

SELECTMEN'S MEETING AGENDA\*

Executive Session 6:00 P.M.

Regular Meeting 6:30 P.M.

Monday, June 7, 2021

**REMOTE PARTICIPATION ONLY**  
**OPEN PUBLIC FORUM – PLEASE READ**

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

When you join the meeting by phone you should turn off Channel 18 or your computer if streaming the meeting.

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

<https://global.gotomeeting.com/join/500418189>

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

**Access Code:** 500-418-189

I. **CALL TO ORDER**

II. **EXECUTIVE SESSION**

- A. Executive session pursuant to G.L. c. 30A, s. 21, purposes (1) and (7)(Open Meeting Law)- Open Meeting Law complaints from Attorney Raymond H. Tomlinson, Jr. on behalf of the Port Restaurant and Bar, Inc. and Ember Pizza, Inc. dated May 24, 2021, acknowledgement of the Open Meeting Law complaints against the Board of Selectmen, discussion and responses to same; votes may be taken
- B. Pursuant to MGL,c.30A section 21 (a) paragraph 3 to discuss with respect to collective bargaining for all town unions if an open session would have a detrimental effect on the town's bargaining position and the chair so declares;

III. **PLEDGE OF ALLEGIANCE**

IV. **WEEKLY BRIEFING**

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

V. **PUBLIC COMMENTS/ANNOUNCEMENTS**

VI. **CONSENT AGENDA**

- A. Discussion and possible vote to approve the 2021 Committee Reappointment list
- B. Discussion and possible vote to approve Board of Selectmen Meeting Minutes for April 27, 2021

VII. **NEW BUSINESS**

- A. Discussion and possible vote to hold a Public Hearing for the alleged violations at Seal Pub – 703 Main Street
- B. Discussion and possible vote to authorize the Town Administrator to be the Hearing Officer for the Public Hearing for alleged violations at Seal Pub – 703 Main Street
- C. Discussion and possible vote to the approve vacation carryover request from Carol Coppola, Finance Director
- D. Discussion and possible vote to approve the Application Permit relative to Noise By-Law Chapter 189-1, Section F, Sub-section 9 for the Harwich Chamber of Commerce to host Music in the Port – July 7 through August 25, 2021 5:00 P.M. to 8:00 P.M.
- E. Discussion and possible vote to approve the one day entertainment license for a private wedding to be held at 8 Kettle Pond Drive on July 31, 2021 from 5:00 P.M. to 10:00 P.M.
- F. Discussion and possible vote to approve a one day entertainment license for Cape Farm Supply – 1601 Factory Road – Event to be held on Saturday, June 26, 2021 3:00 P.M to 11:00 P.M.
- G. Discussion and possible vote to approve a one day entertainment license for Harwich Inn and Tavern – 77 Route 28 – Saturday, June 19<sup>th</sup> 12:00 P.M. to 4:00 P.M.
- H. Discussion and possible vote to approve a new 2021 Lodging House License for Chase Escape Cape Cod LLC DBA Summer House Café – 126 Route 28 – *Pending Fire Department Approval*
- I. Discussion and possible vote to approve a new 2021 Common Victuallers License for Chase Escape Cape Cod LLC DBA Summer House Café – 126 Route 28 – *Pending Fire Department Approval*
- J. Discussion and possible vote on next steps regarding 2021 Annual Town Meeting failed Articles
  1. Article 33 Hinckley's Pond Watershed Preservation Project
  2. Article 36 Sand Pond Revitalization Project
- K. Discussion and possible vote to transfer the amount collected in the Cell Phone Tower Lease to support the Affordable Housing Trust in the amount of \$218,293.95

VIII. **OLD BUSINESS**

A. Discussion – Snack Shack at Saquatucket Harbor license agreement

IX. **CONTRACTS**

A. Discussion and possible vote to approve the Memorandum of Agreement with the Town of Orleans for Council on Aging Supportive Day Program

X. **TOWN ADMINISTRATOR’S REPORT**

XI. **SELECTMEN’S REPORT**

XII. **ADJOURNMENT**

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

**Authorized Posting Officer:**

\_\_\_\_\_  
Danielle Delaney, Executive Assistant

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

**Date:** \_\_\_\_\_  
June 3, 2021

# **WEEKLY BRIEFING**



**Town of Harwich  
Board of Health**

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

June 4, 2021

**WEEKLY COVID-19 UPDATE**

**CASES & STATISTICS**

To date, Harwich has seen a cumulative total of 756 cases of COVID-19. The Health Department and VNA are not currently tracking any active cases. The positivity rate is 0.80%, which is in the “Grey” designation. Over the last two weeks the Town has seen 3 positive tests out of 374 total tests.

**VACCINATION**

To date, 8,106 of our 11,481 eligible full time residents are fully vaccinated, and 9,396 have received at least one dose. Approximately seventy percent of all eligible residents are fully vaccinated, and approximately sixty four percent of all residents have been vaccinated.

Age Group	Population Size	Individuals with at least one dose	Fully vaccinated individuals	Percent of fully vaccinated
*0-11 Years *Ineligible	*1,108	*0	*0	*0
12-15 Years	457	196	0	0
16-19 Years	426	292	205	34%
20-29 Years	1,055	638	511	38%
30-49 Years	2,146	1,666	1,392	57%
50-64 Years	3,012	2,486	2,176	67%
65-74 Years	2,551	2,281	2,145	82%
75+ Years	1,834	1,837	1,677	91%
<b>Total</b>	12,589 <b>11,481 (Eligible)</b>	<b>9,396</b>	<b>8,106</b>	64.4% <b>70.6%</b>

Vaccine appointments can be scheduled at:

- <https://vaxfinder.mass.gov/>
- <https://mychart-openscheduling.et1149.epichosted.com/MyChart/OpenScheduling>
- <https://www.barnstablecountyhealth.org/vaccine-registration>

- [https://www.cvs.com/immunizations/covid-19-vaccine?cid=ps\\_cvdvcc&gclid=EAIaIQobChMIkpXrvYf-8AIVg5-zCh2p2wh3EAAYASAAEgLRKfD\\_BwE&gclsrc=aw.ds](https://www.cvs.com/immunizations/covid-19-vaccine?cid=ps_cvdvcc&gclid=EAIaIQobChMIkpXrvYf-8AIVg5-zCh2p2wh3EAAYASAAEgLRKfD_BwE&gclsrc=aw.ds)
- <https://stopandshop.com/covid-vaccine>

### **TESTING**

Testing is available at a variety of locations. Please visit <https://www.barnstablecountyhealth.org/falmouth-and-hyannis-covid-19-test-sites> for a location available near you.

Best,  
Katie O'Neill, Sc.D., R.S.  
*Health Director*

# **CONSENT AGENDA**

**2021 Reappointment List**

	Yes	No	Last Name	First Name	Organization Name	Expiration	
			Underwood	Judith	Affordable Housing Trust	06/30/2021	
			Coulson	Wayne	Agricultural Commission	06/30/2021	
			Walkey	Charles	Bikeways Committee	06/30/2021	
			Ryer	David	Board of Appeals	06/30/2021	
			Waystack	Richard	Board of Assessors	06/30/2021	
			Howell, RN	Pamela	Board of Health	06/30/2021	
			Hall	Sandra	Brooks Academy Museum Commission	06/30/2021	
			Cassidy	Janet	Brooks Academy Museum Commission	06/30/2021	
			Eldredge	Cynthia	Cemetery Commission	06/30/2021	
			Chilaka	Angela	Community Center Facilities Committee	06/30/2021	
			Robinson	David	Constables	06/30/2021	
			Beltis	Gerald	Constables	06/30/2021	
			Waystack	Richard	Council on Aging	06/30/2021	
			White	Justin	Council on Aging	06/30/2021	
			Bilotta	Steven	Golf Committee	06/30/2021	
			Connolly	John	Golf Committee	06/30/2021	
			Duffy	Stephen	Harwich Accessibility Rights Committee	06/30/2021	
			MacAskill	Donald	Harwich Accessibility Rights Committee	06/30/2021	
			Czech	Charles	Harwich Energy Committee	06/30/2021	*
			McParland, Jr.	Joseph	Harwich Housing Committee	06/30/2021	*
			Maule	Cindi	Harwich Housing Committee	06/30/2021	
			Maslowski	Mary	Historical/Historic District Commission	06/30/2021	
			Eldredge	Julia	Historical/Historic District Commission	06/30/2021	
			Maslowski	Mary	Planning Board	06/30/2021	
			Stoltz	William	Planning Board	06/30/2021	
			Porter	Carol	Real Estate and Open Space Committee	06/30/2021	
			Green	Katherine	Real Estate and Open Space Committee	06/30/2021	
			Thorngate Smith	Marcia	Real Estate and Open Space Committee	06/30/2021	
			Mahan	John	Recreation and Youth Commission	06/30/2021	
			Hurley	Michael	Recreation and Youth Commission	06/30/2021	
			Saulnier	Ronald	Shellfish Constables	06/30/2021	





**MINUTES**  
**SELECTMEN'S MEETING**  
**REMOTE PARTICIPATION ONLY**  
**Tuesday, April 27, 2021**  
**6:30 P.M.**

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

**ALSO PARTICIPATING:** Town Administrator Joseph Powers

**CALL TO ORDER**

Mr. Ballantine opened the meeting at 6:47 pm, and called to order the Board of Selectmen. He explained that he first called the meeting to order at 6:00 pm for Executive Session, where they discussed litigation with respect to the case of 3137, LLC, et al. (Ember and Port) v. Town of Harwich, et al., United States District Court, C.A. No. 1:21-CV-10473, if discussing the matter in open session will have a detrimental effect on the Town's litigating position and the chair so declares.

Mr. Ballantine recognized the passing of Mr. Raymond "Link" Thacher, and the influence he had in Harwich and all of his good work.

Mr. Howell said that he knew Mr. Thacher well, and said that his obituary did not do him justice. He said that Mr. Thacher was an auctioneer, and a tree warden for many years and besides his family, he loved nothing more than cranberry bogs. Mr. Howell said that as long as there are bogs and trees swaying in the wind, Mr. Thacher will be with them.

**WEEKLY BRIEFING**

**A. COVID-19 Updates**

Dr. Kathleen O'Neill, Health Director, said that many updates have been made since the report was published on Friday and with their big agenda this evening she will try and keep this brief.

She said the first major update is that the Johnson & Johnson pause has been lifted. The CDC and the FDA both suggest that the administration of the vaccine resume. They are aware that it could cause a serious potential problem in a few individuals, but they do believe the benefits outweigh the risk. They do believe that women younger than 50 years old, should at least be aware of the rare risk, and that there are other COVID vaccine options available which do not have the risk.

Dr. O'Neill said that Governor Baker did make some fairly large updates today. Effective Monday, May 10<sup>th</sup>, large venues will be permitted to increase occupancy to 25%, and amusement parks, theme parks and outdoor water parks will be permitted to operate at 50% occupancy, after submitting safety plans to the Department of Public Health. She said that road races and other large, outdoor athletic events will be permitted to take place, after submitting safety plans to the Department of Health. Also, youth and adult amateur sports tournaments will be allowed, and singing indoors will be allowed with very strict distancing requirements. Effective May 29<sup>th</sup>, and subject to public health and vaccination data, gathering limits will increase to 200 people indoors, and 250 people outdoors, for event venues, public settings and private settings. This change would also include Street festivals, parades, at 50% capacity, and would need to have plans submitted for review prior to operating. Bars, beer gardens, breweries, wineries and distilleries, will be subject to restaurant rules, with seated service only, a 90 minute limit, and no dance floors. The restaurant guidance will be updated to eliminate the requirement that food be served with alcohol and to increase the maximum table size to 10, which again will be subject to public health and vaccination data.

Dr. O'Neill said that beginning August 1<sup>st</sup>, depending on data, the remaining industries will be permitted to open including: dance clubs and nightclubs, saunas, hot-tubs, indoor water parks, and ball pits. At this time, all industry restrictions, and capacity will increase to 100% for all industries, with businesses encouraged to continue following best practices. The gathering limit will be rescinded.

She said that the Governor also announced that on effective on April 30<sup>th</sup>, the Face Coverings Order will be relaxed for some outdoor settings. Face coverings will only be required outside in public, when it is not possible to socially distance, and at other times required by sector-specific guidance. Face coverings will still be required at all times in indoor public places. Face

coverings will also continue to be required at all times at events, whether held indoors or outdoors and whether held in a public space or private home; except for when eating or drinking. At smaller gatherings in private homes; face coverings are recommended, but not required. The \$300 fine, as an enforcement mechanism, will be eliminated.

Dr. O'Neill would like to remind everyone that the Harwich Board of Health passed a local regulation last summer that face masks are required on Main Street, between Lower County and Bank Street, 9:00 am - 10:00 pm, regardless of social distancing. She said that can only be rescinded by the Harwich Board of Health.

She explained that they still do not know what the regulations will look like in the coming weeks. The state will not likely release the guidance until the day it goes into effect. They will have to wait to make plans for activities until they know what they will be allowed to do.

Dr. O'Neill said, in terms of the numbers, they are only tracking 15 active cases, which is great news. She said that the State still has them technically in the "Red", and said that in her report she discusses more of what being in the red is, with the positive rate, and why that may not be the best measure any more.

