

SELECTMEN'S MEETING AGENDA*

Donn B. Griffin Room, Town Hall

732 Main Street, Harwich, MA

Regular Meeting 6:30 P.M.

Monday, June 24, 2019

**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. Accept a gift of \$400.00 from the Harwich Cranberry Festival for the purpose of paying for the tuning of the piano recently donated to the Cultural Center
- B. Vote to approve 2019 Annual Committee Re-Appointments
- C. Vote to re-appoint Jim Joyce to the Planning Board – Term to Expire June 2020
- D. Per the recommendation of the interview nomination sub-committee - vote to appoint Sharon Fleger as a Full Member to the Board of Health
- E. Vote to affirm appointment of Dana DeCosta as a Board Secretary
- F. Vote to Exempt Dana DeCosta from the provisions of MGL, c.268A, §20

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

- A. Safe Routes to Schools Update; Mary Oldach, Principal, M.Ed. Harwich Elementary School and Griffin Ryder Town of Harwich Engineer

VII. NEW BUSINESS

- A. Request from the Harwich Cranberry Festival for a partial waiver of the facilities fee for the courtyard rental for Thursday night concerts at the Cultural Center; From \$1050.00 to \$525.00
- B. Draft Budget/Warrant Timeline - Discussion

VIII. CONTRACTS

IX. OLD BUSINESS

- A. Phase 2 Sewer - Order of Taking Sewer Drainage Easements in Private Ways

X. TOWN ADMINISTRATOR'S 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:

Posted by: _____
Town Clerk

Patricia Macura, Admin. Secretary

Date: _____ June 20, 2019



Harwich Cranberry Festival Inc.

508-527-7620 P.O. Box 555 Harwich Port, Massachusetts 02646

June 19, 2019

Larry Ballentine
Board of Selectmen
Town of Harwich
732 Main Street
Harwich, MA 02645

Dear Chairman Ballentine and Selectmen,

The Harwich Cranberry Festival Committee voted to donate \$400 to the Town of Harwich for the purpose of providing for a tuning and servicing of the piano that has been recently donated to the Harwich Cultural Center. We request that you accept the gift.

Thank you for your consideration of this request.

Sincerely,

Edward McManus, President

Harwich Cranberry Festival, Inc.



TO: Board of Selectmen
 FROM: Donald F. Howell
 Michael D. MacAskill
 RE: Annual Committee/Board/Commission Re-appointments
 DATE: June 24, 2019

The following is a recommended list of reappointments for new 3-year terms beginning on July 1, 2019 and expiring on June 30, 2022.

*Representatives from other Committees have one-year terms.

<u>Committee</u>	<u>First Name</u>	<u>Last Name</u>	<u>Term</u>
Affordable Housing Trust	Donald	Howell	2022
Agricultural Commission	Aaron	Gingras	2022
Bikeways Committee	Andrew	Docken	2022
Board of Appeals (alternate)	Michael	Cupoli	2022
Board of Appeals	Dean	Hederstedt	2022
Board of Assessors	Jay	Kavanaugh	2022
Board of Health	Ronald	Dowgiallo	2022
Brooks Academy Museum Commission	David	Spitz	2022
By Law and Charter Review Committee	Deborah	Sementa	2022
Capital Outlay Committee *(planning rep)	Joseph	McParland	2020
Capital Outlay Committee	Bruce	Nightingale	2022
Community Preservation Committee *(Housing Authority rep)	Judith	Underwood	2020
Community Preservation Committee	Christopher	Rockett	2022
Community Preservation Committee *(planning rep)	Mary	Maslowski	2020
Community Preservation Committee *(conservation rep)	John	Ketchum	2020

