

**SELECTMEN’S MEETING AGENDA\***

*Donn B. Griffin Room, Town Hall  
732 Main Street, Harwich, MA  
Regular Meeting 6:30 P.M.  
Monday, October 29, 2018*

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

**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. WEEKLY BRIEFING**

**IV. PUBLIC COMMENTS/ANNOUNCEMENTS**

**V. CONSENT AGENDA**

- A. Approve Minutes – October 9, 2018 Regular Meeting
- B. Approve Town Administrator's recommendation on Perks Entertainment License
- C. Approve Road Race Application from Cape Cod Irish Pub for August 3, 2019
- D. Approve Committee Appointments –
  - 1. Harwich Port Parking Committee
  - 2. Youth Services Committee
  - 3. Harwich Center Initiative
  - 4. Historic District/Historical Commission
  - 5. Affordable Housing Trust

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

- A. Annual Meetings:
  - 1. Cultural Council
  - 2. Brooks Academy Museum Commission
  - 3. By-Law and Charter Review Committee

**VII. NEW BUSINESS**

- A. Confirm appointment of Emily Mitchell as Council on Aging Director
- B. Update on Fire Station 2 and overview of pending Change Order – *Chief Clarke*
- C. Cable Use Policy – *first reading*
- D. Dissolve Municipal Revenue and Economic Development Committee

**VIII. CONTRACTS**

**IX. OLD BUSINESS**

**X. TOWN ADMINISTRATOR’S REPORT**

- A. Departmental Reports

**XI. SELECTMEN’S REPORT**

**XII. ADJOURNMENT**

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

**Authorized Posting Officer:**

\_\_\_\_\_  
Ann Steidel, Admin. Secretary

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

**Date:** \_\_\_\_\_  
October 25, 2018

**MINUTES  
SELECTMEN'S MEETING  
GRIFFIN ROOM, TOWN HALL  
MONDAY, OCTOBER 9, 2018  
6:30 P.M.**

**SELECTMEN PRESENT:** Ballantine, Howell, Kavanagh, MacAskill, McManus

**OTHERS PRESENT:** Town Administrator Christopher Clark, Assistant Town Administrator Evan Melillo, Chief Clarke, Carolyn Carey, John Rendon, Anita Doucette, Robbin Kelley, Judith Ford, Miranda Dupuy, Cindy Eldredge, Valerie Bell, Miranda Dupuy, Duncan Berry, and others.

**WEEKLY BRIEFING**

Ms. Carey discussed upcoming events at the Community Center.

**PUBLIC COMMENTS/ANNOUNCEMENTS**

Mr. Cole reported that the Cranberry Harvest Road Race was cancelled this year and it is simply a matter of the numbers being down and therefore not financially viable. He added that the race director donated to the Monomoy Schools, the Little League and the Policeman's Association. He discussed the possibility of reviving the Fall for Harwich 10K race.

Ms. Doucette reported that the last day to register to vote is October 17. She added that early voting is starting on October 22 and runs through November 2.

Ms. Ford announced that the Friends of the South Harwich Meeting House will be holding an auction on October 28.

**CONSENT AGENDA**

- A. Vote to sign the November Election Warrant
- B. Approve the appointment of an additional Election Worker per the request of the Democratic Town Committee

Mr. McManus moved approval of the Consent Agenda. Mr. MacAskill seconded the motion and the motion carried by a unanimous vote.

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

- A. Annual Meeting
  - 1. Cemetery Commission

Ms. Eldredge, Chair, provided annual report of the Cemetery Commission.

- 2. Harwich Energy Committee

Ms. Bell, Chair, provided the annual report of the Harwich Energy Committee.

## B. Presentation of the FY20 Selectmen's Budget Message

Mr. Ballantine said the budget message was well done. Mr. Howell commented that the overview is that it is going to be a tough next few years and said we are taking all bonding into account. Chairman Kavanagh briefly reviewed the message. No vote was taken.

## C. Financial Reports – Carol Coppola

Ms. Coppola reviewed the structure of the financial reports she provided including the operating budget, general fund revenue, and overtime report. She and Mr. Clark took questions and comments from the Board.

## D. Presentation – Overview of Route 137 and Route 39 corner site – Chief Norm Clarke

Chief Clarke discussed a plan for landscaping at this intersection, with the help of DPW, including taking out scrub pines, loaming the area and installing grass and irrigation. He said Engineering and the Conservation Administrator have come up with a plan to include walkways and reuse the flagpole to make it a much nicer area. He discussed potential for elimination of the sidewalks in front of Station 2 to allow for potential parking. Mr. Howell said this park was always in the site plan of the tower and there was \$15,000 set aside at that time for a pocket park. He commented that this looks consistent with the original plan. Chief Clarke said with the Board's approval they will proceed to the Planning Board and he is already scheduled to do so. He said they will do what they can in-house with available material and labor and then come back with ideas on how to finish it off. Mr. Ballantine said he would like to know what the effort is from the DPW and Chief Clarke said he could keep track of the hours. Mr. Ballantine said he would need to understand better the Chief Clarke's comment about not needing a sidewalk and Chief Clarke explained that if the Board chooses to proceed we need a place for parking and only the section where the current ramp is will remain. Mr. Ballantine said he would like an estimate of costs going forward. Mr. Clark said he could provide a ballpark figure from Mr. Hooper. Chief Clarke said DPW was going to work on it when they had a little slower time. Mr. MacAskill said the Board needs to prioritize based on money and we need to get an estimate. Chairman Kavanagh said they can look at it in phases as we move along in the project. Chief Clarke asked for permission to proceed with just taking down scrub pines and putting in grass using our workforce which we can do in house. Mr. Ballantine said he would still like to see costs for that. Mr. McManus said he liked the plan and it was well thought out. He said he would like to see the costing to implement the entire plan. Mr. Clark said we have to present the overall plan to the Planning Board with the idea that there will be phasing and dependent on funding sources. He suggested that the Board indicate that they acquiesce and say that it is a concept worth pursuing and have Chief Clarke continue to go forward and take this to the Planning Board. That was the consensus of the Board.

## NEW BUSINESS

### A. Committee Appointments:

1. Affordable Housing Trust – Judith Underwood (full member 6/30/21)
2. Historic District/Historical Commission – Brendan Lowney (full member 6/30/19)

Mr. Howell moved to appoint Brendan Lowney to a full position on the Historic District/Historical Commission to expire 6/30/19 and we appoint Judith Underwood to the Affordable Housing Trust for a full position to expire 6/30/21. Mr. MacAskill seconded the motion and the motion carried by a unanimous vote.

B. Harwich Conservation Trust, Weston Woods Road/Island Pond Train and 0 Depot Street –  
*vote to sign the two Conservation Restrictions*

Mr. Lach, Executive Director of the Harwich Conservation Trust, provided history on the acquisitions of each of the properties by the Town. He noted that these Conservation Restrictions have been reviewed and approved by Town Counsel and the Conservation Commission. Mr. MacAskill noted that on the Hall property, the Board voted to exclude the language regarding hunting in #9. Mr. Lach agreed and said he would remove it. Mr. MacAskill moved to approve the request from the Harwich Conservation Trust for the Conservation Restrictions on Weston Woods Road and Island Pond Trail and 0 Depot Street and to change the 0 Depot Street to exclude #9 for no hunting. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

C. Request for winter boat storage at Saquatucket Harbor

Mr. Martens discussed his email of October 2, 2018 regarding winter boat storage as follows:

I would like the opportunity to speak to the Board of Selectmen at their 09 October meeting regarding storing our boat for the winter at Saquatucket Harbor. Our boat is a 41 foot sailing catamaran with a 21 foot beam. It requires a unusually wide ramp to haul out and cannot be transported over the road. There are only three places we can haul out for the winter on Cape Cod. Sandwich is full and Wellfleet as of 2016 only allows commercial vessels. The boat was stored at Saquatucket the winter of 2016-2017. At that time it was understood this was to be an annual arrangement. The boat has spent the last two summers at Stage Harbor in Chatham. Last year due to construction and other factors we were unable to haul out at Saquatucket. This was expected to be worked out and/or completed by Fall 2018. Our boat spent last winter tied to a dock at Harwich Port Marine. The boat must be hauled out this year for routine maintenance and safety checks. There will be no power washing. I require no electricity. The boat is fully insured and I can provide proof of insurance. When we were at Saquatucket in 2016 it worked out well since we live nearby and were able to check on the boat often. We hope you will allow me to be heard at the meeting. As we are in a unique situation due to our limitations, the Harbormaster advised that we speak with the Board of Selectmen.

Mr. Clark noted that the site is still under construction and we still need to put in the septic. Mr. Rendon stated that he is working on an RFP for winter boat storage and are currently under construction which will cover most of the west side parking lot but don't anticipate executing it until next season. Chairman Kavanagh said based on our construction schedule it is not something we can entertain at this time. She said we aren't in a position to award it to one person and not allow others. Mr. Rendon said we have people who have slips in our marina with very similar circumstances. He pointed out that while Mr. Martens beam is the issue, there are sailboats whose masts are the issue. He said he isn't going to pick one boat over the others. The Board didn't grant the request.

