

## SELECTMEN'S MEETING AGENDA\*

Donn B. Griffin Room, Town Hall  
732 Main Street, Harwich, MA  
Executive Session 5:15 P.M.  
Regular Session 6:00 P.M.  
Tuesday, September 6, 2022

### **Remote Participation Optional:**

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

<https://meet.goto.com/239842117>

You can also dial in using your phone.

United States: [+1 \(872\) 240-3212](tel:+18722403212)

Access Code: 239-842-117

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

### I. EXECUTIVE SESSION

- A. Pursuant to M.G.L., c. 30A section 21 (a) paragraph 2 to conduct strategy sessions in preparation for negotiations with all nonunion personnel, personnel by-law employees and contract negotiations for non-union personnel – Water/Wastewater Superintendent, Chief of Police and Fire Chief
- B. Pursuant to MGL c. 30A, §21(a)(6) to consider the purchase, exchange, lease or value of real property if the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the Town.
- C. Pursuant to G.L. c.30A, §21(a)(3) to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the Town and the chair so declares: 38 Ocean Avenue.

### II. CALL TO ORDER

### III. PLEDGE OF ALLEGIANCE

### IV. PUBLIC COMMENTS/ANNOUNCEMENTS

- A. Route 28 Harwich Port Community Forum led by the Town Administrator – October 25<sup>th</sup> 6:00 p.m. at Cultural Center, 204 Sisson Road

### V. ANNUAL COMMITTEE PRESENTATIONS

- A. Board of Health
- B. Waterways Committee
- C. Real Estate and Open Space
- D. Board of Water/Wastewater Commissioners
- E. Agriculture Commission
- F. Conservation Commission

### VI. CONSENT AGENDA

- A. Vote to approve the following Board of Selectmen Meeting Minutes:
  1. July 11, 2022
  2. July 25, 2022
  3. August 8, 2022
- B. Vote to accept a gift for the Community Center from Ora Gaylord Arooth Trust in the amount of \$13,060
- C. Vote to accept the resignation of Robert Bosworth from the Capital Outlay Committee

### VII. NEW BUSINESS

- A. Vote to affirm the appointment of John Mee as Building Commissioner
- B. Update from Selectmen Howell and the Town Administrator on Harwich Affordable Housing Trust and announcement of joint meeting on September 19, 2022
- C. Vote to approve a Special Permit Application for the National Multiple Sclerosis Society's Challenge Walk held September 9-11, 2022
- D. Vote to approve the Committee Appointments recommended by the Interview Committee:
  1. Linda Cebula – Bylaw Charter Review Committee – Full member – Term to expire June 30, 2023
  2. Richard Shevory – Waterways Committee – Alternate member – Term to expire June 30, 2024
  3. Kelly Barber – Community Preservation Committee – Board of Selectmen appointment – Term to expire June 30, 2025
  4. Mary Moody – Treasure Chest Committee – Full member – Term to expire June 30, 2025
- E. Vote to appoint the following committee members from alternate member to full member:
  1. Rebecca Craig – Youth Services Committee – Term to expire June 30, 2023

VIII. **OLD BUSINESS**

- A. Vote to hold 2022 Special Town Meeting on October 18, 2022 at 6:00 p.m. at Community Center
- B. Review and approve draft articles and funding sources for the 2022 Special Town Meeting:
  - 1. Acquisition of Property Interests and Appropriation of funds for Route 28 Dry Sewer Project and Phase 3 Wastewater Project
  - 2. Acquire parcel of land located at 62 Route 28
  - 3. By-Law and/or Charter Review Resource Funding
  - 4. Fund the Town's Owner's Project Manager (OPM) related to ongoing renovation work at Brook's Academy Museum
  - 5. Fund Negotiated Collective Bargaining Agreements
  - 6. Fund the existing Position of Surveyor
  - 7. Revised Assessment for Monomoy Regional School District
  - 8. Revised Assessment for Cape Cod Regional Technical School District
- C. Update – Disposition of land of low value and Judah Eldredge project

IX. **TOWN ADMINISTRATOR'S REPORT**

X. **SELECTMEN'S REPORT**

XI. **CORRESPONDENCE**

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 Freiner, Executive Assistant

**Posted by:** \_\_\_\_\_  
Town Clerk

**Date:** \_\_\_\_\_  
September 1, 2022

**PUBLIC**  
**COMMENTS /**  
**ANNOUNCEMENTS**



# Harwich Fire Department



*Fire Suppression*

*Prevention*

*Emergency Services*

David J. LeBlanc, **Fire Chief**

Craig W. Thornton, **Deputy, Fire Chief**

## September 11<sup>th</sup> Memorial Service

The Harwich Fire Department will host a brief remembrance ceremony that will honor and remember all those that were impacted by the terrorist attacks that occurred on September 11<sup>th</sup>, 2001.

The ceremony will be held Sunday, September 11<sup>th</sup> at 9am  
Robert A Peterson Firehouse,  
175 Sisson Road

Please help us honor all the victims and to fulfill our promise to never forget the impact of that day.

Members of the Police and Fire Department will be participating in this year's ceremony.

Harwich Fire Personnel:  
Assemble at 08:45  
Uniform of the day is Class B – Red Shirt.



*Please join the Town of Harwich for a*

# **RIBBON CUTTING AT THE HARWICH**

# **COMMUNITY PLAYGROUND**

**Saturday,  
September 10  
at 10 a.m.**

This project was funded in large part by the citizens of Harwich through the Community Preservation Act, as well as by the families and community of Harwich Elementary School and the HES PTO.



**Located behind  
Harwich Elementary School  
263 South St., Harwich**

# FLU & COVID-19 BOOSTER CLINIC FOR HARWICH RESIDENTS



Space is limited  
Pre-registration is required

You must sign up through this link to participate:

<https://home.color.com/vaccine/register/vnacc?calendar=80159dd8-a5e0-4a2e-bfe4-c1e5852dfe1a>

WHEN: October 4, 2022 & October 11, 2022 – 1:00 pm-3:00 pm  
WHERE: Harwich Community Center - 100 Oak St  
WHO: Harwich Residents  
WHAT: Stay in your car and get a flu shot and/or COVID-19 booster

- Offering Quadrivalent influenza vaccine
- High-dose flu vaccine will be available for those who qualify
- Flu vaccine available for ages 6 months and up
- CDC recommends everyone ages 5 years and older receive a COVID-19 booster after completing their primary series. A 2<sup>nd</sup> COVID-19 booster is for anyone who is age 50 and older or age 12 or older with certain medical conditions
- Moderna & Pfizer COVID-19 boosters available (Novavax may be available if approved)
- Please leave pets at home
- Wear a face covering

If you have any specific questions related to your specific vaccination, please contact your Primary Care provider.

This clinic is provided by the Harwich Health Department and Visiting Nurse Association. Please contact us for more information at 508-430-7509 or [health@town.harwich.ma.us](mailto:health@town.harwich.ma.us)

**ANNUAL**  
**COMMITTEE**  
**PRESENTATIONS**



## **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](mailto:health@town.harwich.ma.us)

### **BOARD OF HEALTH ANNUAL REPORT August 30, 2022**

#### **Brief Highlights from last year:**

- COVID recommendations, contact tracing, enforcement, etc.
- Monkeypox surveillance
- Bedroom Definition revision
- Animal Regulation Revision
- Tobacco Regulations revision

#### **List of Committee Members:**

- Sharon Pfleger
- Pamela Howell
- Ron Dowgiallo
- Kevin DuPont
- Mathew Antone

#### **Organization of Committee: Chair, Vice Chair, etc.:**

- Chair- Sharon Pfleger
- Vice-Chair- Pamela Howell
- Clerk- Ron Dowgiallo

#### **Are you posting Agendas and Minutes? Last date of Minutes posted.**

- Agendas and Minutes are regularly posted. Agendas and Minutes can be found at: <https://www.harwich-ma.gov/board-of-health>. The last posted minutes were from the July 19<sup>th</sup>, 2022 meeting.

#### **Are members sworn in and State Ethics testing up to date?**

- All members are sworn in, and up to date on State Ethics training.

#### **Does your committee charge need review/updating? If so, thoughts to what needs addressing. Yes.**

- Would like to request an increase to the Board by adding an Alternate, and to clarify and expand the qualifications for the Board members.
- Also clarify and expand the responsibilities of the Board.

#### **What does your committee need: assistance/support, finding members?**

- Not currently

#### **Member attendance/absences**

- All members have had excused absences.



## **Waterways Committee Annual Report for 2022**

### **Brief Highlights:**

1. Committee reviewed, and provided recommendations to the BOS on the following changes to the Harbor Management Plan:
  - Marina Rates increase proposal
  - Addition of two R-Permit Charter permits
  - Change to Round Cove ramp and landing use to resident/taxpayer only
  - Hear and provided recommendation on appeal of Harbormaster's decision on enforcement of Harbor Management Plan pertaining to permitted slip use.
  - Reviewed proposed business plan and recommended assignment of Class D permit (Passenger Boat) to qualified member from the established waitlist.
  - Reviewed proposal and recommended the issuance of eight Special Purpose Moorings to Pleasant Bay Community Boating.
  
2. Waterways Committee reviewed engineering plans, considered input from the Harbormaster and Natural Resources Director, and provided recommendations to the Conservation Committee on six private property proposals for the construction of water dependent structures (docks, ramps, walkways).
  
3. The Committee discussed, planned and supported the Harbormaster Department in the scheduling of the following Barnstable County dredge projects. Fortunately the Harbormaster was successful at getting state grant funds to help with associated dredge costs:
  - Allen Harbor channel was dredged, removing 9,686 cubic yards of material. Dredged material was placed on Earle Rd, Grey Neck, Wah, Wah Taysee, Zylpha, and Atlantic public beaches.
  - Wychmere Harbor channel was dredged, removing 1191 cubic yards of material. Dredged material was trucked to Pleasant Rd public beach by DPW for beach nourishment.
  
4. The Harbormaster Department continues to produce annual revenues at a record level. Year-end fiscal year 2022, the department generated \$1,681,846 in revenues, an increase of \$217,719 from FY21. The increase in revenues is due in large part to a rate increase of harbor fees, the sale of beach nourishment material and continued increases in visitor dockage requests due to the popularity of our new docks and landside marina facility. This current year revenues look to be strong as well.

**List of Committee Members & Organization:** The Waterways Committee is at full membership. Tom Themistos who served on the Committee for many years, and served as Chairman this past year has retired from the Committee. A special thanks to him for his leadership and service to the Town.

Daniel Hall (Chairman) – term ending 6/30/2023  
Roger Peterson (Vice Chairman) – term ending 6/30/2023  
Joseph V. Johnson Jr. – term ending 6/30/2024  
Daniel Casey – term ending 6/30/2025  
Kent Drushella – term ending 6/30/2025  
Larry Brutti – term ending 6/30/2024  
James Walpole – term ending 6/30/2025  
Cameron Smith (Alternate) – term ending 6/30/2023  
Rich Shevory (Alternate – pending being sworn in)

Agendas and Minutes: Meeting agendas and minutes are being posted on the town website. June 15, 2022 meeting minutes are the most recent ones posted.

Ethics Training – All members have been properly sworn in and the majority if not all members have completed the required State Ethics training and we will confirm that. Daniel Hall and Joe Johnson attended the Open Meeting Law training meeting. In addition, the Open Meeting Law Training material was forwarded to all WWC Members for review.

Committee Charge – No need to change or alter the committee charge. The waterways committee enjoys and continues to have a positive and effective working relationship with the Harbormaster and the Natural Resource officer in the development of regulations for all waterways as charged. Working with the harbormaster the committee is able to provide thoughtful and well supported recommendations to the Board of Selectmen on regulatory changes and appeals.

Support Needs - After serving the Committee very well for the past several year in the preparation of meeting minutes, Leah McPherson recently left the position. So the Committee is in need of a new Board Secretary.

Attendance - Member attendance has been very good. Over the past year, there have been no lack of quorum concerns, as all meetings have been very well attended. All members have been engaged and interested in the issues that have been brought before the Committee, and serve as effective advocates for the proper management of our town waterways.

**REPORT OF THE  
REAL ESTATE AND OPEN SPACE COMMITTEE**

**September 6, 2022**

REOS partnered with Harwich Conservation Trust to acquire a conservation restriction on the 85 acre Spruce Woods property. This will be accomplished with Community Preservation Act funds approved at the May 2022 Town Meeting.

The Committee continues to review, evaluate and visit properties for the purpose of making informed recommendations to the Board of Selectmen. At the January 2022 Select Board Meeting the Committee submitted a priority list of Tax Title and Owners Unknown Parcels identified as having strategic value to the Town.

A Committee member has attended Harwich Affordable Housing Trust meetings as often as possible and will continue to work closely with the Trust in the effort to provide affordable housing in the Town of Harwich.

All Committee members are sworn in and up to date with Ethics testing.

Meeting minutes are approved at the next scheduled meeting, and posted thereafter.

Real Estate and Open Space Committee continues to have a productive relationship with the Water Department, the Harwich Affordable Housing Trust and the Conservation Commission.

Respectfully submitted by:

Elaine Shovlin, Chair

Katherine Green, Vice Chair

Carol Porter, Clerk

Dave Callaghan

Margo Fenn

James Atkinson

Marcie Smith



Town of Harwich Water Department  
**Board of Water & Wastewater Commissioners**

196 Chatham Road, Harwich, MA 02645 USA | [www.harwichwaterwastewater.com](http://www.harwichwaterwastewater.com)  
P. 508-432-0304 | F. 888-774-3557 | [commissioners@harwichwater.com](mailto:commissioners@harwichwater.com)

## Memo

TO: Harwich Selectboard

FROM: Harwich Water/Wastewater Commission

DATE: September 1<sup>st</sup>, 2022

SUBJECT: 2022 Annual Meeting with the Board of Selectmen

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The Board of Water/Wastewater Commissioners respectfully submits the following Annual Report to the Board of Selectmen for 2022.

### **2022 Recap:**

Accomplishments/Projects - Throughout the last year the Water/Wastewater Commission worked actively on several water & wastewater related projects including the acquisition of 5 owners unknown parcels off Chatham Rd. for wellhead protection, FY23 Water Rate Increase, New Source Exploration in North Harwich, Effluent Recharge Site Investigation, and Design of Route 28 Watermain Replacement project. Construction of the Phase 2 Wastewater Collections System was also completed this past year and almost 20 properties are now connected to the system.

Water Restrictions - Due to ongoing drought conditions and lower than average ground water levels the Board of Water/Wastewater Commissioners implemented mandatory outdoor water restrictions banning the use of automated sprinkler systems for the first time in over 20 years. The current restrictions are expected to remain in effect until conditions improve. Also impacting the water system this year was the mechanical failure of Well #4 and Well #7. Bids to clean & redevelop Well #4 were recently received and repairs to Well #7 are currently being evaluated.

PWS Award – The Harwich Water Department was the recipient of the 2022 MassDEP Public Water System Awards.

### **Board of Water/Wastewater Commissioners:**

The Board consists of Chairman Gary Carreiro, Vice-Chairman Allin Thompson, Clerk Noreen Donahue, and Commissioners Judith Underwood and John Gough. All Board members have been sworn in and completed the required Massachusetts State Ethics Training.

### **Agendas & Minutes:**

Meeting Agendas are posted to the Town's website & calendar in accordance with open meeting law requirements, meeting minutes are posted following approval by the Board. The most recent minutes posted are from the meeting held June 16<sup>th</sup>, 2022.

Gary Carreiro  
Chairman

Allin Thompson  
Vice Chair

Noreen Donahue  
Clerk

Judith Underwood  
Commissioner

John Gough  
Commissioner



Town of Harwich Water Department  
**Board of Water & Wastewater Commissioners**

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196 Chatham Road, Harwich, MA 02645 USA | [www.harwichwaterwastewater.com](http://www.harwichwaterwastewater.com)

P. 508-432-0304 | F. 888-774-3557 | [commissioners@harwichwater.com](mailto:commissioners@harwichwater.com)

**Ethics:**

All Board members have been sworn in and completed the required Massachusetts State Ethics Training.

**Committee Charge:**

No review/update of committee charge needed at this time.

**What does your committee need?**

No assistance/support needed at this time.

**Member Attendances/Absences:**

The Board of Water/Wastewater Commissioners has had a quorum at all scheduled meetings, some absences due to scheduling conflicts but none impacting the Boards ability to hold a meeting.

Gary Carreiro  
Chairman

Allin Thompson  
Vice Chair

Noreen Donahue  
Clerk

Judith Underwood  
Commissioner

John Gough  
Commissioner

**Agriculture Commission**

Be advised the Harwich Agricultural Commission. meet twice for discussion of animal regulations and were unable to meet with Board of Health as requested.

Draft regulations were submitted but not used to date.

Respectfully

Mark J Coleman

**TOWN OF HARWICH**

*732 Main Street*

*Harwich, MA 02645*

**CONSERVATION COMMISSION**

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

**August 29, 2022**

**To: The Harwich Board of Selectmen**

**From: The Harwich Conservation Commission**

**2022 Annual Report**

The charge of the Harwich Conservation Commission is to uphold the Massachusetts Wetlands Protection Act and Harwich Wetlands Protection Bylaw and Regulations. The Commission is also charged with managing all town lands that have been put into the care and custody of the Conservation Commission.

The Commission is at full membership with 7 full time members. All members and staff are up-to-date on their ethics trainings.

The Conservation Commission meets twice per month on the first and third Wednesday evenings. Thus far in 2022 the Conservation Department staff and the Conservation Commission have issued 66 Administrative Review Permits for minor work in the outer buffer zones on properties, 14 Determinations of Applicability, 24 Orders of Conditions, 5 Extension Permits, and 8 Certificates of Compliance. The Conservation Commission has yet to deny an application this year. Our last report to the Selectmen was in November of last year. Thus far it

appears that the number of applications will be a bit lower this year than last. Last year we had the highest volume of permits on record for the Commission. Though number of applications is down from last year, the complexity of the ones coming in is ever-increasing, as there is less buildable land or area in our waters available for these projects.

The Conservation Commission brought forward 2 warrant articles to the May 2022 Annual Town Meeting. The proposed changes to Chapter 304, the Water Dependent Structures Bylaw, were approved at Town Meeting. These changes require better construction techniques to minimize impacts to wetland resource areas from docks and piers. The proposed changes to Chapter 310, the Wetlands Protection Bylaw, did not get approved at Town Meeting. The Commission is re-writing the changes and will make sure there is ample time for Town Counsel to review, and for there to be opportunities for public comment prior to the May 2023 Annual Town Meeting.

Violations of the Wetlands Protection Act and Harwich Wetlands Bylaw continue to occur despite efforts to educate the public. Thus far in 2022 we have had 12 separate violations. These activities degrade our wetland resource areas and their buffer zones. The commission issues fines when necessary and restoration where possible and mitigation as appropriate.. With each violation we take the opportunity to try and educate the offenders why their actions were in violation, and what impact these actions have on the wetlands.

The Conservation Commission has care and custody of just over 1000 acres of conservation land. Along with the care and custody of so much land comes the responsibility to manage it effectively. Encroachment from abutting properties, use of unauthorized vehicles on trails, vandalism, and other acts have had a negative impact on our Town Conservation Lands. This year we have used CPC funding to purchase and install sturdy post-and-rail barriers at the Robbins Pond Conservation Area to dissuade some of the off-road vehicle usage that was happening there as well as in the parking areas at the Footbridge on North Rd and by the herring ladder at the West Reservoir. Along with AmeriCorps Cape Cod, we did a massive cleanup of the Robbins Pond area, especially along the pond shore and in the nearshore waters. New signage of our rules and regulations has been installed at several of our more popular properties.

Going forward for the rest of this year and into next, the Conservation Commission has several topics it would like to address, hopefully in conjunction with other departments, boards, and committees. These topics include but are not limited to:



1. Water quality issues in our freshwater ponds
2. Fertilizer usage in Town
3. Release of an RFP for a study of impacts of water dependent structures in the Herring River to Salt Marsh and Shellfish Habitat.
4. How to better manage our Town Open Space Lands
5. Use of the Town owned property at 374 Main St.

Since our last Annual Report, the Conservation Commission would like to welcome new Commissioner Wayne Coulson to the board.

Respectfully Submitted,

Ernest Crabtree, Conservation Commission Chairman

# **CONSENT AGENDA**

**MINUTES  
SELECTMEN'S MEETING  
TOWN HALL  
MONDAY, JULY 11, 2022  
5:30 P.M. - EXECUTIVE SESSION  
6:00 P.M. - REGULAR MEETING  
REMOTE PARTICIPATION OPTIONAL**

**SELECTMEN PARTICIPATING:** Michael MacAskill, Donald Howell, Mary Anderson, Julie Kavanagh & Larry Ballantine

**ALSO PARTICIPATING:** Town Administrator Joseph Powers

**Mr. MacAskill called the meeting to order at 5:30 p.m.**

**Mr. Howell moved to go into executive session to discuss items as listed below and that the Board will return to open session, 2<sup>nd</sup> by Ms. Anderson. The vote was 5-0-0 with Mr. MacAskill, Mr. Howell, Ms. Anderson, Ms. Kavanagh and Mr. Ballantine all voting aye by roll call.**

**EXECUTIVE SESSION**

- A. Pursuant to M.G.L., c. 30A section 21 (a) paragraph 2 to conduct strategy sessions in preparation for negotiations with nonunion personnel and contract negotiations for nonunion personnel – Town Administrator and Finance Director/Town Accountant – Joseph F. Powers and Ann Marie Ellis
- B. Pursuant to M.G.L., c.30A section 21 (a)(3) to discuss with respect to collective bargaining for all town unions and the Chair has determined that open session would have a detrimental effect on the town's bargaining position
- C. Pursuant to M.G.L., c. 30A, § 21(a)(7) to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements ("Purpose 7")- the Open Meeting Law, G.L. c. 30A, § 22(f), (g)-To review, approve and/or discuss the possible release of executive session meeting minutes dated February 22, 2022; June 6, 2022; June 13, 2022; and June 27, 2022

**CALL TO ORDER**

Mr. MacAskill called the meeting back to order following executive session. He reported that no votes were taken on items a & b and that they did move to approve item c.

**PUBLIC COMMENTS/ANNOUNCEMENTS**

- A. Open Meeting Law Training - July 26, 2022 at Community Center– Sessions at 3:00 p.m. and 6:00 p.m.

Mr. Powers gave a reminder that on July 26, 2022, there will be an open meeting law training held at the Harwich Community Center. 2 sessions will be held, both covering the same material.

Mr. Howell stated that the Cape Verdean Festival will be held this Saturday at Brooks Park. Everyone is invited to attend.