She said that tomorrow they will be holding their first, and so far only, private vaccination clinic with Outer Cape Health and the Harwich Fire Department. She said that it has been a really collaborative effort and she does want to give a special thanks to Ms. Jennifer Clarke, Executive Assistant, Health Department, who has planned and had to reschedule this clinic, and has made all of the paperwork that goes into putting this clinic together look easy. She also expressed her appreciation to Harwich Fire and EMS for doing all of the vaccine administration. They are excited to have this happen.

Mr. Ballantine said he understands they may end up at a point, where they have a surplus of the vaccine, and asked if she had any thoughts on reaching that and getting the word out?

Dr. O'Neill said that they have a twice a week Health Agents Coalition Meeting, with all of the other Health Departments on the Cape, and that is something they have been working on, to create an outreach program, and the

next steps for that. She said that until recently they have not had enough vaccine, but that is something that they are focusing on.

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

Ms. Cyndi Williams, Executive Director, Harwich Chamber of Commerce, said she had a few updates in light of what Dr. O'Neill just reviewed. She said that there are some key things that are happening, to help businesses, and first, the SBA (Small Business Administration) announced last week that the official Restaurant Revitalization Fund application is coming up. The preregistration starts this Friday, at 9:00 am, so restaurants can start to compile all the required documents. On Monday, May 3<sup>rd</sup> the applications will be accepted.

Ms. Williams said that today kicked off the energy assessment and install for instant savings with Cape Light Compact. They will be in Harwich until the 29<sup>th</sup>, and that is going well. She said that it is always great to see their businesses saving where they can.

She also said that they wanted to welcome back Sweet Izzy's for their second season. She said that it is dairy-free and gluten-free and tastes delicious.

**PUBLIC COMMENTS/ANNOUNCEMENTS**

**A. Presentation – Behavioral Health Innovators (BHI) and Recovery Build**

Mr. Powers introduced Ms. Sheila House, President, Board Member, Mr. David Spitz, Board Member, and Stephanie Briody, Co-founder, CEO, Board Member, with Behavioral Health Innovators, Inc.

Ms. House said that she works for the Town of Harwich as a Therapist for teenagers, as well as, collaborates with the Monomoy School System and other non-profits. She explained that they are here tonight to discuss a great non-profit, Behavioral Health Innovators, Inc. and their program called Recovery Build APG, and APG stands for Alternative Peer Group. Ms. House said that this is a one of a kind program on Cape Cod, and is held after school for teenagers who are starting to question what they are putting in their bodies, and how it is affecting them. This is a peer to peer program and has great counselors that gets kids to talk openly about how they started using in the

first place, and what keeps them using. They currently have one center operating in Hyannis and would like to get more opened, including in Harwich.

Ms. House said that they are speaking to as many Board of Selectmen's as they can, to really get the word out. She said that the schools have been really good about publicizing it. She has been speaking with the kids at the High School, along with Ms. Briody, and the trend is going up, with more concern about blackouts and dabbling in much more dangerous drugs, and it has become “like it is there second job”. She said that they love it when school’s refer kids to help them.

Ms. Briody said that she started the nonprofit in about 2016, and one of the core operating principles is to co-create solutions with young people who have lived the experience. They have heard from so many that are worried about their friends. The aim of this program that they are speaking about is to get upstream of addiction, to build awareness. She said that there are no adolescent treatment centers on Cape Cod, for young people with substance use disorder. She explained that substance use disorder is a dependent on substances and families have nowhere to turn on Cape Cod. This program has been around since the 70’s in Houston, TX and they brought it up to create it organically on Cape Cod. She said that they are working closely with peer leaders and alternative learning students and training them and giving them the tools to talk to their friends about their substance use. They are working closely with the schools, but they really wanted to get the word out, it is year round and it is free. Ms. Briody said that they have a lot of support through grant funding, and community support.

Mr. Spitz said that he is simply a Cape Cod resident that has had family experience with substance abuse disorder, like so many others, and welcomes a place for teens to go. He has been on the board since the end of last year and will continue to offer what he can to these efforts.

Ms. Briody introduced the video which was shared and can be found on the website [www.recoverbuild.org](http://www.recoverbuild.org), and also will be posted on the town website. ([https://www.youtube.com/watch?v=eGBGgLrP\\_wo](https://www.youtube.com/watch?v=eGBGgLrP_wo))

Mr. MacAskill said that this is great, and asked who someone would contact for help? Ms. Briody said that someone could call the phone number 774-487-5227 and they would talk directly to a counselor from the program. The

schools are also aware of it, and can help, and people can also reach out to any member of their board.

Mr. Howell said that he goes way back with Ms. House and he wishes he could say that this is only a mild problem here. He said that just finding a resource for adolescence is difficult and he thinks that this is terrific. For anyone that thinks it does not happen here, they are mistaken, and they do not want a lost generation of kids. He said that it is really important that they don't have the stigma, and that they do participate.

Mr. McManus said that anyone that has been aware of Ms. House's activities and how broadly she has been stretched with the kids in our town, who needs help, you can see how much these resources are needed. She has done a true herculean effort and any additional resource that we can bring to our community and across the Cape is a great benefit.

B. Announcement – Notification of Grant Award for Fire and Police Department radio upgrades

Mr. Powers said that they had good news and turned it over to Chief Leblanc.

Chief David LeBlanc, Harwich Fire Department, said that he was pleased to announce that they received notification from CoMIRS, which is the State radio system grant that they had applied for, they received almost all of the money that they requested and the radios that they asked to be replaced, were credited. He said that this combined with the money from Town Meeting will complete the entire Police and Fire radio upgrade. It was \$133,831.87 for the Fire Department and \$163,023.79 for the Police Department. He said this is great news and thanks to the hard work of everyone completing inventories etc. they were able to get the whole grant.

C. Mr. Ballantine asked if Mr. Howell could provide an update on the Clean Waters Grant. Mr. Howell said that as people may have read in the newspaper, they have been granted an excess of \$5 million in relation to their project in East Harwich. He is thankful that the Board had faith in him to appoint him to the Clean Waters Board in Barnstable. He said that it had taken them 14 months to come out with an equitable formula where different towns would get an equitable portion of this. He is really excited about this,

and would like to see it help buy down their debt in the sewerage because it was initially a crushing load. He is really grateful.

## **JOINT MEETING WITH THE BOARD OF SELECTMEN AND GOLF COMMITTEE**

### **A. Use of the Cranberry Valley Golf Course property**

Mr. Powers asked Chairman Clement Smith to call his committee to order by means of a roll call.

Mr. Clement Smith, Chairman, Harwich Golf Committee called to order the Golf Committee, for the joint meeting by roll call.

Mr. John Crook - Aye, Mr. Paul White - Aye, Mr. John Connolly - Aye, Mr. John Wheeler - Aye, Mr. Steve Bilotta - Aye, Mr. Clement Smith - Aye. Not present Ms. Martha Duffy.

Mr. Smith noted that Mr. Roman Greer, Golf Director, Cranberry Valley Golf Course, is also present.

Mr. Ballantine said that he would like a discussion regarding using the golf course for the charitable use for Monomoy High School. So, he would like to go through the Golf Committee's discussion and action on that.

Mr. Smith shared a document, Background Information for the Monomoy Athletic Booster's tournament request. He said that this is the background information and he would like to go through it, point by point, so that the general public can understand the decision making process that they have used over the past many years. He said that there is a lot of thought that goes into it and it has been success for them. These decisions for 2021, were actually made in 2020. He explained that the event had been held three times, in 2017, 2018 and 2019, all on Columbus Day. These were all during the pre-COVID era, and followed the Golf Committee policy for local charity fundraising events, which is half the greens fee and the full cart fee. Mr. Smith said that this event had been an 8:30 am shotgun start, which means that the course is closed until 1:30 pm. He explained that is 5.5 hours that the course is closed, and takes away 33 tee times, accommodating 132 golfers. He said that the participation by this group has hovered around an average of 75 players and

additional revenue opportunities are promoted through sales in the pro shop and various avenues around the golf course. He also explained that all tournaments typically deal directly with the restaurant, which is the Hot Stove, but due to COVID restrictions post tournament banquets are not allowed. They have been doing grab and go type services.

Mr. Smith said that this was discussed at the November 17, 2020 Golf Committee Meeting and all members of the committee, and Mr. Greer, were in agreement to a slim downed schedule due to the increase in golf demand and COVID concerns. They had not held any shotgun events in 2020 due to COVID restrictions. He said that the Monomoy tournament was addressed directly, and it was recommended to move the tournament to a later date and not to accept any new events. He thinks it is important to realize that they have a fiduciary responsibility to the Town, and the success of these events are determined by guidelines that they have to adhere to. These decisions are predicated by that as well. Mr. Smith said that the Harwich Chamber of Commerce event was specifically addressed as well, and it was decided that it should not be accommodated for the same reasons.

Mr. Smith said that they have not had complaints of this nature over the years and have consistently worked with groups to make sure their outings are successful, with mutually agreed upon dates. The Golf Committee unanimously approved the schedule presented at their December 15, 2020 meeting, which was based on previous discussions they had. He said that it also included an alternate date of October 18<sup>th</sup>, 2021, for the Monomoy tournament and finalizing discussions were to follow. He said that this is a complex issue, and there is tremendous competition for events at the golf course. It is very difficult and they have to be selective to protect the integrity of the operation.

Mr. Ballantine confirmed that Columbus day is October 11<sup>th</sup>, this year, so they had proposed a week later. Mr. Smith confirmed.

Mr. Jason Laramee, on behalf of the Monomoy Athletic Boosters, said that everything Mr. Smith said is accurate, and it is not his intent on bringing this up that they do accommodate groups of all levels. He said that they had started the conversation last year and then the pandemic hit and it was a non-issue. Mr. Laramee explained that when you have a charitable event, there are many factors that go into the particular date. He said that once you find a date that works, you try and keep that date, otherwise the events tend to be less



successful, in his personal experience in the golf industry. He said that this is a Town owned golf course, and he understands that there are new factors and he is not taking light of any of that. However, at the meeting, one of the Board members talked about it being a glorious year and a record breaking year. He also understands the demand over tee times, but he did not think it was fair to compare a Monday in October, even though it is a holiday weekend, to the Memorial Day, or July 4<sup>th</sup>, holiday weekends. Mr. Laramee said that it is a Monday in October and it would be accommodating the biggest fundraiser that this group has. They have volunteers that are local business owners and this date works for them. They also have many student volunteers and another Monday, they would be in school, so they can't just pick another date. These are things they look at to have a successful event, and their goal is to have it locally. He said that normally it is an easy transaction and in theory it should be a win win for everyone involved to have a guaranteed event in October.

Mr. Laramee said that he was surprised when he first learned that it was not approved. He looked back to the meeting, although the minutes were not posted, he wanted to find out why the decision was made. He said that they talked about it being a business decision, but he thinks it is mindboggling that the two tournaments which were turned down, were there's and the local Chamber of Commerce event. It seemed odd that they would make that decision and not make it work for two local groups.

He said that it does not seem to make sense to be turned away and that they were told to pick another date or go somewhere else.

He said that the Chamber was able to go to Brewster, and they were able to find a private golf course that could accommodate them, but Cranberry Valley could not. He thinks that they should look at how things are being selected over there.

Ms. Cyndi Williams, Executive Director, Harwich Chamber of Commerce, said that she would like to speak, but also does not want to be thrown under the bus. She explained that due to COVID they had to think outside of the box on their Toast of Harwich fundraiser, which is their biggest fundraiser, and decided to try a golf tournament. She said that she had a lovely visit with Mr. Smith and also met with Mr. Greer. She said that she has been juggling a lot due to COVID herself, and she understood that it did not work to have it at Cranberry Valley. She said that although they would love to have been able

to have it in their own town, she understood, and was able to secure the date at Captains. She said that they support their golf course, and perhaps it would work next year. She said that they needed to do a fundraiser and that is the only reason they are not doing it in town. She said it was unfortunate, but she understood, and just had to move on.

Mr. Ken Dickson requested to speak. He commented that he had sent many emails to both Mr. Powers and Mr. McManus, and neither of them had responded to him. He said that he has attended nearly every meeting of the Golf Committee this year, and said that the members are very committed and do a great job. He said that the committee had voted unanimously on two occasions not to allow outings on holidays, as it hurts the income of the course. He supports the committee's position and he feels that the Board of Selectmen should as well. He said that there are no bad charities, and he understands that they help several with their outings. He feels that if the Board of Selectmen chooses to overrule and embarrass the golf committee, by allowing an outing on a holiday, he hopes they are charged the full green fees to be paid, with no discounts. He asked, why should the course lose money? He said that it is the responsibility of the Board of Selectmen to put the best interest of the Town first; not their favorite charities. He hopes that they will honor the work and wishes of the Golf Committee. Mr. Dickson said that the Golf Committee puts a lot of work into this and that he has been at every meeting over the past year.

Mr. Roman Greer, Golf Director, said that when they entered into this discussion, they were not intending to not accommodate the Monomoy Athletic Booster, they still wanted to accommodate them. However, they did not feel it was the best use of the golf course on that holiday. He said that the participation numbers are the lowest for any shotgun event that they hold. The block of tee times that it takes up, would normally accommodate 132 golfers. Mr. Greer said that they did not want to take them off the calendar, but to move them to the following Monday, which would make more sense on their calendar. He said that the youth groups they do in the summer are not shotgun events, they are afternoon blocks of tee times and not a good comparison.