D. Name the Pet Burial Ground property – “Harwich Memorial Gardens & Walking Park”

Ms. Kelley explained that they had been before the Board and were given direction to go back and not name it after a person and also the Board wanted Harwich in the name. She stated that the Cemetery Commission came up with this name and they wanted her to bring to the Board for a vote. Mr. Howell said it doesn't currently exist as there has been no capital vote and if Town Meeting approves it, there

is no money as the money in the revolving account can't be spent on that per Town Counsel as the money can only be spent for human remains. Mr. Clark said that is true for the Perpetual Care and Revolving Account that we have but reminded the Board that we did segment money aside for the Cultural Center and then formally adopted the Revolving Account and we can do that again if the Board were to designate this as a pet burial ground. He explained that we can start to collect revenue through the General Fund until such time as it gets ratified by Town Meeting as a revolving account specifically set up for the purposes of doing pet burials. Mr. Howell said that may be correct but selling a plot to populate an account that doesn't exist is difficult as when you sell a plot you are forming a contract with an individual. Mr. MacAskill said this went to Town Meeting who voted for it to be a pet burial ground. Mr. Clark said the property was under the control of the Board of Selectmen and Town Meeting voted to transfer the property to Cemetery Commission for the purposes of a pet burial ground and the funding to effectuate that has not been identified yet. He said it isn't fair to say it isn't a pet burial ground. Mr. Ballantine said he has no problem naming it and he didn't read anything into this about funding. Chairman Kavanagh said we all know it was voted at Town Meeting to be a pet cemetery and it's just the funding at issue. Mr. Howell questioned what the rush is as nothing is happening now without funding. Ms. Kelley said she has been looking at different grant funding options and she would like to have a name to put on the documents. The Board took comments from Miranda Dupuy who said it would cause confusion as the Congregational Church also has a cemetery called Harwich Memorial Gardens. Mr. Howell pointed out that there has never been any mention of this being called a walking park. Mr. MacAskill said that Town Counsel has opined that we can sell lots now. Mr. Clark agreed and said the money would go into the General Fund for now. Mr. MacAskill noted that the name being presented tonight is not the name of the area at the Congregational Church. Ms. Dupuy clarified that it is referred to as "memorial garden." Chairman Kavanagh suggested putting "pet" in the name. Ms. Eldredge, Cemetery Commissioner, said a memorial garden is a burial place whether it is for pets or people and she stated that she doesn't have a problem with adding "pet" to the name. Mr. Ballantine moved to approve the name of the pet burial ground as Harwich Pet Memorial Gardens and Walking Park. Mr. MacAskill seconded the motion and the motion carried by a 4-1-0 vote with Mr. Howell in opposition.

#### E. Confirm the appointment of Mark Polselli as Part-time Health Inspector

At Mr. Clark's recommendation, Mr. McManus moved to confirm the appointment of Mark Polselli as Part-time Health Inspector. Mr. MacAskill seconded the motion. Mr. Howell said the Charter reads that any appointments or removals may be overturned by the affirmative vote of at least 4 Selectmen within 14 days of the Town Administrator's action. He said the Board's confirmation isn't needed and therefore he wouldn't be voting for this. Mr. Clark responded that if someone's appointment was overturned within the 14 days we would be on the hook for unemployment and he is trying to avoid that and give the employee peace of mind. Mr. Howell said the Board would be pre-waiving something that is written into the Charter. The motion carried by a 3-1-1 with Mr. Howell opposing the motion and Mr. MacAskill abstaining from the vote.

#### F. Discussion on appointment of an interim member of the Housing Authority

Mr. Howell said this would need to be advertised and there would have to be a joint meeting with the Housing Authority. The Board agreed that Mr. Clark should have the vacancy advertised. Mr. Stewart, Chair, said they are down one regular member and a state appointee.

#### G. Request for One-Day Beer & Wine License by Friends of the South Harwich Meeting House for October 28, 2018

Mr. MacAskill moved to approve the request for a One-Day Beer & Wine License by the Friends of the South Harwich Meeting House for October 28, 2018 from 2:00 to 5:00. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

## CONTRACTS

- A. Approval of Change Order for Saquatucket Landside project for paving work done by Lawrence Lynch in the amount of \$76,176.32 – *vote to authorize Chair to sign*

Mr. MacAskill moved approval of the Change Order for Saquatucket Landside project for paving work done by Lawrence Lynch in the amount of \$76,176.32. Mr. Ballantine seconded the motion. Mr. Howell noted that the Board agreed there should be a checklist for these items signed by the Finance Director and Town Administrator. The motion carried by a unanimous vote.

- B. MassWorks grant of \$36,000 awarded for dredge work – *vote to authorize Chair to approve Town Administrator as signatory and sign*

Mr. McManus moved that we accept the grant and authorize the Administrator to sign. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

- C. Contract approval for Brooks Park Restroom to Cape Cod Builders in the amount of \$77,500

Mr. Ballantine moved approval of the contract for Brooks Park Restroom to the Cape Cod Builders in the amount of \$77,500. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

## OLD BUSINESS

- A. MS4 Stormwater Rules and Regulations – Summary for review

Mr. Clark provided a brief overview which he explained that in short, any lot over an acre that is part of a subdivision would require a local stormwater permit which is issued through the federal government. Mr. Clark further noted that it would also require a public hearing with the Board of Selectmen as the regulatory agency but the Board could defer some of its authority to the Planning Board. Mr. MacAskill moved to approve the MS4 Stormwater Rules and Regulations. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

- B. West Harwich School Building – *general discussion*

Mr. Ballantine said he asked for this item to be on as they have done nothing with the building for years and need to decide what direction they want to go. Mr. Clark said he reviewed the application for historic designation which he noted is a voluntary designation. Mr. Ballantine added that there is no obligation from the Town required. Mr. Clark said he is trying to confirm with Mr. Igoe of Preservation of Massachusetts that there are not stipulations. He asked if the Board has concepts they would like him to pursue. He reported that we have a letter from our insurance company that is looking for some minimal work to be done in order to have the Vacant Building Coverage which he sent to the Facilities Director. Mr. Howell said he would like to see the same model used on this as was used for the South Harwich Meeting House which was a license agreement. Mr. McManus said

the Town has let it fall to such horrendous shape that it is beyond the ability of any potential non-profit agency to effectuate. He said if it is going to happen, it needs some Town investment and the Town could prepare a limited rehabilitation plan so it is in a more usable condition and this can be done through an application to the CPC. Mr. MacAskill said that this is a want and not a need and the taxes are going to go up with the other projects in Town. Mr. Ballantine said the Board should support the nomination to this historic designation. He said we need to come up with something in a few months and we can't just let the building fall apart. Chairman Kavanagh said the Board would have to look at the application before they can support it. Mr. MacAskill said he would like a legal opinion as to whether the historic designation binds us to keeping the building. Ms. Urbano said the designation through Preservation of Massachusetts is only so that it goes on the most endangered properties list and it is already designated as historic. She noted that CPC applications are still open if the Town wants to apply for a roof and Mr. Waystack suggested applying for the minimum insurance standards. Mr. MacAskill said once we are awarded money from CPC we are pretty much locked into keeping the building. Mr. Berry noted that MassDOT is redoing the area and they are talking about a substantial investment and the school house is at the top of the arch of Route 28 in the area. He suggested that the Historical Society would love to have a satellite building or leasing it to a private developer. He said he is happy to help. Ms. Dupuy said she has experience in historic preservation and economic development and said there is federal and private money when you have a designation and every historic district is supposed to have an anchor building and this could be it. The Board took comments from Ms. Ford who said the key is to get a non-profit group to promote it. She commented that they would love to share their expertise. Mr. Howell commented that it doesn't need to be a pre-existing non-profit. Mr. MacAskill suggested putting the RFP out again. Ms. Urbano recommended that the Board wait on re-issuing an RFP until they get the results back from the application for historic designation. There was some discussion about submitting a CPC application as a placeholder and related issues of lack of supporting documents, timing issues, and the need for more discussion. Mr. Clark said he didn't know as he could get all the paperwork together, including estimates for work, in time for the CPC application deadline. He recommended not rushing it. Ms. Urbano said the designation is just an honorarium and we don't need to get legal opinion. Mr. MacAskill asked for all the materials to be discussed at the next meeting. Mr. Ballantine said he would email the Board the application for historic designation.

- C. Pleasant Bay Alliance Watershed Permit Implementation Grant – concur with the SNEP Grant Agreement and place an article in the 2019 ATM Warrant to appropriate Harwich's share in the amount of \$26,710

Ms. Ridley, Coordinator for the Pleasant Bay Alliance, reported that we were fortunate to be named a grant recipient in the amount of \$250,000 and described the purpose of the grant. At Ms. Ridley's request, Mr. Ballantine moved that we place an article in the 2019 Annual Town Meeting Warrant to appropriate Harwich's share in the amount of \$26,710 and approve the grant with Chatham to be the fiscal agent. Mr. MacAskill seconded the motion and the motion carried by a unanimous vote.

