp.'s cost data and backup associated with utilities not shown or indicated on Sou'West and Nor'East Drive (Sheets C-10 & C-11).

We respectfully request a change order in the amount of \$24,761.39 be processed in accordance with the terms of the contract.

Should you have any questions, please feel free to contact us

Sincerely,
RJV CONSTRUCTION CORP.

A handwritten signature in black ink, appearing to read 'Matthew DeLuca', is written over a horizontal line.

Matthew DeLuca
Project Manager

294.2.1.007

Cc: Ron Ford, CDM Smith
Griffin Ryder / Dan Pelletier, Harwich
Querino Pacella / Josh Chabot, RJV

**COR-001 - Sou'West & Nor'East Unkown Utilities
CALCULATION SHEET**

(1) Labor

Foreman/Operator	16.00	hrs @	\$	76.93	per hr	\$ 1,230.88
Operator	16.00	hrs @	\$	76.93	per hr	\$ 1,230.88
4/5 Axle Driver (2)	32.00	hrs @	\$	60.57	per hr	\$ 1,938.24
Pipelayer	16.00	hrs @	\$	57.79	per hr	\$ 924.64
Laborer	16.00	hrs @	\$	57.54	per hr	\$ 920.64

\$6,245.28

(2) Direct Labor Cost

46.56% of \$6,245.28

\$2,907.80

(3) Materials & Freight

@ per \$ -

\$0.00

(4) Equipment

Komatsu PC600	16.00	hrs @	\$	267.58	per hr	\$ 4,281.28
Komatsu PC228	16.00	hrs @	\$	103.50	per hr	\$ 1,656.00
Volvo L120	16.00	hrs @	\$	83.16	per hr	\$ 1,330.56
Tri-axle Dump (2)	32.00	hrs @	\$	94.29	per hr	\$ 3,017.28
New Holland Skid Steer	16.00	hrs @	\$	29.13	per hr	\$ 466.08
Bomag Roller	16.00	hrs @	\$	52.90	per hr	\$ 846.40
Utility Van	16.00	hrs @	\$	25.37	per hr	\$ 405.92
Utility Truck	16.00	hrs @	\$	23.44	per hr	\$ 375.04