Deputy Chief Kevin Considine was present and announced the retirement of special officer Bob Curry after 40 years and 2 weeks. Many can attest to the man that he is and what he has done for Board of Selectmen

July 11, 2022

the town and the Police Department. Bob has done almost every different aspect of the department and Deputy Chief Considine can credit him to where he is now. Round of applause was given from the Board and audience.

Fire Chief David LeBlanc was present and announced the retirement of Matt Eldredge who came to the department in 2001. His official last day was July 2. Next Monday at 8:30 a.m., the department will be having a swearing in ceremony for Michael Trovato. He is currently in his training period with the department. Round of applause was given from the Board and audience.

### **PRESENTATION/PUBLIC HEARING**

- A. Public Hearing – Chase Escape Cape Cod, LLC d/b/a Summer House Café to present an update on the non-use of their Section 12, On-Premise, Seasonal All Alcohol Liquor License

Ms. Anderson read the public hearing notice.

Managing partner Thomas Paulini was present and approached the Board with a couple of handouts. The first sheet is an update on where they are at. The 2<sup>nd</sup> is a copy of the business plan that they had presented in March of 2021. At the last hearing, which Mr. Paulini stated he was not present at, a Board member brought up the topic of the septic system. In their business plan, they address the septic. Mr. Paulini questioned if the last hearing was legal because he was not able to be there. He stated that he did email Mr. Powers ahead of time to say that he would not be able to attend. Mr. MacAskill responded that the previous meeting doesn't matter at this point and that Mr. Paulini is here tonight and can provide the Board with an update.

Mr. Paulini reported that the fire alarm and sprinklers have been brought on line and have been online for 4-5 weeks. All of the doors and any other entrances are now secured with locks. The sheetrock load issue on the upper floor of the restaurant building has been removed so it is no longer a hazard. The railing on the back building stairs has been fixed and installed. Mr. Paulini stated that they have hired a general contractor will be coordinating any permits and construction going forward. Mr. Paulini has submitted a records request from the Health, Fire and Building Departments for any inspection records for the previous establishment going back 15 years. This request is to allow them to evaluate the inspection and approval process that took place. Mr. Paulini stated that they had serious concerns when they took over this building has to how it was able to be open. He noted that he has been in this business for 40 years and knows how the inspection process works.

**Mr. Ballantine moved to close the public hearing, 2<sup>nd</sup> by Ms. Anderson and approved 5-0-0.**

Mr. Howell commented that when business changes hands, the septic is up for grabs to be inspected and be approved. From his perspective, Mr. Howell feels that they didn't use the liquor license at all last year because of inaction and they still have no approvals from anyone to open. Mr. Paulini responded that he knows that they need the approval of Health, Fire and Building Departments and that they cannot open right now. Mr. Paulini stated that they have both a short term and long term plan for the property. As far as the septic is concerned, they were told right from the beginning that if they do anything different, septic upgrade would be triggered. Mr. Paulini stated that they already have an engineer who has done the design work.

Mr. Howell went on to say that this is a business that is not capable of opening right now and that he is unfamiliar with anyone that has held a liquor license for a year and didn't exercise it even for an hour. Now the license is up for renewal and they are still unable to open. He asked Mr. Paulini if he feels they are in a position to open. Mr. Paulini responded they are, but the first step is for them to have their general contractor get the required approvals. Mr. Paulini feels that it is

not unprecedented for the ABCC to allow for a business to not be open and hold a liquor license. Mr. Howell responded that a situation like that doesn't happen in Harwich.

Mr. Ballantine thanked Mr. Paulini for appearing and stated that he has no interest in going into the history of the property. He asked Mr. Paulini if he could provide a firm schedule. Mr. Paulini responded that they have invested well over \$300,000 and are paying rent and taxes. If they were not serious, they would have walked away. They will not have a firm date until they meet with their general contractor, but feel that they are on target to open in the next 60 days. Mr. Ballantine asked if they intent to have the septic replaced in the next 60 days. Mr. Paulini responded that the Health Department was very specific with their requirements. He reported that they did install water conservation devices in the men's room. Mr. Paulini stated that they hope to be able to open like the former establishment did to get a cash flow and then move forward with what they presented in their business plan. They would like it to be an establishment that everyone is proud of.

Nicholas Fiorillo was present and stated that in their business plan, they provided a grab and go menu where all food would be prepared off-site. It would be a very limited menu that would not tax the septic system. He stated that they have been working with the Conservation Department and had a site plan created and have been working with the landlord. He added that we are all still dealing with the impacts of COVID. Mr. Ballantine asked if because of the delay, their timeframe has changed with the septic. Mr. Fiorillo responded that they will be revisiting the septic sometime and hopes that in the next 12 months they would be able to have a much bigger grander facility that it once was. Mr. Fiorillo went on to discuss the septic system and Mr. MacAskill stated that the Selectmen are not here to talk about the septic and that they are simply looking for an update with respect to their liquor license. The Selectmen do not make decisions relative to septic systems and the Board of Health does not make decisions relative to liquor licenses. Mr. MacAskill added that while he appreciates the update, he does not want to talk about what we are going to do with respect to Board of Health decisions and that for tonight's purpose this discussion is regarding the liquor license.

Ms. Anderson commented that there might be a little bit of a credibility issue on some of the things from the last go around. She hopes that their proposed 60 day timeframe is real because they are also on a deadline with the ABCC. Mr. Fiorillo responded that the 60 day timeframe is quite real and that there is a septic on the property and the license was granted and has been grandfathered. Mr. MacAskill commented that there is no such thing as grandfathering. Mr. Paulini stated that he would speak with the Health Department regarding the septic. Mr. Fiorillo went on to try and discuss the septic system and Mr. MacAskill again told him to stop talking about the septic and that he would have him removed from the room if it continued. Mr. Fiorillo responded that this is a public meeting. Mr. Powers commented that Mr. MacAskill was invoking his right under the public records law to maintain a quorum which is his lawful right. Mr. Fiorillo left the hearing room.

Ms. Kavanagh asked Mr. Paulini what their timeframe is to meet with their general contractor. Mr. Paulini responded that they would be meeting on Thursday morning. Ms. Kavanagh asked if they anticipate that they will be able to make all required corrections within the proposed 60 days. Mr. Paulini responded that if the septic becomes an issue, that it obviously would not be able to be installed in the 60 days. They anticipate 60 days based on his general contractor's ability to do the work. Ms. Kavanagh asked if the general contractor has met with the Building Department yet. Mr. Paulini responded that they have not. Ms. Kavanagh stated that 60 days seems ambitious to her and that there are a lot of different deadlines that will affect the liquor license. Mr. Paulini stated that he would reserve comment on the liquor license for a future date.

Mr. Powers asked that with Mr. Paulini being present that the Board may wish to inquire of him what his legal mailing address is as the town has made various attempts to try and make contact with the establishment. The town has been receiving returned mail and there are emails that have

been un-responded to for 2 months. Mr. Paulini and his partner have been negligent in providing the town with an appropriate legal mailing address and through the Chair, Mr. Powers asked Mr. Paulini to confirm what they consider their mailing address to be. Mr. Paulini asked what address was returned as undeliverable. Mr. MacAskill asked Mr. Paulini to confirm what their mailing address is. Mr. Paulini responded 126 Main Street, West Harwich. Mr. Powers responded that is not their legal mailing address. Mr. Paulini then stated 3 Kales Way as their mailing address.

Mr. Powers stated that [thomasjpaulini@gmail.com](mailto:thomasjpaulini@gmail.com) is a successor email to [casinowharf@yahoo.com](mailto:casinowharf@yahoo.com). The town has sent notices with return receipt requested and has heard nothing. Then the town received a voluminous records request for 15 years' worth of information. Mr. Paulini was again asked what they consider to be their legal mailing address. Mr. Paulini again stated 3 Kales Way. Mr. Powers noted that mail that has been sent to 3 Kales Way has come back as undeliverable. Mr. Paulini stated that he would send an email to the administration office with their legal mailing address.

In the packet, the Board was provided with materials from the Health, Fire, Conservation and Building Departments as well as minutes from the last public hearing. The Board also received 2 documents tonight from Mr. Paulini. Mr. MacAskill recommended that Mr. Paulini read the memos that have been provided by staff.

**Mr. Howell moved to continue the hearing for Chase Escape Cape Cod, LLC d/b/a Summer House Café to present an update on the non-use of their Section 12, On-Premise, Seasonal All Alcohol Liquor License until Tuesday, October 11, 2022, 2<sup>nd</sup> by Ms. Anderson and approved 5-0-0.**

- A. Public Hearing – Stormwater Permit Application submitted by O'Loughlin Family Realty Trust, Judith A. Lonergan, Tr., as owner for subdivision located at 16 Squantum Path (98 N Westgate Road); Assessors Map 78 G10

Ms. Anderson read the public hearing notice.

Mr. Powers reviewed the information that was provided in the Boards packet. A memo from Assistant Town Administrator Meggan Eldredge reads that the subdivision has been reviewed and was approved by the Planning Board on April 14, 2022. The peer review report from VHB was provided in the packet and indicated several deficiencies and that the engineer requires revisions prior to recommending approval.

Kelly Siry from VHB was present and reviewed the deficiencies which were that the stormwater and erosion control report was missing, the calculations from the removal of total phosphorus was missing, appendix d has an error in the hydro cad model, the stormwater regulations are required to be signed and stamped by a professional engineer and that the construction general permit notice of intent should be attached to the report.

Jay Thrasher from Robial Water was present. They have received and gone through VHB's comments. There are punch list items that they can go through and re-submit. He asked in what format VHB would like the response. Mr. Siry responded that a memo would be fine.

**Ms. Anderson moved to continue the Stormwater Permit Application submitted by O'Loughlin Family Realty Trust, Judith A. Lonergan, Tr., as owner for subdivision located at 16 Squantum Path (98 N Westgate Road); Assessors Map 78 G10, until the July 25, 2022 meeting, no earlier than 6:00 p.m., 2<sup>nd</sup> by Mr. Howell and approved 5-0-0.**

John Schiller from 12 Squantum Path was present and stated that he has questions about the project.

**Mr. Howell moved to rescind the recommendation to continue the hearing, 2<sup>nd</sup> by Ms. Kavanagh and approved 5-0-0.**

Mr. Schiller asked for clarification on what a drainage easement is. Mr. Thrasher responded that if you look at the map, all water drains South toward North Westgate Road. Mr. Thrasher showed a map of the area. The drainage easement is on the proposed lot 5, which is part of the owner's 7.6 acre lot. Mr. Schiller's lot will not be impacted by the drainage easement. There will be no open or standing water at all. Mr. Schiller asked if this would have any impact on his well water. Mr. Thrasher responded that there would be no impacts. All things considered, this is good for groundwater. Mr. Schiller asked if at some point in the future, he could tie into town water. Mr. MacAskill responded that would be a question for the Water Superintendent.

Mr. Kavanagh asked who would be responsible for maintaining the bio-retention areas. Mr. Thrasher responded that the owner would be responsible and that they issue a comprehensive operation and maintenance manual.

Mike O'Loughlin was present and stated that the lots will have single family homes on them. The town will be a town road and that everything in the road would be overseen by the town. He is not sure how to answer the part on the drainage easement. The type of drainage is fairly new. Ms. Kavanagh would like follow up done with the DPW Director. We need to know for sure who is responsible for maintenance and we need to know what the impacts are.

Mr. Howell stated that he would not be prepared to vote for anything until he sees a legal document of who is responsible for what. He cannot recall ever accepting responsibility for the town to do the maintenance.

Mr. Thrasher stated that he is open to all conversations. In terms of legality, he understands that when the street was accepted when the Planning Board did their approval. Ms. Kavanagh responded that does not mean that they have accepted the street as far as maintenance.

Mr. Powers argued on behalf of the town that the Planning Board decision doesn't bind the town in any way.

**Mr. Howell moved to continue the Stormwater Permit Application submitted by O'Loughlin Family Realty Trust, Judith A. Lonergan, Tr., as owner for subdivision located at 16 Squantum Path (98 N Westgate Road); Assessors Map 78 G10 to July 25, 2022 no earlier than 6:00 p.m., 2<sup>nd</sup> by Ms. Kavanagh and approved 5-0-0.**

### **CONSENT AGENDA**

A. Accept the following resignations:

1. Jacqueline Pentz-Greene - Bikeways Committee
2. Pamela Groswald – Voter Information Committee

B. Affirm the Chief of Police's recommendation of James Hinesley to Full Time Police Officer

Deputy Police Chief Kevin Considine was present and reviewed the request. Mr. Hinesley is completed his last week at the police academy and this is the formal effort to get him on board.

C. Approve the refinance request for 5 Gomes Way

D. Board of Selectmen Meeting Minutes:

1. January 10, 2022

2. February 22, 2022
3. February 28, 2022
4. March 14, 2022
5. April 11, 2022
6. April 19, 2022

**Ms. Anderson moved to approve the consent agenda as presented, 2<sup>nd</sup> by Ms. Kavanagh and approved 5-0-0.**

Mr. Howell commented that Ms. Groswald has served in Harwich for a long time and noted his appreciation for her service and wished her well on any future endeavors.

### **NEW BUSINESS**

#### **A. Award the contract for the sale of 203 Bank Street**

Mr. Powers reviewed the information provided in the packet.

Mr. Ballantine stated that when he first read the proposals, he was inclined to support the other one because it included an apartment. He asked the Harwich Fire Association and Harwich Conservation Trust to consider including an apartment. Mr. Ballantine commented that he wants to be consistent and always include housing in the conversation.

Ms. Anderson stated that she spoke to Mr. Young and noted her desire for housing as well. Mr. Young assured her that it is their intent is to have an apartment.

Ms. Kavanagh thinks that this is a great proposal and likes the fact that it is a 2 pronged approach.

**Ms. Anderson moved to award the successful bid and purchase of 203 Bank Street to the Harwich Fire Association, Inc., and the Harwich Conservation Trust for the amount of \$300,000, 2<sup>nd</sup> by Mr. Howell and approved 5-0-0.**

President of the Harwich Fire Association Bruce Young was present. He stated that he truly believes that this is the best offer going forward for the town and ha this property will be left as open space forever. Mr. Young stated that he never realized how many people use this property. Harwich Fire Association looks forward to working with Harwich Conservation trust, the town and neighbors during the process. There is a lot of fundraising that needs to be done, but they are excited to get underway. There are a lot of memories in this building for a lot of people. The goal is to have this project completed by 2028 which is the 100 year anniversary of the fire department. Mr. Young thanked everyone for their involvement. With respect to housing, they are always having a hard time finding housing for new recruits. There has been discussion about turning one of the old bunk houses into a housing unit.

Based on the Board's vote, staff will work with Town Counsel on the purchase and sale agreement.

#### **B. Evaluation for Joseph F. Powers, Town Administrator**

Mr. MacAskill stated that the evaluation forms have been provided in the packet. Mr. Powers was given a satisfactory to very satisfactory evaluation.

Mr. Ballantine feels that Mr. Powers is doing a great job. He knows that we have all discussed publicly and privately, opportunities on Mr. Powers continued communication with department heads and residents. Mr. Ballantine looks forward to working with Mr. Powers.



Ms. Anderson said that the thing that catches her eye is the list of articles that Mr. Powers has dealt with. She feels that he has done a great job at keeping several balls in the air and that she is thrilled to have him on the job.

Mr. Howell stated that he largely agreed with Ms. Anderson's written evaluation. It is really important that Mr. Powers understands what everyone is doing and that the leadership aspect is really important. Mr. Howell feels that Mr. Powers is a tremendous asset to the town.

Ms. Kavanagh echoed all the other members' comments. Mr. Powers brings a lot of expertise and has many roles to fill. She hopes that he is able to take all of the information and feedback to help him to even better.

JK-echoed all BOS members comments. He brings a lot of expertise. Has many roles to fill and hopes that he is able to take all of this and their feedback to help him do even better.

Mr. Powers thanked the Board for their comments and stated that he takes this seriously and appreciates the manner in which the Board has approached the evaluation. He will continue to work through the exercise and respond with an action plan.

Mr. MacAskill stated that overall this is a very successful evaluation. We have accomplished a lot of work which reminded Mr. MacAskill of the hole that we were in before. A lot of this work is also being done without many department heads. He feels that Mr. Powers has done a decent job of managing the town with the vacant positions as well as keeping the Board informed on new hires and why people are leaving.

C. Approve the use of the Town Seal in partnership with Cape Light Compact

Mr. Powers stated that the use of the town seal is the sole purview of the Board. The Board agreed by consensus to not approve the use of the town seal for this purpose.

D. Discussion on proposed new liquor license fee structure and vote to hold a Public Hearing to implement

Mr. MacAskill stated that this is another part of trying to clean up the license fee structure. Ms. Freiner in the Administration office did a great job of researching other towns and putting this information together. If the Board is ok with what is being presented, the next step would be to schedule a public hearing. If approved, this would go in effect for next year's licenses.

The consensus of the Board was to schedule a public hearing.

Mr. Powers stated that his administration team, specifically Ms. Eldredge, Ms. Powell and Ms. Freiner do a great job. Ms. Freiner's efforts on licenses and taking the initiative on this is outstanding.

E. Vote to appoint the following designees to the Community Center Facilities Committee:

1. Ralph Smith – Council on Aging – Term to expire June 30, 2025

**Ms. Anderson moved to appoint Ralph Smith-Council on Aging to the Community Center Facilities Committee with a term to expire on June 30, 2025, 2<sup>nd</sup> by Ms. Kavanagh and approved 5-0-0.**

F. Approve the following new 2022 licenses for Round Cove Resort Beverage LLC d/b/a Wequassett Resort and Golf Club – 2173 Route 28

1. Common Victuallers

2. Innholders
3. Weekday Entertainment – 12 p.m. to 12 a.m. inside & 12 p.m. to 10 p.m. outside Live/recorded music, amplification, dancing
4. Sunday Entertainment – 12 p.m. to 12 a.m. inside & 12 p.m. to 10 p.m. outside Live/Recorded music, amplification, dancing

**Ms. Anderson moved to approve the new 2022 licenses for Round Cove Resort Beverage LLC d/b/a Wequassett Resort and Golf Club, 2173 Route 28 for Common Victuallers, Innholders, Weekday Entertainment– 12 p.m. to 12 a.m. inside & 12 p.m. to 10 p.m. outside Live/recorded music, amplification, dancing and Sunday Entertainment – 12 p.m. to 12 a.m. inside & 12 p.m. to 10 p.m. outside Live/Recorded music, amplification, dancing, 2<sup>nd</sup> by Ms. Kavanagh and approved 5-0-0.**

### **OLD BUSINESS**

#### A. Update from Town Administrator on outstanding projects

In the packet, Mr. Powers provided the Board with an update on outstanding projects. He reported that Selectmen minutes have been brought up to date as of 3 months ago. The executive session minutes are completed as of the last meeting. With respect to remote participation, we are waiting to see what happens with Governor Baker's guidance. Staff will be using a doodle poll to reach out to members of the Local Planning Committee to come up with a best date and time for them to begin their efforts. With regard to Special Town Meeting, they have a target date for the end of the September, which matches the Town Moderators and Town Clerk's schedule and will follow the State Primary Elections. Mr. Powers reported that met with the Cultural Center Director to identify objectives and goals for her to work on. The first plan is for her to meet with the building tenants. The Capital Outlay Committee has committed to a summer schedule to meet twice a month before Labor Day.

Ms. Anderson asked what the proposed date is for Special Town Meeting. Mr. Powers responded that he would have more formal information at the next meeting, but that September 26, 2022 is the target date, with the meeting hopefully starting at 6:00 p.m. or 6:30 p.m.

Mr. MacAskill asked for an updated spreadsheet on procurements, and would like to have all completed procurements removed from the list. Mr. MacAskill noted that there was a suggestion from a member of the Finance Committee to have a dollar amount for the Town Meeting. If that is easily attainable, then he would support the request, but if it creates more work, we can talk about it.

Mr. Powers stated that he would be meeting with department heads this week about the town meeting process and that he would make sure that all articles are tied back to the appropriate staff and that he would be looking back to them to come up with required and/or asked for information.

#### B. Approve the new proposed Annual Town Meeting Calendar

Mr. Powers informed the Board that what has been provided is not the full calendar, but the calendar of critical dates. There is also a mechanical calendar which is used internally. The Selectmen and Finance Committee need to confirm a date for their joint meeting. Mr. Powers has a proposed date, assuming both Boards are able to commit. The 2<sup>nd</sup> step would be for the Finance Committee to hold their public hearing.

Mr. Powers reviewed the dates that are in the calendar.

The Board agreed on a date of March 4, 2023 for the joint meeting.

Mr. Powers has identified a date of Monday, May 1, 2023 for Annual Town Meeting.

Noreen Donahue was present and expressed her appreciation for all of the work that has gone into preparing this schedule. She asked Mr. Powers about the proposed April 4 date for recommendations to the public. Mr. Powers responded that the Finance Committee must make their recommendations on articles available to the public 10 days before town meeting. Ms. Donahue asked if the calendar could have bigger print and larger spacing. Mr. Powers responded that if the calendar is approved, it will be formatted appropriately.

C. Discussion – Show Cause Hearing process

Mr. MacAskill noted that the Board has talked about this many times, and this is the process to formalize the show cause hearings. Mr. Powers stated that this has been shared with and approved by Town Counsel.

The Board agreed to the process as outlined in the packet.

**CONTRACTS**

- A. Intermunicipal Agreement for Information Technology services between County of Barnstable and Town of Harwich

**Ms. Anderson moved to approve the Intermunicipal Agreement for Information Technology services between County of Barnstable and Town of Harwich as presented, 2<sup>nd</sup> by Mr. Ballantine and approved 5-0-0.**

- B. pk Valuation Group, Paul S. Kapinos and Associates, Inc. for assessing services

**Ms. Anderson moved to approve pK Valuation Group, Paul S. Kapinos and Associates, Inc., for assessing services in the amount of \$60,000, 2<sup>nd</sup> by Ms. Kavanagh and approved 5-0-0.**

**TOWN ADMINISTRATOR'S REPORT**

Mr. Powers announced a few contracts that he has signed which has followed the Board's approve process. Contracts include a street light maintenance agreement with Cape Light Compact, contract with CAI Technologies and the FY23 VNA contract.

Mr. Powers stated that Sarah Cole has been offered and accepted the position of Administrative Assistant in the Assessing Office. He added that existing Assessing staff has been doing a phenomenal job. ]

Mr. Powers reviewed the 2022 Food for Kids summer food service program that serves the lower and outer Cape areas. The program will run from July 5 through August 26 and will be available at the Harwich Community Center.

Rapid at home COVID-19 test kits are available in various locations around the town including Brooks Free Library, Town Hall, Public Safety Building and Community Center.