## **TOWN ADMINISTRATOR'S REPORT**

- A. Claim filed for damage to residential property from golf balls hit from Cranberry Valley Golf Course

Mr. Clark reported that we received a claim for damage to residential property from golf balls from Cranberry Valley which has been submitted to the insurance company. He noted that the Town has taken actions to try to mitigate this but not to the satisfaction of the property owner. He said he was

provided case law and any golf ball going on private property does constitute trespass. He said we do have a plan to continue to address this including installing natural vegetation. Mr. MacAskill said he received a call from the homeowner and did visit the house. He suggested that they just put up a net. Chairman Kavanagh responded that the other abutters aren't happy with that. Mr. Clark said we will see what we can address.

#### B. Departmental Reports

There was no discussion or action on this item.

#### **ADJOURNMENT**

Mr. Ballantine moved to adjourn at 9:12 p.m. Mr. MacAskill seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel  
Recording Secretary



**OFFICE OF THE TOWN ADMINISTRATOR**

**Christopher Clark, Town Administrator**

Phone (508) 430-7513

Fax (508) 432-5039

732 MAIN STREET, HARWICH, MA 02645



**MEMO**

To: Board of Selectmen

From: Christopher Clark  
Town Administrator

Date: October 22, 2018

Subject: Recommendation on Perks Disciplinary Hearing

---

After hearing all testimony at a Disciplinary Hearing on violations of Perks Weekday Entertainment/ Liquor Licenses, which I held on Thursday, October 18, 2018, I make the following recommendation to the Board of Selectmen with regard to an incident of conducting entertainment beyond licensed hours on July 27, 2018 and excessive noise in the form of music plainly audible beyond 150 feet reported on August 26, 2018.

I recommend that the Board of Selectmen issue a letter to Perks with the following findings:

With regard to the incident on July 27, 2018, this was a first violation for which the owner, Mr. Powell, received a letter of warning from the Police Department, which is standard procedure, and no disciplinary action is warranted.

With regard to the incident on August 26, 2018, testimony did indicate a minor technical violation but not sufficient to warrant any discipline.

Attached please find detailed minutes of the hearing.

MINUTES  
PERKS DISCIPLINARY HEARING  
TOWN HALL LIBRARY  
OCTOBER 18, 2018  
1:00 P.M.

PRESENT: Christopher Clark – Town Administrator, Lt. Kevin Considine – Police Dept., Officer Ronald Ruggiero, Officer Derek Dutra, Taylor Powell – Perks Manager, Robert McKelvey - musician, Megan Yaps, Ken Arbo, Selectman Michael MacAskill, Ann Steidel – Recording Secretary.

Mr. Clark opened the hearing at 1:00 p.m. noting that he was appointed by the Board of Selectmen as the Hearing Officer regarding noise complaints as outlined in the letter dated October 2, 2018 which was delivered to Perks by Lt. Considine. Mr. Clark read the letter into record (see attached) and noted that the hearing is specific to conducting entertainment beyond licensed hours on July 27, 2018 and excessive noise in the form of music plainly audible beyond 150 feet reported on August 26, 2018.

Mr. Clark explained that he will make a recommendation for the Board of Selectmen to vote on after which a notice will be sent to the license holder.

July 27, 2018 Incident

Lt. Considine testified that on July 27, 2018, Police were called for a report of loud music after 10:00 p.m. which was determined to be coming from Perks. He reported that as it was a first violation and they received a warning letter.

Officer Dutra testified that the call was received at 10:11 p.m. He said he parked in the Port Center parking lot which is just right of Sea Street. He noted that he heard music and confirmed it was from Perks. He said that Officers Hutton and DeBaggis confirmed that they heard it from Route 28. He reported that he made contact with Mr. Powell who turned down the music and said he wasn't aware the by-law included house music. Officer Dutra testified that the music was well beyond 150' and it was very loud. Lt. Considine stated that the complaint was from the Grey Gull and it was beyond the licensed hours, the distance wasn't relative at that point.

Mr. Powell testified that he didn't see Officer Dutra and he had spoken to Officer Hutton. He said that The Port had their music playing so he turned his on and he is not denying it. He said he had the speakers on and it wasn't live music. He said he didn't think background music was a violation.

Officer Dutra testified that he made initial contact.

Mr. Powell testified that Officer Hutton was very loud and confrontational. He said it was uncomfortable for him and his guests and people began to leave. He said he handled it unprofessionally and should have fixed it or talked in the street.

Officer Dutra said he made initial contact and Officer Hutton stepped in. He said the confrontation started with Mr. Powell who was raising his voice and Officer Hutton was trying to calm him down.

Mr. Powell said the confrontation was quick and he was apologetic and complied with turning off the music.

August 26, 2018 Incident

Officer Ruggiero testified that he responded to a call from 29 Pleasant Street at 8:20 p.m. for a noise complaint. He stated that when he arrived he didn't hear the music in the front of 29 Pleasant Street but did hear it faintly in the back. He said when he returned to the front he heard a very loud male voice. He said he went over to Perks and the singer was in between sets. He said he advised the bartender of the loud music who told the singer. He said they were both apologetic and voluntarily complied with turning down the music. Officer Ruggiero said only a couple of words were clearly audible from 29 Pleasant Street and it could have been because of wind direction.

Mr. Powell said he had gone to dinner for an hour but had monitored the sound before he left. He said there weren't a lot of cars to muffle the sound and it was windy that night.

Mr. McKelvey stated that he has played at Perks many times and is well aware of the noise ordinance. He said the volume was set the same as always and it was windy and foggy that night. He said he just finished the set when the officer came by. He said the officer said he couldn't hear it that well. He said he played one more set and he may have turned down the volume a little.

Mr. Powell submitted a letter from the bartender, Mr. Huber, which he read into record (see attached).

Officer Ruggiero said it was not that loud except for that one sentence that he heard from 29 Pleasant Street but if it were a non-issue, he wouldn't have been there.

Mr. Abro identified himself as Mr. Powell's uncle. He stated that he wasn't on the premises at the time but was later that night. He said he didn't think it was loud.

Ms. Yaps testified that she was there that night. She said she goes often and the noise level changes nightly based on environmental conditions. She said that night it was foggy and she could barely hear the music from where she was staying at 15 Pleasant St.

Mr. Clark stated that per the testimony today, only a couple of words were heard beyond the 150'. He said he isn't convinced that the officer would have responded if a complaint wasn't called in. He said he believes there isn't sufficient information or facts to warrant any discipline. He said it's possible the singer spoke too close to the microphone for an instant and he noted that there were no other reports that night. He said he would be recommending that this incident doesn't constitute sufficient material to levy discipline.

Lt. Considine stated that they have a duty to respond to calls.

Mr. Powell said he is working hard to comply and suggested changing the by-law. He added that it is only one person calling in.

Mr. Clark closed the hearing at 1:56 p.m.

Submitted by,  
Ann Steidel  
Recording Secretary

OFFICE OF THE TOWN ADMINISTRATOR

Christopher Clark, Town Administrator

Phone (508) 430-7513

Fax (508) 432-5039

732 MAIN STREET, HARWICH, MA 02645



October 2, 2018

VIA HAND-DELIVERY AND EMAIL

Mr. Taylor Powell, Manager  
Go Industries Inc. d/b/a Perks  
545 Route 28  
Harwich Port, MA 02646

Re: Notice of Disciplinary Hearing

Dear Mr. Powell

On September 17, 2018, the Board of Selectmen, acting as the Local Licensing Authority, voted to refer charges of alleged violations of the Liquor/Entertainment License for Perks, located at 545 Route 28, Harwich Port, to the Administrative Officer to conduct a Show Cause Hearing.

**Specifically the charges are: Conducting entertainment beyond licensed hours on July 27, 2018 and excessive noise complaint in the form of music plainly audible beyond 150 feet reported on August 26, 2018.**

As you know, the hearing of September 27, 2018 was postponed. **The new hearing date is October 18, 2018 at 1:00 p.m. in the Town Hall Library at Harwich Town Hall, 732 Main Street, Harwich.** You are requested to attend the hearing. You will be given an opportunity to be heard and to introduce evidence. You may be represented by counsel if you so choose.

You are hereby informed that in the event that the allegations are proven, the Board may take disciplinary action against the license, which may include suspension, revocation, or cancellation.

Sincerely,

Christopher Clark, Town Administrator

I hereby certify that a copy of this notice was served to the aforementioned person on the 2nd day of October, 2018

By:   
Harwich Police Department

cc: Chief David Guillemette  
Board of Selectmen



From: Jack Huber [jackhuber53@gmail.com](mailto:jackhuber53@gmail.com)  
Subject: Re: Perks  
Date: Oct 13, 2018 at 7:03:39 PM  
To: Perks Coffee Shop [perkscoffeeandcafe@gmail.com](mailto:perkscoffeeandcafe@gmail.com)

---

Absolutely. Sorry it took me so long.

Jack

On Sat, Oct 13, 2018 at 21:42 Perks Coffee Shop  
<[perkscoffeeandcafe@gmail.com](mailto:perkscoffeeandcafe@gmail.com)> wrote:

Jack,

Thank you so much, well spoken, we greatly appreciate you taking the time to write this. Hope you are enjoying your trip!!