\$12,378.56

Total (Items 1 through 4) \$21,531.64

(5) 15% markup for Overhead, Profit

15.00% of \$21,531.64

\$3,229.75

(6) Subcontractors

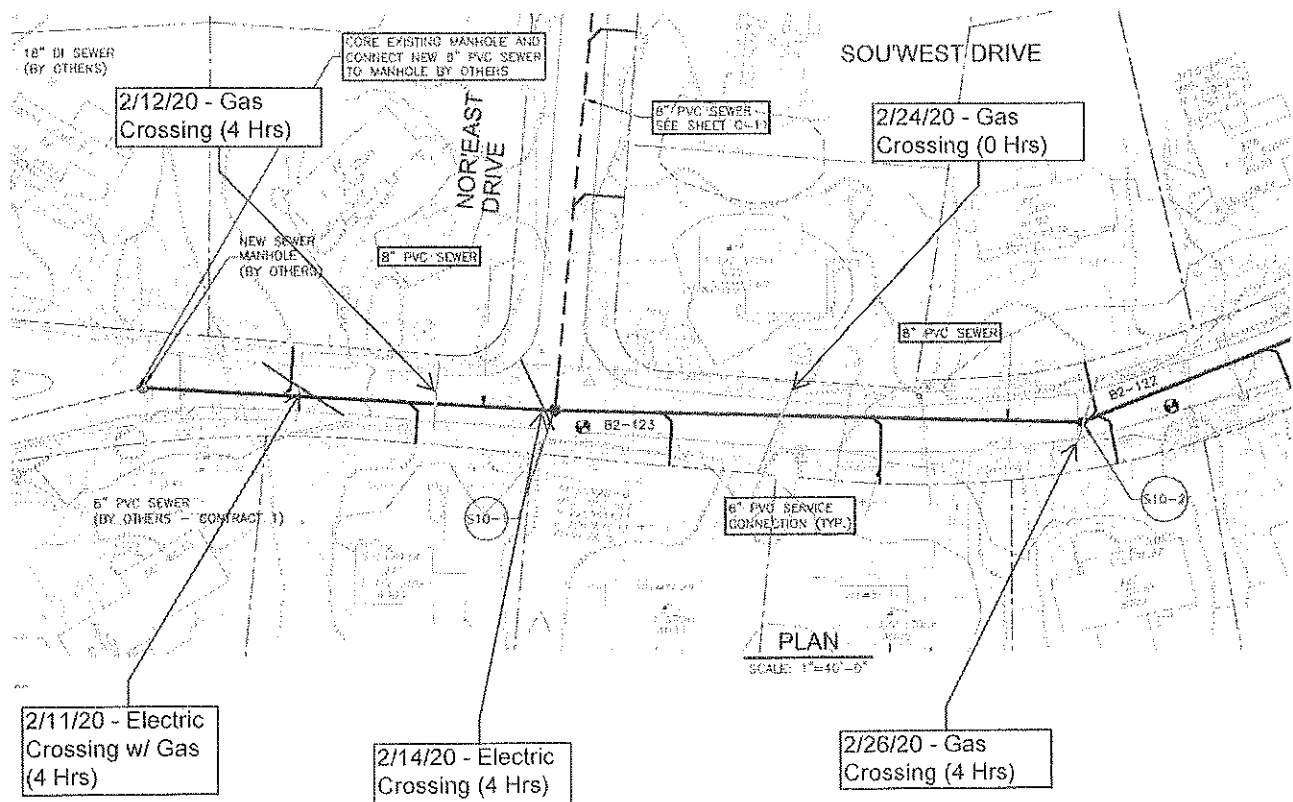
\$ -

(7) 5% markup on subcontractors

5.00% of \$ -

\$ -

Total Cost \$ 24,761.39



Harwich Sewerage Works Improvements Phase 2 - Contract No.2

Item 2



5 Lincoln Street, Canton, MA 02021
Tel: (781) 821-1469 Fax: (781) 832-3443

May 4, 2020

Mr. James T. Maher, Vice President
Construction Manager
CDM Smith
75 State Street, Suite 701
Boston, MA 02109

**Subject: Town of Harwich
Sewerage Works Improvements
Phase 2 – Contract No. 2
Church Street Drainage Structure (COR-004)**

Dear Mr. Maher,

During the installation of the proposed sewer on Church Street (Sheet C-3) the drainage structure encountered just to the south of SMH S3-5 was found to be different from what was indicated on the contract drawings.

Please find attached, RJV Construction Corp.'s cost data and backup associated with the drainage structure installation on Church Street (Sheet C-3).

We respectfully request a change order in the amount of \$2,158.21 be processed in accordance with the terms of the contract.

Should you have any questions, please feel free to contact us

Sincerely,
RJV CONSTRUCTION CORP.

A handwritten signature in black ink, appearing to read 'Matthew DeLuca', is written over a horizontal line.

Matthew DeLuca
Project Manager

294.2.1.010

Cc: Ron Ford, CDM Smith
Griffin Ryder / Dan Pelletier, Harwich
Querino Pacella / Josh Chabot, RJV

**COR-004 - Church Street Drainage Structure
CALCULATION SHEET**

(1) Labor

Foreman/Operator	3.00	hrs @	\$ 76.93	per hr	\$ 230.79	
Operator	3.00	hrs @	\$ 76.93	per hr	\$ 230.79	
						\$461.58

(2) Direct Labor Cost

46.56%	of					
			\$461.58			\$214.91

(3) Materials & Freight

Precast Drainage Galley	1.00	ea @	\$ 308.00	per ton	\$ 308.00	
Filter Fabric	1.00	ea @	\$ 312.06	per ea	\$ 312.06	
1.5-inch Crushed Stone	6.60	ton @	\$ 30.00	per ton	\$ 197.85	
Gravel	1.86	ton @	\$ 17.25	per ton	\$ 32.09	
						\$850.00

(4) Equipment

Komatsu PC138 (E01)	3.00	hrs @	\$ 93.30	per hr	\$ 279.90	
Utility Truck	3.00	hrs @	\$ 23.44	per hr	\$ 70.32	
						\$350.22

Total (Items 1 through 4) **\$1,876.71**

(5) 15% markup for Overhead, Profit

15.00%	of					
			\$1,876.71			\$281.51

(6) Subcontractors

\$ -

(7) 5% markup on subcontractors

5.00%	of					
			\$ -			\$ -

Total Cost \$ 2,158.21

Quotation

ACME-SHOREY PRECAST CO., INC.