Mr. Powers thanked the Board and his team for handling matters while he was on vacation.

**SELECTMEN'S REPORT**

Mr. Ballantine stated that in the 22 years that he has lived in Harwich, he can't ever remember town being this busy. He also reported that the Treasure Chest continues to be very strong.

Mr. MacAskill paid kudos to the Harwich Police Department for their work during a very busy July 4 weekend.

**CORRESPONDENCE**

No correspondence was discussed.

**ADJOURNMENT**

**Ms. Anderson moved to adjourn the meeting of the Selectmen, 2<sup>nd</sup> by Ms. Kavanagh and approved 5-0-0.**

Respectfully submitted,  
Jennifer Clarke  
Recording Secretary

DRAFT

**MINUTES  
SELECTMEN'S MEETING  
TOWN HALL  
MONDAY, JULY 25, 2022  
5:15 P.M. - EXECUTIVE SESSION  
6:00 P.M. - REGULAR MEETING  
REMOTE PARTICIPATION OPTIONAL**

**SELECTMEN PARTICIPATING:** Michael MacAskill, Larry Ballantine, Mary Anderson, Julie Kavanagh & Donald Howell

**ALSO PARTICIPATING:** Town Administrator Joseph Powers

**Mr. Howell moved that the Board enter into Executive Session to discuss items as listed below, 2<sup>nd</sup> by Ms. Anderson. The vote was 4-0-0 with Mr. MacAskill, Mr. Howell, Ms. Anderson & Ms. Kavanagh all voting aye by roll call.**

**EXECUTIVE SESSION**

- A. Pursuant to M.G.L., c.30A section 21 (a)(3) to discuss with respect to collective bargaining for all town unions and the Chair has determined that open session would have a detrimental effect on the town's bargaining position
- B. Pursuant to M.G.L., c. 30A section 21 (a) paragraph 2 to conduct strategy sessions in preparation for negotiations with nonunion personnel and contract negotiations for nonunion personnel – Town Administrator – Joseph F. Powers

**CALL TO ORDER**

Mr. MacAskill called the meeting back to order at 6:04 p.m. No decisions were made during executive session. Mr. MacAskill stated that the Board would not be taking any action under new business item a. There is a little more paperwork that needs to be done and the topic will be brought back in 2 weeks.

*Mr. Ballantine arrived.*

**PUBLIC COMMENTS/ANNOUNCEMENTS**

Taylor Powell of Perks was present to comment on observations that he has made about public safety in the downtown Harwich Port corridor. He stated that he has witnessed a few people get hit by cars and that they were not reported to the Police. There is a telephone pole that blocks the view of the crosswalk and Mr. Powell suggested having some kind of flashing mechanism to notify drivers of when someone steps into the crosswalk. He added that he would be happy to contribute to the cause and that we need to be proactive. Mr. Powell also suggested looking into some kind of Uber/Lyft pick up area and suggested the Chamber parking lot. In addition to using the lot for pick up/drop off, Mr. Powell feels that an expansion of the parking lot might be a good idea. Uber/Lyft is a good thing because people are not drunk driving, however the drivers stop wherever they want. Mr. Powell stated that there are a lot of people walking around the Harwich Port area and that he is noticing more trash. Some people do pick it up, but he feels that there might need to be more trash cans in the area.

Mr. MacAskill asked if Mr. Powers would talk to public safety about Mr. Powell's concerns and agreed that you do really need to pay attention when driving through the Harwich Port area. Mr.

MacAskill also suggested a call to our state representatives to urge them into dropping the speed limit in Harwich Port. Mr. Powers responded that he would follow up with staff to see what can be done both in the short and long term. Mr. MacAskill added that we should try and work with the Chamber on the drop off/pick up area.

Gerry Haultis was present and stated that from 2006 through 2013 he was the Chair of the Harwich Housing Committee. During that time, Harwich had about 90 units of housing built, not just by Habitat for Humanity, but by HECH and the Community Development Corporation. Over the years, he has been keeping track of affordable housing and he sees that not much is happening in Harwich.

A. Open Meeting Law Training - July 26, 2022 at Community Center– Sessions at 3:00 p.m. and 6:00 p.m.

Mr. Powers provided a reminder about the Open Meeting Law Training scheduled for July 26, 2022.

With regards to planning of 2023 Town Meeting, Finance Committee Chair Peter Hughes has confirmed that the all-day budget hearing will be scheduled for Saturday, March 4, 2023. The Finance Committee will then hold a public hearing on March 9, 2023.

Mr. Powers announced the retirement of longtime Assistant Town Clerk Paula West after 24 years of dedicated service to the Town of Harwich. Mr. Powers and the Board sent their best wishes to Ms. West and thanked her for the years of service that she provided.

#### **PRESENTATION/PUBLIC HEARING**

A. Public Hearing continued from July 11, 2022 – Stormwater Permit Application submitted by O’Loughlin Family Realty Trust, Judith A. Lonergan, Tr., as owner for subdivision located at 16 Squantum Path (98 N Westgate Road); Assessors Map 78 G10

Mr. MacAskill reopened the public hearing.

Michael O’Loughlin was present. Kelly Siry from VHB was present remotely. Ms. Siry stated that Robial Water had provided a response to their comments from the last meeting. The final submittal has been reviewed and there are no additional comments from VHB.

Ms. Kavanagh appreciates the speed in which the VHB memo was responded to but noted that she still has concerns about the monitoring that will be left to the homeowners association and how it will be enforced. Mr. O’Loughlin responded that their attorney put together a document to form a trust that everyone who purses a lot will have to agree to. The agreement will cover the concerns about the responsibility and cost of maintaining the structures and the road. Ms. Kavanagh stated that speaking from her own experience, a lot of people are not aware of the covenants that are in put in place. She just wants to make sure that the road is maintained in a proper way.

Mr. O’Loughlin asked why this is being brought up for this subdivision and asked how this has been worked out with other subdivisions. Ms. Kavanagh stated that they are before the Board because the stormwater permit is mandated for this area, which is not required for every subdivision. Mr. MacAskill added that the Board is hearing the application because of the lack of a Town Planner. There are new DEP and stormwater rules and regulations that have to be followed. Mr. O’Loughlin stated that this process is new to him as well as a lot of engineers and that he is trying to fulfill his obligation to the law.

Mr. Powers stated that VHB has very adequately fulfilled the role of engineer in lieu of an in-house engineer. Regardless of who the town uses for the engineer, the Board of Selectmen remain the stormwater authority. This is the 5<sup>th</sup> storm water permit, but the 2<sup>nd</sup> consecutive one where the Board has questions of this nature.

Ms. Kavanagh said that she is not trying to pick on the applicant, but that it is the job of the Board to protect our town's water. The coordination of the maintenance and agreements is up to the applicant to satisfy. She wants to make sure that all of the homeowners understand what they are buying into.

Richard Waystack was present and stated that a lot of the banks and attorneys will not close without a road maintenance agreement that is tied into the homeowners association.

Mr. Howell noted that the Planning Board does not have the authority to take a road or to assume responsibility on behalf of the town. There were a lot of these roads happening, but most of them were cul-de-sacs that didn't serve a public purpose to become a road grid to get people around. If it is a private road when it starts, it will remain a private road unless something big happens. The remediation of stormwater came from the state.

**Mr. Howell moved to close the public hearing, 2<sup>nd</sup> by Ms. Anderson and approved 5-0-0.**

Ms. Kavanagh asked Mr. O'Loughlin if they will be having a bank finance the project. Mr. O'Loughlin responded a bank will be involved when the time and place comes for someone to purchase the property. Until then, no bank will be involved.

Mr. MacAskill asked Mr. O'Loughlin if they are taking extra measures to make sure that water does not run from their road on to North Westgate Road. Mr. O'Loughlin responded that they are.

**Mr. Ballantine moved to approve the Stormwater Permit Application submitted by O'Loughlin Family Realty Trust, Judith A. Lonergan, Tr., as owner for subdivision located at 16 Squantum Path (98 N Westgate Road); Assessors Map 78 G10 5-0-0, 2<sup>nd</sup> by Ms. Anderson and approved 5-0-0.**

### **CONSENT AGENDA**

- A. Vote to approve the Assistant Town Administrator's recommendation to grant permission by VERIZON NEW ENGLAND INC. and NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY for the purpose of to place one (1) jointly owned pole, 67/53.25, at #195 Queen Anne Rd to provide service to #195 Queen Anne Road
- B. Approve the following Board of Selectmen Meeting Minutes:
  - 1. March 21, 2022
  - 2. April 4, 2022
  - 3. April 25, 2022
  - 4. May 9, 2022
  - 5. May 16, 2022

**Mr. Howell moved to approve the consent agenda as listed above, 2<sup>nd</sup> by Ms. Anderson and approved 5-0-0.**

### **NEW BUSINESS**

- A. Vote to extend the Town Administrator's contract one year

No discussion was had.

B. Vote to approve a one day entertainment license for Christ Church Episcopal – 671 Route 28 – August 21, 2022 12:00 p.m. to 3:00 p.m. outside - recorded/live music with amplification

**Mr. Howell moved to approve the one day entertainment license for Christ Church Episcopal – 671 Route 28 – August 21, 2022 12:00 p.m. to 3:00 p.m. outside - recorded/live music with amplification, 2<sup>nd</sup> by Ms. Anderson and approved 5-0-0.**

C. Discussion on proposed draft Articles for Special Town Meeting

Mr. Powers apologized and noted that the original proposed date of September 26 is in conflict with a holiday observance. He suggested that the Board change the Special Town Meeting date to September 27, which does not have any impact on any religious requirements or services. He has confirmed this date with both the Town Moderator and Town Clerk.

Mr. Powers stated that the Monomoy Regional School District agreement amendments relative to the assessment progress have been approved by the Commissioner of the Elementary and Secondary Education. We may need to rely upon actions at Town Meeting to dispatch the surplus of funds so that when we set the tax rate in the fall, it will not be looming over the equation.

As we have been hearing from the Water/Waterwater Superintendent, we may need to look at funds related to phase 3 of the CWMP that may impact upon the town acquiring property easements for pump stations.

Mr. Powers is recommending that the town hold a Special Town Meeting.

Ms. Kavanagh and Ms. Anderson agreed that we should move ahead with Special Town Meeting.

Mr. Howell commented that there are some underlying reasons for the wastewater article. Mr. Powers and Mr. Pelletier are in possession of the next round of the clean water rankings and we should have everything ready to show that we have a shovel ready project.

Mr. Ballantine asked if there is any time to add additional articles to the warrant. Mr. Powers responded that there is time to add to the warrant but commented that this Special Town Meeting is meant to address current year fiscal surplus that may exist as well as anything related to wastewater. Having said that, this is the Board's warrant and he will take direction from them.

D. Vote to hold a Special Town Meeting on September 26, 2022

**Mr. Ballantine moved to authorize the Town Administration to schedule Special Town Meeting for September 27, 2022 to start no earlier than 6:30 p.m. 2<sup>nd</sup> by Mr. Howell and approved 5-0-0.**

E. Discussion on Cape and Vineyard Electric Cooperative, Inc. (CVEC) Appointment

Mr. MacAskill stated that we still do not have an appointment for CVEC and that this is an advertising plea.

Mr. Ballantine commented that this is an important position for us given all of the changes that are happening.

Mr. Howell stated that the whole point of CVEC was that it was created as an organization to facilitate what the town wants to do. Whoever sits in the position will be representing the town.



- F. Vote to approve the following Conservation Restriction Projects:
1. Robbins Pond Preservation Project – 1550 Factory Road
  2. Hinckleys Pond – Herring River Conservation Project – 1 Pleasant Lake Avenue

Executive Director of the Harwich Conservation Trust Michael Lach was present. Present remotely was Mark Robinson from the Compact of Cape Cod. Mr. Lach briefly reviewed each of these restrictions and added that there is no cost to the tax payers.

**Mr. Howell moved to approve the conservation restriction projects for Robbins Pond Preservation project-1550 Factory Road & Hinckley's Pond-Herring River Conservation Project-1 Pleasant Lake Avenue, 2<sup>nd</sup> by Mr. Ballantine and approved 5-0-0.**

- G. Vote to appoint the following committee members from alternate member to full member:
1. James Walpole – Waterways Committee – Term to expire June 30, 2025
  2. David Nunnally – Board of Appeals – Term to expire June 30, 2025

**Mr. Ballantine moved to appoint James Walpole-Waterways Committee from alternate member to full member with a term to expire on June 30, 2025 and David Nunnally-Board of Appeals from alternate member to full member with a term to expire on June 30, 2025, 2<sup>nd</sup> by Mr. Howell and approved 5-0-0.**

- H. Vote to reappoint the following designees to the Community Preservation Committee:
1. John Ketchum – Conservation Commission – Term to expire June 30, 2025
  2. Mary Maslowski – Planning Board – Term to expire June 30, 2024

**Mr. Ballantine moved to reappoint James Ketchum-Conservation Commission to the Community Preservation Committee with a term to expire on June 30, 2025 and Mary Maslowski-Planning Board to the Community Preservation Committee with a term to expire on June 30, 2024, 2<sup>nd</sup> by Mr. Howell and approved 5-0-0.**

Mr. Howell stated that it is important to make sure that the person's appointment on their specific committee does not run out before their appointment to the Community Preservation Committee. You have to have the underlying appointment to be on the CPC.

- I. Discussion on appointing a designee to the Community Preservation Committee

This is an advertisement to seek a designee to the CPC. Mr. MacAskill commented that an updated vacancy list needs to be posted on the website. Mr. Powers responded that an updated list would be ready for the next meeting.

- J. Approve the appointment of Julie Witas as Council on Aging Director

Mr. Howell prefaced his comments by stating that they have nothing to do with Ms. Witas or Mr. Powers, but that his concern is with the process. He feels that it is important for the Board to know who all of the applicants are in order for them to make a knowledgeable confirmation, even if the information is provided to the Board confidentially.

Mr. Powers clarified that the discussion being had now is separate from the COA Director position. He stated that he would be happy to discuss with the Board a process on how to move forward, but would not be looking to impact the person, if they are not chosen as the final candidate.

Mr. Powers stated that the appointment of Ms. Witas is an internal hire. Ms. Witas has an exceptional background and has earned 2 masters degrees relating to the position. This is the next step in her career and speaks well for both herself and the organization of the Town of Harwich. He is confident that Ms. Witas will be able to pick up and lead the organization that the prior director had done a great job of bringing into the 21 century. Mr. Powers respectfully asked that the Board approve the appointment.

**Mr. Howell moved to approve the appointment of Julie Witas as Council on Aging Director, 2<sup>nd</sup> by Ms. Anderson and approved 5-0-0.**

K. Vote to approve KP Law request of Determination and Consent Pursuant to Massachusetts Rules of Professional Conduct

Mr. Powers stated that our Wastewater Superintendent has been work on a project for at least 2 years to identify parcels of land that abut or are around our public water supplies. The town wants to rely upon mitigation funds from Barnstable County and both parties have to agree on this. In this case, the town and the county both have the same counsel. In order for this to happen, the Board must state that they have no objection to KP Law representing both parties. This is both a cost savings and no tax payer funds are being used. Mr. Powers recommended that the Board approve the request.

Mr. Howell feels that you can never be totally aligned when you are representing 2 sets of clients. Ms. Anderson noted that was her concern as well. She asked Mr. Powers if he sees that this could be a conflict in any way. Mr. Powers responded that in this instance only, when we are talking about a memorandum of understanding between 2 municipal groups for the use of county mitigation funds, that he does not see an issue. The only other option we would have would be to tell Barnstable County that they need to seek a different counsel.

**Mr. Ballantine moved to approve KP Law request of Determination and Consent Pursuant to Massachusetts Rules of Professional Conduct to allow KP Law to represent both Barnstable County and the Town of Harwich, 2<sup>nd</sup> by Ms. Anderson and approved 4-1-0 (Howell opposed).**

### **OLD BUSINESS**

A. Town Administrator to provide an update on Open Meeting Law and Remote Participation changes

Mr. Powers knows that the Board was discussing restoring their original remote participation policy. As he has been working on the issue, he asked for some time to see what information the Governor Office would be releasing. On July 16, 2022, Lt. Governor Polito, acting on behalf of Governor Baker, signed into law a joint bill that extends remote meeting participation for local boards through March 31, 2023. Mr. Powers asked the Board if they would like him to work on anything regarding remote access to meetings versus remote participation at public meetings. He emphasized that everything the town has been doing since July 2020 has been well within the law as they have chosen to operate. Mr. Powers added that if we are looking at the budget, we could try to add something in, keeping in mind that we are still looking to transition to Office 365.

Mr. Ballantine stated that he is not sure that we always have the technology to do the meetings remotely for the committee or board itself. He wondered how we would allow committee members to participate.

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Ms. Kavanagh noted that Go To Meeting is not always to user friendly and asked if there would be any availability to switch to Zoom. Mr. Powers responded that in March and April of 2020, there was nothing better than Go To Meeting because Zoom was being hacked. It would not be insurmountable to look at other options for upcoming years, knowing that the market has really reshaped itself.

Ms. Anderson thought that the reason for previous discussions on this topic was due to the limitation of the number of people that can be remote. She thought that we were going to change it and put the decision on the committee chair. Mr. MacAskill responded that due to previous meeting issues, he had concerns about having public hearings conducted via remote participation. He wanted the Board to have a policy on not allowing any public hearings to be conducted remotely.

Mr. Powers stated that if the Board would like to resume what they were doing prior to March of 2020, then they would have to factor in the chair, quorum requirements, etc. If they would like to do something different, the new legislature would assist. To Ms. Kavanagh's earlier comments about which platform to use, Mr. Powers stated that there are better applications out there.

Ms. Kavanagh said that in her line of work, they see some towns doing only fully remote meetings. She thinks that we need to be careful in saying that one group can only have an in-person meeting, but that others can be remote. Ms. Kavanagh wants us to be uniform in our approach.

The Board asked Mr. Powers to look at what the pre-COVID rules were and then have a further discussion on this.

- B. Vote to designate the Finance Director/Town Accountant as the American Rescue Plan Act (ARPA) Reporter relative to the Barnstable County ARPA Application Portal replacing from Meggan Eldredge

**Mr. Howell moved to designate the Finance Director/Town Accountant as the American Rescue Plan Act (ARPA) Reporter relative to the Barnstable County ARPA Application Portal replacing from Meggan Eldredge, 2<sup>nd</sup> by Ms. Kavanagh and approved 5-0-0.**

### **TOWN ADMINISTRATOR'S REPORT**

Mr. Powers provided the Board with an update on contracts. Working through the Fire Chief, funding was secured at 2021 Annual Town Meeting to cover the cost of Fire Department radio upgrades. Chief LeBlanc informed the Board that the grant funding was amended and that the Fire Department was able to secure a Federal grant to cover 95% of the radio upgrade costs. The town only needed to expend just under \$17,000 for a purchase that was just over \$220,000. Mr. Howell added that the Fire Department consistently tries to find grant money to upgrade their facilities and that this is a continuing cultural process within their organization.

Mr. Powers stated that the town was able to obtain some additional equipment which did increase the cost to \$47,000. The additional equipment tied back into getting the secure and safe radios. The contract was granted to Motorola Radio.

Mr. Powers reported that there was a Cape Cod Commission grant that the town was eligible for in working through the Community Center. The town was able to receive a bicycle parking equipment grant. Bicycle racks will be placed at Red River Beach, Earle Road Beach, Bank Street Beach and Pleasant Street Beach at no cost to the tax payers.

Mr. Powers announced that tomorrow, he would be joining Harbor Master John Rendon for receipt of a dredging award in with Harwich, Chatham and other towns on Cape Cod will be receiving.

### **SELECTMEN'S REPORT**

Ms. Kavanagh stated that she attended the Harwich Stroll last Wednesday and commented on what a great night it was.

Ms. Anderson commented that there was a story in the Cape Cod Chronicle about how Orleans is looking into how they can better manage the air b & b type rentals. The thing that she found the most interesting was that they want to do this in a way that does not impact the person that is staying in the house, but look at the people that are living off cape and doing this as a business.

Ms. Anderson stated that she read about the telephone pole in Chatham that fell down, which reminded her that the Board had Eversource here a while back to discuss the double poles in town. She wonders if the Board could ask them to come back for further discussion. Ms. Kavanagh added that there has been an issue noted by property owners in the campground area about loss of Wi-Fi. The homeowners are aggravated and have called Eversource and Verizon, but have found the process to be very slow. She would like to see us do what we can to gain traction on these issues.

Mr. Howell noted that the Cape Verdean Festival was held this past weekend. This year's festival honored Albert Raneo and Mr. Howell commented that it was a great day to celebrate our heritage.

Mr. Ballantine commented that the Town Bank event this week was very well attended.

At the last meeting, the Board heard about the DEP draft regulations of shortening our CWMP from 40 years to 20 years. He doesn't think that we can allow that to happen without seeing if we can push back in any way, either on our own or jointly with other towns. Mr. Ballantine would like to have this back as a future agenda item. Mr. Powers responded that he took part in a meeting last week where the DEP Commissioner and staff were present. They did say that they would be coming to the various Boards. Mr. Ballantine stated that he understands what they are trying to do, but that he isn't sure how we would be able to pay for the changes in a reasonable fashion.

### **CORRESPONDENCE**

No correspondence was discussed.

### **ADJOURNMENT**

**Mr. Howell moved to adjourn the meeting of the Board of Selectmen, 2<sup>nd</sup> by Ms. Anderson and approved 5-0-0.**

Respectfully submitted,  
Jennifer Clarke  
Recording Secretary

**MINUTES  
SELECTMEN'S MEETING  
TOWN HALL  
MONDAY, AUGUST 8, 2022  
5:45 P.M. - EXECUTIVE SESSION  
6:00 P.M. - REGULAR MEETING  
REMOTE PARTICIPATION OPTIONAL**

**SELECTMEN PARTICIPATING:** Michael MacAskill, Larry Ballantine, Mary Anderson & Donald Howell

**ALSO PARTICIPATING:** Town Administrator Joseph Powers

**Mr. Howell moved that the Board enter into Executive Session to discuss items as listed below and that the Chair has determined that open session would have a detrimental effect on the towns bargaining position, 2<sup>nd</sup> by Ms. Anderson. The vote was 4-0-0 with Mr. MacAskill, Mr. Ballantine, Ms. Anderson and Mr. Howell all voting aye by roll call.**

**EXECUTIVE SESSION**

A. Pursuant to M.G.L., c.30A section 21 (a)(3) to discuss with respect to collective bargaining for all town unions and the Chair has determined that open session would have a detrimental effect on the town's bargaining position

**CALL TO ORDER**

Mr. MacAskill called the meeting back to order and reported that contracts have been ratified with both SEIU & IAMAW.