Mr. Smith said that Mr. Laramée's points are well taken and it is emotional. They do great things, but the bottom line is they are involved in a business on behalf of the town. He also said that with the Captain's course, they have two 18-hole golf courses which gives them more flexibility. Mr. Smith said that for better or worse, the Golf Committee made a decision based on what was

best for the Town. They are an advisory group and as Mr. Howell had mentioned about the town charter, they understand that, and ultimately it ends with the Board of Selectmen. He said that the olive branch is out there, and they could further discuss it with alternate accommodations.

Mr. Jack Connolly said that he just wanted to offer something that influenced his decision. He said that that due to COVID, the demands have skyrocketed and basically this past year, annual passholders have not been able to get a tee time. He said that his vote was influenced by that, and to help the people paying for the course to get tee times. He said that Columbus Day is still a busy popular day at the course.

Mr. Paul White said that he wanted to indicate that as they approached the issue, they did it very carefully and would not want any member of the public to think that they did this swiftly or without thought. He said that they do respect the work the boosters do, and he would hope that there would be an alternate way to accommodate them. They are proud of the course and the condition of the course, and he stands by the decision they made.

Mr. McManus said that he is the liaison to the Golf Committee, and Mr. Smith had been in contact with him about what they were doing last Fall, and had indicated their decisions. He thought they went through a rigorous process and that the decisions were sound for the interest of the Town. He said that he will continue to support the decisions that they made. Mr. McManus apologized to Mr. Dixon, if he had not responded, but said he went through his emails and had not found an email from him, but will continue to look.

Mr. Howell said that he loathed to pull the rug out from under Committees, unless it is really needed. He asked about swapping out the potential for the 130 tee times and what the real number was over the past few years.

Mr. Smith said that is just the potential and that it is just predicated on the tee time allocation based on the spacing between tee times. He said that is 5 ½ hours when you do the math, it comes to the 132, so that is where that number comes from.

Mr. Howell asked what actual use was over the past several years? Mr. Laramee added in that it had rained over the past few years.

Mr. MacAskill said that he does not think they are getting anywhere, and perhaps they should consider bringing this back. He said that the only things he has heard from Mr. Smith, is that it is a business, they are doing a business for the Town, COVID, Skyrocketing, can't get tee times, and increased golf demands. He said that he wants to make sure they are not losing sight of what is important to this Town.

Mr. MacAskill said that there have been news articles and emails about the demand for tee time and he thinks that the Committee and Golf Director has done a great job. However, he does not want to see them lose perspective of the Booster and the kids, the Chamber, and the important things to the Town. He said that he has more questions and he will send them by email. He said that he would like to know more about what tournaments are approved and what they are doing for kids, specifically kids of Harwich. He said that he is not trying to say that they are not doing anything, but when they have concerned residents and people calling them, it needs to be brought forward. It is their duty and he does not feel bad about that. Mr. MacAskill said that he does not see the Board changing the decision tonight, but they should bring it back. He would like to ask the Board, what is important to the Town and as much as it is a business, it is also a Town owned golf course and the whole town should reap the benefits of this golf course. He thanked the Golf Committee for the work they put into their decision, but he will forward along his additional questions.

Mr. Howell said, so they did not misunderstand what he was saying, he could be persuaded either way. He said that he looks forward to Mr. MacAskill's additional questions and that they should address what Mr. MacAskill is asking. It is not a business, it is tax payer money.

Mr. Ballantine said that he does not think anyone thinks it is just a business, and that they are considering the Town. However, he said that they can ask the questions and asked what the timing would be.

Mr. MacAskill said that he would support the Golf Committee on this decision, because it has already been made. However, he would like to know more information about what is being done for the youth in this town. He thinks that maybe they should consider reducing the use by out-of-town people, but that is a further conversation. He said that residents are not happy about not being able to use it, and also the Chamber and Booster Clubs should not have to go elsewhere.

Mr. MacAskill moved that they stand by the Golf Committee decision not to allow the event on that date this year. Seconded by Mr. McManus.

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

Mr. MacAskill and Mr. Ballantine thanked Mr. Laramée for bringing this to them, and for his presentation. They said that they heard and appreciated what he said.

## **NEW BUSINESS**

- A. Discussion and possible vote to approve and sign proclamation request from Karen L. Shores, daughter of Janet Marie (Pye) Porter and Stanley Dean Porter, Jr.

Mr. Ballantine explained that he had heard from this family and their request to recognize their parents, Janet Marie (Pye) Porter and Stanley Dean Porter Junior, that are coming up on their 70<sup>th</sup> wedding anniversary. He read a proclamation that was put together from their information and he is hoping they can vote on a motion.

Mr. MacAskill moved that they accept the proclamation for Janet Marie (Pye) Porter and Stanley Dean Porter Junior. Seconded by Mr. Howell.

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

- B. Discussion and possible vote to approve the Assistant Town Administrator's recommendation to grant permission to NSTAR Electric Company to install four 6'x10'x 8' manholes labeled as 10218/045, 10218/035, 10218/025 and 10218/015. As well as, to request permission to locate underground cables, conduits and manholes, including the necessary sustaining and protecting fixtures, in, under, along and across Lothrop Avenue, Harwich as documented in Eversource Energy Work Order # 4706478 dated March 1, 2021 and subject to conditions from staff. This work is necessary to improve system reliability for area residents.

Mr. Powers said that this was the Assistant Town Administrator that was sitting in his stead, as has been the practice in the past. He said that he would recommend that the Board approve this request, subject to the staff recommendations. That would be first that they, Eversource, finalize the process through the Conservation commission and that the comments from their Roads Manager, Chris Nickerson, also be incorporated into the approval.

Mr. MacAskill moved that they approve the Assistant Town Administrator's recommendation to grant permission to NSTAR Electric Company to install four 6'x10'x 8' manholes labeled as 10218/045, 10218/035, 10218/025 and 10218/015. As well as, to request permission to locate underground cables, conduits and manholes, including the necessary sustaining and protecting fixtures, in, under, along and across Lothrop Avenue, Harwich as documented in Eversource Energy Work Order # 4706478 dated March 1, 2021 and subject to conditions from staff, as presented. Seconded by Mr. Howell.

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

C. Discussion and possible vote to assign 2021 Annual Town Meeting Articles to members of the Board of Selectmen for their review

Mr. MacAskill moved that they vote to assign 2021 Annual Town Meeting Articles to members of the Board of Selectmen, as presented by Chairman Ballantine. Seconded by Mr. Howell.

Mr. Howell said that the item in question had to do with him taking on the responsibility for speaking on behalf of the evolving funds article. He said that he does not agree with the versioning of the evolving funds. Also, they have to have a discussion this coming year about where they are going with it, because it is getting out of control. He said that whatever these lists are, especially since so many people have been rolling into town, they need to understand the assignments, and they do not always talk, if they are not needed. He added that anyone on the Board of Selectmen can speak about the articles.

Mr. MacAskill said that he would ask that they post this, and each Board member get a fresh email with what the assignments are. He also asked that it gets posted on the town website, so that residents know which Board members they may have questions for, ahead of Town Meeting.

Mr. McManus said that there was one article that was not assigned and he would like to have that assigned to him. Mr. Ballantine confirmed.

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

- D. Discussion and possible vote to authorize the Chair to sign the 2021 Annual CC-213 Recertification of the Community Rating System (CRS)

Mr. MacAskill moved that they vote to authorize the Chair to sign the 2021 Annual CC-213 Recertification of the Community Rating System (CRS). Seconded by Mr. Howell.

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

- E. Discussion and possible vote to authorize the Chair to sign the Eversource Schedule Z Form for Net Metering Service

Mr. MacAskill moved that they authorize the Chair to sign the Eversource Schedule Z Form for Net Metering Service. Seconded by Mr. Howell.

Mr. MacAskill asked if Mr. Powers could provide a brief explanation on what Net Metering services is. Mr. Powers said that the agreement would authorize the Town, through the Golf Department, to send excess power generated from the solar at the golf course, to other Town utility accounts.

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

- F. Discussion and possible vote to approve the donation and installation of the Guild of Harwich Artist's "Mystery Painting Puzzle" at the Cultural Center

Mr. MacAskill moved that they vote to approve the donation and installation of the Guild of Harwich Artist's "Mystery Painting Puzzle" at the Cultural Center. Seconded by Mr. Howell.

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

G. Discussion and possible vote to approve the following establishments to continue use of their Expanded Outdoor Table Service which was previously approved in 2020

Mr. Powers said that they received additional requests after the agenda was posted that they will hear at their next meeting.

Mr. MacAskill said that these requests are for the continuation of the expanded outdoor tables services, which was provided as part of the COVID relief efforts to the businesses, and the Board of Selectmen went above and beyond, and really allowed for some expansion. In the packet is the requests for each of the establishments. He said that it looked like the Lanyard and Ember had already put up their expanded table service. He said that this is a privilege, not a right, and this was the Board of Selectmen reacting to COVID and giving back to their business. Mr. MacAskill said that he has looked at them and read the times, and he would like to get the Police Chief's nod on if there was any trouble or concerns as he reads them.

1. 400 East – 1421 Route 39

Mr. MacAskill moved that they approve the 400 East – 1421 Route 39, Expanded Outdoor Table Service, as approved in 2020, with all previous restrictions recorded. Seconded by Mr. McManus.

Mr. Howell expressed his concern over approving blanket approvals for establishments, with the fluid changes that are coming in from the Governor. He said that if they get to 100% seating, he does not want to see these establishments where they just feel it is a right for auxiliary seating. He does not think that other boards are going to be doing that, and at some point this is going to be over. He is not sure if there is a need to do this for another year.

Mr. Powers said that this process, and this allowance, ties back to an order by Governor Baker in 2020. He said that this order has not changed at this point, but it had stipulated that all expanded premises approved under the Governor's order, are only effective through 60 days after the end of the



State of Emergency and would revert back to their original license premise on that date. All parties have been advised that there is an end date, should the State of Emergency end, plus 60 days. If they get any further explanation, they would get that to the Board and to the general public.

Mr. Howell asked that this be clearly defined in their motion. Mr. Powers asked if the Board could make reference to the dates listed in the application or the 60 days post end of State of Emergency, or as early as August 1<sup>st</sup>.

Mr. MacAskill and Mr. McManus removed their motion and second.

Mr. MacAskill moved that they approve the continued use of the Expanded Outdoor Table Service, previously approved for 2020, for 400 East – 1421 Route 39, with the dates specific in their application or in conjunction with the Governor’s order 60 days after the State of Emergency is lifted, or whichever comes first. Seconded by Mr. McManus.

Chief Guillemette stated that they have had no problems with the 400East.

Mr. Ballantine asked if there was any public input, there was not.

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

2. Cape Sea Grille – 31 Sea Street

Mr. MacAskill moved that they approve the continued the use of the Expanded Outdoor Table Service, previously approved for 2020, for Cape Sea Grille – 31 Sea Street with the dates specific in their application or in conjunction with the Governor’s order 60 days after the State of Emergency is lifted, or whichever comes first. Seconded by Mr. McManus.

Mr. Ballantine asked Chief Guillemette if there are any issues with this application. Chief confirmed there was no issue with Cape Sea Grille.

Mr. McManus said that he just wanted to note, that in setting the dates that they are effective, if it does run through the Governor’s declaration of Emergency, on the 61<sup>st</sup> day, if they have not dismantled their expanded

outdoor seating, they would be in violation of the liquor license and subject to all hearings that may require.

Mr. MacAskill said with that he would like to not read the lengthy movements and once it is lifted they have 60 days. Mr. Howell would like it included in each of the motions for the minutes.

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

3. Capeside Kitchen – 537 Route 28

Mr. MacAskill moved that they approve the continued the use of the Expanded Outdoor Table Service, previously approved for 2020, for Capeside Kitchen – 537 Route 28, with the dates specific in their application or in conjunction with the Governor’s order 60 days after the State of Emergency is lifted, or whichever comes first. Seconded by Mr. McManus.

Chief Guillemette said there were no issues. No other comments.

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

4. Ember Pizza – 600 Route 28

Mr. MacAskill moved that they approve the continued the use of the Expanded Outdoor Table Service, previously approved for 2020, for Ember Pizza – 600 Route 28, with the dates specific in their application or in conjunction with the Governor’s order 60 days after the State of Emergency is lifted, or whichever comes first. Seconded by Mr. McManus.

Chief Guillemette stated that they have had no problems with Ember Pizza for noise complaints or issues with the expanded outside seating.

Mr. MacAskill said that it appears that the outdoor seating is already set up. He said that he is not sure if the site plan has been updated with the

Town, but he would ask that they understand that this is not a right, and something that they should ask the Town first.

Mr. McManus said that anything that has changed in their layout, they should update the sketch that was submitted.

Mr. Raymond Tomlinson, Attorney, said that Ember owns that property, and they do not have the ability to store picnic tables and they were left out all winter long. He said that they have only been opened outside for three days and have limited their seating to the patio, which is reflected in the offset seating plan. While those tables are out there, they just were not stored for the winter.

Mr. Bob Nickerson said that they should approve the seating for Ember. He said that they have not extended the seating, they just put a fence instead of a rope, and they did a good job last year, and hopefully they will again this year.

Mr. MacAskill thanked Attorney Tomlinson for the answers, and told him that they are just trying to be consistent, and to make sure that they are getting updated diagrams if things have changed.