MAIL: P.O. BOX 374, NORTH FALMOUTH, MASSACHUSETTS 02556

508-548-9607 800-560-9949 FAX 508-548-1664

Quoted to:

RJV Construction Corp
5 Lincoln St.
Canton, MA 02021

SHIP TO:

Galley End Section
160 Church St
HARWICH, MA

Quote Number:
8239C

Quote Date:
Apr 21, 2020

Phone: 781-821-1469

Fax: 781-832-3553

Page:
1

Customer ID	Good Thru	Shipping Method	Sales Rep	
RJV	5/21/20	OUR TRUCK	Bruce	
Payment Terms				
Net 30 Days				
Quantity	Item	Description	Unit Price	Extension
1.00	SCE2H	R-20 GALLEY CHAMBER END W/COVER	308.00	308.00
<p><i>Please sign below with your acceptance to proceed with this order. Pricing includes all available discounts. All quotes are valid for 30 days from quote date. Quotes are contingent upon approval of our submittal drawings and/or catalog cut sheets.</i></p>			Subtotal	308.00
			Sales Tax	
			Freight	
			Total	308.00

By: _____ Date: _____

FERGUSON®

WATERWORKS

351 WHITES PATH
SOUTH YARMOUTH, MA 02664-2312

Please contact with Questions: 407-816-6550

INVOICE NUMBER	TOTAL DUE	CUSTOMER	PAGE
✓ 0947736	\$312.06	48315	1 of 1

PLEASE REFER TO INVOICE NUMBER WHEN
MAKING PAYMENT AND REMIT TO:

FERGUSON WATERWORKS #576
PO BOX 417592
BOSTON, MA 02241-7592

SHIP TO:

JOSH @ RJV
160 CHURCH STREET
HARWICH, MA 02645

3716 1 MB 0.439 E0197 10368 06048192607 S2 P7306437 0002:0003



RJV CONSTRUCTION CORPORATION
HARWICH SEWER PH2 CON 2
PO BOX 626
CANTON MA 02021-0626

SHIP WHSE.	SELL WHSE.	TAX CODE	CUSTOMER ORDER NUMBER	SALESMAN	JOB NAME	INVOICE DATE	BATCH
773	773	MAE	160 CHURCH ST HARWIC	CT	HARWICH SEWER PH2 CON. 2	04/14/20	IO 73939

ORDERED	SHIPPED	ITEM NUMBER	DESCRIPTION	UNIT PRICE	UM	AMOUNT
1	1	A0451TG	12-1/2X360 FT N/WOV FAB 451	312.060	SY	312.06
			INVOICE SUB-TOTAL			312.06

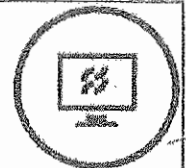
LEAD LAW WARNING: IT IS ILLEGAL TO INSTALL PRODUCTS THAT ARE NOT "LEAD FREE" IN ACCORDANCE WITH US FEDERAL OR OTHER APPLICABLE LAW IN POTABLE WATER SYSTEMS ANTICIPATED FOR HUMAN CONSUMPTION. PRODUCTS WITH "NP" IN THE DESCRIPTION ARE NOT LEAD FREE AND CAN ONLY BE INSTALLED IN NON-POTABLE APPLICATIONS. BUYER IS SOLELY RESPONSIBLE FOR PRODUCT SELECTION.

ENTERED APR 28 2020

2924-M

Looking for a more convenient way to pay your bill?

Log in to Ferguson.com and request access to Online Bill Pay.



TERMS: NET 10TH PROX	ORIGINAL INVOICE	TOTAL DUE	\$312.06
----------------------	------------------	-----------	----------

All past due amounts are subject to a service charge of 1.5% per month, or the maximum allowed by law, if lower. If Buyer fails to pay within terms, then in addition to other remedies, Buyer agrees to pay Seller all costs of collection, including reasonable attorney fees. Complete terms and conditions are available upon request or at <https://www.ferguson.com/content/website-info/terms-of-sale>, incorporated by reference. Seller may convert checks to ACH.