**PUBLIC COMMENTS/ANNOUNCEMENTS**

Executive Director of the Harwich Chamber of Commerce Cyndi Williams presented the Harwich 2022 Magazine. In addition to on-Cape locations, they have added a few off-Cape locations for magazine distribution. They have 20,000 magazines printed each year and have already started working on the 2023 edition. Ms. Williams announced that the Chamber also has a bottle refill station available for public use.

Water/Wastewater Superintendent Dan Pelletier was present and stated that the Board of Water/Wastewater Commissions has implemented a mandatory outdoor water ban. Hand watering is allowed from 12:00 a.m. – 8:00 a.m. and 5:00 p.m. - 9:00 p.m. Hand watering is defined as if you can hold it in your hand, you are hand watering. He stated that the Water Department does not have jurisdiction over private drinking or irrigation water wells, although they are still looking to encourage those residents to modify use, as they are all straws in the same glass. For those looking to report a violation, there is a place on the Harwich Water Department website (hawichwater.com)

Chief of Police David Guillemette was present and introduced Jessica Ferreira as the next candidate for full-time police officer. Ms. Ferreira comes to the department with 2 years of experience from the Town of Hopkinton. Ms. Ferreira will not have to enter the Police Academy and will do an abbreviated training program.

**PRESENTATION/PUBLIC HEARING**

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A. Presentation by Doreen Leggett, Cape Cod Commercial Fisherman's Alliance on results of the Port by Port: Profiles and Analysis of the Massachusetts Commercial Fishery report

Doreen Leggett of the Cape Cod Commercial Fisherman's Alliance was present to report on the results of the Port by Port Profiles and Analysis of the Massachusetts's Fishery report. The alliance was formed in 1991 by a group of fishermen and has been working with fishermen for more than 30 years to create solutions for both a balanced ecosystem and profitable fishing communities. Their work focuses on assessing the needs of today's fishermen with a responsibility of providing healthy oceans and strong fisheries for the next generation. Their visit tonight is part of an effort of both the alliance and the Division of Marine Fisheries to visit each town that has a commercial port on the Cape to help elevate awareness. 2018 permitting and statistics show that commercial fisherman landed 1,527,286 pounds of catch with an ex-vessel value of \$3,218,701. Harwich is a port that is growing in infrastructure. Ms. Leggett went on to review additional information that was provided in the packet.

Harwich Fisherman Stephanie Sykes was present and thanked the Board and Mr. Rendon for listening to the presentation. The support that has been given has tremendous economic value and she hopes to see commercial space maintained in our harbors.

Alliance Board Member Brian Sherin was present and commented that he has always believed that one of the key things that makes the Cape unique is the active small boat fishing community. In 2020, the Alliance launched a program called Small Boats, Big Taste. This program was in response to the fishing and food security challenges presented by COVID-19. The program helps independent fishermen stay on the water and also supplies food banks around the region. Since the summer of 2020, the program has produced 1.3 million servings of haddock chowder for distribution. The program shows the ingenuity of the Alliance staff to come up with solutions to the challenges of the fishing industry all while serving the community needs.

Harbormaster John Rendon was present and thanked the Alliance for their report, noting that they have been great to work with. His department spends a lot of time making sure that the bulkheads are clear for offload. They have designed slips and moorings specific for the commercial fleet. Mr. Rendon is very proud of what the town does to support the local fleet and hopes that the support continues.

Mr. Ballantine commented that several years ago, there were changes to licenses to allow commercial boats to also operate recreationally. Mr. Rendon responded that a policy was put in place to allow commercial fisherman with an "a" permit to be allowed to take charters on board. There are still some commercial vessels that do that periodically. Ms. Sykes added that while they are still a commercial fishing business, but that it is nice to have the diversity to offer charter as well.

Mr. Howell applauded everyone for their efforts.

Ms. Anderson stated that she has a great respect for the Alliance and is happy to hear that people are fishing.

Mr. MacAskill noted great work done by the Alliance.

B. Public Hearing – Vote to implement liquor license fee structure change as presented in the packet

Mr. Howell read the public hearing notice. No public comment was heard.

**Mr. Howell moved to close the public hearing, 2<sup>nd</sup> by Ms. Anderson and approved 4-0-0.**

**Ms. Anderson moved to implement the liquor license fee structure changes as presented in the packet, 2<sup>nd</sup> by Mr. Howell and approved 4-0-0.**

**CONSENT AGENDA**

- A. Approve the Chief of Police's recommendation to appoint Jessica Ferreira to full-time Police Officer

**Mr. Howell moved to approve the Chief of Police's recommendation to appoint Jessica Ferreira to full-time Police Officer, 2<sup>nd</sup> by Mr. Ballantine and approved 4-0-0.**

- B. Approve the following Board of Selectmen Meeting Minutes:
  - 1. February 22, 2022
  - 2. May 23, 2022
  - 3. June 6, 2022
  - 4. June 13, 2022
  - 5. June 21, 2022

**Mr. Howell moved to approve the Board of Selectmen meeting minutes as listed above, 2<sup>nd</sup> by Ms. Anderson and approved 4-0-0.**

**NEW BUSINESS**

- A. Approve the appointment of Sarah Eaton as Computer Coordinator

Mr. Powers presented for the Board's affirmation and approval, Sarah Eaton as Computer Coordinator. Ms. Eaton is the ideal choice for this role given her years of experience and related educational achievements. Mr. Powers is confident that she will make an immediate positive impact in this role and will be an integral part of the team. There were 2 other strong candidates and a 3<sup>rd</sup> that would have done exceedingly well. Mr. Powers respectfully asked for the Board to approve this appointment.

Mr. Ballantine feels that this is a strong appointment. He did mention that a few weeks ago, the Board talked about seeing the credentials for all that applied for the position, while still maintaining the applicant's confidentiality. Mr. Ballantine asked Mr. Powers to expand on some of the backgrounds of others that applied. Mr. Powers responded that of the 4 candidates that were considered to be strong, 2 of them, 1 being Ms. Eaton had great municipal experience. Another had less than 7 years of municipal experience in IT and did not have the similar education background. The 4<sup>th</sup> candidate had a strong background in IT that warranted an interview, but no background in government.

Mr. Ballantine asked that in Mr. Powers' opinion, does Ms. Eaton have more background in hardware or software. Mr. Powers responded that when you talk about web based applications, that was Ms. Eaton's primary function in Orleans. She demonstrated a strong proficiency in hardware and other areas of software. Ms. Eaton is also familiar with Open Gov and has a strength in network support that will help us overtime.

Mr. Howell prefaced his comments by stating that on paper, Ms. Eaton looks and sounds great and that he is sure that she will do a great job. He added that the charter we have is the charter we have and that he does not care what anyone thinks it needs to be. Mr. Howell still uses the term confirmation, not affirmation. The vote requires 3 Board members to agree. He commented that over the last 5 years he has rarely gone to see a department head and has rarely voted against anyone. Mr. Howell stated that he is not prepared to vote on this based on the matter of process. He added that the Town Administrator had promised the Board that there would be some attempt

to bring forward the candidates information. Mr. Howell also commented that he would not be in favor of changing the charter either.

Ms. Anderson stated that Ms. Easton sounds very capable, so she does not have an issue with the hire. She feels that this is a process issue that needs to be talked about.

Mr. MacAskill said that the way the Board left it was that there would be conversations on an upcoming agenda and the Board was asked to provide feedback, which has not been received as of today. We did not agree to chance the process.

Mr. Powers hopes that tonight's vote is related to Ms. Eaton as the Director of IT. He would not want the position to be caught in the middle of a Board discussion on process. Mr. Powers would be remiss to say that he researched every one of the Board's policies and he found nothing that addresses this process. Mr. Powers is comfortable that his actions ensure that the town is protected from liability. At present, the Charter requires the Town Administrator to be the Chief Personnel administration.

While she understands Mr. Howell & Mr. Ballantine's concerns, Ms. Anderson hopes that the Board can confirm Ms. Eaton, who is very qualified to fill the position.

Mr. Ballantine stated that he respectfully disagrees with Mr. Powers reading of the charter, but added that time is of the essence.

Mr. Powers does not view his presentation tonight as running against the charter and he apologized if the Board feels otherwise. He urged the Board to take up the policy discussion at a future meeting and not have it involved with a future employee's hiring.

Mr. Howell stated that this is the last time that he will vote on a selection like this. He has been on the Board for 11 years and has always gotten to a point as a matter of practice of getting information on the candidates. Mr. Howell does not feel that any one on the Board divulges confidential information.

**Mr. Ballantine moved to approve the appointment of Sarah Eaton as Computer Coordinator, 2<sup>nd</sup> by Ms. Anderson and approved 4-0-0.**

B. Vote to authorize the Town Administrator to hold Show Cause Hearings and to be the Hearing Officer for the following licensed establishments:

1. Port Restaurant and Bar, Inc. – 541 Route 28 – Alleged violations occurring on June 15, 2022, July 1, 2022, July 2, 2022, July 4, 2022, July 5, 2022, July 6, 2022
2. The Lucky Labrador, Inc. d/b/a Perks – 545 Route 28 – Alleged violations occurring on July 2, 2022, July 4, 2022

*Mr. Powers excused himself from the room.*

In the packet, there are memos from the Chief of Police as well as Police reports. The job of the Board tonight is to decide if they want to schedule a show cause hearing and have the Town Administrator be the hearing officer. Chief Guillemette is recommending that the July 1, 2022 incident at The Port not be moved forward for a hearing. He does recommend that the July 2, 2022 incidents involving The Port and Perks be moved forward for hearings. He is not recommending that the July 4, 2022 incidents involving The Port and Perks move forward for a hearing. Finally, he is recommending that the July 5, 2022 incident involving The Port be moved forward for a hearing.



Mr. Howell stated that to the extent that there are witnesses to these alleged violations, he would like them to be involved in the hearing process. In terms of conducting the hearing, he would like to see a motion to hold the hearing and anyone who has personal knowledge of the events would be invited to come and provide testimony.

Mr. MacAskill commented that the job of the Board tonight is to decide if hearings will be scheduled, it is not to have the actual hearing. With respect to the crowd complaint, he knows that it was a large crowd and that there were lines of people down the sidewalk. It was the same in other towns as the July 4<sup>th</sup> weekend on the Cape was crazy and there were a lot of people. Mr. MacAskill knows that as soon as Police made contact with the establishments, that the lines were moved and controlled. For him, it would be a stretch to have a hearing regarding the July 2<sup>nd</sup> events. Mr. Ballantine agreed. The Police Department did an incredible job of handling crowds and traffic in Harwich Port during the July 4<sup>th</sup> weekend.

Ms. Anderson stated that Chief Guillemette did a nice job in his report analyzing the situation and that she would be in favor of moving forward with his recommendations.

Mr. Howell knows that some July 4<sup>th</sup> weekends are insane. He is more worried about cups of alcohol leaving the establishments. He noted that he is on the fence regarding the July 2<sup>nd</sup> incidents. The other part that has not been discussed is the Uber/Lyft lanes.

Perks owner Taylor Powell was present. He was there and witnessed the incidents and commented that there were lines everywhere on July 4 weekend. They did their best to control the line and they were trying to address the people on the side walk. He has staff present to make sure that drinks do not leave the site. Mr. Powell asked the Police for their assistance that night and he does not think that they should be held to a hearing. They were working on addressing the issue as it was happening and don't feel that it was a violation of their liquor license.

**Mr. Howell moved to authorize the Town Administrator to hold Show Cause Hearings and to be the Hearing Officer for The Port alleged violations from June 15, 2022, July 5, 2022 & July 6, 2022, 2<sup>nd</sup> by Mr. Ballantine and approved 4-0-0.**

**Ms. Anderson moved to authorize the Town Administrator to hold Show Cause Hearings and to be the Hearing Officer for The Port and Perks alleged violations from July 2, 2022. No 2<sup>nd</sup> was heard-motion did not carry.**

*Mr. Powers returned.*

Mr. Powers stated that he has not read any of the materials related to both establishments and that when he is presented with the information, he would only read details relative to the specific dates.

Mr. Howell said that the Board encourages anyone who was a firsthand witness of these alleged violations to attend the hearings.

Mr. MacAskill wants to make sure that these hearings are moving forward quickly.

- C. Vote to approve the following one day special permit requests for Reciprocity – 4 Cross Street – Event on September 5, 2022 – 4:00 p.m. to 8:00 p.m. outside
  1. One day entertainment – Live/recorded music with amplification
  2. One day Wines and Malt liquor license

*Mr. MacAskill recused himself.*

Mr. Howell asked if anyone has information relative to his request. We seem to be receiving more one-day requests that boil down to entertainment and alcohol. His suspicion is that some of these are starting to be cottage industries and that they are hosting pop-up receptions in residential neighborhoods. Ms. Anderson responded that this application is for a little store on Cross Street and that it does not say what the event is.

**Mr. Ballantine moved to approve the one day special permit requests for Reciprocity – 4 Cross Street – Event on September 5, 2022 – 4:00 p.m. to 8:00 p.m. outside- One day entertainment – Live/recorded music with amplification & One day Wines and Malt liquor license, 2<sup>nd</sup> by Mr. Howell and approved 3-0-0.**

*Mr. MacAskill returned.*

D. Vote to approve a new 2022 Weekday and Sunday trampoline license – Chi Chi Jumps, LLC – 296 Route 28 – Weekdays and Sunday 9:00 a.m. to 9:00 p.m. – Pending Building Department sign off

**Mr. Ballantine moved to approve a new 2022 Weekday and Sunday trampoline license – Chi Chi Jumps, LLC – 296 Route 28 – Weekdays and Sunday 9:00 a.m. to 9:00 p.m. – Pending Building Department sign off, 2<sup>nd</sup> by Mr. Howell.**

Mr. Howell asked who would be signing off as the Building Commissioner. Mr. Powers responded that Tom Wingard remains under contract as our interim Building Commissioner.

Mr. MacAskill feels that this request is straight forward, but we still need the Building Department sign off on the application.

Mr. Powers stated that the concern is that the Building Department may not be in the position to approve the application. There are questions regarding the type of use. The applicant indicates trampoline, but that there is a bungee jump device with a harness, which requires state approval.

Mr. Howell views the bungee aspect more of a safety device to the trampoline. He commented that there is not a spot for bungee on the application.

Ms. Anderson noted that this is not a new business, but asked if it is a new owner. Mr. MacAskill responded that this is a new device for the existing business.

Mr. Powers stated that staff through the Town Administrator has stated that there are concerns relative to the device and that they do not consider it to just be a trampoline.

Applicant Michael Doucette was present and stated that he has been part of the trampoline family for the last 20 years. The demographics have shifted and they are seeing more of the 3-5 year old children jumping on the regular trampolines. They are proposing to add a bungee device element to one trampoline. Mr. Doucette stated that they already have possession of this device and added that he isn't sure why the Building Department needs to sign off.

**Mr. Ballantine moved to withdraw his motion, 2<sup>nd</sup> by Mr. Howell.**

Mr. Powers stated that it is helpful for the town to hear Mr. Doucette refer to the device as a bungee trampoline. Any device that requires a bungee requires a state permit. Once the state permit is received, the Building Department would be able to do their evaluation of the application.

Mr. Howell asked how many trampolines would have this bungee device. Mr. Doucette responded that there are 12 trampolines and that the bungee trampoline would be separate. Mr. Howell again stated that the bungee actually enhances the safety of a smaller person. Mr. MacAskill stated that this is a state regulation, not local.

The consensus of the Board was that if Mr. Doucette is able to receive state approval, that they would be comfortable with the application. Mr. MacAskill stated that if Mr. Doucette is able to obtain state approval, he would ask the Board members to convene a special meeting help remotely to move forward.

Mr. Doucette noted that the Planning Board already approved this. Mr. Powers responded that once the state permit has been obtained, that Mr. Doucette could circle back to the Building Commissioner for further local review. Mr. MacAskill asked if there would be any way to have the Interim Building Commissioner weigh in now. Mr. Power responded that he would follow up with staff.

E. Vote to approve and sign the State Primary Election Warrants to be held September 6, 2022

**Mr. Howell moved to approve and sign the State Primary Election Warrants to be held September 6, 2022, 2<sup>nd</sup> by Mr. Ballantine and approved 4-0-0.**

F. Vote to delegate the authority to the Police Chief to designate a minimum number of police officers to polling locations and to assign police officers to work the polls

Town Clerk Emily Mitchell was present and stated that this is a state legislative change.

**Mr. Howell moved to delegate the authority, in working with the Town Clerk, to the Police Chief to designate a minimum number of police officers to polling locations and to assign police officers to work the polls, 2<sup>nd</sup> by Mr. Ballantine and approved 4-0-0.**

G. Vote to approve the Democratic and Republican Town Committee list of election workers

**Mr. Howell moved to approve the Democratic and Republican Town Committee list of election workers, 2<sup>nd</sup> by Mr. Ballantine and approved 4-0-0.**

H. Board Discussion – Changing Charter Chapter 4, clause 4-4-1 and 4-4-2 pertaining to Board of Selectmen affirming employee appointments

No discussion was had.

I. Discussion – Potential by-law pertaining to Solar Panels/Solar Tracker

Ms. Anderson opened the discussion. This was placed on the agenda after John and Maria Selby brought it to the Board's attention that a large ground mounted solar tracking array was being installed across the street from them. When the resident brought it to the Selectmen's attention, it was found that there is nothing in the town charter, bylaws, etc. to prevent a solar tracker. It is treated as any other structure and just had to meet the setback requirements. Ms. Anderson would like the town to look at some kind of limitation on where these solar trackers can go. In addition to being a large structure, it rotates and makes noise.

Mr. Powers stated that he relied on ecode 360 to search for information on solar trackers, and came up with nothing. He asked the Board to allow him to work with Town Counsel before moving forward.

Mr. Howell noted that we have gone through similar situations before with cell towers and wind turbines. It would seem like a good idea to him to investigate something might look like for the common good.

John and Maria Selby of 11 Ships Haven Road were present and commented that they are in favor of a potential bylaw change or addition, not just for themselves, but for the town as a whole. What surprised them was that not only does this property have a solar tracker, but they have 27 panels on the south side of the garage. Mr. Selby stated that this solar tracker is a huge visual impact to not only the street but the entire town. Ms. Anderson stated that she would report back to the Selby's as Mr. Powers provides her with additional information.

Jim Dente of 7 Ships Haven Road was present and commented that half of the day, you have to look at the backside of the solar tracker. He feels that it is ugly, unsightly and huge. Mr. Dente commented that he had contacted the owners of the property because an alarm was going off in their house, and then asked questions about the tracker. Mr. Dente feels that considering the taxes paid and real estate values, that there should be a benefit to the neighbors that are affected by this installation.

Mr. Howell commented that zoning does not pertain to who lives at the property, but to the property itself.

**Mr. Ballantine moved to direct the Town Administrator to work with Town Counsel to draft a zoning bylaw regarding ground mounted solar tracking devices and refer it back to the Board of Selectmen for potential action, 2<sup>nd</sup> by Mr. Howell and approved 4-0-0.**

J. Discussion - By-law prohibiting garbage cans on street no longer than 24 hours

Mr. MacAskill stated that this is on the agenda due to a resident request.

Lou Urbano of Riverside Drive was present. Over the last year or so, he has noticed an issue on Riverside Drive with garbage cans being left out at the street permanently. He commented that this is not just a Riverside Drive problem. Mr. Urbano feels that if there is an ordinance that says the garbage cans have to be put away in a certain amount of time, it would allow neighbors something to reference. He added that garbage cans also intent to impact those who live across the street and can attract animals.

Health Director Katie O'Neill provided a memo in the packet which references the existing state code.

Mr. Powers recommends that this be further reviewed by the Board of Health.

**Mr. Ballantine recommended further review by the Board of Health and their present regulations (if any) on the matter of storing and placing and duration of outside residential garbage bins outside, 2<sup>nd</sup> by Mr. Howell and approved 4-0-0.**

K. Discussion on next steps concerning traffic and safety issues in the Route 28 corridor of Harwich Port

Mr. Powers stated that this topic gets to an earlier discussion from other parties. Following a previous meeting, representatives from Police, Fire and DPW met to discuss the matter. It was

recommended that the town pursue these concerns through the proper channels and it is highly unlikely that we will have anything done for this summer. Mr. Powers recommended that the Board provide their specific suggestions so the town can reach out to our state legislative leaders to plan for the spring and summer of 2023.

Mr. Howell asked why we would want to wait on the Uber/Lyft area. There could be an Uber/Lyft lane in the schoolhouse parking lot. He asked to have this topic brought back at the August 22 meeting for greater discussion.

Chief Guillemette stated that the Police Department has had discussion on the Uber/Lyft problem in the Harwich Port area. Their thought is that if you have an area located in the schoolhouse parking lot, you have more people that will be crossing Route 28 at closing time. Chief Guillemette and his staff would be in support of a designated area if people would not have to cross Route 28. Mr. MacAskill agreed that this needs more planning and suggested having a conversation with the Pilgrim Congregational Church on Route 28 about possible use of their lot.

Ms. Williams said that she would be happy to talk to the property manager and report back to the Town Administrator.

The overall concept of Mr. Powers' memo is to engage in greater conversations after Labor Day. When we talk about a community meeting, it would be helpful to reach out to community representatives that we have heard from, stakeholders and stakeholders in Harwich Port so the Board can have a full court press to take to the Department of Transportation.

#### L. Board Discussion – Non-Resident Tax Payer Annual Meeting

For the past 2 years, the non-resident tax payer annual meeting was done by way of videos of the department heads and then the video was aired on the website. Mr. MacAskill asked if the Board would like to go back to an in person meeting or stay with the video.

Mr. Ballantine stated that he likes the video format because it allows people to watch at their leisure. He asked that the videos try and be publicized more. Mr. Howell agreed.

Ms. Anderson asked if we have received any feedback from the non-residents if they prefer one over the other. Mr. Powers responded that he is not aware of any one group that we could reach out to and ask but that the responses that he has heard regarding the videos have been positive.

The Board asked Mr. Powers to begin the process on department head videos.

### **OLD BUSINESS**

#### A. Update on revised license renewal process for the 2023 annual renewal season

Mr. Powers briefly reviewed the memo provided and stated that this update is meant to be a streamlined simpler process for all involved.

Ms. Anderson feels that staff laid out the process nicely and that if the Police Chief didn't have any issues, then she doesn't.

Mr. Howell asked how inspection and compliance would be monitored. Ms. Anderson noted that the establishments are inspected regularly. Mr. Howell added that there has been an issue with building inspections, noting that they have not been routine.

Mr. Powers stated that if the process is adopted this month, it will be used for the December renewal process. He added that the memo and revised process has been reviewed by Town Counsel and that they stand by the work that staff has done.