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

5. Lanyard Bar and Grill – 429 Route 28

Mr. MacAskill moved that they approve the continued the use of the Expanded Outdoor Table Service, previously approved for 2020, for Lanyard Bar and Grill – 429 Route 28, with the dates specific in their application or in conjunction with the Governor’s order 60 days after the State of Emergency is lifted, or whichever comes first. Seconded by Mr. McManus.

Chief Guillemette said that they had no issues.

Mr. Powers said that they requested service beginning April 1<sup>st</sup>, however, April 28<sup>th</sup> would be the soonest that it could happen, post vote.

Mr. MacAskill added that it begin April 28<sup>th</sup> to his motion, seconded by Mr. McManus.

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

6. Mad Minnow – 554 Route 28

Mr. MacAskill moved that they approve the continued the use of the Expanded Outdoor Table Service, previously approved for 2020, for Mad Minnow – 554 Route 28, with the dates specific in their application or in conjunction with the Governor’s order 60 days after the State of Emergency is lifted, or whichever comes first. Seconded by Mr. McManus.

Chief Guillemette said that there were no issues.

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

7. Seal Pub – 703 Main Street

Mr. MacAskill moved that they approve the continued the use of the Expanded Outdoor Table Service, previously approved for 2020, for Seal Pub – 703 Main Street, with the dates specific in their application or in conjunction with the Governor’s order 60 days after the State of Emergency is lifted, or whichever comes first. Seconded by Mr. McManus.

Chief Guillemette said that the log reflects two incidents of noise complaints, however, it does not appear to be in regards to outside seating, but due to doors or window being left open.

Mr. MacAskill asked what would trigger that to come to the Board of Selectmen. Chief Guillemette said that typically it would be handled by the Police Department and they would send a memo to the Board of Selectmen, if needed.

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

8. Three Monkeys Street Bar – 554 Route 28. Suite B

Mr. MacAskill moved that they approve the continued the use of the Expanded Outdoor Table Service, previously approved for 2020, for Three Monkeys Street Bar – 554 Route 28. Suite B, with the dates specific in their application or in conjunction with the Governor’s order 60 days after the State of Emergency is lifted, or whichever comes first. Seconded by Mr. McManus.

Chief Guillemette said that there were no issues.

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

9. The Port Restaurant and Bar – 541 Route 28

Mr. MacAskill moved that they approve the continued the use of the Expanded Outdoor Table Service, previously approved for 2020, for The Port Restaurant and Bar – 541 Route 28, with the dates specific in their application or in conjunction with the Governor’s order 60 days after the State of Emergency is lifted, or whichever comes first. Seconded by Mr. McManus.

Chief Guillemette said that he has concerns with the Port, regarding expanded outside seating, as he reflected in his email. They have had multiple noise complaints and a number of correspondence from neighbors who live nearby. He said that there have been many noise complaints after 10:00 pm and closer to closing, which is very concerning to neighbors.

Mr. Joe Ganley said that he agrees with Chief Guillemette’s characterization and said that he lives across the street from that parking lot. He said that he has submitted a lot of information to the Board detailing his experience with this establishment. He also noted that they have a hearing planned for next Tuesday to discuss issues related to this

establishment. He said that the expansion of outdoor table service for this establishment was a game changer in terms of noise, and not in a positive way. He said that the crowd noise was unbearable at times. He said that he agrees that this is a privilege, and one that this establishment abused that privilege last year. He asked the Board to at least postpone the approval for this outdoor footprint until after the hearing next week. He believes that the testimony that they will hear at next week's hearing will be relevant to this.

Mr. Ballantine noted that they are different topics, this one and the hearing next week.

Mr. Howell said that he tends to agree with Mr. Ganley and that it is premature and waiting seven days would not be an onerous problem for the owner. He said that they cannot rescind this, and they can easily approve this in seven days without any great harm, if they decide to.

Mr. Nickerson also commented, that he does not believe the Board of Selectmen can vote on this considering what happened last year. He said that he supported Ember, but he is not sure why they did not do a better job here. He commented the videos that have been seen and said that he would appreciate them not approving this.

Mr. McManus said, based on comments that have been made, he would like to table this matter until the meeting on April 10<sup>th</sup>.

Mr. MacAskill said that he does not think they need to change the motion. There is a positive motion out, and said that the members can vote for or against it. He said that he does have some concerns and has received a lot of phone calls about this particular location, not related to entertainment. They had approved the tent and he does not think that they grasped it would take over the entire parking lot. They also had moved into the parking lot for something else, and effectively this business now has no parking. He said that if they go back through the other businesses that they approved tonight, they all have parking. He said they were told to include jersey barriers and a means to get deliveries without a truck blocking a road. This business is asking us to allow them to get rid of their parking, and now all parking for this establishment has to happen someplace else, including employees. That is not what this was approved on. He said that he also agrees with Mr. Ganley's comment about the increase of noise and they

have received several complaints. Mr. MacAskill said that they did give a pretty long latitude for people to extend their outdoor seating, however, he does not recall allowing anyone to add a shed, or a menu platform. He said that perhaps the attorney can add some answers to why the extended service needs to include the parking lot.

Mr. Tomlinson said that he does want to address some of the comments that the Board has made. In particular he is not aware of the videos that Mr. Nickerson referenced seeing from last summer. He said that the many complaints that were mentioned by the Chief, have not been relayed to the licensees. He also noted that he does not believe Mr. Ganley is a resident of Harwich, and they are here to only hear concerns from residents. He also said that it appears that there have been many communications with the Board, but there has been no notice to the licensees about those communications and he is at a loss to speak to those, when he was not afforded that notice. He thinks it is inappropriate for the Board to delay voting on this, when they have approved various other locations that lack parking or access for deliveries; such as Three Monkey, Perks, Cape Sea Grille, Mad Minnow. None of those locations offer parking or delivery and all use the street, in fact Perks uses Route 28. Mr. Tomlinson said that the Governor's executive order permitted this, and he can appreciate this being a privilege not a right, but he said it is an executive order which limits the Board's ability to condition that privilege. He does not believe it is appropriate to delay the vote in favor of this.

Mr. MacAskill rebutted some of Mr. Tomlinson's comments, and reminded him that this is a public meeting, not a public hearing.

Mr. Powers said that he wanted to put on the record about the Board's rights under the Governor's order, and reminded the Board that the actions this evening are for expansion of outdoor table service and comports with the Governor's Order Number 50, which states; "Before approving any request made under this Order or extending a prior approval issued pursuant to Section 4 of COVID-19 Order No. 35, a city, town, or LLA deems proper and appropriate including, without limitations, modifying the terms of an earlier granted approval to address potential issues with snow removal, pedestrian traffic, or similar concerns." He said that he would argue on behalf of the Board that they can modify these requests through the actions that they are taking this evening, and that is supported by Governor Baker's order #50.

Mr. Howell said that he wanted to mention at least two things, if they are not going to wait until next week. The first, is that regardless of what the Attorney is saying, he does not care if it is a permanent structure or not, it occupies parking spaces, and that is not covered under the Governor's order. It is not for the purpose of serving food, and moreover, originally there were no outside bars and now there are two. He also is surprised that Mr. Tomlinson mentioned not knowing about the videos, because their own Instagram account advertises the Nauti Bar, and all the activities that they are talking about tonight. He really thinks this should have been part of the conversation next week, but he inexplicably has tried to know how this has grown without the authority granted by the Board of Selectmen. He said that the Board of Selectmen never knew that the structure was going to be plunked into the parking lot. The Planning Board had approved parking spaces based on the capacity of the building, and he does not know anything in the Governor's order that they can put ancillary activities in conjunction with eating out there. He said that he will not vote on this tonight.

Mr. Ballantine said that they had a motion and should vote on it, even if they all wish to vote no.

Mr. Tomlinson said that the shed that is located outside, does not occupy any parking spots, it is on earth and land. Also, he said that there is only one bar outside, just the one that was permitted by the Town.

Mr. Ballantine said there is enough input on this to move forward.

Mr. McManus said that this is a public meeting and they routinely take any public comments, from any member of the public that has a reasonable responsible comment to make. He said that there is no residency requirements, it is open to all of the public.

Mr. Ganley thanked him for saying that and said that he is a resident.

**Roll Call Vote: Mr. Ballantine - No, Mr. Howell - No, Mr. McManus - No, Mr. MacAskill - No. Motion did not carry by unanimous vote.**

Mr. MacAskill clarified that right now, they have denied the expansion of outdoor table service to the Port.



## 10. Castaways – 986 Route 28

Mr. MacAskill asked if Castaways had requested for outdoor expansion last year?

Mr. Powers said that they did apply in 2020 for the expansion and submitted all requirements.

Mr. MacAskill moved that they approve the continued the use of the Expanded Outdoor Table Service, previously approved for 2020, for Castaways – 986 Route 28, with the dates specific in their application or in conjunction with the Governor’s order 60 days after the State of Emergency is lifted, or whichever comes first. Seconded by Mr. McManus.

Chief Guillemette said that there were no issues with Castaways.

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

## H. Discussion and possible vote – 2021 Annual Common Victuallers License Renewal

### 1. Capeside Kitchen - 537 Route 28, Suite 1G – Pending Building Department Approval

Mr. MacAskill moved that they approve the 2021 Annual Common Victuallers License Renewal for Capeside Kitchen - 537 Route 28, Suite 1G, pending Building Department Approval. Seconded by Mr. McManus.

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

## I. Discussion and possible vote – 2021 Seasonal Common Victuallers License Renewal

### 1. Sundae School Inc. DBA Sundae School Ice Cream – 606 Route 28

Mr. MacAskill moved that they approve the 2021 Seasonal Common Victuallers License Renewal for Sundae School Inc. DBA Sundae School Ice Cream – 606 Route 28. Seconded by Mr. McManus.

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

Mr. Ballantine commented that Mr. Howell may have left the meeting, due to pain from knee surgery.

J. Discussion and possible vote – 2021 Seasonal Entertainment License Renewal

1. Sundae School Inc. DBA Sundae School Ice Cream – 606 Route 28 – Weekday 11AM – 10:30PM and Sunday 11AM – 10:30PM – Recorded music and antique nickelodeon inside

Mr. MacAskill stated that he felt that they need to be consistent and they approved the nearby establishment for entertainment only until 10:00 pm. He said that he feels that they need to be consistent, even though it is a difference between ice cream establishment and restaurant. He said that they should have the same end time for entertainment.

Mr. Nickerson said that he lives across the street and has never heard music there, and it may only be for inside.

Mr. Ballantine said that they will hold this until next week for clarification.

Mr. Tomlinson asked about procedural requirements for reapplying following tonight’s decisions and comments. Mr. Powers said he was not able to answer the questions. Mr. Ballantine said that anyone is able to re-apply.

## OLD BUSINESS

- A. Discussion and possible vote to reconsider the Board’s position on Article 36 –Sand Pond Revitalizations Project- on the 2021 Annual Town Meeting Warrant

Mr. Powers explained that, as they are approaching Town Meeting, Article 36 is a community preservation article for the Sand Pond Revitalizations Project. He said that when the Board of Selectmen first entertained this matter, they were motivated in part because at that time, the Finance Committee had voted indefinite postponement. However, the Finance Committee has reconsidered their action and recommended approval of it. Mr. Powers said that he was asked to make the Board aware of this, so it is presented this evening. He said that the Board may wish to take any action on their recommendation, up to, and including, reconsideration of indefinite postponement.

Mr. John Mahan, Chairman, Recreation & Youth Commission, said that he knows there has been a lot of discussion about this, and they just wanted it to be clear that they are not trying to make Sand Pond like Bank Street. He said that two years ago they went before Town Meeting for a CPC request for the new handicap ADA bathrooms there and this is just the next step to spruce it up a little bit. He has heard talk that they do not need another playground, and said that this is not a playground, but three pieces of equipment, two spinners and a swing set. He said that this would replace the broken fence and take down dead or diseased trees and removal of the dilapidated boat house, which is beyond repair. There is no plan to bring swimming lessons back there or to pave the parking lot. Mr. Mahan said that they have had positive responses to revitalize this.

Mr. MacAskill asked if he could go over the numbers. Mr. Mahan said that the project request is for \$83,500, but apologized that he did not have a breakdown that he could share.

Mr. MacAskill said that if they need to do an addenda for the warrant to go to Town Meeting, he would like to see the breakdown of cost. He said that based on what Mr. Mahan said, this seems like a big expense and a controversial playground topic.

Mr. Powers said he could acquire the original application that was sent to CPC, if they would like. He said that they also had the draft motions meeting this morning, and there was a positive motion that will be made by the Finance Committee on behalf of CPC. Therefore, the motion for indefinite postponement would have to be made separately.

Mr. Ballantine said that he has also received emails with concern about destroying natural areas with a playground, which Mr. Mahan refuted, and

also answered his concern about the swim lessons, but he agreed the cost seems high for minimal work. He said that he thinks the concern is to leave it as natural as possible, and he would like to get it reinforced.

Mr. MacAskill said that it is going to Town Meeting, and it just does not have a positive motion from Board of Selectmen, but it is going to vote. He thinks that what Mr. Mahan is looking for is for the Board of Selectmen to endorse it.

Mr. Mahan said that is correct, and to let it be decided at Town Meeting on Saturday.

Mr. Ballantine asked if Mr. Powers has that.