Invoice



S H I P T O
 RJV CONSTRUCTION INC.
 Harwich Sewer
 Harwich
 Harwich MA 02645
 1649337

Direct inquiries to:
 Aggregate Industries Northeast Region
 P.O. Box 28903
 New York NY 10087-8903
 Phone: 1-855-339-4900

*
 RJV CONSTRUCTION INC.
 P.O. BOX 626
 CANTON MA 02021

We are pleased to announce that invoices
 can now be received via email!
 Call to enroll today!

38594	04/17/2020	712382103
CUSTOMER NO.	INVOICE DATE	INVOICE NUMBER

294-M

Sales District: 3053 BARRY POWERS

Ship Date	Plant	FOB FP	Bill of Lading#	Material Description	Quantity	U/M	Unit Price	Gross Amount
04/15	SODE	FOB	114493959	230 GREAT WESTERN ROAD ASPHALT AGGREGATE	13.190	TON	30.000	395.70
				Total Material Units	13.190	TON		
				Total Delivery Units	0.000			
				Total Seasonal Charge Units	0.000			
				Subtotal Material				395.70
				Subtotal Delivery				0.00
				Subtotal Seasonal Charge				0.00
				Amount Before Tax				395.70
				Tax				0.00
				Total Invoice Amount				395.70
				Payment Terms: Net 30 days from invoice list date				
				Finance charges will be applied on overdue accounts at the rate of 1.5% per month / 18% per annum				
				APR 24 2020				

FP=Freight Prepaid, ZFC=FOB Carrier Location, TON=US Tons, TO=Metric Tons, M3=Cubic Meters, RA=Each, YD3=Cubic Yards

IMPORTANT: DETACH AND ENCLOSE THIS COUPON WITH YOUR PAYMENT

712382103
INVOICE NUMBER

RJV CONSTRUCTION INC.
 P.O. BOX 626
 CANTON MA 02021

DEDUCTION REASONS

1. Price \$ _____
2. Freight \$ _____
3. Tax \$ _____
4. Other \$ _____

REMIT Aggregate Industries Northeast Region
 P.O. Box 28903
 TO: New York NY 10087-8903

AMOUNT REMITTED \$ _____

38594	04/17/2020	395.70
CUSTOMER NO.	INVOICE DATE	INVOICE AMOUNT



SOUTH DENNIS ASPHALT PLANT

294

114493959

4/15/2020 1:01:00PM

Weighmaster: Kimberly Chilinski

Customer: 38594 RJV CONSTRUCTION INC.
 Order: 400656506 Harwich Sewer
 P.O.:
 Product: 905249 ASPHALT AGGREGATE
 Mix: 800881 1 1/2" STONE
 Hauler: 4000000
 Truck: MSC02
 Axle: 0
 Location: 8730
 Zone: ZONE0
 Tax: ZZ

	Pounds	Tons
Gross:	56160	28.08
Tare:	29780 *	14.89 *
Net:	26380	13.19

* P. T.



Cash Sale	Price	Amount
Material:		
Freight:		
Other:		
Tax:		
Total:		

RECEIVED: _____

THE PERSON SIGNING THIS DELIVERY TICKET IS AUTHORIZED TO ACCEPT THE MATERIALS DELIVERED.

By signing, I acknowledge that I have reviewed the information on this ticket and that I am authorized to consent to the following: For Delivery Cust certify that I have received the quantity and product that I ordered. I relieve the seller of any liability for personal injury or property damage when delivery made beyond curb line. For Pickup (F.O.B.) Customer, I certify that I have received the quantity and product I ordered and that my vehicle complies

Shipped: 13.19 Loads: 1
 Today: 13.19 Loads: 1

AggreChoice Products do not currently meet Massachusetts, New Hampshire, and Rhode Island Highway Dept/DDOT specifications.

Deliveries of products of Aggregate Industries in vehicles arranged for by Aggregate Industries are usually made by interstate common carriers or by independent contractor businessmen operating as interstate non-regulated truckers. In either such case, Aggregate Industries exercises no control over and does not assume responsibility for the transportation and delivery of the products covered by this ticket. Aggregate Industries will not be liable in any way for accidents or damage to persons or property or for loss of property or delay arising out of or occurring during the transportation and delivery and unloading of such product. Crushed stone products may include recycled material.