Mr. Ballantine said that it is a win if we can reduce regulations while still protecting citizens and that he is in favor of the proposal. Ms. Anderson agreed.

Mr. Howell commented that he doesn't see how we can hold these applicants accountable unless the paperwork says that they have requested their inspections. Mr. MacAskill responded that if they have to get inspected anyway, the onus is on the owner. He added that he supports this revised process.

It was the consensus of the Board that they support the proposal but that they would like to see monitoring of the inspections.

#### B. Discussion - Allen Harbor Jetty Study

Harbormaster John Rendon was present. Mr. MacAskill stated that the memo in the packet speaks for itself and that approval is being sought so that Mr. Rendon can work on the funding sources. We know what the problem with the jetty is and if there is a failure of that jetty, it will impede people from coming in and out of that harbor.

Mr. Ballantine and Mr. Howell gave their support of the recommendation. Ms. Anderson also agreed and noted that she would hate to push it too far out because we don't know when the next storm is coming.

Mark Kelleher was present and stated that he agrees with Mr. Rendon's report. He did point out that 62% of the moorings and slips are for private entities and 70% of the boats in the area are for private docks. Mr. Kelleher that since a large expenditure of public money would be used for primarily private use, have there been any consideration given to starting discussions with the private entities to see if there is a cost sharing option, before a failure occurs.

Mr. Rendon compared Mr. Kelleher's question to when they did betterments for the dredging of the basin. That was a multi-year process and betterments were given to everyone who had a piece of the basin to help pay for the cost. He does recognize that 2.3 million dollars is a big number, but it is nothing in comparison to the cost of the dredge project. It would be challenging if we try to do betterments or a cost share for the jetty project. Mr. Rendon reviewed all of the fees that are paid by the boats and slips holders in the marina. Those funds are put into a separate receipts reserve fund.

The Board directed Mr. Rendon to proceed with the 2.3 million dollar option and begin work. Mr. Rendon stated that he would let the engineer know that we already have the funding to go through the final design and permitting. It will be approximately 9-10 months before we will have permits in hand and we will be looking at least a couple of years to do construction.

#### C. Review and possible approve draft articles for the September 27,2022 Special Town Meeting

##### 1. Wastewater Easements

Mr. Powers noted that there are 2 elements in Article 1. The first is for the acquisition of property interests for the Route 28 Dry Sewer Project and the second is for Phase 3 of the Wastewater project. The costs relative to Phase 3 are estimated at \$70,000. The cost relative to the Route 28 dry sewer project is to be determined after discussion with the Board of Selectmen.

Mr. Howell stated that the town did vote to appropriate the funds for the design of the dry pipe. We are now looking to solidify where the pump station will be going. It will also determine which way the pipe pitches in the design.

## 2. Finance Article

- Monomoy Regional School District assessment funds
- Cape Tech Fiscal Year 2023 Quarter 1 excess and deficiency overage

Mr. Powers stated that this was the original article that was the need for Special Town Meeting. The Monomoy Regional School District agreement was amended and the town is looking at a cost savings of \$739,747. This figure will be confirmed by the district. In addition to that, we have been informed by the Cape Cod Tech School that Harwich and other member towns will be receiving a rebate in the amount of \$183,394. The total amount that the town will be looking to reallocate is \$932,141. At this time, we are not in a position to offer statements as to where we are with the funds available, due to still closing out FY22. Mr. Powers reviewed the funding of articles and noted that the purpose of this article is to repurpose the funds.

Ms. Anderson asked if there is a limitation on what we can do with the funds especially where we are looking at a large wastewater ticket and the need for housing. Mr. Powers responded that the Finance Director will tell the Board that there are some limitations.

Mr. MacAskill asked if the funds could be given back to the tax payers. Mr. Powers stated that it could not be done as a direct rebate. He added that given the size of the rebates, we would want to reallocate them before setting the tax rate.

Ms. Anderson asked if it would be appropriate for Mr. Powers and the Finance Director to provide the Board with recommendations on where the funds might be best placed. Mr. Powers referred to the Board on that decision and added that staff can provide a list of other accounts that could take these funds.

## 3. Cemetery Regulations

After conversations with the Cemetery Administrator, it was decided to recommend that article 7 be removed from the draft warrant.

Mr. MacAskill asked if we can urge the Cemetery Commission to have their public hearing sooner rather than later. Mr. Powers responded that they are thinking about having a special hearing in September and then have the article on the Annual Town Meeting warrant in the spring.

Mr. Howell wants to make sure that the public hearing is widely advertised.

Ms. Anderson asked that when this comes back, that the Board is provided with information on what the proposed changes are.

## 4. Appropriate funds for By-Law and/or Charter revisions

Mr. Powers reviewed the proposed article and stated that the anticipated cost is \$75,000.

Mr. Howell feels that it would be nice to have some comprehensive review on this.

Mr. Powers added that this has been before the Bylaw Charter Review Committee at their last 2 meetings and they have been receptive to the changes.

## 5. Appropriate funds for the Brooks Academy construction project for an Owner's Project Manager (OPM)

Mr. Powers stated that this article is to appropriate the funds to be used in securing an owners project manager as necessitated by the Commonwealth's procurement laws regarding construction projects

costing more than 1 million in total construction costs. The anticipated cost for this article is \$250,000.

6. Appropriate funds for Fiscal Year 2022 collective bargaining agreements

Mr. Powers reported that the purpose of this article is to appropriate funds for costs resulting from collective bargaining agreement negotiations. The cost anticipated for this article will be determined pending the outcome of negotiations.

7. Appropriate funds for Salary and Wages for the existing roll of town Surveyor

Mr. Powers stated that this position remains vacant. The cost anticipated for this article is being calculated. Mr. Powers did stated that he has done some preliminary cost estimates and merely for the surveying line item for salaries and office expenses, the surveyor position is around \$60,000. That amount does not factor in other benefits. Mr. Powers was able to confirm with the HEA that they would like to see the position filled. This warrant article is a management request, not a union request. If he is to have any success in securing a town engineer, we should fund the companion surveyor position.

**Mr. Howell moved to direct staff to finalize warrant articles for Special Town Meeting as discussed, 2<sup>nd</sup> by Ms. Anderson and approved 4-0-0.**

**CONTRACTS**

- A. Vote to approve the Memorandum of Agreement between Barnstable County through Cape Cod Commission and Board of Selectmen on behalf of Town of Harwich for the taking of 5 owners unknown parcels of land in the amount of \$94,168.99

**Mr. Howell moved to approve the Memorandum of Agreement between Barnstable County through Cape Cod Commission and Board of Selectmen on behalf of Town of Harwich for the taking of 5 owners' unknown parcels of land in the amount of \$94,168.99, 2<sup>nd</sup> by Ms. Anderson and approved 4-0-0.**

Mr. Howell clarified that DRI stands for Development of Regional Compact.

- B. Vote to approve the contract with Larchelle Construction, Inc. for the replacement of the Brooks Free Library Roof in the amount of \$131,000

**Mr. Howell moved to approve the contract with Larchelle Construction, Inc. for the replacement of the Brooks Free Library Roof in the amount of \$131,000, 2<sup>nd</sup> by Mr. Ballantine and approved 4-0-0.**

**TOWN ADMINISTRATOR'S REPORT**

Mr. Powers shared with the Board an email that he received from Orleans Town Administrator John Kelly. The memo is regarding a fertilizer home rule petition that Orleans will be seeking at their Special Town Meeting. Nantucket also did a home rule petition. Mr. Powers was looking to make the Board aware to see if there is any general interest.

Mr. Powers wished Harwich Chamber of Commerce Executive Director Cyndi Williams a happy birthday and congratulated her on the Harwich magazine release.

Mr. Powers offered his congratulations to the Harwich Mariners who made it to the playoffs.



Mr. Powers announced that he attended the 2022 One Cape Summit and commented that it was a great event.

Mr. Powers thanked the negotiating teams for SEIU and IAMAW. He also thanked Assistant Town Administrator Meggan Eldredge and Labor Counsel for the work that they put in on these agreements.

### **SELECTMEN'S REPORT**

No Selectmen's reports were give.

### **CORRESPONDENCE**

No correspondence was discussed.

### **ADJOURNMENT**

**Mr. Howell moved to adjourn the meeting of the Board of Selectmen, 2<sup>nd</sup> by Mr. Ballantine and approved 4-0-0.**

Respectfully submitted,  
Jennifer Clarke  
Recording Secretary

August 22, 2022

Joe Power, Town Administrator  
Town Hall  
Harwich Ma 02645

Dear Joe,


I feel very fortunate to ask you, through the selectmen to accept the attached gift of \$13,060.00 from the Ora Gaylord Arooth Trust.

This gracious gift in the past has provided the Community Center with the opportunity to provide events, equipment and countless other things that I hope have enhanced the experience of all those that utilize the building.

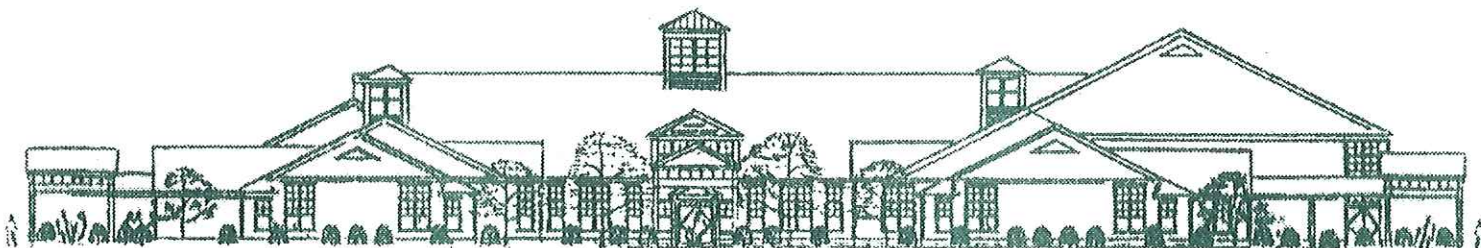
The letter from Trustee, Carol Ann Rowley asks that the Town sign that we are in receipt of the check. I am sending the entire package to your attention for a signature.

I thank you again for your support to the Community Center and all those we serve.

Sincerely

  
Carolyn B. Carey, Director

Enclosures



Wednesday, August 24, 2022

Emily Mitchell  
Town Clerk  
Town of Harwich  
732 Main Street  
Harwich, MA 02645

Dear Emily:

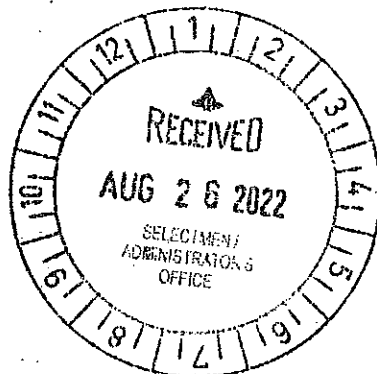
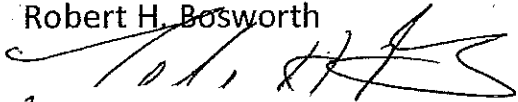
I regret to inform you that as of Wednesday, August 24, 2022 I am resigning as a member of the town's Capital Outlay Committee.

I was appointed by Town Administrator Joseph Powers as a town administrator representative to the board in June 2021.

Although I enjoyed serving the town as a member of Capital Outlay, my professional work schedule does not allow me time to attend future meetings. As such I have decided to step down from the committee and give the town administrator an opportunity to appoint a successor. I have communicated this decision with Mr. Powers who instructed me to submit a letter of resignation.

I hope I will have an opportunity to serve the town in another capacity in the future.

Sincerely,  
Robert H. Bosworth



RECEIVED  
TOWN CLERK  
HARWICH, MA  
2022 AUG 26 P 12:44

# **NEW BUSINESS**



# Memo

To: Board of Selectmen

From: Joseph F. Powers, Town Administrator

Date: September 6, 2022

RE: Affirm the appointment of the Building Commissioner

This memorandum is submitted in support of New Business Item A wherein I seek your affirmation of my appointment of **John (Jack) Mee as Building Commissioner**.

The search process for this position was competitive with several strong candidates. After conducting interviews with multiple applicants, Jack ultimately presented as the best choice for Harwich. Jack has been a Commissioner for 20 years in similar communities and brings extensive knowledge of zoning codes and enforcement. In addition to his experience, Jack holds a degree in Building Construction and a Construction Supervisor License.

I am confident that he will make an immediate, positive impact in this role and will be an integral part of our team going forward. I respectfully ask for your vote to affirm this appointment.

Thank you for your consideration.



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

### APPLICATION FOR A SPECIAL PERMIT

- One day Entertainment (\$25)  
 One day Liquor License – All Alcohol (\$50)  
 One day Liquor License – Wines & Malt (\$50)  
 Craft Fair (\$50)  
 Event (\$25)  
 Road Race (\$50)  
 Other (please specify) \_\_\_\_\_

Applicants Name National Multiple Sclerosis Society Phone 978-987-7509

Mailing Address 465 Waverly Oaks Road Suite 202 Waltham, MA 02452

Owners Name & Address Samantha Boland

Email Address samantha.boland@nmss.org

#### **REQUIRED FOR ONE DAY ENTERTAINMENT – PLEASE PRINT**

- The date & time (I.E. 4 P.M. to 10 P.M.) you are requesting to have entertainment  
\_\_\_\_\_
- Location of entertainment (Inside and/or outside)  
\_\_\_\_\_
- Address where entertainment will be playing  
\_\_\_\_\_

#### **REQUIRED FOR ONE DAY ENTERTAINMENT - ENTERTAINMENT TYPE: (Check all appropriate boxes)**

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

#### **REQUIRED FOR ROAD RACE/CRAFT FAIR/ANY OTHER EVENT**

Address of Event Start: 367 Main Street Hyannis, MA Finish: 52 Pinkham Road Sandwich, MA

Date & Time September 9-11, 2022

Route/Location for Road Race Our route is a total of 50 miles stretching form Hyannis, MA to Sandwich, MA.  
We walk through Harwich for a short distance. No major impact and no road closures needed. We have included a route map for more information.

Provide any additional information necessary for the Board of Selectmen \_\_\_\_\_

We are excited for our 21st year of Challenge Walk: Cape Cod. This event raises over \$700,000 for the National MS Society. Our participants walk a total of 50 miles in 3 days!

We appreciate your partnership! For additional event information please visit our website.

<https://mssociety.donordrive.com/index.cfm?fuseaction=donorDrive.event&eventID=675>

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

Caroline Peterson

Signature of applicant & title

Federal I.D. #

Signature of individual or corporate name

Federal I.D. #

Signature of Manager

Federal I.D. #

Signature of Partner

Federal I.D. #

**REGULATORY COMPLIANCE FORM**

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

<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>
Building OFFICIAL	* Board of Health	Fire Department
<u>[Signature]</u>	<u>[Signature]</u>	
Police Department	Recreation Department	

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

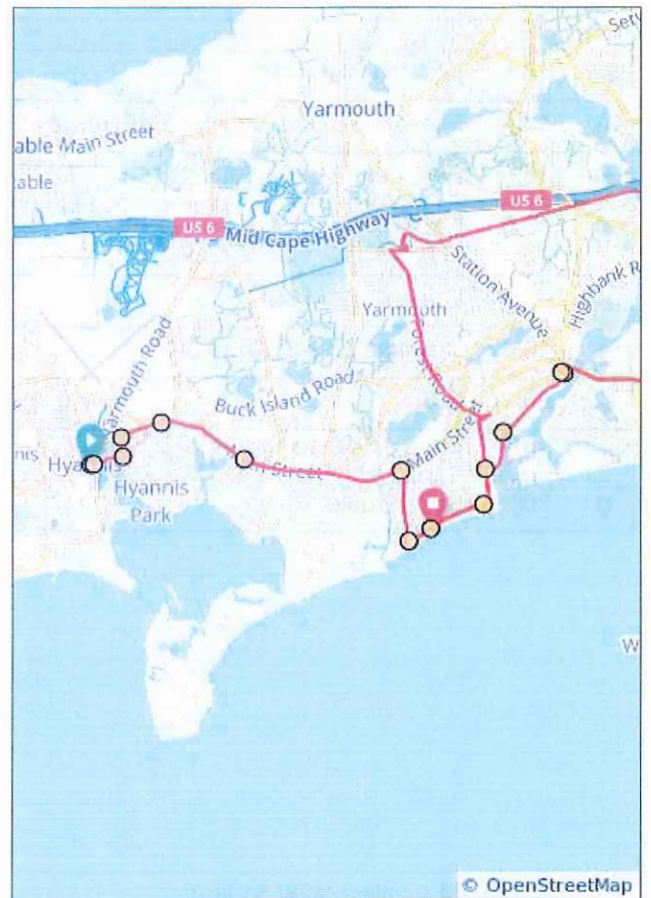
**Please note: This permit does not exempt the applicant from the Town of Harwich Chapter 189 Noise by-law**

\* Any food vendors must be permitted 30 days prior to event.

2022 Challenge Walk Cape Cod: Day 1

Type	Dist	Note
📍	0.0	Start of route
➔	0.0	Right onto Ocean St
➡	0.0	Left onto South St
➡	0.4	Left onto Lewis Bay Rd
➔	0.6	Right onto Main St
➔	1.0	Slight right to stay on Main St
➔	2.0	Rest Stop 1- Antique Center of Yarmouth
➔	3.7	Right onto Seaview Ave
➡	4.5	Left onto S Shore Dr
➔	4.8	Rest Stop 2- Parker River Beach Parking Lot
⬆	5.4	Continue onto South St
➔	5.8	Right onto River St
➔	6.3	Slight right onto Pleasant St
➡	7.2	Left onto Union St
➡	7.2	Rest Stop 3- Cultural Center of Cape Cod

7.2 miles. +79/-91 feet



Type	Dist	Note
➔	7.3	Right onto Old Main St
➔	7.3	Right onto MA-28 S/Main St
➔	8.2	Rest Stop 4- Royal Palace
➡	8.7	Slight left onto Old Main St
➔	9.0	Slight right onto Center St
➡	11.0	Left onto Depot St
➡	11.1	Left onto Cape Cod Rail Trail
➔	11.1	Rest Stop 5- Big Rock Oyster
➡	11.6	Slight left to stay on Cape Cod Rail Trail
➔	12.3	Slight right to stay on Cape Cod Rail Trail
➔	14.1	Rest Stop 6- CCRT & N Main St
➡	16.1	Left
➡	16.1	Rest Stop 7- Peter Homer Park parking lot
➔	16.1	Slight right
➔	16.2	Right onto Old Town House Rd

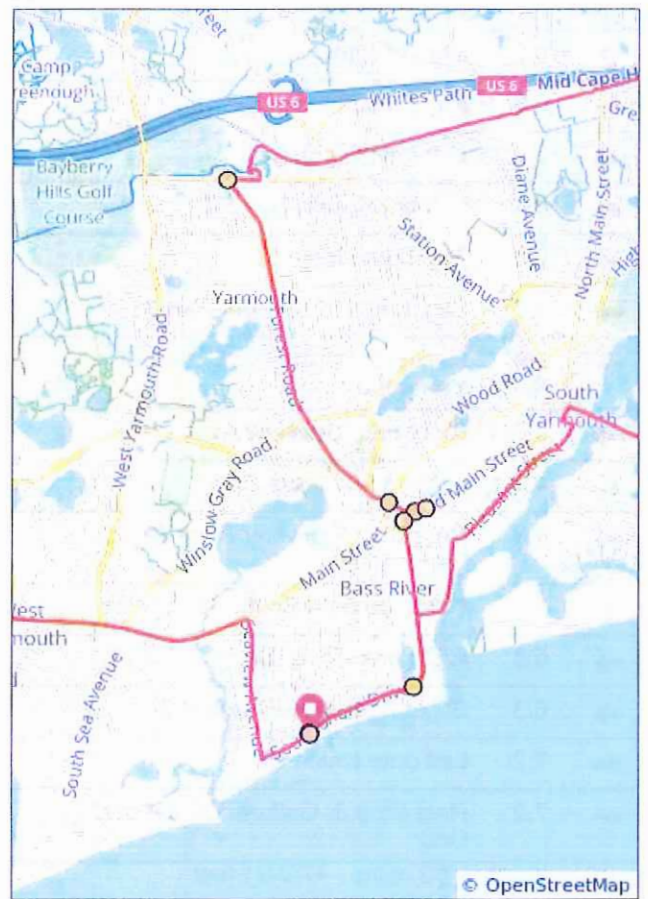
9.0 miles. +275/-259 feet





Type	Dist	Note
↑	16.4	Left onto Forest Rd
↓	18.4	Rest Stop 8- Our Lady of the Highway
↑	18.5	Bear Left onto Old Main St
↻	18.6	Cross at River St crosswalk and reverse back up Old Main St
↑	18.7	Left onto South St
↑	19.6	Continue onto S Shore Dr
↑	20.2	Left
↑	20.2	Finish- Parker River Beach parking lot
📍	20.2	End of route

4.0 miles. +28/-51 feet



## Recommendations from the Board of Selectmen Interview Committee

Following posted interviews, we would like to recommend to the Board the following appointments:

<b><u>Applicant:</u></b>	<b><u>Vacancy</u></b>	<b><u>Term/Recommendation</u></b>
Linda Cebula	Bylaw Charter Review Committee	Recommend Appointment to Full Member Position Term to Expire 6.30.2023
Richard Shevory	Waterways Committee	Recommend Appointment to Alternate Member Position Term to Expire 6.30.2024
Kelly Barber	Community Preservation Committee	Recommend Appointment Board of Selectmen Appointee Position Term to Expire 6.30.2025
Mary Mood	Treasure Chest Committee	Recommend Appointment to Full Member Position Term to Expire 6.30.2025
Rebecca Craig	Youth Service Committee	Recommend Appointment from Alternate Member to Full Member Position Term to Expire 6.30.2023

# **OLD BUSINESS**

**Article 1: Acquisition of Property Interests and Appropriation of Funds for the Route 28 Dry Sewer Project and Phase 3 Wastewater Project**

To see if the Town will vote to authorize the Board of Selectmen to acquire, by gift, purchase and/or eminent domain, for public utility purposes, including, without limitation, the construction, installation, maintenance, improvement, repair and replacement of utilities and other related rights, appurtenances and facilities, and to enable the Town to undertake Phase 3 of the Town of Harwich Comprehensive Wastewater Management Plan, approved by the Massachusetts Secretary of Energy and Environmental Affairs in a Massachusetts Environmental Policy Act Certificate dated May 13, 2016, and for any and all purposes incidental or related thereto, the fee or easements in, on, under and near certain parcels of land located at 52 Route 28 (Parcel 10/D4-2), 62 Route 28 (Parcel 10/G2), 0 Martha Eaton Court (Parcel 116/C5-65), 3 Wilmas Way (Parcel 117/P1-1), 11 Wilmas Way (Parcel 117/P1-2), 43 Chestnut Lane (Parcel 112/A3-23), 0 Standish Woods Circle (Parcel 112/C5-64) (Parcel 113/C5-63) (Parcel 113/C5-65), 9 Sadies Way (Parcel 97/G2), land formerly owned by Annie Carnes near the intersection of Round Cove/Pleasant Bay Road and those private ways known as Brother's Lane, Perry's Way, Live Oaks Drive, Scribner Terrace, Wilmas Way, Sadies Way, Lily Lane, McGuerty Road, Washburn Way, Bascom Hollow, Caldwell Lane and Walden Way II, and, further, to raise and appropriate, transfer from available funds, or borrow, a sum of money to fund the cost of said land acquisition costs and all other expenses incidental thereto; and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$70,000.