Mr. Powers shared the breakdown of the cost: Picnic tables - \$4812, Boathouse demo/removal \$5000, Swing set \$7,120, Topsy Turner Spinner, \$8,544, Omni Spinner \$12,234 and playground surfacing \$26,000, landscaping \$5,000 and project contingency on total \$10,873.

Mr. Mahan said that it is pretty straight forward and as they can see the playground is a big part, because it is a new area and it requires ADA compliant playground resurfacing, which is the big chunk at \$26,000.

Mr. MacAskill said that he just wanted to mention that 2/3 of this cost is the playground. He said that they are looking to build a very expensive playground at the elementary school, which is open to the public and they have an expensive playground at Brooks Park. He said that they have not voted against any project related to the Recreation Commission since he has been on the Board. However, the complaints that he has been getting about Sand Pond, and if they are going to remove a small shed for \$5,000, that is a gross mispending when Mr. Hooper could do that with two bucket loads. Mr. MacAskill said that what it really comes down to, is if they want a playground at Sand Pond or not. Some people do and some don't and it will go to Town Meeting for a vote. He said that what he has heard is parents that bring their kids there, are concerned that they will have kids in the water and kids at the playground, and they will not be able to watch them both. He said that is a legitimate concern. He does not think this is a good spend of tax payer's dollars.

Mr. Mahan said that the playground at the Elementary School will not be open to the public when school is open, and also explained that the shed is more than just a small shed, and is a pretty big building. They received that bid and was not just something that they made up. He said that the Rec Commission did a survey, and one of the things at the top of the list was recreational opportunities in other areas of town. That is one of the reasons they are pursuing this.

Mr. Sandy McLardy, resident, said he had a question, if the bathrooms were phase 1 and playground phase 2, he asked if there were additional phases being considered? Mr. Mahan said not that he is aware of.

Mr. McManus made a motion for reconsidering the Board's position on Article 36 –Sand Pond Revitalizations Project- on the 2021 Annual Town Meeting Warrant. Mr. Ballantine seconded it, for a vote.

**Roll Call Vote: Mr. MacAskill - No, Mr. McManus - Aye, Mr. Ballantine - No. Motion did not carry at a vote of 1 - 2 - 0.**

B. Ongoing discussion – Comprehensive Wastewater Management Plan (CWMP)

a. CWMP Revision - Update Discussion

Mr. Dan Pelletier, Superintendent, Water Department, said that they have been speaking with GHD on all matters wastewater recently, including CWMP, and have discussed a plan for how to consider moving forward. He turned it over to Mr. Kleekamp to go over the details.

Mr. Russ Kleekamp, GHD Consulting, said that regarding the CWMP, he understands that the Town wants to make some modifications. He said that going forward that is a process that has defined steps to it, and they would really need to know what the changes and the modifications are. They did go through the CWMP and highlighted things that they felt were worthy of a second look; such as, the financing plan, evaluation of the IA systems, and public engagement. However, he said, there are two things they would recommend moving forward with before issuing a scope of work for a change to the CWMP. The first is a meeting with MEPA (Massachusetts Environmental Policy Act),

which is required when you do a notice of project change. Also, to host some public engagement, so they can get some understanding from the residents. He said that once they get the feedback from those two items, they would be very happy to issue a revised scope of work and what that work would entail moving forward.

Mr. Ballantine asked what was their idea of timing? Mr. Griffin Ryder, Town Engineer, said that they have been working with GHD weekly if not more often and the hope is to move this forward and keep the momentum. He said that the MEPA meeting could happen in short order, and that is an important first step. He said that GHD has done a thorough review of the CWMP, and they have the material to have the meeting with MEPA. He said it would also be in the best interest of the Town and residents to have a workshop, which could be lengthy and include both topics or break it into two meetings.

Mr. Ballantine agreed and said that the timing is critical. Mr. MacAskill asked why they aren't moving forward now and asked what is needed to move it forward? Mr. Ballantine said he thinks they just need a consensus. Mr. MacAskill said that he is in, same with Mr. Ballantine. Mr. McManus also supports moving forward.

Mr. Ryder said the next step will be to work on scheduling with the Board of Selectmen.

Mr. MacAskill said he thinks multiple meetings make more sense, otherwise you tend to lose people's interest. He said that he supports multiple meetings and things that the Board of Selectmen should have a conversation sooner than later on how residents would want to be educated on this.

Mr. Ballantine said that he agrees!

Mr. Kleekamp said that they have some very specific items, to have a thorough conversation on each topic, and he agreed that separate meetings is a great idea.

Mr. MacAskill asked about how Mr. Kleekamp gets paid, if it goes above the current contract? Mr. Kleekamp explained that most of what is being done falls under building the relationship with the Town of

Harwich. He said that they do have a small on-call contract, not to exceed \$5,000, for times that they have to publish a memorandum or larger items with contractual backing.

Mr. Ballantine asked Mr. Pelletier if he had anything to add and if they received enough direction for tonight.

Mr. Pelletier said he would just throw in one comment, he said that the thought for tonight with respect to this process and the MEPA conversation, was really just for transparency as they continue forward with wastewater. He said that they may come more frequently with shorter conversations, and that is really just to keep them in the loop with what is going on.

Mr. MacAskill moved that next time they should be sure to have this earlier in the agenda.

Mr. McLardy said that he wanted to mention that Mr. Kleekamp and his boss had met with him and his wife, and said that they appreciated his time. He said that they are in good hands, and that GHD went out of their way to hear his concerns.

## C. GHD SewerCAD Modeling Update

### a. Pump Station Discussion and Site Review

Mr. Ryder said this is different than the CWMP, and that the pump station review is under the sewerCAD contract. Citing these pump stations is the backbone of the sewerCAD modeling that is going to be done, and will need to be done timelier because the modeling will help inform the CWMP. He said that they have reviewed this with Mr. Kleekamp and feel comfortable with the locations, but they want to make sure the Board and public are on board with that. He said that the pump stations define where everything is going.

Mr. Kleekamp said they have approximately 30 pump station locations, and they have that uploaded on Google Earth. He said that if they have approximately an hour at a dedicated meeting, they could go through each one. He said that it does all start with the pump stations, and they

would not want to get to the end and have to start over. This is a great first step to do, and will define the back bone of the sewer system.

Mr. Powers will work with the Board at the next meeting to discuss scheduling.

#### D. Update on Halls Path

Mr. MacAskill said that Mr. Powers was on vacation last week, but he did have a conversation with Attorney Shirin Everett, KP Law, related to the first lifting of the Cease and Desist. He said that Ms. Everett knows that she cannot speak to the other attorney unless approved by the Board of Selectmen. He said that he had a good debriefing with Mr. Powers today, and they agreed to meet at the end of the week. They had a decent strategy session about what had happened and Mr. Powers will gather some information. Mr. MacAskill said that he also spoke with Attorney John Giorgio, Chief Counsel, KP Law, to let him know what they were doing and, Mr. Giorgio said that he will do a fact finding mission on their end and said they had some talented attorneys working for them that could assist. Mr. MacAskill said that the road is being heavily traveled and residents want to see what they are talking about, but it is becoming a throughway from Pleasant Bay Road to Route 137. He said that they should consider adding speed bumps to try and slow traffic. He asked the Board of Selectmen to support Mr. Powers in having a discussion with the DPW, Police and Fire regarding this.

Mr. Ballantine and Mr. McManus both provided their support and consensus to move forward with that.

Mr. MacAskill said that it is extremely important that the message stays the same and that the Board of Selectmen is directly involved in this, through the Town Administrator. He said that nothing else can happen out there, by anyone, including the building commissioner.

Mr. Powers said he would like to confirm this and appreciates the Board, and the manner they have taken this on. He said that they have invoked appropriate aspects of the charter, which is investigation of the actions. It is important that everyone understands this is a matter under consideration by the Board of Selectmen, through the Town Administrator. He said that people need to take confidence in that, and certainly allow him, with the direction of



staff, to raise the safety concerns with traffic and road repair. Mr. Powers said that he appreciates what has been said, and that it is clear and easy for him to perpetuate the correct messages.

## **TOWN ADMINISTRATOR'S REPORT**

Mr. Powers said he does not have a report at this time.

## **SELECTMEN'S REPORT**

Mr. MacAskill thanked the Board members and Mr. Powers and Ms. Eldredge. He said they are spending a lot of time together, and the dedication and the work the Town Administrator is doing. He said that it is easy to criticize them, but they are taking a lot of time due to the love and commitment of their town. He said that he appreciates the Board for how many hours they are taking on all of the issues.

Mr. McManus thanked Mr. MacAskill for his comments.

## **ADJOURNMENT**

Mr. MacAskill moved that they adjourn at 9:53 pm. Seconded by Mr. McManus

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

Respectfully submitted,

Lisa Schwab  
Board Secretary

# **NEW BUSINESS**



**HARWICH**Police  
DEPARTMENT  
183 Sisson Road, Harwich, MA 02645  
Tel 508-430-7541 Fax 508-432-2530

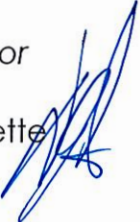


DAVID J. GUILLEMETTE  
Chief of Police

KEVIN M. CONSIDINE  
Deputy Chief

## Memorandum

**TO:** Board of Selectmen  
Joseph Powers  
Town Administrator

**FROM:** David J. Guillemette  
Chief of Police 

**DATE:** June 2, 2021

**SUBJECT:** Possible Over Service Incident at Seal Pub

In accordance with Town of Harwich Liquor License Regulations section 1.16 I would like to bring to the board's attention an incident of possible overserving at the Seal Pub. This is the second incident of a highly intoxicated individual stating they had been drinking at the Seal Pub. The two incidents occurred 7 days apart.

The attached incident report is for your consideration as to whether to hold a public hearing on the matter. Officers who were involved in the incidents and documented their findings will be made available for testimony if a hearing is deemed necessary.

For Date: 05/29/2021 - Saturday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>
21-6090	2326	Suspicious Person	Investigated

Call Taker: 4005 - PSD Telecommunicator JADE ROSS  
Primary Id: 181 - Patrol Supervisor Keith T Kannally  
Location/Address: IHAR 26861 SEAL PUB AND CAFE - 703 MAIN ST  
Calling Party:

Involved Party:

ID: 181 - Patrol Supervisor Keith T Kannally  
Disp-23:29:12 Enrt-23:29:14 Arvd-23:33:22 Clrd-23:44:36

Cleared By: 134 - Patrol Richard E Buttrick Jr  
ID: 120 - Patrol Supervisor Michael E Porter JR  
Arvd-23:37:59 Clrd-23:44:39

Cleared By: 134 - Patrol Richard E Buttrick Jr

Narrative: 05/29/2021 2329 PSD Telecommunicator JADE ROSS

Modified By: PSD Telecommunicator JADE ROSS  
Walk in was at the seal pub and when he left there was an ip individual in his truck. Rp thinks he got into the wrong vehicle and was unable to figure out which one they meant to get into and they were also unable to give an address for the RP to give them a ride home.

Narrative: 05/30/2021 0010 PSD Telecommunicator Kyleigh Sears  
G19 spoke with staff at the Seal Pub, male party was thrown out of the establishment earlier in the night. Staff to try and make contact with his friends.

Refer To P/C: 21-6090-AR

Refer To Incident: 21-6090-OF

This report submitted by Officer Keith T. Kannally regarding the placing of \_\_\_\_\_ into Protective Custody.

On Saturday May 29, 2021 at approximately 2326 hours I was dispatched to the lobby of the Harwich Police Station for the report of an intoxicated male in a vehicle parked in the department front lot. I arrived to the parking lot and spoke with the reporting party \_\_\_\_\_ who told me he and a friend were just at the Seal Pud in Harwich Center, when they returned to \_\_\_\_\_ vehicle they found and unknown male passed out in the back seat, \_\_\_\_\_ then drove to the Harwich Police Station. I was able to wake the male and place him in protective custody. The male, later identified as \_\_\_\_\_ was handcuffed (Properly sized and double locked) and escorted to the booking room, during the booking proces: \_\_\_\_\_ was able to call several friends who were unable to pick him up \_\_\_\_\_ was placed in male cell #1. During the booking process I asked where he had been drinking, he stated the Seal Pub, \_\_\_\_\_ was extremely intoxicated vomiting twice, once while in the reporting parties truck and again in booking.

Respectfully Submitted

#181

Officer Keith T. Kannally

Ref: 21-6090-OF

This supplemental narrative is by Officer Keith Lincoln regarding an attempt to locate friends of a male party, was last known to be with friends at the Seal Pub prior to being placed in Protective Custody.

On the morning of Sunday May 30,2021 at 0010hrs, I made contact with a staff member at the Seal Pub out in the front driveway entrance. There were two door staff out speaking with another patron, that they were trying to have leave the property. The tall thin male party that approached my cruiser stated, he was a bouncer for the Seal Pub. I told him we were trying to locate friends of another patron who was in protective custody at the station. The doorman stated, "is that the guy in red? We kicked him out earlier for being so drunk. I can go in and try to find his friends for you." I advised the doorman, we did need to speak to the friends and have them contact the station.

I also advised the doorman, it would be better to assist their intoxicated patrons to find a safe ride home versus sending them on their way unattended into the neighborhood. I explained to him, how his patron in red ended up in a strangers car vomiting and the dangers of him being alone intoxicated and vomiting.