Danger: Sand & Gravel Products Contain Silica Dioxide, Dust May Irritate Eyes and Respiratory System



P.A. Landers, Inc.

P.O. Box 217

351 Winter Street

Hanover, Massachusetts 02339

PHONE: (781) 826-8818 FAX: (781) 829-8934

Page: 1

Customer ID: RJV10

Invoice: 265877

Invoice Date: 2/10/20

Terms: Net 30 Days

RJV CONSTRUCTION CORP
5 LINCOLN ST
CANTON, MA 02021

Job Location: SOUTH CHATHAM-160 MILL HILL RD

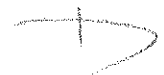
Ticket	Deliver Date	P.O.	Product	Qty	-----Material-----		-----Freight-----		Tax Amount	Total
					Rate	Amount	Rate	Amount		
3343016 ✓	02/04/20	2(JOB #145)	RECYCLED ASPHALT	34.28	12.00	411.36	5.25	179.97	0.00	591.33
3343021 ✓	02/04/20	2(JOB #145)	RECYCLED ASPHALT	36.42	12.00	437.04	5.25	191.21	0.00	628.25
3343050 ✓	02/04/20	2(JOB #145)	RECYCLED ASPHALT	35.74	12.00	428.88	5.25	187.64	0.00	616.52
3343051 ✓	02/04/20	2(JOB #145)	RECYCLED ASPHALT	32.08	12.00	384.96	5.25	168.42	0.00	553.38
3343065 ✓	02/04/20	2(JOB #145)	RECYCLED ASPHALT	34.41	12.00	412.92	5.25	180.65	0.00	593.57
3343067 ✓	02/04/20	2(JOB #145)	RECYCLED ASPHALT	35.04	12.00	420.48	5.25	183.96	0.00	604.44
Subtotal				207.97	Ton	\$2,495.64		\$1091.85	\$0.00	\$3,587.49
3343141 ✓	02/06/20	2(JOB #145)	RECYCLED ASPHALT	33.68	12.00	404.16	5.25	176.82	0.00	580.98
3343142 ✓	02/06/20	2(JOB #145)	RECYCLED ASPHALT	34.81	12.00	415.32	5.25	181.70	0.00	597.02
3343152 ✓	02/06/20	2(JOB #145)	RECYCLED ASPHALT	34.97	12.00	419.64	5.25	183.59	0.00	603.23
3343154 ✓	02/06/20	2(JOB #145)	RECYCLED ASPHALT	33.98	12.00	407.76	5.25	178.40	0.00	586.16
3343164 ✓	02/06/20	2(JOB #145)	RECYCLED ASPHALT	34.34	12.00	412.08	5.25	180.29	0.00	592.37
3343166 ✓	02/06/20	2(JOB #145)	RECYCLED ASPHALT	35.70	12.00	428.40	5.25	187.43	0.00	615.83
Subtotal				207.28	Ton	\$2,487.36		\$1088.23	\$0.00	\$3,575.59
Invoice Total				415.25	***	\$4,983.00		\$2,180.08	\$0.00	\$7,163.08

Subtotal ----- >	\$7,163.08
Delivery Fuel Surcharge(0.00) ----- >	\$0.00
Tax (6.25%)----- >	\$0.00
Total Invoice ----- >	\$7,163.08

FEB 17 2020

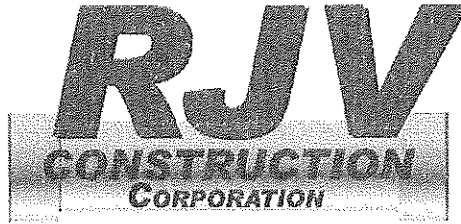
294-M

ENTERED FEB 25 2020



Harwich Sewerage Works Improvements Phase 2 - Contract No.2

Item 3



5 Lincoln Street, Canton, MA 02021
Tel: (781) 821-1469 Fax: (781) 832-3443

May 15, 2020

Mr. James T. Maher, Vice President
Construction Manager
CDM Smith
75 State Street, Suite 701
Boston, MA 02109

**Subject: Town of Harwich
Sewerage Works Improvements
Phase 2 – Contract No.2
Church Street Unknown Communication Conduits (COR-005)**

Dear Mr. Maher,

During the installation of the proposed sewer on Church Street (Sheet C-4) communication conduits were discovered that are not shown or indicated in the Contract Documents. These unknown communication conduits impacted the progress of the new sewer installation.