*Explanation: \_\_\_The purpose of this article is to authorize and appropriate the funds necessary to acquire interests in land that are necessary to construct Phase 3 of the Town's Comprehensive Wastewater Management Plan, and the interest in land necessary to construct the Dry Sewer Line Project along Route 28. It is anticipated that the appropriation for the actual construction of Phase 3 will be requested at the 2023 Annual Town Meeting.*

**Article 2: Acquire parcel of land located at 62 Route 28**

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain, or otherwise, a parcel of land consisting of 1.560 acres, more or less, located at 62 Route 28, identified as Assessor's Map 10, Parcel G2, for housing, cemetery and sewer purposes, and including the purpose of conveyance; and to authorize the Board of Selectmen, subject to compliance with G.L. c. 30B, §16, to convey a portion of said parcel for the development of workforce or other housing; and to raise and appropriate; transfer from available funds, or borrow a sum of money for said acquisition, including all costs incidental and related thereto; and to authorize the Board of Selectmen to enter into all agreements and take any and all actions as may be necessary or convenient to accomplish the foregoing purposes; and further to authorize the Board of Selectmen to retain an historic preservation restriction on the façade of the Church Building located on the parcel, and a housing restriction; and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$ \_\_\_\_\_.

*Explanation:*

**Article 3: Bylaw/Charter Review resource funding**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to support a comprehensive review of the Town's current Code which is comprised of the Harwich Charter, General Bylaws and Zoning Bylaws; and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$75,000.

*Explanation: The purpose of this article is to appropriate funds to be used to support a comprehensive review of the Town's current Code which is comprised of the Harwich Charter, General Bylaws and Zoning Bylaws. The goal of the review is to recommend changes to the elements of the Town's Code referenced above. It is anticipated that proposed amendments to the Code will begin at the next Annual Town Meeting.*

**Article 4: Fund the town's Owner's Project Manager (OPM) related to ongoing renovation work at Brooks Academy Museum**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sufficient sum of money to secure the services of an Owner's Project Manager (OPM) for the ongoing construction work at Brooks Academy Museum; and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$250,000.

*Explanation: The purpose of this article is to appropriate funds to be used in securing an Owner's Project Manager (OPM) as necessitated by the Commonwealth's procurement laws regarding construction projects costing more than \$1,500,000 in total construction cost. The construction project was approved by the 2022 Annual Town Meeting under the proposed Capital Outlay Program for Fiscal Year 2023 but a companion article appropriating the money for OPM services was inadvertently omitted from the final Warrant.*

**Article 5: Fund Negotiated Collective Bargaining Agreements**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to be added to the Fiscal Year 2022 operating budget of several departments to fund new contractual agreements between the Town and The Management Employees Association, SEIU Local 888; and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$22,916.72

*Explanation: The purpose of this article is to appropriate funds for costs resulting from collective bargaining agreement negotiations.*



**Article 6: Fund the existing position of Surveyor**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to fund salary and wages for the position of Surveyor for Fiscal Year 2023, including office-related expenses; and to act fully thereon. By request of the Board of Selectmen. Estimated cost: The cost anticipated for this article will be determined pending the outcome of negotiations.

*Explanation: The position of Surveyor, which is covered under the Town's collective bargaining agreement with the Harwich Employees Association (HEA), was vacated in 2019 due to a retirement. The position has remained unfilled due to funds not being appropriated since the 2018 Annual Town Meeting. This article would fund the salary & wages line items as well as some office-related expenses.*

**Article 7: Revised Assessment for Monomoy Regional School District**

To see if the Town will vote to amend the action taken under Article 6 of the 2022 Annual Town Meeting by adjusting the amount to be raised and appropriated to pay for the Monomoy Regional School District revised assessment for Fiscal Year 2023; and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$739,747.00

*Explanation: The Town has been informed by the Monomoy Regional School District (MRSD) that the proposed amendment to the regional agreement relative to the calculation of assessments for the member towns has been approved by the Department of Elementary & Secondary Education (DESE). This will result in a reduction in the Town's assessment for Fiscal Year 2022 in the amount of \$739,747.*

**Article 8: Revised Assessment for Cape Cod Regional Technical School District**

To see if the Town will vote to amend the action taken under Article 7 of the 2022 Annual Town Meeting by adjusting the amount to be raised and appropriated to pay for the Cape Cod Regional School District revised assessment for Fiscal Year 2023; and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$183,394.00.

*Explanation: The Town was notified by representatives of the Cape Cod Regional Technical School District that member towns were due to receive a credit in the Fiscal Year 2023 assessments due to favorable interest rates on borrowing for the building project.*

**TOWN**  
**ADMINISTRATOR'S**  
**REPORT**

**CONTRACT**

**AGREEMENT FOR EAST HARWICH UNION CEMETERY GRAVESTONE  
CONSERVATION**

The following provisions shall constitute an Agreement between the Town of Harwich, acting by and through its Board of Selectmen, hereinafter referred to as "Town," and Village Green Restoration, Inc. with an address of 34 Currier Road, East Falmouth, MA 02536 hereinafter referred to as "Contractor", effective as of the \_\_\_\_ day of \_\_\_\_\_, 2022. In consideration of the mutual covenants contained herein, the parties agree as follows:

**ARTICLE 1: SCOPE OF WORK:**

The Contractor shall perform all work and furnish all services necessary to provide the Town with East Harwich Union Cemetery Gravestone Preservation, as set forth in Attachment A.

**ARTICLE 2: TIME OF PERFORMANCE:**

The Contractor shall complete all work and services required hereunder commencing upon execution of this contract, through June 30, 2023.

**ARTICLE 3: COMPENSATION:**

The Town shall pay the Contractor for the performance of the work outlined in Article 1 above the contract sum of \$61,890.00. The Contractor shall submit monthly invoices to the Town for services rendered, which will be due 30 days following receipt by the Town.

**ARTICLE 4: CONTRACT DOCUMENTS:**

The following documents form the Contract and all are as fully a part of the Contract as if attached to this Agreement or repeated herein:

1. This Agreement.
2. Amendments, or other changes mutually agreed upon between the parties.
3. All attachments to the Agreement.

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

**ARTICLE 5: CONTRACT TERMINATION:**

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

1. Failure of the Contractor, for any reason, to fulfill in a timely and proper manner its obligations under this Agreement.
2. Violation of any of the provisions of this Agreement by the Contractor.
3. A determination by the Town that the Contractor has engaged in fraud, waste, mismanagement, misuse of funds, or criminal activity with any funds provided by this Agreement.

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

**ARTICLE 6: INDEMNIFICATION:**

The Contractor shall defend, indemnify and hold harmless the Town and its officers, agents, and all employees from and against claims arising directly or indirectly from the contract. Contractor shall be solely responsible for all local taxes or contributions imposed or required under the Social Security, Workers' Compensation, and income tax laws. Further, the Contractor shall defend, indemnify and hold harmless the Town with respect to any damages, expenses, or claims arising from or in connection with any of the work performed or to be performed under this Agreement. This shall not be construed as a limitation of the Contractor's liability under the Agreement or as otherwise provided by law.

**ARTICLE 7: AVAILABILITY OF FUNDS:**

The compensation provided by this Agreement is subject to the availability and appropriation of funds.

**ARTICLE 8: APPLICABLE LAW:**

The Contractor agrees to comply with all applicable local, state and federal laws, regulations and orders relating to the completion of this Agreement. This Agreement shall be governed by and construed in accordance with the law of the Commonwealth of Massachusetts.

**ARTICLE 9: ASSIGNMENT:**

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

**ARTICLE 10: AMENDMENTS:**

All amendments or any changes to the provisions specified in this Contract can only occur when mutually agreed upon by the Town and Contractor. Further, such amendments or changes shall be in writing and signed by officials with authority to bind the Town. No amendment or change to the contract provisions shall be made until after the written execution of the amendment or change to the Contract by both parties.

**ARTICLE 11: INDEPENDENT CONTRACTOR:**

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

**ARTICLE 12: INSURANCE:**

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

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

- 1) General Liability of at least \$1,000,000 Occurrence/\$3,000,000 General Aggregate. The Municipality should be named as an "Additional Insured". Products and Completed Operations should be maintained for up to 3 years after the completion of the project.
- 2) Automobile Liability (applicable for any contractor who has an automobile operating exposure) of at least \$1,000,000 Bodily Injury and Property Damage per accident. The Municipality should be named as an "Additional Insured".
- 3) Workers' Compensation Insurance as required by law. Include Employers Liability Part B with a limit of \$1,000,000
- 4) Property Coverage for materials and services being transported by the contractor, as the Town's Property Contract provides coverage for personal property within 1000 feet of the premises.
- 5) Umbrella Liability of at least \$2,000,000/ occurrence, \$2,000,000/aggregate. The Municipality should be named as an "Additional Insured".

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

**ARTICLE 13: SEVERABILITY:**

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

**ARTICLE 14: ENTIRE AGREEMENT:**

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



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

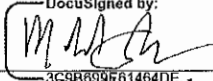
**ARTICLE 15: COUNTERPARTS:**

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

**CERTIFICATION AS TO PAYMENT OF STATE TAXES**

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

\_\_\_\_\_  
Social Security Number or  
Federal Identification Number

DocuSigned by:  
  
\_\_\_\_\_  
3C9B899E61464DE  
Signature of individual or  
Corporate Name

By:  
Corporate Officer  
(if applicable)

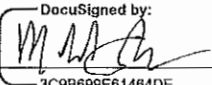
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the day and year first above written.

CONTRACTOR

TOWN OF HARWICH

By

by its Board of Selectmen (over \$75,000)

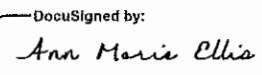
DocuSigned by:  
  
3C9B699E61464DE...  
Michael Gallaher President

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Printed Name and Title

Approved as to Availability of Funds:

by its Town Administrator Up to \$75,000

DocuSigned by:  
  
0D188040967847E...  
Town Accountant

\$61,890.00 80271292-622031  
(\$ \_\_\_\_\_)  
Contract Sum

DocuSigned by:  
  
Town Administrator

ATTACHMENT A  
SCOPE OF SERVICES AND PROJECT DESCRIPTION

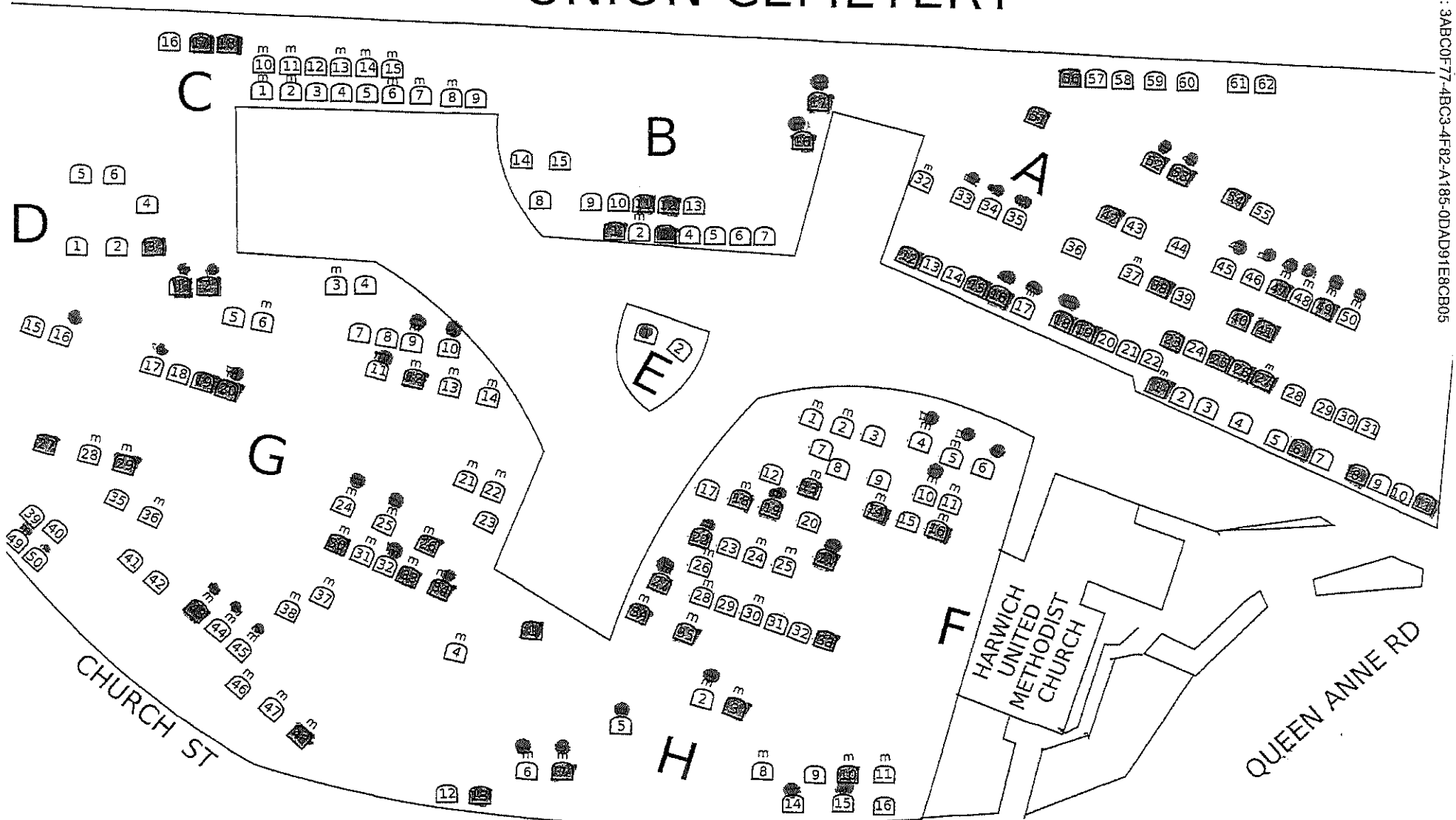
East Harwich Union Cemetery Gravestone Preservation Project

- 45 Monuments in need of repair, due to fractures or damage from falling over and /or previous failed repairs;
- 158 Reset or New Foundations;
- 108 headstones;
- 2 corner markers;
- 48 footstones either need to be reset or foundation repair;
- Monuments are leaning and are in need of treatment to be reset so that they will not topple over and to prevent future degradation;
- New bases will be made where required;
- 265 memorials will be cleaned and consolidated includes headstone and footstones;
- Slate will not be consolidated but will be cleaned of biologicals;
- Before and after digital photographs for each marker. Supporting digital documentation.

# EAST HARWICH METHODIST CEMETERY

## 2008 MAP

# UNION CEMETERY

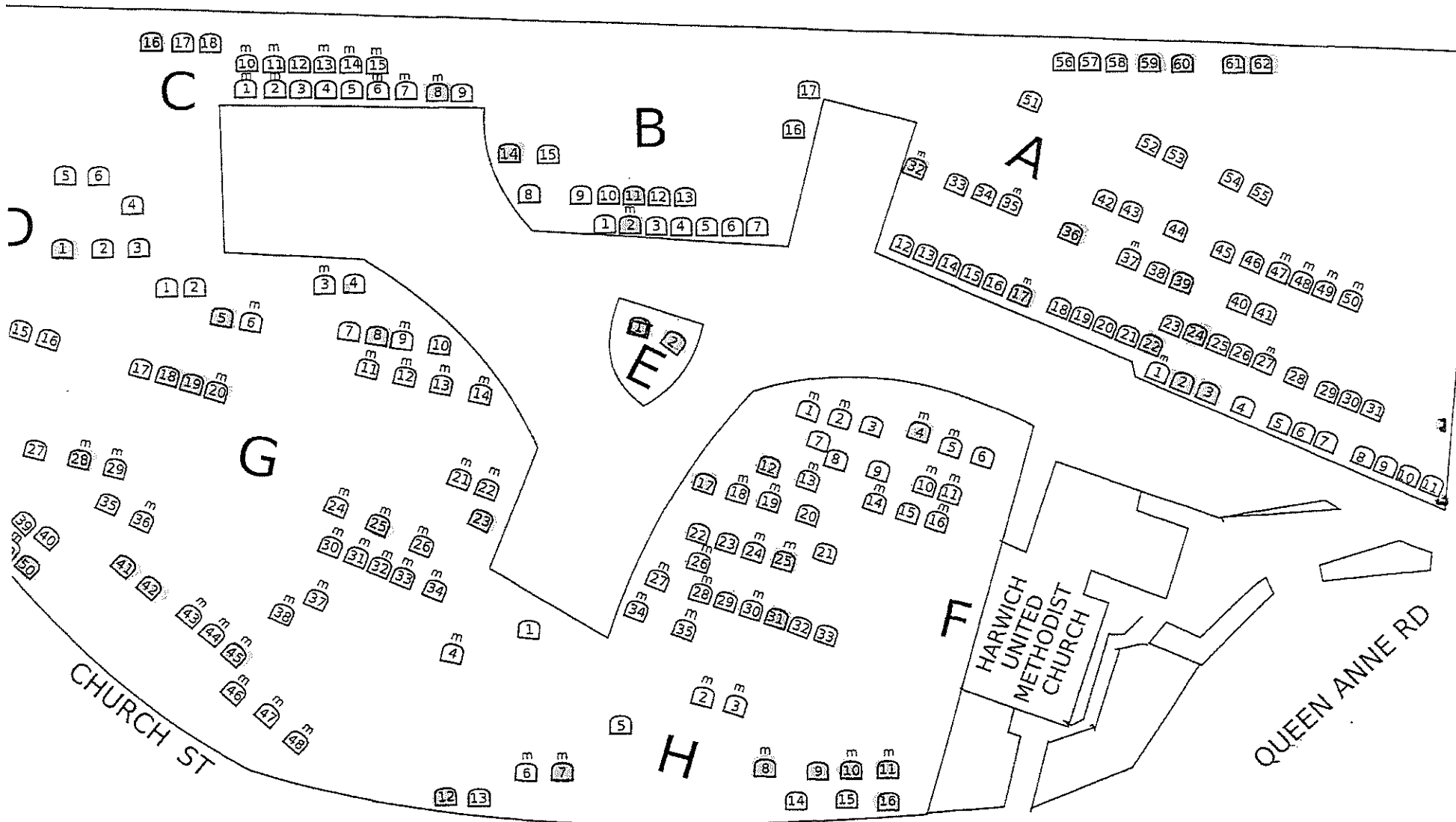


<sup>m</sup>  
 48 THESE ARE DIRECT DESCENDANTS OF THE MAYFLOWERS  
 48 ■ Footstones  
 63 ■ Wearing Memorials