This report is respectfully submitted by;

Officer Keith Lincoln #156  
Harwich Police Department

**OFFICE OF THE TOWN ADMINISTRATOR**

Phone (508) 430-7513

Fax (508) 432-5039

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

732 MAIN STREET, HARWICH, MA 02645



## Memo

To: Board of Selectmen

From: Joseph F. Powers, Town Administrator

CC: Meggan Eldredge, Assistant Town Administrator

RE: Vacation Carryover Request

Date: June 7, 2021

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Members of the Board,

According to the Finance Director's contract, up to two weeks' vacation may be carried over to the following year, subject to the approval of the Board:

*Section 7 - Leave Policy*

*The Finance Director/Town Accountant will be entitled to thirty (30) days of paid vacation for the remainder of the contract. A maximum of two (2) weeks' vacation may be carried over to the following year, subject to approval by the Board of Selectmen.*

Carol has requested to carryover 70 hours of vacation time from Fiscal Year 2021 to Fiscal Year 2022. A vote of the Board is required to complete this request.



**REQUEST FOR VACATION CARRYOVER**

DATE OF REQUEST: \_\_\_\_\_ 6/1/21 \_\_\_\_\_

REQUEST FROM: Carol Coppola

NUMBER OF DAYS OF VACATION REQUESTED FOR CARRYOVER FROM  
FY21 TO FY22 (per contract Section 7, subject to approval by the Board of  
Selectmen):

70 Hours

  
\_\_\_\_\_  
Finance Director/Town Accountant

\_\_\_\_\_  
Chairman, Board of Selectmen

\_\_\_\_\_  
Date





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

FORM #7

APPLICATION FOR LICENSE/PERMIT

PLEASE CHECK

ROAD RACE

CRAFT FAIR

OTHER

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

NAME OF BUSINESS Harwich Chamber of Commerce PHONE 508-430-1165

BUSINESS ADDRESS 1 Schoolhouse Road Harwich Port MA 02646

MAILING ADDRESS 1 Schoolhouse Road Harwich Port MA 02646

PLEASE STATE THE PURPOSE FOR WHICH LICENSE/PERMIT IS REQUESTED To continue the Wednesday music tradition that began over 25 years ago. 3 Bands played at various businesses scattered along 28 people stroll-enjoy dinner & shopping at local businesses.

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

DATE July 7 - August 25, 2021 - Port Summer Nights

TIME \* New time 5:00pm - 8:00pm \*

ROUTE/LOCATION Various - strategically placed along Route 28

(please use reverse side if necessary)

Cyrol Williams  
Signature of Applicant

Executive Director  
Title

01-218-4220  
Social Security Number of Federal Identification Number

Tax Exempt ID (for non-profit organizations)

Signature of Individual or Corporate Name

By Corporate Officer (if applicable)

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

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

x ASA 5/25/21  
Police Department Date

DocuSigned by: Ray Chesley 5/26/2021  
Building Commissioner Date

DocuSigned by: Eric Erik 5/26/2021  
Recreation & Youth Commission Date

DocuSigned by: Kathleen A O'Neill 5/26/2021  
Board of Health Date

x [Signature] 5/25/2021  
Fire Department Date

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

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For Office Use Only

FEE \_\_\_\_\_ CASH \_\_\_\_\_ CHECK \_\_\_\_\_

FOR \_\_\_\_\_

REVIEWED BY \_\_\_\_\_

DATE LICENSE ISSUED \_\_\_\_\_

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

**APPLICATION FOR ENTERTAINMENT LICENSE**

- Weekday Entertainment (\$75)  1 day (\$25)
- Batters Box (\$50)
- Go Carts (\$50)
- Miniature Golf (\$50)
- Trampolines (\$25)
- Theater (\$150 per cinema)
- Automatic Amusement:
  - Juke Box (\$100 each)
  - Video Games (\$100 each)
- New application
- Renewal
- Annual
- Seasonal
- Opening Date \_\_\_\_\_

Other Backyard Wedding  
July 31<sup>ST</sup> 2021

Business Name \_\_\_\_\_ Phone \_\_\_\_\_

Business Address \_\_\_\_\_

Mailing Address \_\_\_\_\_

Owners Name & Address Katherine McCoobery

Email Address \_\_\_\_\_

Managers Name & Address Same

**TIMES AND DAYS OF WEEK FOR ENTERTAINMENT (Please note this application does not cover Sundays. You can obtain a Sunday license application at the Selectmen's Office):**

\_\_\_\_\_

**ENTERTAINMENT TYPE: (Check all appropriate boxes)** July 31<sup>ST</sup> 2021

- Concert
  - Dance
  - Exhibition
  - Cabaret
  - Public Show
  - Other
  - Dancing by Patrons
  - Dancing by Entertainers or Performers
  - Recorded or Live Music
  - Use of Amplification System
  - Theatrical Exhibit, Play or Moving Picture Show
  - A Floor Show of Any Description
  - A Light Show of Any Description
  - Any Other Dynamic Audio or Visual Show, Whether Live or Recorded
- "Covid" Backyard Wedding & party for 15 people - family member will act as DJ for music and dancing*

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

\_\_\_ Yes       No

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

1. Describe in complete detail the extent of exposure during the performance and the nature of the entertainment: DJ with amplified music

2. Furnish additional information concerning the condition of the premises and how they are suitable for the proposed entertainment: Backyard, flat grassy area and a tent

3. Fully describe the actions you will take to prevent any adverse effects on public safety, health, or order: indoor bathroom access

4. Identify whether and how you will regulate access by minors to the premises: no minors will be attending

Days/Hours of Business Operation outdoor wedding ceremony & party 5pm - 10pm

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.

[Signature]  
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.

[Signature]  
Building Commissioner

[Signature]  
\*Board of Health

[Signature]  
Fire Department

[Signature]  
Police Department

\*comments: Attached

TENT PERMIT MAY BE REQUIRED



**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)

May 12, 2021

To whom it may concern,

Adherence to all current COVID-19 requirements and standards are required. Please contact the Health Department a minimum of two weeks prior to the event to discuss plan of compliance at either (508)-430-7509, or [Health@town.harwich.ma.us](mailto:Health@town.harwich.ma.us).

Sincerely,

Kathleen A. O'Neill, Sc.D., R.S.  
Health Director



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

**APPLICATION FOR ENTERTAINMENT LICENSE**

- Weekday Entertainment (\$75)  1 day (\$25)
  - Batters Box (\$50)
  - Go Carts (\$50)
  - Miniature Golf (\$50)
  - Trampolines (\$25)
  - Theater (\$150 per cinema)
  - Automatic Amusement:
  - Juke Box (\$100 each)
  - Video Games (\$100 each)
- New application \_\_\_\_\_  
 Renewal \_\_\_\_\_  
 Annual \_\_\_\_\_  
 Seasonal \_\_\_\_\_  
 Opening Date \_\_\_\_\_

SPECIAL PERMIT AS  
 Other PER BY LAW 189-16

Business Name CAPE FARM SUPPLY Phone: \_\_\_\_\_

Business Address 1601 FACTORY ROAD HARWICH MASS

Mailing Address SAME

Owners Name & Address LEO & ANDREA CAKOUNES

Email Address CRANBERRYPIG@COMCAST.NET

Managers Name & Address SAME

**TIMES AND DAYS OF WEEK FOR ENTERTAINMENT (Please note this application does not cover Sundays. You can obtain a Sunday license application at the Selectmen's Office):**

SAT. JUNE 26TH 2021 3:00 - 11:00

**ENTERTAINMENT TYPE: (Check all appropriate boxes)**

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

COVID - POSTPONE  
 DATES  
 Sept 18<sup>th</sup>  
 Sept 25<sup>th</sup>

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

\_\_\_\_ Yes       No

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

1. Describe in complete detail the extent of exposure during the performance and the nature of the entertainment: \_\_\_\_\_
2. Furnish additional information concerning the condition of the premises and how they are suitable for the proposed entertainment: \_\_\_\_\_
3. Fully describe the actions you will take to prevent any adverse effects on public safety, health, or order: \_\_\_\_\_
4. Identify whether and how you will regulate access by minors to the premises: \_\_\_\_\_

Days/Hours of Business Operation 3:00 after noon to 11:00 P.M.

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.

[Signature]  
Signature of applicant & title owner

\_\_\_\_\_  
Social Security # or Federal I.D. #

\_\_\_\_\_  
Signature of individual or corporate name

\_\_\_\_\_  
Social Security # or Federal I.D. #

\_\_\_\_\_  
Signature of Manager

\_\_\_\_\_  
Social Security # or Federal I.D. #

\_\_\_\_\_  
Signature of Partner

\_\_\_\_\_  
Social Security # or 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.

[Signature]  
Building Commissioner

[Signature]  
Board of Health

[Signature]  
Fire Department

[Signature]  
Police Department

comments:

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



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

### APPLICATION FOR ENTERTAINMENT LICENSE

- Weekday Entertainment (\$75)  1 day (\$25)      New application   
 Batters Box (\$50)      Renewal   
 Go Carts (\$50)      Annual   
 Miniature Golf (\$50)      Seasonal   
 Trampolines (\$25)      Opening Date \_\_\_\_\_  
 Theater (\$150 per cinema)  
Automatic Amusement:  
 Juke Box (\$100 each)  
 Video Games (\$100 each)      Other \_\_\_\_\_

Business Name Harwich Inn + Tavern Phone 617 947 7600

Business Address 77 Route 28 W Harwich ma

Mailing Address Same

Owners Name & Address James Tsoukalas

Email Address JPTsoukalas@verizon.net

Managers Name & Address \_\_\_\_\_

**TIMES AND DAYS OF WEEK FOR ENTERTAINMENT (Please note this application does not cover Sundays. You can obtain a Sunday license application at the Selectmen's Office):**

Sat 12-4pm 6/19 Extension of existing license

**ENTERTAINMENT TYPE: (Check all appropriate boxes)**

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



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

\_\_\_ Yes      X No

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

1. Describe in complete detail the extent of exposure during the performance and the nature of the entertainment: \_\_\_\_\_  
\_\_\_\_\_
2. Furnish additional information concerning the condition of the premises and how they are suitable for the proposed entertainment: \_\_\_\_\_  
\_\_\_\_\_
3. Fully describe the actions you will take to prevent any adverse effects on public safety, health, or order: \_\_\_\_\_  
\_\_\_\_\_
4. Identify whether and how you will regulate access by minors to the premises: \_\_\_\_\_  
\_\_\_\_\_

Days/Hours of Business Operation \_\_\_\_\_

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.

[Signature] owner  
 Signature of applicant & title Federal I.D. # \_\_\_\_\_

[Signature]  
 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.

[Signature] Building Commissioner      [Signature] Board of Health      \_\_\_\_\_ Fire Department

[Signature] comments:  
 Police Department

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



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

**APPLICATION FOR LODGING HOUSE OR INNHOLDERS LICENSE**

LICENSE APPLIED FOR: Lodging House  Innholders   
Fee: \$50 New application  Annual  # of rooms 12  
Renewal  Seasonal  Opening date \_\_\_\_\_

Business Name Cape Escape Cape Cod LLC Phone 508-432-2240

Doing Business As (d/b/a) Summer House Cafe

Business Address 126 Main St. W. Harwich Ma.

Mailing Address Po. Box 1645 Harwich Ma 02645

Winter Address & Phone \_\_\_\_\_

Email Address Cosnowhart@yahoo.com

Name of Owner Nicholas Ferrillo - Thomas Pawlik

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

[Signature]  
Signature of applicant & title \_\_\_\_\_ Federal I.D. # \_\_\_\_\_

**INNOLDERS ONLY** – List total number of seats in dining/lounge area. \_\_\_\_\_

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

Cape Escape Cape Cod LLC By [Signature]  
Signature of individual or corporate name Corporate officer (if applicable)

**REGULATORY COMPLIANCE FORM**

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

[Signature] Building Commissioner [Signature] Board of Health [Signature] Fire Department

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



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

**APPLICATION FOR COMMON VICTUALLERS LICENSE**

Fee: \$50    New application     Annual     # of seats 162  
Renewal     Seasonal     Opening date July 2021

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

Business Name Cape Escape Cape Cod LLC    Phone 508-432-2240

Doing Business As (d/b/a) Summer House Cafe

Business Address 126 Main St. West Harwich Ma. 026

Mailing Address P.O. Box 1645 Harwich Ma. 02645

Email Address CasinoWharf@yahoo.com

Name of Owner Nicholas Fucillo - Thomas Pastoris

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

Thomas Pastoris  
Signature of applicant & title

Federal I.D. #

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

Cape Escape Cape Cod LLC  
Signature of individual or corporate name

By

Thomas Pastoris  
Corporate officer (if applicable)

**REGULATORY COMPLIANCE FORM**

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

[Signature]  
Building Commissioner

Matthew O'Neill  
Board of Health

Fire Department

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

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-4, NO-1**

**ROLL CALL VOTES:**

**Finance Committee:**

To accept and adopt:

Yeas: 4 (number): Jon Chorey, Dan Tworek, Mary Anderson, Brian Weiner

Nays: 1 (one): Angelo LaMantia

**Board of Selectmen:**

To accept and adopt:

Yeas: 4 (four): Larry Ballantine, Don Howell, Michael MacAskill, Ed McManus

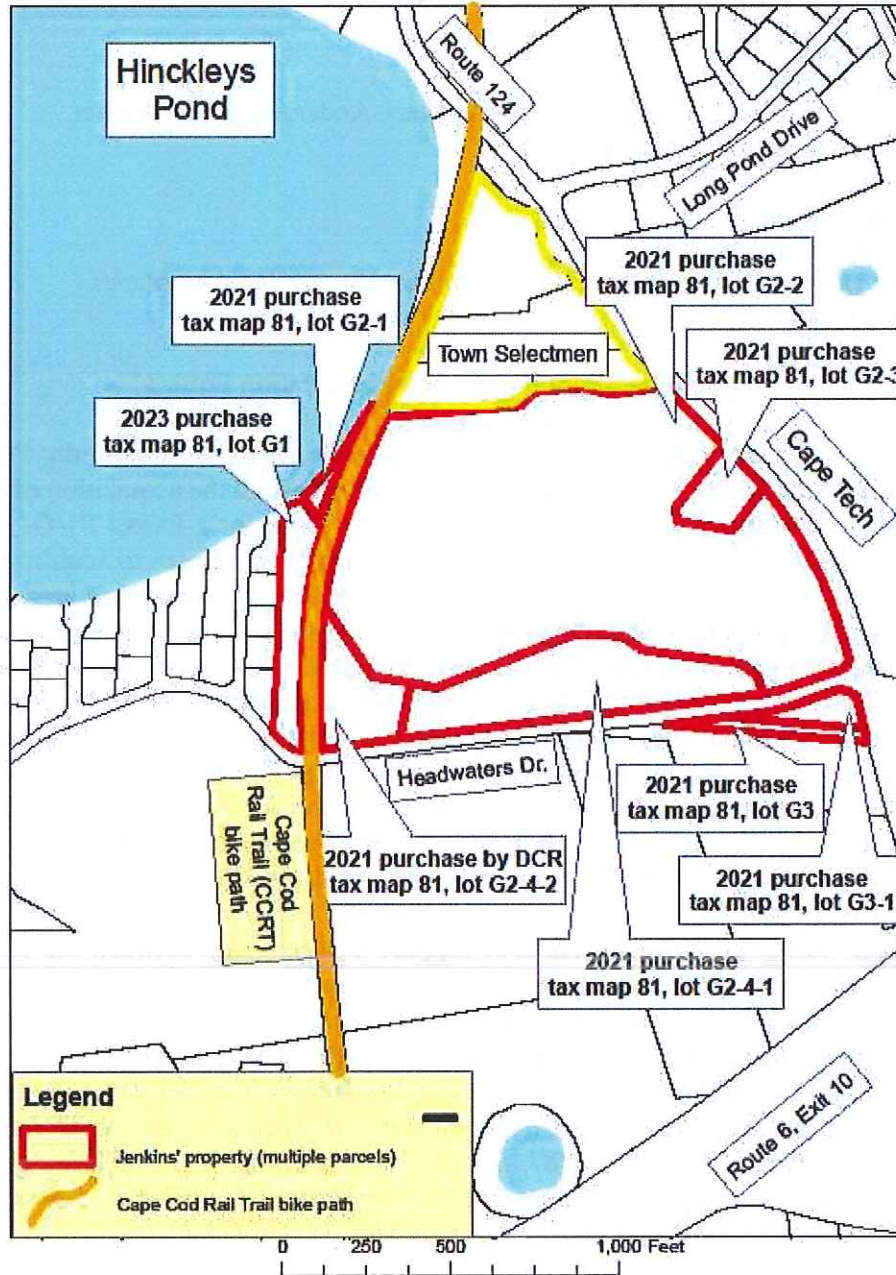
Nays: 0 (zero): none

**Hinckleys Pond Watershed Preservation Project**

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

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

**Jenkins Project: Installment Purchase Parcel Map  
Harwich MA**



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

**ROLL CALL VOTES:**

**Finance Committee:**

To accept and adopt:

Yeas: 5 (five): Mary Anderson, Jon Chorey, Dale Kennedy, Angelo LaMantia, Dan Tworek, Brian Weiner

Nays: 0 (zero): none

**Board of Selectmen:**

To accept and adopt:

Yeas: 3 (three): Don Howell, Michael MacAskill, Ed McManus

Nays: 0 (zero): none

Harwich Natural Heritage Trail Project

Article 34: To see if the Town will vote to appropriate from Community Preservation Act Funds - \$150,000 from estimated annual revenue for Fiscal Year 2022 to fund the Natural Heritage Trail Project, including the creation of a wheelchair accessible trail loop off Bank Street for open space and recreational purposes, and further to authorize the Board of Selectmen to enter into a grant agreement with the Harwich Conservation Trust, and further to authorize the Board of Selectmen to acquire a permanent restriction on said land. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Undesignated Fund Balance, and to act fully thereon. By request of the Community Preservation Committee. Estimated Cost: \$150,000.00.

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

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

**ROLL CALL VOTES:**

**Finance Committee:**

To accept and adopt:

Yeas: 5 (five): Mary Anderson, Jon Chorey, Dale Kennedy, Angelo LaMantia, Dan Tworek, Brian Weiner

Nays: 0 (zero):

**Board of Selectmen:**

To accept and adopt:

Yeas: 4 (four): Larry Ballantine, Don Howell, Michael MacAskill, Ed McManus

Nays: 0 (zero): none

# **CONTRACTS**




## Town of Harwich COUNCIL ON AGING

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

### m e m o

**TO:** Board of Selectmen

**CC:** Joseph Powers, Town Administrator  
Megan Eldredge, Assistant Town Administrator

**FROM:** Emily Mitchell, COA Director 

**DATE:** June 4, 2021

**RE:** **Memorandum of Agreement with Town of Orleans for Council on Aging Supportive Day Program**

---

The Town of Orleans, through its Council on Aging, operates an Adult Supportive Day Program. The Program provides a safe, person-centered environment for older adults with dementia or other forms of cognitive decline. This program supports participants remaining independently in their communities for as long as possible and provides invaluable respite for their caregivers.

Where the Town of Harwich does not operate a comparable program, we have partnered with the Town of Orleans to allow Harwich residents to attend their program with the cost partially subsidized by the Town (total cost of attendance: \$75/resident/day; Harwich subsidy covers \$20/resident/day).

The Supportive Day Program shut down in March 2020 with the onset of COVID-19. The Program reopened in May 2021 under strict protocols designed to ensure the health and safety of both staff and participants.

Funding for this subsidy is included in the annual Council on Aging budget. Funding is available for the remainder of FY 21 and for all of FY 22.

**Recommendation:** I recommend that the Board of Selectmen authorize the Chair to sign the attached Memorandum of Agreement with the Town of Orleans for the Council on Aging Supportive Day Program, covering the period from May 1, 2021 through June 30, 2022.



Memorandum of Agreement  
Between

Town of Orleans through  
Select Board  
19 School Road  
Orleans, MA 02653

and

Town of Harwich through  
Board of Selectmen  
732 Main St.  
Harwich, MA 02645

This Memorandum of Agreement is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2021 by and between the Town of Orleans (hereinafter referred to as "Orleans") and the Town of Harwich (hereinafter referred to as "Harwich.")

WHEREAS, Orleans Council on Aging operates an adult supportive day care program (hereinafter referred to as the "Program"), which provides a safe, welcoming environment for older adults, and

WHEREAS, Orleans Program has capacity to accept residents of Harwich into the Program, but the daily reimbursement rate of \$55 per non-resident participant that Orleans receives through a contract with Elder Services of Cape Cod or through private pay fee does not cover the full daily cost of \$75 per participant, and

WHEREAS, Harwich desires to provide Program access for their residents and has offered to make a supplemental payment of \$20 per day for each Harwich participant to Orleans to cover the full cost of the Program,

NOW THEREFORE, Orleans and Harwich enter into this Agreement.

RESPONSIBILITIES OF ORLEANS

- A) Provide adult supportive day care program to Harwich participants that includes lunch and snacks; fitness classes; discussions of current events; art and music therapy; and activities which promote independence and wellness.
- B) Provide potential participants with a free trial day to determine eligibility and ongoing assessments to monitor the well-being of all participants.
- C) Provide the Harwich Council on Aging with notification when a new Harwich participant has been cleared for attendance in the Program and when an existing Harwich participant is discharged from the Program.
- D) Provide the Harwich Council on Aging with a monthly report of resident Program participation.

RESPONSIBILITIES OF HARWICH

- A) Coordination of Program communication from Harwich will be through the Council on Aging.
- B) Process supplemental payments to the Orleans Council on Aging for Harwich participants on a monthly basis following receipt of the monthly report of Program participation from Orleans.

DURATION

- A) This Memorandum of Agreement shall be effective from May 1, 2021 through June 30, 2022.
- B) Either Orleans or Harwich may terminate this Agreement by thirty (30) days written notice to the other party, if the other party substantially fails to fulfill its obligations hereunder through no fault of the terminating party.
- C) Orleans may terminate this Agreement at any time if Orleans contract with Elder Services of Cape Cod is terminated.

AMENDMENT

This Agreement may be amended as mutually agreed by both parties in writing.

IN WITNESS WHEREOF, ORLEANS and Harwich execute this Agreement the \_\_\_\_\_ day of \_\_\_\_\_ in the year two thousand and twenty one.

FOR TOWN OF ORLEANS

FOR TOWN OF HARWICH

\_\_\_\_\_  
Chair, Select Board

\_\_\_\_\_  
Chair, Board of Selectmen

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

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

## **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 Cavossa Disposal Corporation, with an address of 210 Nathan Ellis Highway, East Falmouth, MA 02536, hereinafter referred to as "Contractor", effective as of the \_\_\_\_<sup>31st</sup> day of May, 2021. In consideration of the mutual covenants contained herein, the parties agree as follows:

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

The Contractor shall perform all work and furnish all services necessary to provide the Town with waste disposal services, including the scope of services set forth in Attachment A.

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

The Contractor shall complete all work and services required hereunder commencing July 1, 2021 through June 30, 2022.

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

The Town shall pay the Contractor for the performance of the work outlined in Article 1 above the contract sum of \$9,860.64 plus additional sites as current contracts expire as well as disposal services for the Cultural Center on an as needed basis. 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, Chris Fitzgerald, 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.

46-0472775  
Social Security Number or  
Federal Identification Number

DocuSigned by:  
Chris Fitzgerald  
75A8828F9BFE4B0...  
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

By DocuSigned by:  
Chris Fitzgerald  
75A8828F9BFE4B0...  
Chris Fitzgerald  
Printed Name and Title

TOWN OF HARWICH

by its Board of Selectmen Over \$50,000

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

Approved as to Availability of Funds:

DocuSigned by:  
Carol Coppola  
48C32039D33D434...  
Finance Director  
(\$ \$9,860.64 )  
Contract Sum

by its Town Administrator Up to \$50,000

DocuSigned by:  
Joseph F. Powers  
06236065799644E...  
Town Administrator

## ATTACHMENT A

Waste Disposal								
Location	Address	Department	Container Size	QTY	Frequency	Frequency	Pick-up Days	Duration
Town Hall	732 Main Street Harwich, MA	Administration	4-yard container	1		1 week	Tuesday	Year Round
Saquatucket Harbor	715 Main Street Harwich Port, MA	Harbor	2-yard container	1		2 week	Mon & Fri	Dec - April
Saquatucket Harbor	715 Main Street Harwich Port, MA	Harbor	2-yard container	2		3 week	Mon, Wed, Fri	May
Saquatucket Harbor	715 Main Street Harwich Port, MA	Harbor	2-yard container	2		4 week	Mon, Wed, Fri, Sat	June
Saquatucket Harbor	715 Main Street Harwich Port, MA	Harbor	2-yard container	2		5 week	Mon, Wed, Fri, Sat, Sun	July & August
Saquatucket Harbor	715 Main Street Harwich Port, MA	Harbor	2-yard container	2		3 week	Mon, Wed, Fri	Sept - Nov
Wychmere Town Pier	40 Harbor Road Harwich Port, MA	Harbor	4-yard container	1		2 week	Mon & Fri	Year Round
Allen Harbor	343 Lower County Road Harwich Port, MA	Harbor	95 gallon container	1		2 week	Mon & Fri	May - Columbus Day
Community Center	100 Oak Street Harwich, MA	Comm Ctr	8-yard container	1		1 week	Thursday	Year Round
Cultural Center	204 Sisson Road Harwich, MA	DPW	4-yard container	1	Approx 10 - 15	year	N/A	Year Round - On Call
Note: 1) Saquatucket Harbor requires varying days and frequency due to seasonality								

Form **W-9**  
 (Rev. October 2018)  
 Department of the Treasury  
 Internal Revenue Service

# Request for Taxpayer Identification Number and Certification

**Give Form to the  
 requester. Do not  
 send to the IRS.**

▶ Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

Print or type. See Specific Instructions on page 3.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. <b>Cavossa Disposal Corporation</b>		
	2 Business name/disregarded entity name, if different from above		
	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only <b>one</b> of the following seven boxes. <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____ <b>Note:</b> Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is <b>not</b> disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. <input type="checkbox"/> Other (see instructions) ▶ _____ <input type="checkbox"/> C Corporation <input checked="" type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate		
	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <i>(Applies to accounts maintained outside the U.S.)</i>		
	5 Address (number, street, and apt. or suite no.) See instructions. <b>210 Nathan Ellis Highway</b>	Requester's name and address (optional)	
	6 City, state, and ZIP code <b>East Falmouth MA 02536</b>		
	7 List account number(s) here (optional)		

## Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

**Note:** If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

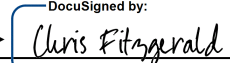
<b>Social security number</b>									
<b>or</b>									
<b>Employer identification number</b>									
4	6	-	0	4	7	2	7	7	5

## Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

<b>Sign Here</b>	Signature of U.S. person ▶  DocuSigned by: 75A8828F9BFE4B0...	Date ▶ 6/1/2021
------------------	--	-----------------

## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

## Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

*If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.*

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting*, later, for further information.