<u>Committee</u>	<u>First Name</u>	<u>Last Name</u>	<u>Term</u>
Conservation Commission	Mark	Coleman	2022
Conservation Commission	John	Ketchum	2022
Council on Aging	Lee	Culver	2022
Council on Aging	Ralph	Smith	2022
Council on Aging	Angelina	Chilaka	2022
Council on Aging	James	Mangan	2022
Harwich Accessibility Rights Committee	Karin	Larson	2022
Harwich Accessibility Rights Committee	Taylor	Mills	2022
Golf Committee	Clement	Smith	2022
Golf Committee	Martha	Duffy	2022
Harwich Housing Committee	Meg	Patterson	2022
Historical/Historic District Commission	Robert	Bradley	2022
Historical/Historic District Commission	Brendan	Lowney	2022
Planning Board	Craig	Chadwick	2022
Planning Board	Allan	Peterson	2022
Planning Board	Joseph	McParland	2022
Real Estate and Open Space Committee	John	Preston	2022
Registrars	Dorothy	Hemmings	2022
Traffic Safety	Linda	Cebula	2022
Traffic Safety (PD designee)	Aram	Gosgarian	2022
Treasure Chest Committee	Elizabeth	Watkins	2022
Treasure Chest Committee	Mella	Navickas	2022
Voter Information Committee	Pamela	Groswald	2022
Voter Information Committee	Christina	Joyce	2022
Waterways Committee	Stephen	Root	2022
Waterways Committee	Thomas	Themistos	2022
Waterways Committee	Daniel	Casey	2022
Waterways Committee	James	Walpole	2022
Youth Services Committee	Joy	Jordan	2022

OFFICE OF THE TOWN ADMINISTRATOR

Christopher Clark, *Town Administrator*

Phone (508) 430-7513

Fax (508) 432-5039

732 MAIN STREET, HARWICH, MA 02645



June 19, 2019

Mr. Dana DeCosta
167 Chatham Road
Harwich, MA. 02645

Dear Dana:

We would like to offer you the position of Part Time Board Secretary 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 for Monday, June 24, 2019. Successful confirmation will be needed to finalize appointment.
- Additionally, you are required to file a Statement of Financial Interest (SFI) with the Town Clerk. This form is required by and available from the State Ethics Commission given that you will serve and be paid for more than position within the town. The Board of Selectmen will vote on June 24, 2019 to exempt you from the provisions of MGL, c.268A, §20 as required. You should also file a copy of their vote with the Town Clerk's office.

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

Your position title will be Board Secretary and your starting date is Monday, July 1, 2019. This position is included in the Harwich Personnel By-laws. Your starting wage will be Grade OA-2, Step 5, \$21.55 hourly. You will be eligible for a step increase on July 1, 2020.

Again, we are delighted that you are joining the town as Part Time Board Secretary. Please feel free to contact me if you have any questions prior to beginning work.

Sincerely,

Christopher Clark
Town Administrator

Dana DeCosta

6/19/19

Date

cc: Treasurer
Town Accountant
Board of Selectmen
Personnel File

OFFICE OF THE TOWN ADMINISTRATOR

Phone (508) 430-7513

Fax (508) 432-5039

Christopher Clark, *Town Administrator*
Joseph F. Powers, *Assistant Town Administrator*

732 MAIN STREET, HARWICH, MA



MEMO

TO: Christopher Clark, Town Administrator
FROM: Joseph F. Powers, Assistant Town Administrator
CC:
RE: Appointment of town employee to multiple roles
DATE: June 5, 2019

This memo is a follow-up on our previous discussions on employees serving in multiple paid roles; specifically as it pertains to Dana DeCosta, Recycling/Scale Laborer (part-time) for the Highway/Landfill Department also serving as a Board Secretary.

As you know, the position of Board Secretary was designated as "special employee" by the Board of Selectmen on October 13, 1992 and there is no record of that classification having been rescinded. The role of Recycling/Scale Laborer has not been designated as a special employee.

The State Ethics Commission¹ provides guidance on how the conflict of interest law applies to "special municipal employees" as well as special employees as well as "regular" employees serving in multiple paid positions.

The following narrative is taken directly from the State Ethics Commission website on that subject:

- If you are a municipal employee -- regular or "special", you may....*
- In some instances, you may hold more than one paid appointed position, provided that the jobs are in separate departments (which do not have overlapping responsibilities) and all paid jobs have been publicly advertised. However, your board of selectmen...must vote to exempt you from section 20, and there are also other requirements you must meet.*

One of the "other requirements" is that any employee appointed to multiple paid roles should file a disclosure of financial interest in all the relevant positions with the Town Clerk along with the Board of Selectmen vote to exempt the employee from the provisions of MGL, c.268A, sec.20.