Many Thanks,  
S & T

Sent from my iPhone

On Oct 12, 2018, at 6:29 PM, Jack Huber <[jackhuber53@gmail.com](mailto:jackhuber53@gmail.com)>  
wrote:

You got it.

I was working the bar on Sunday August 26th when I noticed a police officer coming down the path, and into the bar. I immediately stepped out to ask if everything was alright. He said that he was following up on a call the police had received about noise coming from Perks. Bob performs at Perks every Sunday, and not once had we received a complaint about his music being too loud.

When the officer first arrived I mentioned that my bosses were not in

the building, but they could be back in a moments notice. I made a specific point to him that we take noise violations very seriously. And that if this was going to be an issue going forward my boss, Taylor Powell, would prefer to be involved the night of the incident, instead of hearing about it at a later time. He insisted that this was nothing more than following up on a call, and it was not worth getting Taylor involved. I do not remember verbatim the words he used, but at one point in the conversation he even made a point to tell me that he personally thought the music wasn't that loud. Even going further to mention that he thought it was silly for him to have to respond to the call in the first place. He then reiterated that there was no need to get my boss involved, because there was no issue. All of this said, there is a blatant discrepancy between the position, tone, and behavior coming the officer now as opposed to the night of the 26th.

Jack

On Fri, Oct 12, 2018 at 23:15 Perks Coffee Shop

[<perkscoffeeandcafe@gmail.com>](mailto:perkscoffeeandcafe@gmail.com) wrote:

Yo, I hope you're having a great trip! if you get some free time on your travels... could you please drop Perks email a line about the details of when the cops showed on Sunday August 26th, 2018 when Bob was performing. How the cops said it was BS and that it wasn't loud, etc...

Bob maybe can go to the hearing but he said he'd write something about what the cops said that night when they came in.

[perkscoffeeandcafe@gmail.com](mailto:perkscoffeeandcafe@gmail.com)



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



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 Cape Cod IRISH PUB PHONE 508-432-8808  
 BUSINESS ADDRESS 126 MAIN ST. Rte 28 W. HARWICH 02671  
 MAILING ADDRESS IRISH PUB P.O. BOX 106 W. HARWICH 02671

PLEASE STATE THE PURPOSE FOR WHICH LICENSE/PERMIT IS REQUESTED

41<sup>ST</sup> ANNUAL IRISH PUB ROAD RACE

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

DATE AUGUST 3<sup>RD</sup> 2019

TIME 10A.M.

ROUTE/LOCATION NO CHANGE IN EXISTING ROUTE ON FILE

(please use reverse side if necessary)

Bryan O'Reilly  
 Signature of Applicant

MANAGER  
 Title

04-3004187  
 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:

[Signature] 10/24/18  
Police Department Date

\_\_\_\_\_  
Building Commissioner Date

\_\_\_\_\_  
Recreation & Youth Commission Date

[Signature] \_\_\_\_\_  
Board of Health Date  
Fire Department Date

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

For Office Use Only

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

FOR \_\_\_\_\_

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

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



**INTERVIEWS – Wednesday, October 17, 2018 – 9:00 am**

<u>TIME</u>	<u>APPLICANT:</u>	<u>VACANCY</u>	<u>Recommendations</u>
9:00 am	Tom Johnson	Harwich Port Parking Committee 2 – local businesses 3 – local residents	Hold
9:15 am	Mike Ulrich	Harwich Port Parking Committee 2 – local businesses 3 – local residents	Full Ad Hoc Business Member Term to Expire May 15, 2019
9:30 am	Al Donoghue	Harwich Port Parking Committee 2 – local businesses 3 – local residents	Full Ad Hoc Resident Member Term to Expire May 15, 2019
9:45 am	John Mahan	Harwich Port Parking Committee 2 – local businesses 3 – local residents	Full Ad Hoc Resident Member Term to Expire May 15, 2019
10:00 am	Joy Jordan	<u>Harwich Youth Services</u> 2 full member vacancies 3-year terms	Full Member Term to Expire June 30, 2019
10:15 am	Ginny Hewitt	<u>Harwich Center Initiative</u> 7 full vacancies – 3-year over lapping terms	Full Ad Hoc Member Term to Expire Dec 31, 2019
10:30 am	Angelo Kyriakides	<u>Historic District/Historical Commission</u> 3 Associate vacancies	Associate Member Term to Expire June 30, 2020
10:45 am	Joe McParland, Jr.	<u>Affordable Housing Trust</u> 3 members from the community (2 filled)	Hold

From October 3, 2018 Interview – Recommend Brendan Lowney Affordable Housing Trust Full Member Term to Expire June 30, 2019

## **Harwich Cultural Council**

---

The Harwich Cultural Council (HCC) is a town-appointed committee with a goal to enrich the cultural lives of our citizens. We are one of 329 local councils who are charged with allocating grant funds for community-based projects, as well as ticket subsidies for our students and seniors to theaters, museums, and educational venues in the arts, humanities, and interpretive sciences.

The HCC is annually funded in part by the Massachusetts Cultural Council (MCC) and by the Town of Harwich. Additionally, HCC fundraising and private gifts provide us with discretionary monies which can be used to supplement our local grant program and for cultural activities that meet MCC and HCC criteria.

### **The Committee**

The HCC, with a maximum of nine members, had eight active members through June 2018 with one vacancy – and currently has seven active members with two vacancies (as of July 2018). For the first half of the year (January through June), we met monthly on the second Thursday of the month at 4:30 p.m. at the Harwich Community Center.

After taking the summer off (July and August), we resumed our monthly meetings in September, meeting on the second Thursday of the month at 4:30 p.m. at the Harwich Cultural Center. We changed our meeting location in an effort to be more visible and available to the local cultural community. This change has increased our public attendance, which has led to more public comment during our regular monthly meetings.

The HCC re-elected Chairperson Tina Games and Treasurer Joan Sacchetti – and elected Rosanne Shapiro as Secretary at our June meeting to serve for the 2018-19 fiscal year. Additional council members include – Rose Ann Clarke, Sharon Mitchell, Lorraine Bosco, and Rosann Donahue.

Special recognition was given at the 2018 grant reception (held on May 31st) to outgoing member Debbie Ferry for her six years of service on the Harwich Cultural Council.

### **Grant Awards**

Our local cultural grants program continues to be our main focus and we are always looking for new and innovative ways to get the word out to members of our community. We delight in seeing the variety of applications that come in each year and make every effort to attend awardee events or programs by sending one or more council representatives.

This year, the HCC received a total of 25 grant applications for FY 2019 totaling \$24,018 in funding requests. Through a standardized review process which begins in November, we will be awarding \$9,000 in local grants in three different categories – arts, humanities, and interpretive sciences. Selected recipients will be notified in January with a special reception to be held in May.

It's also important to note that the grant application process is now completely online. We no longer accept paper applications. This move was initiated by the Massachusetts Cultural Council (MCC) in 2016 to enable better organization, tracking, and follow-up.

### **Other 2018 Activities**

Our annual reception for 2018 grant recipients was held on May 31st at the Harwich Cultural Center. There were approximately 50 people in attendance with entertainment provided by Open Mic Classical and members of the Monomoy Middle School Choir. Each grant recipient was also given the opportunity to make a brief presentation about the program or event that their grant supported. The reception serves as a good overview of the impact of our local grants program.

The HCC also took the lead in finalizing an opportunity presented to the Town of Harwich by the Massachusetts Cultural Council (MCC), which resulted in the signing of a Cultural Compact agreement on February 26th. Harwich was one of seven communities in the Commonwealth chosen to participate in this program – and the only town selected. The intent behind the compact articulates a common vision, defines shared values, and creates a framework for creative partnerships between our local government and cultural leaders in our community. It brings cultural agents to the table as decisions are made that affect the cultural life of our town.

Partnering with the Town of Harwich and the Harwich Chamber of Commerce, one of the highlights of the Cultural Compact agreement is the formation of two cultural districts, one in Harwichport and the other in Harwich Center, with a working plan toward designation currently underway.

Also, as part of the Cultural Compact agreement, Harwich was awarded a \$10,000 grant from the Massachusetts Cultural Council (MCC) to be used for signs, maps, and a website for the two cultural districts – and toward kitchen renovations at the Harwich Cultural Center.

The HCC is also pleased to share that we now have an official logo designed by Hannah Capra, a high school student at Cape Cod Regional Technical High School, as part of a graphic design internship project. The logo will be used exclusively for Harwich Cultural Council business.

### **Goals for 2019**

- The HCC will continue to partner with the Town of Harwich and the Harwich Chamber of Commerce toward Cultural District designation for Harwichport and Harwich Center.
- The HCC will hold our annual grant reception at the Harwich Cultural Center to honor the 2019 grant recipients. Grantees will be asked to give an overview of their projects.
- The HCC is currently exploring new fundraising opportunities and is entertaining a possible collaboration with the Harwich Chamber of Commerce for a joint-fundraiser.
- The HCC will continue its efforts to increase public awareness of cultural activities in our town through a variety of marketing approaches, including our Facebook page.
- The HCC will conduct a community cultural needs assessment as required by the MCC.