Please find attached, RJV Construction Corp.'s cost data and backup associated with unknown communication conduits on Church Street (Sheet C-4).

We respectfully request a change order in the amount of \$6,268.63 be processed in accordance with the terms of the contract.

Should you have any questions, please feel free to contact us

Sincerely,
RJV CONSTRUCTION CORP.

A handwritten signature in black ink, appearing to read 'Matthew DeLuca', is written over a horizontal line.

Matthew DeLuca
Project Manager

294.2.1.012
Cc: Ron Ford, CDM Smith
Griffin Ryder / Dan Pelletier, Harwich
Querino Pacella / Josh Chabot, RJV

**COR-005 - Church Street Unknown Communication Conduits
CALCULATION SHEET**

(1) Labor

Foreman/Operator	4.00	hrs @	\$ 76.93	per hr	\$ 307.72
Operator	4.00	hrs @	\$ 76.93	per hr	\$ 307.72
Operator	4.00	hrs @	\$ 76.93	per hr	\$ 307.72
4/5 Axle Driver	8.00	hrs @	\$ 60.57	per hr	\$ 484.56
Pipelaye	4.00	hrs @	\$ 57.79	per hr	\$ 231.16

\$1,638.88

(2) Direct Labor Cost

46.56% of \$1,638.88

\$763.06

(3) Materials & Freight

@ per \$ -

\$0.00

(4) Equipment

Komatsu PC600	4.00	hrs @	\$ 267.58	per hr	\$ 1,070.32
Komatsu PC138	4.00	hrs @	\$ 92.10	per hr	\$ 368.40
Volvo L120	4.00	hrs @	\$ 83.16	per hr	\$ 332.64
Tri-axle Dump (2)	8.00	hrs @	\$ 94.29	per hr	\$ 754.32
New Holland Skid Steer	4.00	hrs @	\$ 29.13	per hr	\$ 116.52
Bomag Roller	4.00	hrs @	\$ 52.90	per hr	\$ 211.60
Utility Van	4.00	hrs @	\$ 25.37	per hr	\$ 101.48
Utility Truck	4.00	hrs @	\$ 23.44	per hr	\$ 93.76