# EAST HARWICH METHODIST CEMETERY

## 2008 MAP

# UNION CEMETERY



<sup>m</sup> 48 THESE ARE DIRECT DESCENDANTS OF THE MAYFLOWERS

- 2 ■ corner markers
- 45 ○ Repairs

1919	1922	2008	NUMBER	ORDER	UNION CEMETERY			PAGE 1 OF 5	6-1-08
					EAST HARWICH METHODIST CEMETERY				
			LAST NAME	FIRST NAME	BORN	DIED	AGE	OTHER	
ME	V1	A1	CAHOON	RUEBEN T.		01-07-1846	26y	THE HEART IS NO LONGER....	
	V2	A2	CAHOON	MEHITABLE		06-03-1862			
	V3	A3	CAHOON	BETH		09-28-1875			
	Y1	A4	?	STONE NOT READABLE					
	Y2	A5	?	STONE NOT READABLE					
	Y3	A6	CLIFFORD	BETSY		09-26-1866	78y	HUSBAND DR DANIEL P	
	Y4	A7	CLIFFORD	DANIEL P, DR		09-29-1863	77y	WIFE BETSY	
						09-29-1865			
	Y6	A8	CLIFFORD	SAMUEL D., CAPT.		06-06-1892	79y 5m 18d	WIFE REBECCA	
	Y8	A9	CLIFFORD	REBECCA		12-08-1902	77y 9m 19d	HUSBAND CAPT SAMUEL D	
	Y7	A10	CLIFFORD	ETTA	02-07-1862	02-03-1941		HAVE A STONE DOUBLE CHECK	
	Y9	A11	CLIFFORD	ORPHELA M. L.		03-03-1827	81y 1m 11d		
	B1	A12	ELDRIDGE	DILANA		08-30-1859	68y	HUSBAND BANGS	
	B2	A13	ELDRIDGE	BANGS		09-04-1879	79y 3m	WIFE DILANA	
	B3	A14	ELDRIDGE	BETSY		09-03-1879	75y	HUSBAND BANGS	
	B4	A15	ELDRIDGE	ABIGAIL		05-01-1887	82y	HUSBAND SYLVANUS	
	B6	A16	ELDRIDGE	SYLVENAS		03-30-1873	43y 8m 24d	WIFE ABIGAIL	
	B4	A17a	ELDRIDGE	SYLVANUS		10-24-1831	9y 8m 11d	SON OF SYLVANUS & ABAGAIL	
ME	S0	A17b	ELDRIDGE	ELISHA B.		12-15-1840	21y 4m	SON OF SYLVANUS & ABAGAIL	
								LOST AT SEA	
	T6	A18	NICKERSON	EATIA (NOT BATIA ON STONE)		08-10-1888	82y 10m 28d	WIFE SARA	
	T8	A19	NICKERSON	SABRA		03-31-1880	92y 3m	HUSBAND BATIA (NOT EATIA ON STONE)	
	T7	A20	NICKERSON	LORENZO D.		06-10-1871	45y 1m 9d	WIFE ALMIRA	
	T9	A21	NICKERSON	ALMIRA		01-30-1861	32y 11m	HUSBAND LORENZO D.	
				?				STONE NOT READABLE	
	V4	A23	CAHOON	SARAH C.		11-13-1868	16y 3m	DAUG OF EZEKIEL & POLLY	
	V6	A24	CAHOON	EMMA B.		04-04-1868	18y 7m	DAUG OF EZEKIEL & POLLY	
	V9	A25	CAHOON	TRUMAN D.		01-18-1864	20y	SON OF EZEKIEL & POLLY	
	V7	A26	CAHOON	ALONZO		02-17-1860	24y		
ME	V8	A27	CAHOON	ANTHONY B.		18y 8m			
	V9	A28	CAHOON	BENNY F.		06-16-1859	21y		
	X7	A29	CLIFFORD	CORA MAY		01-23-1868	2y 1m	DAUG. OF DANIEL & ANGELINE T	
	X9	A30	CLIFFORD	ANGELINE T.		06-12-1881	42y 7m 28d	HUSBAND DANIEL	
	X9	A31	CLIFFORD	DANIEL		05-21-1885	63y 2m 6d	WIFE ANGELINE T	
ME	R4	A32	DOANE	ORICK ELWYN		12-25-1859	2y 22y	SON OF ORICK & SARAH D.	
	R5	A33	DOANE	ORICK, CAPT.		06-01-1879	87y 10m 11d	WIFE SARAH D	
	R6	A34	DOANE	SARAH D.		12-19-1871	49y 11m 6d	HUSBAND CAPT ORICK	
ME	R7	A35	DOANE	MARY ELIZABETH		02-15-1849	5y 16d	DAUG CAPT ORICK & SARAH D	
	T1	A36	YOUNG	BENJAMIN JR		09-22-1861	34y 3d	SON OF BENJAMIN & BETSY	
ME	T2	A37	YOUNG	ISAIAH		01-28-1843	20y 3m	SON OF BENJAMIN & BETSEY	
	T3	A38	YOUNG	BETSY		10-20-1868	66y 9m 21d	HUSBAND BENJAMIN	
	T4	A39	YOUNG	BENJAMIN		04-18-1874	82y	WIFE BETSY	
	W1	A40	CAHOON	EZEKIEL		08-22-1877		WIFE SARAH	
	W2	A41	CAHOON	POLLY		08-28-1877		HUSBAND EZEKEL	
	U6	A42	DOANE	ALATHINA		12-01-1865	36y 22d	HUSBAND GEORGE W	
	U7	A43	DOANE	GEORGE W.		05-21-1902	75y 3m 22d	WIFE ALATHINA	
	U8	A44	YOUNG	ENOCH B.		03-25-1861	25y 3m 19d		
	X1	A45	ELDRIDGE	JONATHAN		08-10-1880	88y 8m	WIFE REBECCA	
	X2	A46	ELDRIDGE	REBECCA		07-20-1861	85y 10m	HUSBAND JONATHAN	
	X3	A47	ELDRIDGE	ELNATHAN		12-21-1837	90y	HUSBAND DORETHA SPELLED ELDRIDGE	
	X4	A48	ELDRIDGE	DORITHA		11-09-1825	74y	WIFE EINATHAN SPELLED ELDRIDGE	
	X5	A49	ELDRIDGE	EBENEZER		02-25-1797	90y	WIFE DELIVERENCE	
	X6	A50	ELDRIDGE	DELIVERENCE		04-25-1808	81y	HUSBAND EBENEZER	
	R2	A51	NICKERSON	WINSLOW		08-1851	38y		
	W3	A52	CAHOON	JOHN K.		02-29-1888	88y 11m	WIFE POLLY	
	W4	A53	CAHOON	POLLY		01-08-1879	80y 4m 25d	HUSBAND JOHN K.	
	W7	A54	CROWELL	JACOB, CAPT.		10-20-1862	71y 5m	WIFE HANNAH	
	W9	A55	CROWELL	HANNAH	10-20-1792	05-19-1881		HUSBAND JACOB	
	U1	A56	ELDRIDGE	BETSEY A.		07-12-1896	63y 9m 11d	DAUG. OF ENSIGN & SALLY	
	U2	A57	ELDRIDGE	OLIVE A.		08-25-1922	83y 9m 11d	HUSBAND SERENUS	
	U9	A58	ELDRIDGE	SERENUS		09-11-1899	73y 11m	WIFE OLIVE A	
	U4	A59	ELDRIDGE	BETSEY S.		12-05-1880	28y 7m	HUSBAND SERENUS	
	U8	A60a	ELDRIDGE	INFANT					
	U6	A60b	ELDRIDGE	CLARINTON S.		05-06-1879	20y 10m 18d	SON OF SERENUS & BETSEY B	
	W5	A61	CAHOON	VINSON		11-12-1878	86y 2m	WIFE CYNTHIA	
	W6	A62	CAHOON	CYNTHIA		01-29-1877	88y 2m 11d	HUSBAND VINSON	

1910	1992	2008	NUMBER	ORDER	UNION CEMETERY			PAGE 2 OF 5	6-1-08
					EAST HARWICH METHODIST CEMETERY				
			LAST NAME	FIRST NAME	BORN	DIED	AGE	OTHER	
	P1	B1	NICKERSON	INFANT SON	03-18-1845	03-18-1845	SAME DAY	CHILD OF ZOATH & BETHIAH	
	P2	B2	NICKERSON	MARIA K.	09-17-1837		10y 10m	DAUG. OF ZOATH & BETHIAH	
	P3	B3	NICKERSON	BETHIAH	07-19-1880		72y 11m	HUSBAND ZOATH	
	P4	B4	NICKERSON	ZOATH	12-25-1863		59y 10m	WIFE BETHIAH	
	P5	B5	CROWELL	ZENA	11-19-1868		86y 9m 13d	WIFE RHODE	
	P6	B6	CROWELL	RHODA	02-23-1859		78y	HUSBAND ZENAS	
	P7	B7	CROWELL	RHODA A. K., AUNT	12-16-1819	02-06-1901			
	H5	B8Fa	CROWELL	JABEZ JR	1832		1922	WIFE BETHIA	
	H6	B8Fb	CROWELL	BETHIA	1834		1917	HUSBAND JABEZ JR	
	H7	B8Fc	CROWELL	CHARLES F.	1858		1876		
	H8	B8Fa	CROWELL	JABEZ	1810		1900	WIFE TABITHA	
	H9	B8Bd	CROWELL	TABITHA	1807		1888	HUSBAND JABEZ	
	H8	B8Bc	CROWELL	JAMES	1840		1901		
	H6	B8Bd	CROWELL	PATIENCE HOWES	1799		1881		
	Q3	B9	COOK	CHARLES M.	12-31-1895	01-07-1921		DIED AT HAMPTON ROADS VA USN	
	Q4	B10	NICKERSON	ELIJAH LINCOLN		08-19-1885	2y 2m	SON OF ELIJAH & SUSAN T.	
	Q5	B11	NICKERSON	WOODBURY NORCROSS GARDER		03-04-1859	5y 2m	SON OF ELIJAH & SUSAN T	
	Q6	B12	NICKERSON	SUSAN T. (MOTHER)		11-12-1898	66y	HUSBAND ELIJAH	
	Q7	B13	NICKERSON	ELIJAH (FATHER)		12-12-1902	76y 7m 29d	WIFE SUSAN T	
	Q1	B14	NICKERSON	ELNATHAN		04-12-1861			
	Q2	B15	NICKERSON	SUSAN		04-16-1890	93y 8m 16d	HUSBAND NATHAN	
	R3	B16	NICKERSON	PHOEBE		10-09-1869	65y	HUSBAND ROGERS	
	R1	B17	NICKERSON	HEZEKIAH E.		07-01-1871	55y 1m 8d		
	Z1	C1	PAYNE	GEORGE		07-03-1829	40y 6m	WIFE SALLY	
	Z3	C2	PAYNE	GEORGE		03-23-1825	5y 7m	SON OF GEORGE & SALLY	
	N2	C3	NICKERSON	PERCY		12-22-1869	79y 25d	WIFE CYNTHIA	
	H5	C4	CAHOON	SIMEON G.		12-23-1868	41y 3m 1d		
	H4	C6a	SEYMOUR	INFANT		1852?			
	H4	C6a	SEYMOUR	ISAAC H.		1854	23y	WIFE SUSAN B. (LOST AT SEA)	
	H4	C5b	SEYMOUR	SUSAN B.		12-14-1853	24y	HUSBAND ISAAC H.	
	N9	C8	TURNER	STEPHEN		10-05-1848	79y 5m 16d	WIFE ANNE	
	N7	C7	SMITH	CARLONA		10-30-1837	26y	HUSBAND JACOB	
	O1	C8	CROWELL	PATIENCE C		12-04-1850	20y	DAUG OF JACOB & HANNAH	
	O2	C8a	CAHOON	SIMEON		07-26-1864	22y	HIS MOTHER ELIZABETH	
								PRIVATE INCO. A. 58TH REGT. MASS. DIED IN HOSPITAL AT WASHINGTON D.C. JULY 25, 1864 FROM WOUND REGD IN THE BATTLE OF THE WILDERNESS.	
	O2	C9b	CAHOON	ELIZABETH		03-12-1883	68y	HIS MOTHER	
	Z2	C10	PAYNE	SALLY		07-27-1866	93y 3m 3d	HUSBAND GEORGE	
	Z4	C11	PAYNE	GEORGE		05-14-1833	8y 3M	SON OF GEORGE & SALLY	
	N3	C12	NICKERSON	CYNTHIA		07-13-1867	76y	HUSBAND PERCY	
	N1	C13	CROWELL	MARY ANN		01-16-1848	38y	HUSBAND STEPHEN	
	N6	C14	CAHOON JR	SIMEON JR, CAPT		10-22-1841	38y	"DEAR WIFE AND CHILDREN DO NOT WEEP"	
	N9	C15	TURNER	ANNE		09-22-1844	73y 11m	HUSBAND STEPHEN	
	H1	C16a	NICKERSON	MARION N		01-01-1865	2y 6m 8d	DAUG. OF NATHAN & POLLY	
	H1	C16b	NICKERSON	SEARS, LITTLE		01-22-1865	2y 3m 6d		
	H2	C17	CAHOON	MABEL C. (LITTLE)	03-04-1866	03-14-1866	2m 10d	DAUG. OF OTIS M. & POLLY N.	
	H3	C18	CAHOON	OTIS ALLEN		08-20-1861	2y 4m 23d	SON OF OTIS M & POLLY N.	

1992		2008		NUMBER ORDER	UNION CEMETERY			PAGE 3 OF 5	6-1-08
EAST HARWICH METHODIST CEMETERY					BORN	DIED	AGE	OTHER	
		LAST NAME	FIRST NAME						
G3	D1	CAHOON	EMMAN.			01-07-1878	28y 11m 26d	GRAND DAUG. SETH NICKERSON	
G4	D2	NICKERSON	PATIA			05-12-1868	79y 4M 14D	HUSBAND SETH	
G6	D3	NICKERSON	SETH			01-25-1881	82y 9m 3d	WIFE PATIA	
	D4	NICKERSON	DEBORAH			11-08-1867	55y 1m 8d	HUSBAND AMERICA	
G1	D5	NICKERSON	SETH			06-14-1901	84y 8m	WIFE EDITH B.	
G2	D8	NICKERSON	EDITH B.			03-24-1892	73y 6m 24d	HUSBAND SETH	
	E1	?							
P6	E2	SMALL	REBECCA			05-28-1852	2y	DAUG OF AARON & REBECCA	
	L1	F1	CROSBY	DANIEL		09-17-1832	52y	WIFE THANKFUL	
	L2	F2	CROSBY	THANKFUL		04-18-1831	48y	HUSBAND DANIEL	
		F2a	MEES	JEANNE	09-16-1917	06-25-2000		MOTHER OF ENOCH CROSBY JR.	
		F3b	MEES	MATT, REV.	03-16-1917	11-24-2002		HUSBAND REV MATT ASHES AT SEA	
		F4	LINNELL	RACHEL		05-29-1828	44y	WIFE JEANNE ASHES AT SEA	
	M1	F8	NICKERSON	NATHAN, ESQ.		03-04-1827	48y	HUSBAND URIAH	
		F6	NICKERSON	ATHAN		03-04-1827		WIFE BETHIAH	
	M3	F7	MOORE	TAMZEN ELDREDGE	1810	11-16-1853	43y 2m 27d	HUSBAND WILLIAM S.	
		F8	CAHOON	EUNISAH		03-02-18??			
	L3	F9	DARNELL	ISIAH	1820				
	M4	F10	NICKERSON	ALPHA		08-25-1847	12y	SON OF ELDREDGE & KEZIA	
	M5	F11	NICKERSON	KEZIA		05-30-1836	21y	HUSBAND ELDREDGE P	
	L4	F12	TAYLOR	JAMES, CAPT.		11-21-1854	83y 2d		
	M6	F13	BEARES	EBENEZER		05-04-1840	78y	WIFE PRISCILLA	
	M7	F14	BEARES	PRISCILLA		12-11-1849	85y 9m	HUSBAND EBENEZER	
	M8	F15	ROGERS	NATHAN		08-01-1853	58y 6m 8d	WIFE TEMPERANCE	
	M9	F16	ROGERS	TEMPERANCE		09-01-1844	41y	HUSBAND NATHAN	
	L5	F17	CAHOON	ERASTUS O.		10-02-1852	26y 10m		
	L6	F18	CAHOON	JOSEPH MAYO / JONATHAN		06-27-1838	9y 6m	SON OF REUBEN & EUNISEY	
								DROWNED	
	L7	F19	CAHOON	RUBEN ESQ		10-20-1842	50y	WIFE EUNSAH	
	L8	F20	CAHOON	EUNISAH (ON 1992 RECORDED AS RUBEN)		09-23-1871	53y 7m 24d	HUSBAND REUBEN ESQ	
	K4	F21	PIERCE	ABBOTT L.		09-07-1863	2y 1m	SON OF ALBERT D & MARY F PIERCE	
	K1	F22	NICKERSON	EBENEZAR		04-09-1862	87y		
		F23	?	BASE ONLY IN GROUND					
	K2	F24	YOUNG	EDMOND		04-15-1840	74y		
	K3	F25	YOUNG	THANKFUL		05-15-1842	72y		
	J4	F26	NICKERSON	ELIZABETH		10-23-1839	72y 5m 17d	HUSBAND EBENEZER	
		F27	HIGGINS	ZEBINA E.		01-23-1840	16m	SON OF ZEBINA & MERCENA	
	K4a	F28	NICKERSON	CAPT SILAS		10-12-1840	83y	WIFE SUSAN	
	K5	F29	NICKERSON	SUSAN		04-18-1865	84y		
	K6	F30	ROBBINS	NATHAN, CAPT.		05-14-1847	45y 11m	WIFE POLLY	
	K7	F31	ROBBINS	POLLY		08-19-1886	53y 1m 21d	HUSBAND CAPT NATHAN	
	K8	F32	TAYLOR	MARY ANN		11-15-1864	30y 10m 10d	HUSBAND MATHIAS	
	K9	F33	TAYLOR	MATHIAS, CAPT.	09-05-1820	12-16-1868	48y 5m	WIFE MARY ANN	
	J6	F34	HIGGINS	HORRIS E.		10-03-1847	18y 14d	SON ZEBINA & MERCENA	
	J7	F35	NICKERSON	ALPHA		01-31-1836	23y		







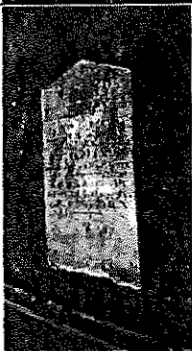


1919 1992 2008 NUMBER ORDER UNION CEMETERY PAGE 5 OF 6 6-1-08  
 EAST HARWICH METHODIST CEMETERY

		LAST NAME	FIRST NAME	BORN	DIED	AGE	OTHER
D2	H1	HIGGINS	JAMES C.		07-13-1861	3y 3m 17d	SON OF ZEBINA & MERCENA
MF	E1	H2	SMALL		02-23-1860	83y	WIFE ELIZABETH "A HUSBAND KIND A PARENT DEAR"
	E2	H3	SMALL		07-24-1838	72y	HUSBAND ELI
	D3	H4	BASSETT		02-26-1827	21y	SON OF SAMUEL & ELIZABETH
		H5	?				STONE NOT READABLE
	D6	H6	YOUNG		03-30-1829	87y	WIFE BATHSHEBA
	D7	H7	YOUNG		11-20-1823	81y	HUSBAND JOHN
		H8	DOANE		01-08-1827	38y	WIFE SALLIE "FAREWELL ALL MY KINDRED LOVED ONES FAREWELL YOU MY CHILDREN DEAR"
	E4	H9	DOANE		11-27-1868	85y 8m 22d	HUSBAND CAPT SAMUEL
	E8	H10	ELDRIDGE		05-12-1824	75y	WIFE SARAH SPELLED ELDRIDGE
	E4	H11	ELDRIDGE		01-23-1828	75y	WIFE REUBEN SPELLED ELDRIDGE
	D4	H12a	ELLIS	06-17-1808	01-11-1853		HUSBAND HANNAH
	D4	H12b	ELLIS		02-03-1887	82y 4m	WIFE SAMUEL
	D5	H13	ROGERS		02-23-1865	7y 6m	DAUG OF JOSEPH & ELIZA C
	E7	H14	SMALL		05-18-1853	73y 9m	WIFE MERIBAH
	E8	H15	SMALL		09-08-1862	82y 9m	HUSBAND ZACHARIAH
	E9	H16	?				STONE DOWN AND NOT READABLE
A1	NL	?	ON 1992 LIST				
A2	NL	?	ON 1992 LIST				
O3	NL	?	ON 1992 LIST NEVER MOVED				
W1	NL	CAHOON	EZEKIEL DELETE THIS LINE		09-22-1877		ON 1992 LIST ?
	NL	CAHOON	JONATHAN		06-27-1839		ON 1992 LIST ?
L8	NL	CAHOON	RUBEN		09-23-1871	83y 7m 24d	
L3	NL	DARNELL	ISIAH			1820	
	NL	ELDRIDGE	IREDDA		10-01-1834		ON 1998 LIST ?
B9	NL	ELDRIDGE	GEORGE B.		08-19-1855	1y 7m	SON OF NATHANIEL & CHARLOTTE
J1	NL	ELDRIDGE	JULANY		10-07-1828	22y	HUSBAND SYLVESTER
	MF	HIGGINS	ELRA		02-16-1823	2y 6m	SON OF MARK & POLLY
	MF	KENDRICK	NATHAN		10-13-1830	81y	
	NL	KENNY	ALLEN JR		03-25-1875	42y 18d	WIFE PRISCILLA
B1	NL	KENNY	URSILLA E.		09-17-1864		ON 1992 LIST ?
	NL	NICKERSON	AMERICA		11-08-1887	55y 1m 8d	WIFE DEBORAH
T8	NL	NICKERSON	BATIA DELETE THIS LINE		08-10-1866	82y 10m 26d	WIFE SABRA
M2	NL	NICKERSON	BETHIAH		12-27-1853	83y	HUSBAND NATHAN
F8	NL	NICKERSON	JOSHUA		02-?-?		ON 1992 LIST
D4/J3	NL	NICKERSON	JOSHUA A		02-13-1823	28y 3m	
Q1	NL	NICKERSON	NATHAN		04-12-1861	67y 2m 12d	WIFE SUSAN
K8	NL	NICKERSON	SUSAN		04-18-1865		HUSBAND CAPT SILAS
E9	NL	SMALL	ELRY, CAPT.		01-14-1863	49y 8m	
MF	J2	NL	SMALL		08-22-1848	84y	"FATHER FAREWELL"



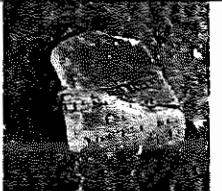

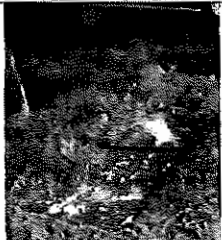
- NOTE 1 THIS LIST IS MADE FROM 3 SEPARATE DATES:  
 a. THE COLUMN LABELED 1919 WITH AN "MF" ARE FROM A SHEET MADE IN 1919 LISTING ALL THE MAYFLOWER DESCENDANTS FOUND IN THE UNION CEMETERY.  
 b. THE COLUMN LABELED 1992 WITH A LETTER AND NUMBER ARE THE NAMES FOUND IN 1992 JUST BEFORE THE CHURCH ADDED A NEW ADDITION.  
 c. THE COLUMN LABELED 2008 IS THE LATEST LIST MADE FROM A MAP CHARTING ALL THE CURRENT STONE FOUND THAT STILL CAN BE SEEN AND LOCATED.
- NOTE 2 THE "NL" CODES ON 2008 LIST: WERE NAMES ON A LIST MADE IN 1992 BEFORE THE ADDITION TO THE CHURCH WAS DONE, BUT NOT FOUND DURING THE 2008 SEARCH.
- NOTE 3 THE "MF" LISTED FROM A 1919 SHEET, ARE DIRECT DESCENDANTS OF THE MAYFLOWER. WHEN I DID FIND A MATCH ON THE 1992 OR THE 2008 LIST, I FAVORED THE SPELLING, DATES, AGES AND INFORMATION FROM THE 1919 LIST SINCE IT IS TYPED AND BEING OF AN AGE WHEN THE STONES WOULD HAVE BEEN IN MUCH BETTER CONDITION.
- NOTE 4 "MF" CODES ON THE 2008 LIST ARE MAYFLOWER DESCENDANT LISTED IN 1919 FOR THE UNION CEMETERY, BUT NOT FOUND ON THE 1998 OR 2008 LISTS AND NOT FOUND ON THE TRANSFER LIST FROM UNION CEMETERY TO THE EVERGREEN CEMETERY.
- NOTE 5 I MADE ANOTHER 1992 COMPUTER MAP SO THAT NAMES AND STONES NOT FOUND ON THE 2008 MAP CAN AT LEAST SHOW ONE AT LEAST THE AREA THEY WERE FOUND BACK THEN. THE REASON FOR THE DIFFERENTS COULD HAVE BEEN ERROR IN THE MAP OR THAT SOME OF THE STONES THAT EXIST THEN ARE BURIED, BROKEN OR LOST.