Respectfully submitted by:

*Tina Games, Chair  
Harwich Cultural Council  
October 29, 2018*

By-Law Charter Review Committee  
Annual Meeting with Board of Selectmen

October 29, 2018

Under the Charter Section 16, the By-Law/Charter Review Committee consists of 5 members appointed by the board of selectmen for 3-year overlapping terms. Our charge is to regularly review the by-laws of the town and submit proposed revisions to the town meeting at least once every 5 years and to regularly review the charter and submit proposed amendments to it to the Board of Selectmen.

With new members Carol Thayer and Tina Games on board, we now have a full complement of members including Anita Doucette, Deb Sementa, and Sandra Hall, all of whom have taken their ethics training and who regularly attend meetings. I would also like to take this opportunity to publicly thank retired member Joe Powers for his valuable contributions over the past several years.

The 2018 Annual Meeting included only one proposed Charter amendment to create a Water and Sewer Commission in place of the current Water Commission. The article was indefinitely postponed over language concerns. We expect to see it re-submitted for consideration in 2019.

By-Law changes reviewed by the committee for the 2018 ATM included reconciliation of language between the charter and bylaws regarding as to the number of members to various boards and committees and establishment of a new Housing Trust, among others.

The 2018 Town Election Ballot included various charter changes adopted by the 2017 Annual Town Meeting, specifically:

- A provision that members of the Board of Selectmen serve as liaisons to appointed and elected town agencies, instead of as ex officio members;
- Replacing the title of "town accountant" as an office appointed by the Board of Selectmen with the title "finance director";
- Revision of procedures for advertising various vacancies on boards and committees so that notice of positions will be posted for a minimum of two weeks in the same manner as required for meeting notices under the Open Meeting Law, including on the Town's website, and will render newspaper publication optional;
- Clarification of the requirement that town committees and boards re-organize at the first meeting after the beginning of the town's fiscal year and elect a chair, vice-chair and clerk;
- Revision of various provisions regarding the number of members on the various boards and committees providing more flexibility for future by-law changes; and
- Clarification of the responsibilities of the Golf Committee in making recommendations to the Board of Selectmen.

Going forward, we understand that the Board of Selectmen may wish to clarify language regarding the ex officio appointments to ensure that such appointments do not outlive the terms of members of the sending boards. We are also currently reviewing various financial provisions of the charter.

Also, given that the clock has already started in the run up to the 2019 Annual Town Meeting, please keep in mind that the Charter does call for the BOS to submit all articles proposing changes to the by-laws or charter within 14 days of the submission of articles. We would also ask that you give us a heads up along the way with respect to any revisions or changes that you anticipate to allow us sufficient time to review and meet our own Charter-mandated deadlines.

One concern to bring to your attention is the the legal requirement that ballot questions regarding charter changes be distributed to all households in the town prior to election day. This requirement was historically covered when the town sent copies of the annual warrants to Harwich households, however, this is no longer being done. While this is not an urgent matter for the coming spring with no such questions in the pipeline for the ballot, it is something to we will need plan and provide funds for in the upcoming FY 2020 budget.

Respectfully submitted,

Sandra B. Hall, Chairman

OFFICE OF THE TOWN ADMINISTRATOR

Christopher Clark, *Town Administrator*  
Evan N. Melillo, *Assistant Town Administrator*

Phone (508) 430-7513  
Fax (508) 432-5039

732 MAIN STREET, HARWICH, MA 02645



October 18, 2018

Ms. Emily Mitchell

Dear Ms. Mitchell:

We would like to offer you the position of Council on Aging Director for the Town of Harwich. I look forward to your positive contributions to our community.

This conditional offer letter confirms our understanding of your pre-employment terms with the Town.

- Pursuant to the Town Charter the Town Administrator makes the appointment for this position subject to confirmation by the Board of Selectmen. Your name has been put forth for confirmation and the Board of Selectmen will be taking this up at their meeting on October 29, 2018. Successful confirmation will be needed to finalize appointment.
- The Town will arrange for a CORI check that must be successfully passed.

Please read the letter and confirm your understanding of the terms of your employment by signing the bottom of the letter and returning a copy to us for your personnel file.

Your position title will be Council on Aging Director and your starting date is anticipated for October 30, 2018 but no later than November 13, 2018. You will be provided with 8 days of vacation your first year and 15 days following thereafter. This position is included in the SEIU Local 888 and your employment is subject to the rights and obligations included in the contract, which you have already received. Your starting salary will be \$61,586 (Grade M-2A, Step 3).

Again, we are delighted that you are joining the Town's professional staff. Please feel free to contact me if you have any questions prior to beginning work.

Sincerely,

Christopher Clark  
Town Administrator

10/23/18  
Emily Mitchell Date

Enclosure

CC: Board of Selectmen  
Town Treasurer/Collector  
Town Accountant/Finance Director  
Computer Coordinator

## OFFICE OF THE TOWN ADMINISTRATOR

Phone (508) 430-7513

Fax (508) 432-5039



732 MAIN STREET, HARWICH, MA 02645

**Christopher Clark**, *Town Administrator*

**Evan N Melillo**, *Assistant Town Administrator*

October 10, 2018

To: Christopher Clark, Town Administrator  
From: Evan Melillo, Assistant Town Administrator  
Re: COA Director Hiring Process and Recommendation

The internal posting for the Council on Aging ("COA") Director position was posted on August 29, 2018 and closed September 12, 2018.

The external advertisement appeared in the *Cape Cod Times* and the Beacon. It was also available on the Town Website. The posting remains open until filled with first reviews scheduled after September 21, 2018.

An interview team was established consisting of the following:

Christopher Clark	Town Administrator
Jack Brown	Representing the Friends of the COA
Leighanne Smith	Harwich Fire Department
Richard Waystack	COA Chair
Carolyn Carey	Community Center Director
Evan Melillo	Assistant Town Administrator/Human Resources

19 applications/resumes were received as of October 15, 2018.

Starting on Monday September 24<sup>th</sup>, 2018 copies of the applications/resumes were sent to the interview team. Each member was asked to choose their top three (3) candidates and return the list by Wednesday October 3<sup>rd</sup>, 2018. On Wednesday, the lists were tallied and the top six (6) candidates were selected for interview. In addition, team members were asked to provide interview questions.

Interviews were then scheduled for Tuesday October 9, Friday October 12, and Monday October 15, 2018. Fifteen (15) pre-determined interview questions, selected from those submitted by the team, and an evaluation form were sent to team members.

Following the final interview on Monday, October 15, 2018, the interview team met to review those interviewed. Utilizing the evaluation scores and after careful and courteous discuss, the team selected Emily Mitchell as the top candidate.

Ms. Mitchell is a Harwich native and brings over 3 years of combined higher education and working experience in Harwich's Community Center and Council On Aging. She graduated Summa cum laude with a Bachelor of Arts in Psychology and Women's Studies.

## HARWICH CODE

- (j) Coordinate, with the approval of the board of selectmen, the administrative activities of all town agencies and officers concerned with the physical, economic, and environmental development of the town.
- (k) Develop, keep, and annually update a full and complete inventory of all property of the town, both real and personal. **[Amended 5-2-2016 ATM by Art. 48<sup>5</sup>]**
- (l) Convene regular meetings of the management advisory team established by clause 5-3-3.
- (m) Negotiate collective bargaining contracts on behalf of the board of selectmen, unless the board shall have designated another negotiator.
- (n) Perform such other duties as may be required by this charter, by-law, or vote of the board of selectmen.

### Section 4. Responsibilities for Appointments

→ 4-4-1 Except as may otherwise be provided by General Laws, this charter, or the personnel by-law, and subject to the approval of 3 or more affirmative votes of the board of selectmen, the town administrator shall have the power to appoint, on the basis of merit and fitness alone, and remove division directors, department heads, and an assistant town administrator.

4-4-2 Except as may otherwise be provided by General Laws, this charter, the personnel by-law, or collective bargaining, the town administrator shall have the authority to appoint, on the basis of merit and fitness alone, and remove: a) all full-time town employees; b) all part-time employees; c) all employees of appointed town agencies; d) 1 or more inspectors; and e) all other full-time, part-time or seasonal employees. Any such appointments or removals may be overturned only by the affirmative vote of at least 4 selectmen taken within 14 days of the town administrator's action in initiating such appointment or removal.

4-4-3 The town administrator shall appoint the harbormaster and any assistant harbormasters. **[Added 5-2-2016 ATM by Art. 48<sup>6</sup>]**

### Section 5. Responsibilities for Administrative Reorganization

4-5-1 The town administrator may, with the approval of the affirmative vote of at least 3 members of the board of selectmen, establish, reorganize, consolidate or abolish any division, department or position placed by this charter under the town administrator's direction and supervision, except as otherwise provided by general law, this charter or vote of town meeting.

4-5-2 The creation of any new full-time, compensated position which requires the approval of the board of selectmen shall not become effective until the position has been funded by a vote of town meeting.

---

<sup>5</sup> Editor's Note: This amendment was approved at the 5-16-2017 Town Election.