\$3,049.04

Total (Items 1 through 4) \$5,450.98

(5) 15% markup for Overhead, Profit

15.00% of \$5,450.98

\$817.65

(6) Subcontractors

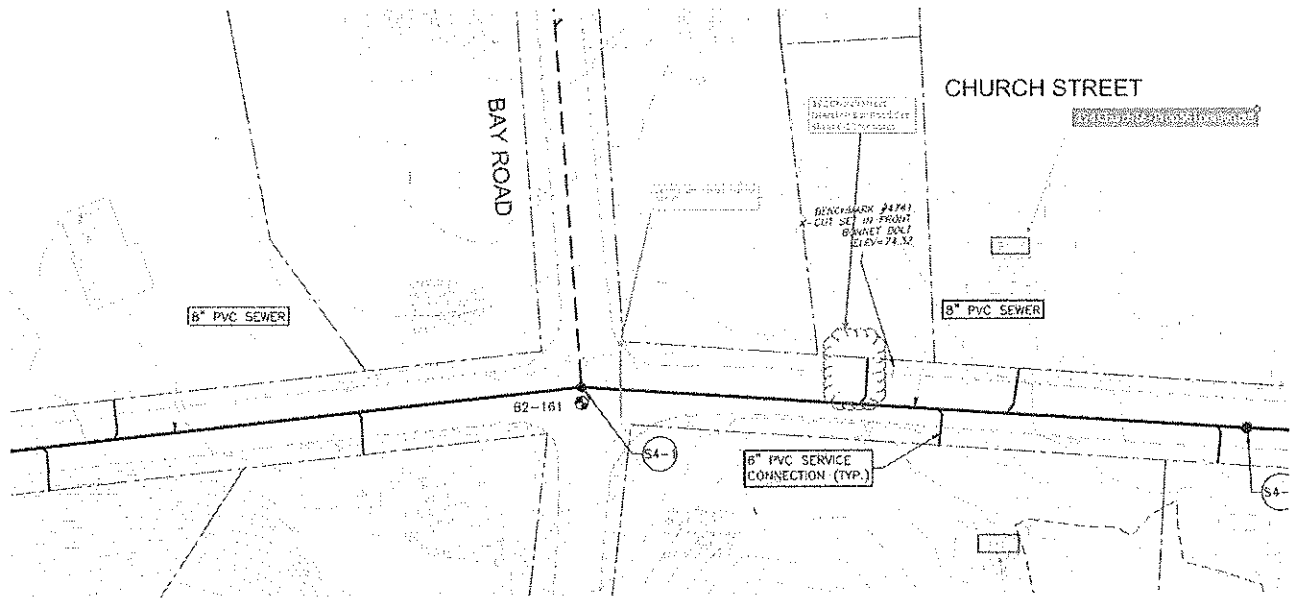
\$ -

(7) 5% markup on subcontractors

5.00% of \$ -

\$ -

Total Cost \$ 6,268.63



**DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATER RESOURCES**

PAYMENT REQUISITION

LOAN NO.: <u>CWP-18-23</u> DMS PROJECT NO.: <u>CWSRF-4424</u>	REQUEST NO.: <u>11</u> SERVICE DATES: <u>06/01/2020 to 06/30/2020</u>
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LEGAL NAME AND ADDRESS OF BORROWER:

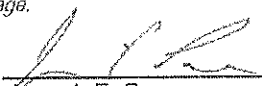
Town of Harwich
 732 Main Street
 Harwich, MA 02645

EXPENDITURE TYPE	APPROVED AMOUNT \$	PREVIOUS REQUESTS \$	THIS REQUEST
Construction Services - Cont. No. 1 & 2	\$ 2,290,000	\$ 971,413	\$ 97,869
Construction: Contract No. 1 (RBO)	\$ 11,463,871	\$ 5,615,935	\$ 407,451
Construction: Contract No. 2 (RJV)	\$ 6,621,306	\$ 1,291,316	\$ 381,652
Construction Contingency No. 1	\$ 468,950	\$ -	\$ -
Construction Contingency No. 2	\$ 331,065	\$ -	\$ -
Other: Police - Cont. No. 1 & 2	\$ 1,035,000	\$ 834,052	\$ 61,756
Other: Water Usage - Cont. No. 1	\$ 4,275	\$ 3,570	\$ 705
Totals	\$ 22,214,467	\$ 8,716,286	\$ 949,433

CERTIFICATION OF THE BORROWER:

The Authorized Representative of the Borrower identified below certifies the following:

- (i) This payment is for Project Costs and the obligations specified herein have not been the basis for a prior requisition that has been paid;
- (ii) there has been no Default, as defined in the Regulatory Agreement hereunder or no Event of Default as defined in the Loan Agreement, and no event or condition exists which after notice or lapse of time or both, would become a Default under the Regulatory Agreement or an Event of Default under the Loan Agreement exists; and
- (iii) the payment requested by this requisition is due for work actually performed or materials or property actually supplied prior to the date of this requisition less retainage.

Signature:  Date: July 23, 2020
 Print Name: Joseph F. Powers
 Title: Interim Town Administrator

(To be completed by the DEP Division of Municipal Services)

Amount Requested: _____ Amount Approved: _____
 Signature: _____ Date: _____
 Print Name: Maria E. Pinaud
 Title: Division Director

TOWN
ADMINISTRATOR'S
REPORT



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

July 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 2021	FY 2020
Tax/Water net Collections:	\$10,120,609.04	\$10,222,000.74
Departmental turnovers:	\$2,883,481.84	\$1,720,885.32
Total:	\$13,004,090.88	\$11,942,886.06

Disbursements

	FY 2021	FY 2020
Accounts Payable	\$9,835,448.91	\$10,342,163.53
Payroll	\$2,079,019.62	\$1,757,200.56
Total:	\$11,914,468.53	\$12,099,364.09

Respectfully submitted,
Amy Bullock
Treasurer/Collector