KARL YOUNG





## Section A

Grave	Lot	Date of Death	Photo
A2	Mehltable (Small) Cahoon  In 2 pieces and down on face	B. 15 Sep 1791 Harwich D. 9 Aug 1862 Brewster	
A3	Seth Cahoon  In 2 pieces and down on face	B. 14 Oct 1789 in Harwich  D. 28 Sep 1875 in Chatham	
A17	Sylvanus Eldredge  Elisha B Eldredge Elisha Bearse Eldredge  In 2 piece and down on back	B. 13 Feb 1822 D. 24 Oct 1831  B. 6 Aug 1818 D. 12 Dec 1839 lost overboard on Deaths Recorded in Harwich 1839	
A22	Stone at least 2 pieces ad down of face unreadable		
A24	Emma Cahoon (dau of Ezekiel & Polly)  Crack starting at base running up to midway of stone	B. 1848 Brewster  Date on stone 4 Apr 1866 D. 18 Apr 1866 Brewster	


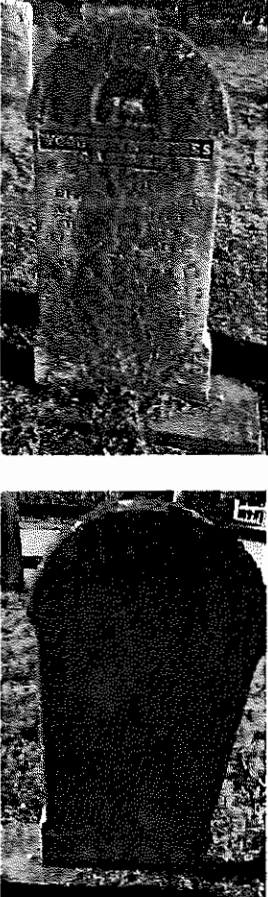
## Section A

			
A32	Orick Elwyn Doane  2 pieces maybe more buried down on back	B. 3 Dec 1848 Harwich  D. 27 Dec 1850 Harwich Age 2	
A36	Benjamin Young Jr.  in 4 pieces	B. 17 Aug 1822 Chatham D. 22 Aug 1861	
A39	Benjamin Young  down on back	B. 9 Sep 1794 Chatham  D. 18 Apr 1874 Chatham	
A59	Betsey S Eldridge  at least 2 pieces down of face	D. 5 Dec 1860 Chatham	

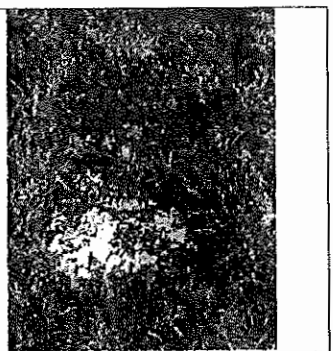

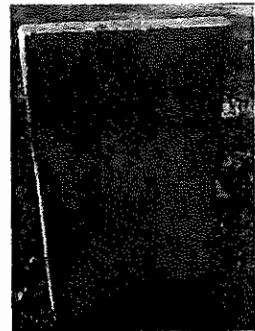

## Section A

A60	Clarinton S Eldridge  3 pieces	B. 20 Jun 1858 D. 9 May 1879	
A61	Vinson Cahoon  2 pieces face down new Fresh brake.	B. 10 Sep 1788 Harwich D. 12 Nov 1876 Harwich	
A62	Cynthia Cahoon (Nickerson) wife of Vinson Cahoon  2 pieces	B. 18 Oct 1788 Synthia Nickerson Harwich D. 29 Jan 1877	
A	Clifford lot  Corner markers need to be reset	1902-1927	



## Section B & C

Grave	Lot	Date of Death	Photo
B2	Maria K Nickerson  Crack previous repair will need to be stabilized and conserved	B. 14 Nov 1828 Chatham  D. 15 Sep 1837	
B11	Woodbury Norcross Gardner Nickerson  Monument is leaning and has crack at base pins will have to be removed and memorial reset	B. 3 Jan 1854 Chatham  D. 3 Mar 1859 Inscription D. 4 Mar 1859	

## Section B & C



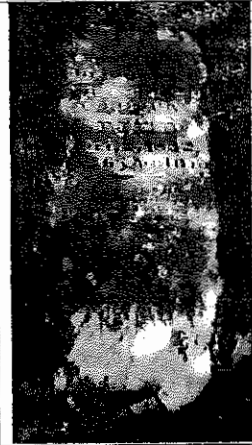

<p>B14</p>	<p>Elnathan Nickerson at least 3 pieces buried back side down</p> <p>Unable to find death record to confirm date of death</p>	<p>B. 14 Jan 1793 Harwich</p> <p>D. ? 2 Apr 1861 Harwich of Nathan Nickerson</p>	
<p>C8</p>	<p>Patience Howes Crowell Dau of Jacob &amp; Hannah Crowell</p> <p>at least 3 pieces previous repair starting to fall</p>	<p>B. 24 Jun 1830 Harwich</p> <p>D. 28 Nov 1881 Harwich</p> <p>Engraved date of death 4 Dec 1850</p>	 
<p>C16</p>	<p>Marion M dau of Nathan &amp; Polly Robbins</p> <p>Additional name at bottom of stone but buried under ground, previous repair at least 3 pieces.</p>	<p>B. 25 Sep 1843 Harwich</p> <p>1 Jan 1865 (21y 5m 8d)</p> <p>1865 (2y 3m 6d)</p>	

## Section D & E

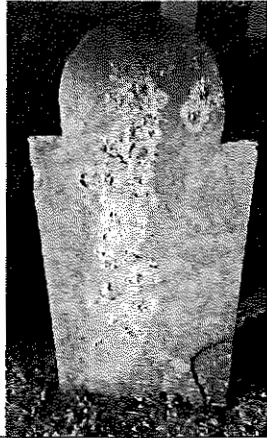
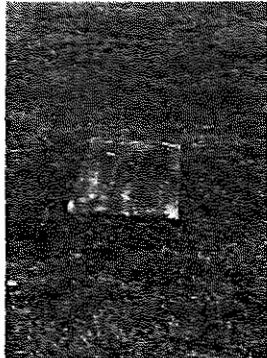
Grave	Lot	Date of Death	Photo
D1	Emma N Cahoon  2 pieces medal pins will need to be removed and memorial to be reset	B. 5 Aug 1849 Harwich D. 1 Jan 1876 Harwich	
E2	Rebecca Small Slate memorial to be conserved and foot stone to be reset	1852	




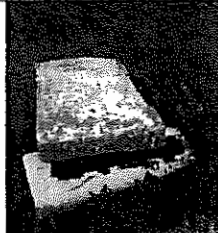



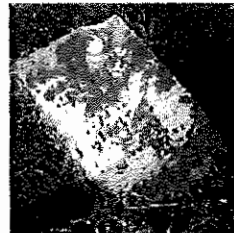
## Section F

Grave	Lot	Date of Death	Photo
F4	Rachel Linnell  Brown stone flaking off needs to be consolidated and conserved	B. Abt 1782 Harwich D. 29 Aug 1826 in Harwich Rachel Wixon Wife of Uriah Linnell	
F12	Captain James Taylor At least 2 pieces stone is buried face up	B. 19 Nov 1791 Chatham D. 21 Nov 1854 Chatham	
F17	Erastus O Cahoon Unsure if any pieces are broken face up edges buried	B. 4 Dec 1825 Harwich D. 2 Oct 1852 Harwich	
F25	Thankful (Nickerson) Young  Slate memorial delaminating	B. 1770 Harwich D. 15 May 1842 Harwich	


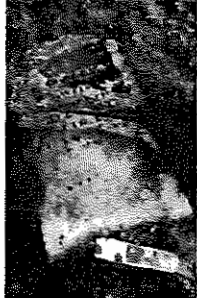


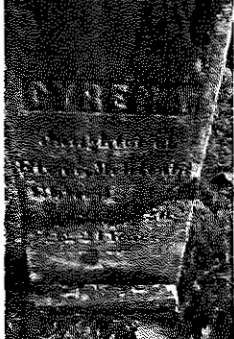
## Section F

			
F31	Polly (Nickerson) Robbins Face down	B. 28 Jun 1803 Harwich D. 19 Aug 1886 Harwich	

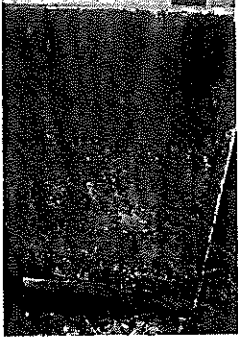

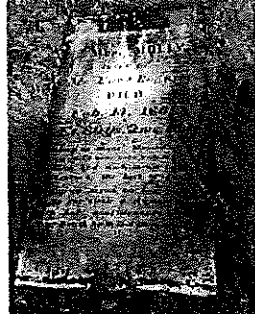
## Section G

Grave	Lot	Date of Death	Photo
G5	Seth Cahoon  Crack down the center of the stone starting at the top	B. Abt. 1764 in Harwich D. 15 Dec 1851 Harwich	
G8	Anna wife of Jesse L Eldredge Anna Bassett Stone down on back	B. 5 Dec 1789 Harwich D. 15 Mar 1882 Harwich	
G18	Ursilla E Long (Eldredge)  Previously repaired crack stone in at least 2 pieces	B. Abt. 1837 Harwich D. 17 Sep 1854 Harwich	
G19	Allen Kenney  Stone broken off at base and previously repaired crack. Total 3 pieces	B. 6 Sep 1823 Harwich D. 25 Sep 1865 Harwich  Civil War Veteran	
G20	Priscilla (Howes) Kenney  Wife of Allen Kenney Previously repaired Stone 4 pieces	B. 23 Nov 1824 Chatham D. 27 Feb 1850 Harwich	
G23	Joshua Nickerson  Stone cracked face up not sure if more piece's chips are breaking off at top of memorial	B. 1 Nov 1799 Harwich D. 17 Feb 1827 Harwich	




## Section G

G25	<p>Captain Edward Nickerson</p> <p>Extremely hard to read missing piece hopefully buried in the ground and can be restored.</p> <p>Brownstone broken in half and footstone cracked down center</p>	<p>D. 8 Nov 1820 Harwich</p>	
G28	<p>Sally (Cahoon) Kenney</p> <p>Wife of Allen Kenney</p> <p>At least 3 pieces visible down on back face up</p>	<p>B. 28 Apr 1791 Harwich D. 16 Apr 1866</p>	
G41	<p>Sarah (Kenney) Nickerson</p> <p>Previous repair using bolts in at least 3 pieces.</p>	<p>B. 3 Sep 1770 Orleans D. 6 Jan 1857</p>	
G42	<p>Tulley Nickerson</p> <p>Broken in at least 2 pieces</p>	<p>B. 26 Aug 1770 Harwich D. 16 Jan 1854 Harwich</p>	
G45	<p>Cyrena Eldredge</p> <p>Previous repair broken off at base 3 pieces</p>	<p>B. 1805 D. 1826</p>	

## Section G

G49	Enos and John Rogers  Previous repair cracked reopening	Enos Rogers B. 14 Feb 1768 D. 14 Dec 1857 Harwich  Son John Rogers B. 6 Nov 1799Harwich Lost at sea 7 Dec 1825	 
G50	Molly (Foster) Rogers  Down on back face up Wife of Enos Rogers	B. 28 Nov 1771 Harwich D. 13 Feb 1861	

## Section H

Grave	Lot	Date of Death	Photo
H7	<p>Bathsheba (Bashua Kinwrick) Young</p> <p>Brown stone crack previous repair. Flaking off on face of stone needs to be conserved</p> <p>Wife of John Young H6 Revolutionary War Veteran</p>	<p>B. 26 Nov 1762 Harwich D. 20 Nov 1823 Harwich</p>	
H8	<p>Captain Samuel Doane</p> <p>2 pieces down on back face up</p>	<p>B. 24 Mar 1789 Chatham D. 7 8 Jan 1827</p>	
H9	<p>Sallie (Eldredge) Doane</p> <p>Cracked across the center of stone</p>	<p>B. 5 May 1783 Orleans D. 27 Nov 1868 Orleans</p>	

## **AGREEMENT FOR TOWN OF HARWICH**

The following provisions shall constitute an Agreement between the Town of Harwich, acting by and through its Board of Selectmen, hereinafter referred to as "Town," and Colonial Municipal Group with an address of 61 Camelot Drive, Plymouth, MA 02360 hereinafter referred to as "Contractor", effective as of the \_\_\_\_ day of August 2022. In consideration of the mutual covenants contained herein, the parties agree as follows:

### **ARTICLE 1: SCOPE OF WORK:**

The Contractor shall perform all work and furnish all services necessary to provide the Town with 2023 Ford Super Duty F-350 SRW XL 4WD Supercab including the equipment included in the technical specifications set forth in Attachment A.

### **ARTICLE 2: TIME OF PERFORMANCE:**

The Contractor shall complete all work and services required hereunder commencing upon contract execution through June 30, 2023.

### **ARTICLE 3: COMPENSATION:**

The Town shall pay the Contractor for the supplies and services outlined in Article 1 above the contract sum of \$74,512.50. The Contractor shall submit monthly invoices to the Town for services rendered, which will be due 30 days following receipt by the Town.

### **ARTICLE 4: CONTRACT DOCUMENTS:**

The following documents form the Contract and all are as fully a part of the Contract as if attached to this Agreement or repeated herein:

1. This Agreement.
2. Amendments, or other changes mutually agreed upon between the parties.
3. All attachments to the Agreement.

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

**ARTICLE 5: CONTRACT TERMINATION:**

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

1. Failure of the Contractor, for any reason, to fulfill in a timely and proper manner its obligations under this Agreement.
2. Violation of any of the provisions of this Agreement by the Contractor.
3. A determination by the Town that the Contractor has engaged in fraud, waste, mismanagement, misuse of funds, or criminal activity with any funds provided by this Agreement.

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

**ARTICLE 6: INDEMNIFICATION:**

The Contractor shall defend, indemnify and hold harmless the Town and its officers, agents, and all employees from and against claims arising directly or indirectly from the contract. Contractor shall be solely responsible for all local taxes or contributions imposed or required under the Social Security, Workers' Compensation, and income tax laws. Further, the Contractor



shall defend, indemnify and hold harmless the Town with respect to any damages, expenses, or claims arising from or in connection with any of the work performed or to be performed under this Agreement. This shall not be construed as a limitation of the Contractor's liability under the Agreement or as otherwise provided by law.

**ARTICLE 7: AVAILABILITY OF FUNDS:**

The compensation provided by this Agreement is subject to the availability and appropriation of funds.

**ARTICLE 8: APPLICABLE LAW:**

The Contractor agrees to comply with all applicable local, state and federal laws, regulations and orders relating to the completion of this Agreement. This Agreement shall be governed by and construed in accordance with the law of the Commonwealth of Massachusetts.

**ARTICLE 9: ASSIGNMENT:**

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

**ARTICLE 10: AMENDMENTS:**

All amendments or any changes to the provisions specified in this Contract can only occur when mutually agreed upon by the Town and Contractor. Further, such amendments or changes shall be in writing and signed by officials with authority to bind the Town. No amendment or change to the contract provisions shall be made until after the written execution of the amendment or change to the Contract by both parties.

**ARTICLE 11: INDEPENDENT CONTRACTOR:**

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

**ARTICLE 12: INSURANCE:**

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

- 1) General Liability of at least \$1,000,000 Occurrence/\$3,000,000 General Aggregate. The Municipality should be named as an "Additional Insured". Products and Completed Operations should be maintained for up to 3 years after the completion of the project.
- 2) Automobile Liability (applicable for any contractor who has an automobile operating exposure) of at least \$1,000,000 Bodily Injury and Property Damage per accident. The Municipality should be named as an "Additional Insured".
- 3) Workers' Compensation Insurance as required by law. Include Employers Liability Part B with a limit of \$1,000,000
- 4) Property Coverage for materials and services being transported by the contractor, as the Town's Property Contract provides coverage for personal property within 1000 feet of the premises.
- 5) Umbrella Liability of at least \$2,000,000/ occurrence, \$2,000,000/aggregate. The Municipality should be named as an Additional Insured.

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

**ARTICLE 13: SEVERABILITY:**

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

**ARTICLE 14: ENTIRE AGREEMENT:**

This Agreement, including all documents incorporated herein by reference, constitutes the entire integrated agreement between the parties with respect to the matters described. This Agreement supersedes all prior agreements, negotiations and representations, either written or oral, and it shall not be modified or amended except by a written document executed by the parties hereto.

**ARTICLE 15: COUNTERPARTS:**

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

**CERTIFICATION AS TO PAYMENT OF STATE TAXES**

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

\_\_\_\_\_  
Social Security Number or  
Federal Identification Number

DocuSigned by:  
John Welch  
B997AF6DE7A942D...  
Signature of individual or  
Corporate Name

By:  
Corporate Officer  
(if applicable)

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

CONTRACTOR

TOWN OF HARWICH

By

by its Board of Selectmen Over \$75,000

DocuSigned by:  
John Welch  
B997AF1DE7A942D...  
John Welch President

Printed Name and Title

Approved as to Availability of Funds:

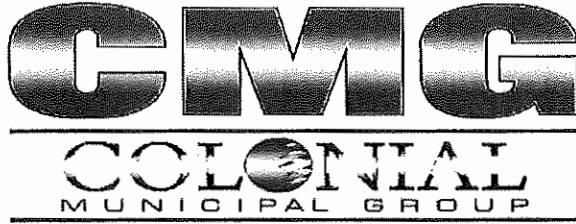
by its Town Administrator Up to \$75,000

DocuSigned by:  
Ann Marie Ellis  
0D188049967847E...  
Ann Marie Ellis Finance Director

\$74,512.50 01421A2-622026  
(\$ ) Contract Sum

DocuSigned by:  
Joseph F. Powers  
0623C0C5799644E...  
Joseph F. Powers Town Administrator

ATTACHMENT A



# ESTIMATE

Date : 05/24/2022

Customer ID :

TO: Town of Harwich Highway Department  
 273 Queen Ann Road  
 Kyle Edson [kedson@town.harwich.ma.us](mailto:kedson@town.harwich.ma.us)  
 Harwich, MA 02645

Salesperson: **Bob Keens**  
 Office Phone # 401-678-0511

Qty	Item #	Description	Unit Price	Line Total
		Price Per GBPC/BAPER N		
1.00	X3F	2023 FORD SUPER DUTY F-350 SRW XL 4WD SUPERCAB	\$ 34,450.00	\$ 34,450.00
1.00	99N	ENGINE: 7.3I 2V DEVCT NA PFI V8 GAS	\$ 1,653.85	\$ 1,653.85
1.00	144G	TRTRANSMISSION: TORQSHIFT 10 SPEED AUTOMATIC	\$ -	\$ -
1.00	630A	ORDER CODE 630A	\$ -	\$ -
1.00	X4M	ELECTRONIC- LOCKING W/4.30 AXLE RATIO	\$ -	\$ -
1.00	64F	WHEELS: 18" ARGENT PAINTED STEEL	\$ -	\$ -
1.00	TDX	TIRES: LT275/70RX18E BSW	\$ 257.05	\$ 257.05
1.00	W6	GREEN GEM	\$ 640.20	\$ 640.20
1.00	AS	MEDIUM EARTH GRAY, HD VINYL 40/20/40 SPLIT BENCH SEAT	\$ -	\$ -
1.00	90L	POWER EQUIPMENT GROUP	\$ 1,067.00	\$ 1,067.00
1.00	17F	XL DÉCOR GROUP	\$ 213.40	\$ 213.40
1.00	86M	DUAL 78 AH BATTERY	\$ 203.70	\$ 203.70
1.00	67B	397 AMP ALTERNATORS	\$ 111.55	\$ 111.55
1.00	52B	TRAILER BRAKE CONTROLLER	\$ 291.00	\$ 291.00
1.00	473	SNOW PLOW PREP PACKAGE	\$ 242.50	\$ 242.50
1.00	512	SPARE TIRE, WHEEL & JACK	\$ 339.50	\$ 339.50
1.00	63A	UTILITY LIGHTING SYSTEM	\$ 155.20	\$ 155.20
1.00	18B	PLATFORM RUNNING BOARDS	\$ 431.65	\$ 431.65
1.00	153	FRONT LICENSE PLATE BRACKET	\$ -	\$ -
1.00	59H	CENTER HIGH-MOUNTED STOP LAMP	\$ -	\$ -
1.00	61J	6-TON HYDRAULIC JACK	\$ -	\$ -
1.00	61L	FRONT WHEEL WELL LINERS	\$ 174.60	\$ 174.60
1.00	872	REAR VIEW CAMERA & PREP KIT	\$ 402.55	\$ 402.55
		2023 ANTICIPATED MODEL YEAR INCREASE	\$ 10,000.00	\$ 10,000.00
1.00	JC MADIGAN	8 FT KNAPEIDE UTILITY BODY MODEL 696d38-1 PAINTED METALLIC GEM GREEN TO MATCH CAB	\$ 15,783.75	\$ 15,783.75
1.00	JC MADIGAN	REAR BUMPER EARS W / DEALER SUPPLIED RECEIVER & Trailer plug	\$ -	\$ -
1.00	JC MADIGAN	BACK UP ALARM, REQUIRED LED LIGHTS, REAR MUD FLAPS	\$ -	\$ -
1.00	JC MADIGAN	REAR AXLE MOUNTED TIMBREN LOAD HELPERS	\$ -	\$ -
1.00	JC MADIGAN	ALUMINUM CAB GUARD W / SCREENED WINDOW & LIGHTBAR MOUNT	\$ -	\$ -

1.00	JC MADIGAN	WIRE & MOUNT DEALER SUPPLIED BACK UP CAMERA	\$	-	\$	-
1.00	JC MADIGAN	INTERIOR LED CABINET LIGHTING	\$	-	\$	-
1.00	JC MADIGAN	LINW-X APPLIED TO CARGO BED, BUMPER, CABINET TOPS AND TAILGATE	\$	-	\$	-
1.00	JC MADIGAN	1300LBS TOMMYGATE G-2 SERIES LIFTGATE W/ 27" BARGATE STEEL PLATFORM	\$	4,715.00	\$	4,715.00
1.00	JC MADIGAN	KNAPHEIDE SLAM STYLE TAILGATE	\$	-	\$	-
1.00	JC MADIGAN	AFTERMARKET UNDERCOATING APPLIED TO BODY, CAB & CHASSIS	\$	1,610.00	\$	1,610.00
1.00	CMG	Whelen AMBER IONS IN FRONT GRILLE	\$	355.00	\$	355.00
1.00	CMG	WHELEN AMBER T IONS MOUNTED ON REAR OF SERVICE BODY	\$	355.00	\$	355.00
1.00	CMG	(2) ECCO WORK LIGHTS - LED MOUNTED ON BACK Rack	\$	465.00	\$	465.00
1.00	CMG	Transfer Light bar and switching	\$	295.00	\$	295.00
1.00	CMG	Transfer Inverter	\$	300.00	\$	300.00
					\$	-

**Special Instructions:**

Custom or Special Orders are Non-Refundable

This Estimate is for Budgetary Purposes and is Not a Guarantee of Cost for Services.

Estimate is Based on Current Information From Client About the Project Requirements

Actual Cost May Change Once Project Elements are Finalized

Subtotal \$74,512.50

Sales Tax

Grand Total \$74,512.50

**Thank you for your business**