<sup>6</sup> Editor's Note: This amendment was approved at the 5-16-2017 Town Election.



## Ann Steidel

---

**From:** Norman Clarke  
**Sent:** Wednesday, October 24, 2018 11:07 AM  
**To:** Sandy Robinson  
**Cc:** Ann Steidel  
**Subject:** FW: Harwich FS#2 - Change Order #001 Narrative

Sandy can I get on the agenda for Monday night to brief the Selectmen on station 2 as well as give a brief narrative of a pending change order, (change order #1). No action needed for this meeting. Attached is pending items. Thanks

Norm

---

**From:** Peter Gaudreau [mailto:pgaudreau@kba-architects.com]  
**Sent:** Monday, October 22, 2018 11:04 AM  
**To:** Norman Clarke <n.clarke@harwichfire.com>  
**Subject:** Harwich FS#2 - Change Order #001 Narrative

## **DRAFT**

Hi Chief,  
Is this the type of detail that you are looking for on the CO#001 Narrative?  
Pete

### ***Change Order #001 Narrative***

The following Electrical Changes were included in the Change Order CO#001 (PR#001) – “Electrical Changes” Scope of Work.

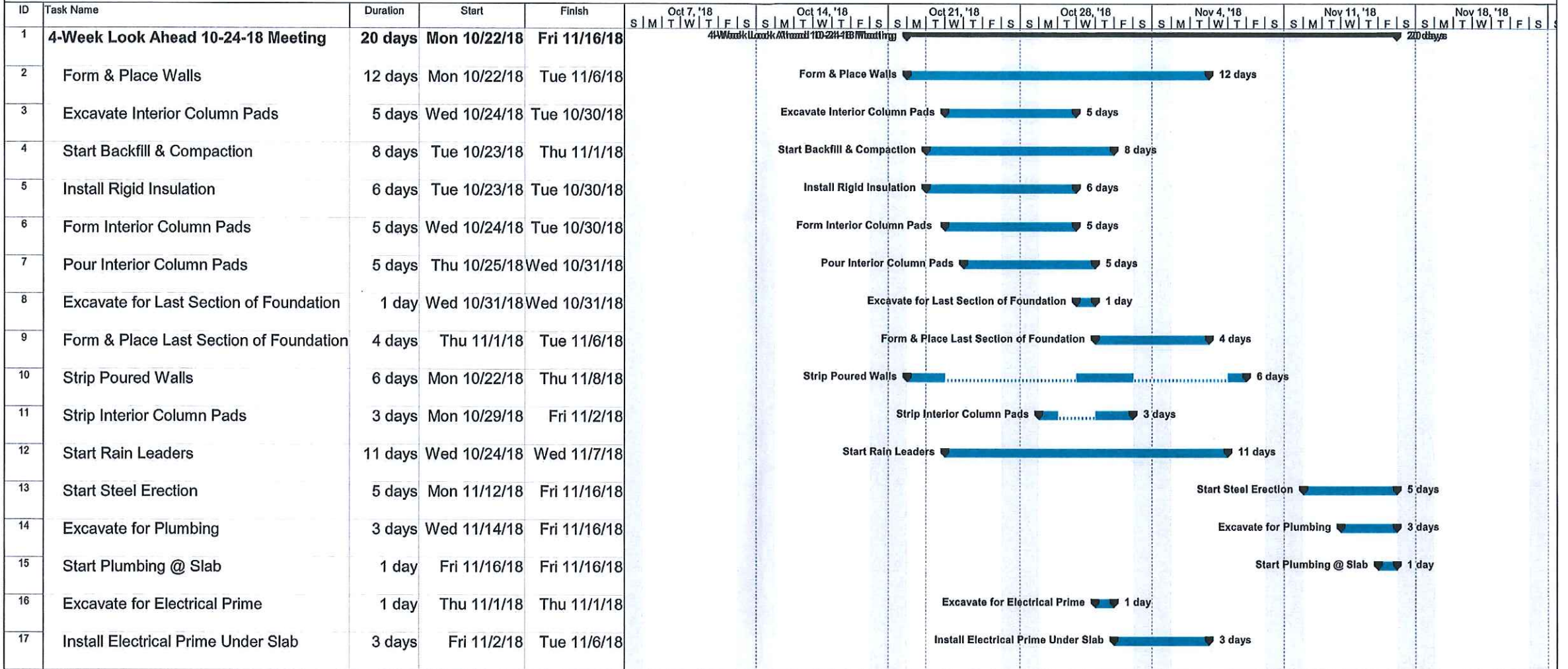
- 1.) Site Utility Plan Revisions.
- 2.) Revision to Mezzanine Level Plan – Lighting and Keyed Lighting Notes.
- 3.) Revisions to Main Level and Mezzanine Level Plans - Power.
- 4.) Revisions to Main Level and Mezzanine Level Plans – Fire Alarm.
- 5.) Revisions to Lighting Fixtures Schedule & Notes.
- 6.) Revisions to Main Level Plan – Lighting.
- 7.) Revisions to Main Level Plan – Power & General Power Notes.
- 8.) Revisions to Security Riser & Details.
- 9.) Revisions to One-Line Power Riser & Schedules.
- 10.) Revisions to Main Level Plan – Security.
- 11.) Revisions to Electrical Site Plan.
- 12.) Site Utility Plan Revisions.

Pete Gaudreau, Assoc. AIA  
Construction Administrator

PLEASE NOTE OUR NEW ADDRESS!

KAESTLE BOOS ASSOCIATES, INC

16 Chestnut Street, Suite 301, Foxborough, MA 02035  
Office: 508-549-9906 | Fax: 508-549-9907  
[www.kba-architects.com](http://www.kba-architects.com)



Project: 2-Week Look Ahead - 8-29-18 Date: Tue 10/23/18	Task		Project Summary		Inactive Summary		Manual Summary		External Milestone	
	Split		External Tasks		Manual Task		Start-only		Progress	
	Milestone		External Milestone		Duration-only		Finish-only		Deadline	
	Summary		Inactive Milestone		Manual Summary Rollup		External Tasks			

## **Harwich Channel 18 Operational Procedures**

### **A. Channel Designation**

The Town Government Channel is established on cable channel 18 for Comcast Customers. Its designation shall be known as “Harwich Channel 18”

### **B. Modes of Broadcast**

#### **1. Live Broadcasts**

A limited amount of live coverage will be provided. Generally, this will include broadcast of Board of Selectmen meetings, other selected public meetings of governmental bodies (e.g. Planning Board, Zoning Board of Appeals, Conservation Committee, Historical Commission etc.) and of Town sponsored events.

#### **2. Delayed Broadcast**

Many public meetings and events will be recorded for broadcast at a later time. Delayed broadcast will appear on Harwich Channel 18, YouTube and online On Demand Service.

#### **3. Municipal TV Produced Programs**

The Town may produce or contract for the production of programs which illustrate the functions or operations of Harwich Town government. These may include video documentary programs on the various Town services provided to and for citizens, public service announcements, crime prevention, outreach programs, emergency management information, Chamber of Commerce events and Town sponsored cultural events.

#### **4. Outside Sourced Programs**

Programming produced outside the Town may be broadcast so long as the programming is consistent with the governmental purpose of this channel and is consistent with the sponsoring Town board or department’s function and purpose.

### **C. Access Policy**

The Town of Harwich's Government Channel is not a "public access" channel; Access to the Town's government channel shall be limited to the Town, its boards, Committees and Department Heads. In addition, programming concerning the operations and functions of the Monomoy Regional School District and of other governmental agencies may also be broadcast, subject to the approval of the Channel 18 Director.

## **E. Program Content**

### 1. Public Meetings/Hearings

Public meetings, including but not limited to Board of Selectmen, Annual Town Meeting, Town Legal Counsel Workshops or any meetings of official public record, may be broadcast either live or in delayed replay, will be shown "gavel-to-gavel," and shall not be edited for content.

### 2. Informational Programming

Informational programming may only be sponsored by and presented on behalf of regular appointed or elected boards and officials of the Town. Channel 18 Director must approve format and length. Such broadcasts are intended to provide information useful to Harwich residents regarding Town operations, services and events and must be consistent with the governmental purpose and/or functions of the sponsoring Town board or department.

### 3. Public Service Announcements

Video announcements of Town-sponsored events or informational messages about Town programs and services are produced as needed. These Public Service Announcements may be broadcast on the Government Channel. Public Service Announcements will identify the Town of Harwich and Town department.

### 4. Emergency Messages / Announcements

Government use of the Government Channel during emergencies and disasters declared by the Town's Emergency Management Director or his designee has absolute priority over all other programming. During such emergencies or disasters, the Government Channel shall be permitted to accept live, recorded, character-generated or audio information from other governmental or non-governmental entities when such announcements are deemed necessary by the

Town's Emergency Management Director or his designee to provide important public information pertaining to the emergency or disaster or other conditions requiring protection of the public health, safety and welfare. During an emergency event the Channel 18 Director will pull all previously scheduled content and only air programming that pertains to the current emergency situation. This includes any regularly scheduled government meetings.