**Note:** If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien;
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
- An estate (other than a foreign estate); or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States.

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity;
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust; and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

**Foreign person.** If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Pub. 515, *Withholding of Tax on Nonresident Aliens and Foreign Entities*).

**Nonresident alien who becomes a resident alien.** Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items.

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

**Example.** Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

## Backup Withholding

**What is backup withholding?** Persons making certain payments to you must under certain conditions withhold and pay to the IRS 24% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

**Payments you receive will be subject to backup withholding if:**

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the instructions for Part II for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code*, later, and the separate Instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships*, earlier.

## What is FATCA Reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code*, later, and the Instructions for the Requester of Form W-9 for more information.

## Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account; for example, if the grantor of a grantor trust dies.

## Penalties

**Failure to furnish TIN.** If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

**Civil penalty for false information with respect to withholding.** If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

**Criminal penalty for falsifying information.** Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

**Misuse of TINs.** If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

## Specific Instructions

### Line 1

You must enter one of the following on this line; **do not** leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account (other than an account maintained by a foreign financial institution (FFI)), list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9. If you are providing Form W-9 to an FFI to document a joint account, each holder of the account that is a U.S. person must provide a Form W-9.

a. **Individual.** Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

**Note: ITIN applicant:** Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ you filed with your application.

b. **Sole proprietor or single-member LLC.** Enter your individual name as shown on your 1040/1040A/1040EZ on line 1. You may enter your business, trade, or "doing business as" (DBA) name on line 2.

c. **Partnership, LLC that is not a single-member LLC, C corporation, or S corporation.** Enter the entity's name as shown on the entity's tax return on line 1 and any business, trade, or DBA name on line 2.

d. **Other entities.** Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on line 2.

e. **Disregarded entity.** For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a "disregarded entity." See Regulations section 301.7701-2(c)(2)(iii). Enter the owner's name on line 1. The name of the entity entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner's name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on line 2, "Business name/disregarded entity name." If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

### Line 2

If you have a business name, trade name, DBA name, or disregarded entity name, you may enter it on line 2.

### Line 3

Check the appropriate box on line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box on line 3.

IF the entity/person on line 1 is a(n) . . .	THEN check the box for . . .
• Corporation	Corporation
• Individual • Sole proprietorship, or • Single-member limited liability company (LLC) owned by an individual and disregarded for U.S. federal tax purposes.	Individual/sole proprietor or single-member LLC
• LLC treated as a partnership for U.S. federal tax purposes, • LLC that has filed Form 8832 or 2553 to be taxed as a corporation, or • LLC that is disregarded as an entity separate from its owner but the owner is another LLC that is not disregarded for U.S. federal tax purposes.	Limited liability company and enter the appropriate tax classification. (P= Partnership; C= C corporation; or S= S corporation)
• Partnership	Partnership
• Trust/estate	Trust/estate

### Line 4, Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space on line 4 any code(s) that may apply to you.

#### Exempt payee code.

- Generally, individuals (including sole proprietors) are not exempt from backup withholding.
- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys' fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space in line 4.

- 1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)
- 2—The United States or any of its agencies or instrumentalities
- 3—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- 4—A foreign government or any of its political subdivisions, agencies, or instrumentalities
- 5—A corporation
- 6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession
- 7—A futures commission merchant registered with the Commodity Futures Trading Commission
- 8—A real estate investment trust
- 9—An entity registered at all times during the tax year under the Investment Company Act of 1940
- 10—A common trust fund operated by a bank under section 584(a)
- 11—A financial institution
- 12—A middleman known in the investment community as a nominee or custodian
- 13—A trust exempt from tax under section 664 or described in section 4947

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over \$600 required to be reported and direct sales over \$5,000 <sup>1</sup>	Generally, exempt payees 1 through 5 <sup>2</sup>
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

<sup>1</sup> See Form 1099-MISC, Miscellaneous Income, and its instructions.

<sup>2</sup> However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney reportable under section 6045(f), and payments for services paid by a federal executive agency.

**Exemption from FATCA reporting code.** The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" (or any similar indication) written or printed on the line for a FATCA exemption code.

A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)

B—The United States or any of its agencies or instrumentalities

C—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities

D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i)

E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(i)

F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state

G—A real estate investment trust

H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940

I—A common trust fund as defined in section 584(a)

J—A bank as defined in section 581

K—A broker

L—A trust exempt from tax under section 664 or described in section 4947(a)(1)

M—A tax exempt trust under a section 403(b) plan or section 457(g) plan

**Note:** You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

### Line 5

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns. If this address differs from the one the requester already has on file, write NEW at the top. If a new address is provided, there is still a chance the old address will be used until the payor changes your address in their records.

### Line 6

Enter your city, state, and ZIP code.

## Part I. Taxpayer Identification Number (TIN)

**Enter your TIN in the appropriate box.** If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN.

If you are a single-member LLC that is disregarded as an entity separate from its owner, enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

**Note:** See *What Name and Number To Give the Requester*, later, for further clarification of name and TIN combinations.

**How to get a TIN.** If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at [www.SSA.gov](http://www.SSA.gov). You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at [www.irs.gov/Businesses](http://www.irs.gov/Businesses) and clicking on Employer Identification Number (EIN) under Starting a Business. Go to [www.irs.gov/Forms](http://www.irs.gov/Forms) to view, download, or print Form W-7 and/or Form SS-4. Or, you can go to [www.irs.gov/OrderForms](http://www.irs.gov/OrderForms) to place an order and have Form W-7 and/or SS-4 mailed to you within 10 business days.

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

**Note:** Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

**Caution:** A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.

## Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, 4, or 5 below indicates otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see *Exempt payee code*, earlier.

**Signature requirements.** Complete the certification as indicated in items 1 through 5 below.

**1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.**

You must give your correct TIN, but you do not have to sign the certification.

**2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983.**

You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

**3. Real estate transactions.**

You must sign the certification. You may cross out item 2 of the certification.

**4. Other payments.** You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

**5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), ABLE accounts (under section 529A), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions.** You must give your correct TIN, but you do not have to sign the certification.

**What Name and Number To Give the Requester**

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account) other than an account maintained by an FFI	The actual owner of the account or, if combined funds, the first individual on the account <sup>1</sup>
3. Two or more U.S. persons (joint account maintained by an FFI)	Each holder of the account
4. Custodial account of a minor (Uniform Gift to Minors Act)	The minor <sup>2</sup>
5. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee <sup>1</sup>
b. So-called trust account that is not a legal or valid trust under state law	The actual owner <sup>1</sup>
6. Sole proprietorship or disregarded entity owned by an individual	The owner <sup>3</sup>
7. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))	The grantor*
For this type of account:	Give name and EIN of:
8. Disregarded entity not owned by an individual	The owner
9. A valid trust, estate, or pension trust	Legal entity <sup>4</sup>
10. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
11. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
12. Partnership or multi-member LLC	The partnership
13. A broker or registered nominee	The broker or nominee

For this type of account:	Give name and EIN of:
14. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
15. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(i)(B))	The trust

<sup>1</sup> List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

<sup>2</sup> Circle the minor's name and furnish the minor's SSN.

<sup>3</sup> You must show your individual name and you may also enter your business or DBA name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

<sup>4</sup> List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships*, earlier.

\*Note: The grantor also must provide a Form W-9 to trustee of trust.

Note: If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

**Secure Your Tax Records From Identity Theft**

Identity theft occurs when someone uses your personal information such as your name, SSN, or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Pub. 5027, Identity Theft Information for Taxpayers.

Victims of identity theft who are experiencing economic harm or a systemic problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

**Protect yourself from suspicious emails or phishing schemes.**

Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to [phishing@irs.gov](mailto:phishing@irs.gov). You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at [spam@uce.gov](mailto:spam@uce.gov) or report them at [www.ftc.gov/complaint](http://www.ftc.gov/complaint). You can contact the FTC at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft) or 877-IDTHEFT (877-438-4338). If you have been the victim of identity theft, see [www.IdentityTheft.gov](http://www.IdentityTheft.gov) and Pub. 5027.

Visit [www.irs.gov/IdentityTheft](http://www.irs.gov/IdentityTheft) to learn more about identity theft and how to reduce your risk.

## Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.





Town of Harwich										
Location	Address	Qty	Size	Type	Freq	Duration	Monthly Rate	Yearly	Total Contract	
Town Hall	732 Main St, Harwich	1	4 yd	Trash	1 x week	Year Round	\$ 103.92	\$ 1,247.04		
									\$	1,247.04
Saquatucket Harbor	715 Main St, Harwich Port	1	2 yd	Trash	2 x week	Dec-April	\$ 103.92	\$ 519.60		
Saquatucket Harbor	715 Main St, Harwich Port	2	2 yd	Trash	3 x week	May	\$ 311.76	\$ 311.76		
Saquatucket Harbor	715 Main St, Harwich Port	2	2 yd	Trash	4 x week	June	\$ 415.68	\$ 415.68		
Saquatucket Harbor	715 Main St, Harwich Port	2	2 yd	Trash	5 x week	July & August	\$ 571.56	\$ 1,143.12		
Saquatucket Harbor	715 Main St, Harwich Port	2	2 yd	Trash	3 x week	Sept - Nov	\$ 311.76	\$ 935.28		
									\$	3,325.44
Wychmere Town Pier	40 Harbor Rd, Harwich Port	1	4 yd	trash	2 x week	Year Round	\$ 207.84	\$ 2,494.08		
									\$	2,494.08
Allen Harbor	343 Lower County Rd, Harwich Port	2	96 Gal	trash	1 x week	May-Columbus Day	\$ 60.00	\$ 300.00		
									\$	300.00
Community Center	100 Oak Street, Harwich	1	8 yd	trash	1 x week	Year Round	\$ 207.84	\$ 2,494.08		
									\$	2,494.08
* Cultural Center	204 Sisson Rd, Harwich	1	4 yd	trash	On Call	Year Round	\$30/pick-up			
									\$	-
								Total	\$	9,860.64

No hidden costs, extra fees or surcharges

No overages charges

The Town may call in for an extra pick-up based on the following prices:

2 yd - \$12.00 per pick-up

4 yd- \$30 per pick-up

8 yd- \$48 per pick-up

Holiday and Sundays extra pick-ups are 1.5% more

\*Cultural Center will not be charges a monthly fee and only per pick-up. Monthly and total costs will be based on the number of pick-ups

## Chris Fitzgerald



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Office: 508-563-5070

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TOWN OF HARWICH, MASSACHUSETTS  
SEWERAGE WORKS IMPROVEMENTS PHASE 2 – CONTRACT #1  
ROBERT B. OUR COMPANY  
SEWER PROJECT

CONSTRUCTION SCHEDULE – WEEKLY UPDATE

Date Submitted: June 1, 2021

**One Week Look Ahead (06/01/21- 06/04/21)**

- Pump Station Crew # 1
  - Continue Working on Spence's Trace & RT 137 Pump Station Site's & Flume
    - Station Startups and programing

**Two Week Look Ahead (06/07/21- 06/11/21)**

- Pump Station Crew # 1
  - Continue Working on Spence's Trace & RT 137 Pump Station Site's & Flume
    - Station Startups and programing

**Three Week Look Ahead (06/14/21- 06/18/21)**

- Pump Station Crew # 1
  - Continue Working on Spence's Trace & RT 137 Pump Station Site's & Flume
    - Station Startups and programing

**Please note that this is a projected schedule and will be adjusted accordingly based on the Contractor's actual progress and the weather. On an as needed basis auxiliary crews will be performing testing, installing inverts, raising castings, paving , and performing general cleanup at various locations throughout the project area.**

TOWN OF HARWICH, MASSACHUSETTS  
SEWERAGE WORKS IMPROVEMENTS PHASE 2 – CONTRACT #2

CONSTRUCTION SCHEDULE – WEEKLY UPDATE

**One Week Look Ahead (06/01-06/04)**

- Pump Station Crew #1
  - Continue work at Church Street south pumping station
  - Continue work at Church Street north pumping station
  - Continue Harden Lane grinder pump station

**Two Week Look Ahead (06/07-06/11)**

- Pump Station Crew #1
  - Continue work at Church Street south pumping station
  - Continue work at Church Street north pumping station
  - Continue Harden Lane grinder pump station

**Three Week Look Ahead (06/14-06/18)**

- Pump Station Crew #1
  - Continue work at Church Street south pumping station
  - Continue work at Church Street north pumping station
  - Continue Harden Lane grinder pump station

**Please note that this is a projected schedule and will be adjusted accordingly based on the Contractor's actual progress and the weather. On an as needed basis auxiliary crews will be performing testing, installing inverts, raising castings, paving , and performing general cleanup at various locations throughout the project area.**