#### 5. Other Programming

Channel 18 may, upon occasion, broadcast other programs such as, but not limited to:

- a.) Selected items from the official Town of Harwich website, including the calendar
- b.) Budget hearings and community forums
- c.) Town-sponsored events, job announcements, and programs via a video bulletin board. This service may be broadcast in conjunction with regular programming
- d.) Other local area governmental meetings. Such as Barnstable County Regional events.
- e.) Promotional announcements for Town-sponsored or sanctioned events
- f.) It shall be the policy of Harwich Channel 18 to broadcast acceptable and approved mature content programming during FCC specified safe harbor hours when children are less likely to constitute a significant portion of the viewing audience. When possible, acceptable mature programming will be preceded by verbal and/or text information stating that the programming content is intended for a mature audience
- g.) Open discussion at a public meeting of a Town governmental body, related to ballot questions, warrant articles, override issues or other voter informational issues.

#### 6. Prohibited Broadcasts

The following activities are NOT permitted to be broadcast on the Harwich Channel 18:

- a.) Commercial advertising or other information which promotes the sale of any product or service. Including for profit entities and business advertisement.
- b.) Programming which directly promotes religious beliefs or religious philosophies

- c.) Subject matter which is defamatory in nature
- d.) Programming content which, in the opinion of the Board of Selectmen and/or the Channel 18 Director is indecent, obscene or illegal.
- e.) Programs containing copyrighted materials without proper copyright authorization. Outside agencies submitting programming for telecast are responsible for obtaining all necessary copyright clearance and shall hold the Town and its successors, departments, officers, employees, servants, attorneys and agents, harmless in any case of copyright infringement
- f.) Materials provided by or for declared candidates for elected office.  
Candidates for elected office may not use the Government Channel as a part of a campaign effort. This exclusion does not apply to persons who receive air time as part of official public meeting coverage, candidate forums and special election coverage.
- g.) Programming related to support a certain political campaign purposes, such as the election of a candidate or the passage or defeat of a ballot question or override-related article, as well as programming advocating support or defeat of town meeting warrant articles.

## 7. In-Service Training

Production of videos for training and education of Town employees and/or Town Boards and Committee's which are not intended for the general public, may be considered for broadcast. Such videos may include training from Town Counsel regarding but not limited to: Open Meeting Law, Ethics, website training and software training.

## **F. Use of Town Equipment**

Use of Town-owned video and related production equipment shall be restricted to Town activities and by personnel/volunteers identified by the Channel 18 Director. Loaning of equipment for personal or outside agency use shall not be authorized.

## **G. Videography and Production**

### 1. Requests for Programming

- a. Requests for programming must be made to the Channel 18 Director via email at [jgoodwin@town.harwich.ma.us](mailto:jgoodwin@town.harwich.ma.us) In order to allow for sufficient time for

production, scheduling, and publicity, requests must be made at least two weeks in advance of the intended broadcast date.

b. Requests for information to be broadcast on the scrolling video bulletin board must be submitted in writing, along with the start and end dates of the announcements at least one week in advance of the start date. Printed flyers or email attachments are accepted. Harwich Channel 18 cannot guarantee that requested announcements will be broadcast.

## 2. Video and Audio Recording of Boards & Committees

Any Board or Committee that conducts a public meeting in either the Donn B. Griffin Room or the Small Hearing Room, located at, 732 Main Street, Harwich, MA 02645 MUST assume that they are being recorded for public broadcast/record. Any questions regarding this procedure can be addressed by the Harwich Channel 18 Director.

## 3. DVD Duplication

Viewers are encouraged to record programs from the cable channel, and unrestricted access is allowed for the recording of programming off the air for private use. Citizens may request copies of previously broadcast materials still retained within the town video archives. These will be provided in DVD format only, for a service fee of \$15.00 per copy. Such requests may be executed at Harwich Channel 18 Studios, located at 100 Oak Street, Harwich, MA 02645 and accompanied by a check or money order for the total fees due. Checks payable to "Town of Harwich"

## **H. Program Content**

### 1. Technical Standards

Before externally produced programs or other productions may be scheduled for broadcast, they must be approved for minimum technical and broadcast aesthetic standards, to be determined by the Harwich Channel 18 Director.

### 2. Human Errors

Should human error result in the broadcast of incorrect information over the Government Channel, the Town of Harwich, its officers, employees, and volunteers shall be held harmless. This includes any board/committee who fails to record a meeting in an "unmanned" hearing room.



## **I. Boards and Departmental Responsibilities**

Boards and Departments requesting program development must be willing to assist in writing and producing the program in its entirety. The requesting entity shall be responsible for content development. Length and content to be finalized by the Channel 18 Director.

## **J. Staffing**

### 1. Paid Staff

To administer the Harwich Channel 8, there are currently two full-time staff positions and one part-time videographer. Part-time staff positions may be created as needed per the town recruitment procedure. All operational positions will work under the supervision of the Channel 18 Station Manager, who will be guided by the Town Administrator, on matters related to video broadcast and channel operation and use.

### 2. Volunteers

Volunteers for Harwich Channel 18 function under the volunteer policy of the Harwich Council on Aging. In addition to this policy Channel 18 volunteers will not be held responsible for failed recordings, operational errors or other unforeseen issues.

## **M. Funding**

Funding for equipment, personnel, maintenance and repair of equipment and software is provided by the Town through the Comcast Cable Television Franchise Fee Agreement.

opioid addiction. He stated that it is unlikely that the 3% tax will be a net gain for the Town considering the public safety issues and the ban and extended moratorium make sense.

Ms. Kavanagh said the more drugs that are out there, the more problems we will have as a community. She said we won't get a lot out of it and exposing ourselves to edibles is a huge concern and if other towns rule it out and we rule it in that will lead to a problem for us.

Ms. Brown agreed and said Option #1 is what she is going to vote for.

Mr. Howell stated that it should be in a more highly regulated environment and it is not being proposed that way by the State and it seems like a free for all. He commented that it is rigged because of the way the Attorney General has put it out. He said we could have both of these by-laws ready, one to ban and one to sell in certain conditions, but his problem is that the same Town Meeting could not achieve a 2/3 consensus on either one of them so where would we go with it as the State has no provisions for this. He said he would go along with whatever the Board decides but questioned how we are going to deliver this at a Town Meeting. He said whatever we do should wind up resulting in something that is orderly and he doesn't see that happening.

Chairman MacAskill said the book has been written on this in other states, you don't find any positive information as far as statistics go for car accidents, fires, etc. He said he has done extensive research on this and he cannot support it.

Mr. Ballantine moved we accept the Option 1 which prohibits the sales of marijuana in Harwich. Ms. Kavanagh seconded the motion. Mr. Howell said he is voting for this mainly because of what a horrible mess this has become on the State level, there is no clarity about us being able to exert any kind of Home Rule on this. The motion carried by a unanimous vote.

Mr. Clark said if the Board is going with Option 1, then a logical follow-up would be an extension of the moratorium until December. He recommended that the Board vote an extension. Ms. Maslowski of the Planning Board pointed out that the moratorium is really to get you through the administrative process at the Town Clerk's office and Attorney General's office which can take up to 120 days so that you don't have a lapse. She said the moratorium would be necessary either way. Mr. Ballantine moved to extend the moratorium through December 31, 2018. Ms. Kavanagh seconded the motion and the motion carried by a unanimous vote.

#### B. Harwich Energy Committee Charge and renaming of committee

Ms. Kavanagh moved to approve the Utility & Energy Conservation Committee charge as is and the renaming. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

#### C. Municipal Revenue and Economic Development Committee Charge

Ms. Brown read the charge and said she would forward it to the Town Administrator. Ms. Brown moved to accept the charge of the Municipal Revenue and Economic Development Committee as amended. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

#### D. Request to authorize the Chair to sign the representation letter regarding the audit of financial statements of the Town

## MUNICIPAL REVENUE AND ECONOMIC DEVELOPMENT COMMITTEE CHARGE

### Background:

The Town of Harwich is facing many expenses in the next decade which promise to increase resident and business taxes.

### Purpose:

The Municipal Revenue and Economic Development Committee will generate ideas to offset municipal financial obligations by helping the Town generate additional revenue. The committee will also explore potential operational efficiencies to reduce costs and regulatory procedures to further encourage a positive environment for economic development. The Committee will work with the Harwich Chamber of Commerce to generate ideas for increasing the Town's year round business economy and capitalizing on the seasonal revenue stream. The Committee will present ideas to the Board of Selectmen in a regular open meeting at least quarterly. In addition, the Committee will provide a non-voting liaison to the Harwich Housing Committee, Real Estate and Open Spaces Committee, Harwich Finance Committee, and Harwich Planning Board.

### Committee Make-up:

The Municipal Revenue and Economic Development Committee shall be appointed by the Board of Selectmen and will be comprised of 7 voting members plus a non-voting representative from the Harwich Chamber of Commerce. Term expiration dates will stagger in a format consistent with other committees, i.e. 2-1-2, and each term will consist of three years. Each of the voting members will be assigned to one of the following positions, which will re-organize every fiscal year: Chair, Vice Chair, Clerk, Liaison to Harwich Housing Committee, Liaison to Real Estate and Open Spaces Committee, Liaison to Harwich Finance Committee, and Liaison to Harwich Planning Board. When possible, Selectmen will seek members from the community with professional representation including but not limited to entrepreneurs, business owners, realtors, and attorneys, as well as retirees, working class families, and/or other citizens to comprise the membership of this committee. In addition, the Committee will have the dedicated staff support of the Town Planner with the Assistant Town Administrator as an alternative.

APPROVED by the Board of Selectmen:

September 11, 2017

# Monthly Report for Selectman

September

10/24/18

## Golf Operations

The golf course has been open in full 21 of 24 days so far in October with no carts due to rain on 2 days and our first frost delay on 10/19.

October begins as a busy month for outings on weekdays and hotel play on weekends with play steadily dropping as temps approach 40's.

October Tournaments:

<u>October</u>					
1-Oct	Hospital Auxillary	8am	SG		Mon
3-Oct	Pals for Life	12pm	SG	144	Wed
8-Oct	Monomoy Athletic Booster	8am	SG	60	Mon
13&14 Oct	Sr Club Championship	8am	TT	66	Sat&Sun
15-Oct	Land Ho Charity	8:30	SG	100	Mon

## Golf Course Maintenance

- ▶ Green aeration is scheduled for first week of November
- ▶ Bid for cart path projects open on 10/25

## Golf Course Infrastructure Project

- ▶ New Cart Building is nearing completion, only 2 garage doors left to install (this week)
- ▶ Working with Eversource to supply electric to building – letter from KP Law
- ▶ Exploring Solar options (SMART program)
- ▶ Beginning to landscape cart building

## **Director of Golf Specific**

- ▶ Presented Rates/Fees recommendation for 2019 at Golf Committee meeting on 10/16
- ▶ Public Hearing on Rates/Fees on 10/23
- ▶ Met with Capital Outlay on 10/23
- ▶ Met with members of FinCom at golf course to discuss golf operation on 10/9
- ▶ Selectmen approved 2 year renewal of Instruction License with Miller Golf on 10/22
- ▶ Restaurant Lease negotiations on 10/17 with Town Administrator
  - ▶ Cart Barn Project meeting with TA, Assistant TA, Engineer, GC Superintendent on 10/23
  - ▶ Met with TA to discuss Capital Requests on 10/22



# **HARWICH**Police

DEPARTMENT

183 Sisson Road, Harwich, MA 02645

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



**DAVID J. GUILLEMETTE**  
Chief of Police

**THOMAS A. GAGNON**  
Deputy Chief

## WEEKLY ACTIVITY REPORT FOR WEEK OF 10/14/18 THROUGH 10/20/18

### PATROL

- 354 Calls and patrol-initiated activity logged
  - 9 Arrests
  
- 44 Traffic Enforcement Assignments completed
  
- 43 motor vehicle stops resulting in:
  - 31 Verbal warnings
  - 10 Written warnings
  - 1 Criminal complaint
  - 1 Investigations
  
- 7 Motor vehicle accidents investigated

### COMMUNITY POLICING / SRO

- The Citizens Academy continues on Thursday nights recent topics include traffic unit, criminal law, the court process and the PD chaplain program
- Officer Tyler Vermette assisted with displaying the regional SWAT team Bearcat (armored vehicle) at Touch-a-Truck

### ADMINISTRATION

- Command staff meeting held
- Chief and Deputy Chief attended in-service training
- Officers testified at entertainment license violation hearing
- Chief attended meetings of Cape Chiefs, Cape Law Enforcement Council and Southeast Chiefs
- Chief attended recognition ceremony at COMM Fire



## Harwich Water Department

196 Chatham Rd.  
Harwich, MA 02645  
(508) 432-0304

Dan Pelletier, Superintendent

### Monthly Activity Report: September 2018

Please see the following highlights from the previous month:

- Building Maintenance- Complete replacement of deteriorated sealant at the base of Oak St. Tank, sand surface rust & re-apply new sealant, clean & pressure wash interior of Oak St. tank. Complete rebuild on Station 2 hatch, replace all trim w/ PVC board, reinstall gutters, set up staging at Station 4, remove temp radio antenna from Lothrop Tank, LED Lighting replacement in Building A, annual cleaning/testing of all department intrusion/man down alarms.
- Treatment- Backwash greensand filters @ Bruce Cahoon Treatment Plant & T-10 filter plant, test all medical alarms, calibrate analyzers & test plant shut down alarms @ all stations, receive Potassium Hydroxide & Sodium Hypochlorite, repair/rebuild chemical feed pumps at T-2, conduct EPA's UCMR4 sampling and submit to lab
- Distribution- water service crossovers at 12, 15, 19, 22, 25, 26, 29, 32, 49, 54, 58, 68, 83, and 100 Doane Road, install new water services at 42 South Street and 45 Parallel Street, cut & cap water service at 34 Sequatton Lane, renew water service at 33 Cornerwood Dr. Various trench paving in disturbed areas from excavation work.
- Lower County Road- Pre-construction meeting 9/14/18, Construction started on the 17<sup>th</sup>. Robert Our Co. began installing 16" insertion valves, installing tapping sleeves & gate valves, changing water services from 8" main to 16" main. HWD staff cleaning/vacuuming/exercising gate valve throughout work area for water main shut downs.

### Quick Stats

<b>117</b>	<b>-27.5%</b>	<b>+11.2%</b>
Water Samples Taken	Monthly Change in Pumping August vs September	YTD Change 2017 vs. 2018

### Activities: September 2018

Crossovers	19	Markouts	39
Cut/Cap Water Service	2	Meter Head Replacement	1
Damage Complaint	1	Meter Replacement	8
Demo/Remove All	2	Repair/Replace Valve	2
Leak at Meter	1	Service Repairs	45
Leak at Service	2	Visual Meter Reading	23
Leak Investigation	5	Water Service Installation	2
Leave Notice Card	4	Water Service Renewal	1

### Activities Statistics

	<u>2017</u>	<u>SEPT 2018</u>	<u>2018YTD</u>
Curb Stop Repair/Renewals	5	0	1
Final Read for Property Transfer	394	26	240
Frozen Water Meter/Services	2	0	26
Hydrant Maintenance/Repairs	1	0	1
Hydrant Installation/Replacement	2	0	3
Markouts	365	39	301
Meter Replacement	461	8	212
Meter Installation <i>new accounts</i>	39	0	25
Seasonal Turn On/Off	1126	58	640
Water Main Repairs	5	0	6
Water Service Installation <i>new</i>	40	2	19
Water Service Renewal	47	1	20
Service Repair/Site Visit <i>general</i>	194	25	351



*Sheila House, MS, LMHC  
Harwich Youth & Family Counselor  
Town of Harwich • 728 Main Street  
Harwich, MA 02645*

**MONTHLY REPORT-Board of Selectmen  
Sheila House, LMHC - October 22, 2018**

- Current caseload of 15 individuals. Clients receive mental health counseling, case management, mentoring, and wellness referrals as needed. Also seeing 3 parents and 1 grandparent for coaching and support.
- Administrative block time (closing files, curriculum planning, update email lists, generate and distribute information to school administrators)
- Participated in Clubs Fair at MRHS, to generate an email list inviting students to join Harwich Youth Services Committee as "junior Members"
- Conference Call monthly meeting with fellow board members of Behavioral Health Innovators to discuss next steps in continuing recruitment for the Teen RecoveryBUILD program, which works with teens to help other teens recover from substance abuse/addiction.
- Tuesday October 2<sup>nd</sup>- Attended the YMCA Community Leadership Forum at Brewster Baptist Church. The Y has been doing a needs assessment to get data about partnering with programs for Cape Cod families, as well as exploration of a 2<sup>nd</sup> Y site in the Lower Cape area.
- October 3<sup>rd</sup> – Attended first meeting of the Monomoy School District Behavioral Health Steering Committee, chaired by Melissa McGuire Director of Student Services.
- Went on Channel 18 Community Forum to promote the Harwich Children's Fund INDOOR YARD SALE FUNDRAISER, happening Saturday October 13<sup>th</sup> at the community center from 12-3 pm
- Attended the Monomoy District Behavioral Health Steering Committee meeting on Wednesday October 3<sup>rd</sup>.
- Friday October 5<sup>th</sup>- Attended the annual Cape Cod Health Care Behavioral Health Conference in Hyannis. <https://bhpcapcod.org/calendar>
- Tuesday October 9<sup>th</sup> – Met with Pat Vreeland from Chatham Children's Fund for consultation about next steps during years 2-3 of establishment of Harwich Children's Fund



- Curriculum planning for this year's GIRL POWER series, an intergenerational program pairing senior women with 3<sup>rd</sup> grade girls.
- Began teaching the HEALTHY CHOICES class for students found in violation of the school's chemical health policy. Participation in the class reduces the time a student is not allowed to participate in sports and other extracurricular activities. (12 week to 6 weeks)

Please feel to call me at (508) 430-7836 if you have any questions.

Best Regards,

***Sheila***

Sheila House  
Harwich Youth & Family Services