¹ Source: <https://www.mass.gov/service-details/special-municipal-employees>

Section 20: Municipal employees; financial interest in contracts; holding one or more elected positions

Section 20. (a) A municipal employee who has a financial interest, directly or indirectly, in a contract made by a municipal agency of the same city or town, in which the city or town is an interested party of which financial interest he has knowledge or has reason to know, shall be punished by a fine of not more than \$10,000, or by imprisonment in the state prison for not more than 5 years, or in a jail or house of correction for not more than 2 1/2 years, or both.

This section shall not apply if such financial interest consists of the ownership of less than one per cent of the stock of a corporation.

This section shall not apply (a) to a municipal employee who in good faith and within thirty days after he learns of an actual or prospective violation of this section makes full disclosure of his financial interest to the contracting agency and terminates or disposes of the interest, or (b) to a municipal employee who is not employed by the contracting agency or an agency which regulates the activities of the contracting agency and who does not participate in or have official responsibility for any of the activities of the contracting agency, if the contract is made after public notice or where applicable, through competitive bidding, and if the municipal employee files with the clerk of the city or town a statement making full disclosure of his interest and the interest of his immediate family, and if in the case of a contract for personal services (1) the services will be provided outside the normal working hours of the municipal employee, (2) the services are not required as part of the municipal employee's regular duties, the employee is compensated for not more than five hundred hours during a calendar year, (3) the head of the contracting agency makes and files with the clerk of the city or town a written certification that no employee of that agency is available to perform those services as part of their regular duties, and (4) the city council, board of selectmen or board of aldermen approve the exemption of his interest from this section, or (c) to a special municipal employee who does not participate in or have official responsibility for any of the activities of the contracting agency and who files with the clerk of the city or town a statement making full disclosure of his interest and the interests of his immediate family in the contract, or (d) to a special municipal employee who files with the clerk of the city, town or district a statement making full disclosure of his interest and the interests of his immediate family in the contract, if the city council or board of aldermen, if there is no city council, board of selectmen or the district prudential committee, approve the exemption of his interest from this section, or (e) to a municipal employee who receives benefits from programs funded by the United States or any other source in connection with the rental, improvement, or rehabilitation of his residence to the extent permitted by the funding agency, or (f) to a municipal employee if the contract is for personal services in a part time, call or volunteer capacity with the police, fire, rescue or ambulance department of a fire district, town or any city with a population of less than thirty-five thousand inhabitants; provided, however, that the head of the contracting agency makes and files with the clerk of the city, district or town a written certification that no employee of said agency is available to perform such services as part of his regular duties, and the city council, board of selectmen, board of aldermen or district prudential committee approve the exemption of his interest from this section or (g) to a municipal employee who has applied in the usual course and is otherwise eligible for a housing subsidy program administered by a local housing authority, unless the employee is employed by the local housing authority in a capacity in which he has responsibility for the administration of such subsidy programs or (h) to a municipal employee who is the owner of residential rental property and rents such property to a tenant receiving a rental subsidy administered by a local housing authority, unless such employee is employed by such local housing authority in a capacity in which he has responsibility for the administration of such subsidy programs.

This section shall not prohibit an employee or an official of a town from holding the position of selectman in such town nor in any way prohibit such employee from performing the duties of or

receiving the compensation provided for such office; provided, however, that such selectman shall not, except as hereinafter provided, receive compensation for more than one office or position held in a town, but shall have the right to choose which compensation he shall receive; provided, further, that no such selectman may vote or act on any matter which is within the purview of the agency by which he is employed or over which he has official responsibility; and, provided further, that no such selectman shall be eligible for appointment to any such additional position while he is still a member of the board of selectmen or for six months thereafter. Any violation of the provisions of this paragraph which has substantially influenced the action taken by any municipal agency in any matter shall be grounds for avoiding, rescinding or cancelling the action on such terms as the interest of the municipality and innocent third parties may require.

This section shall not prohibit any elected official in a town, whether compensated or uncompensated for such elected position, from holding one or more additional elected positions, in such town, whether such additional elected positions are compensated or uncompensated.

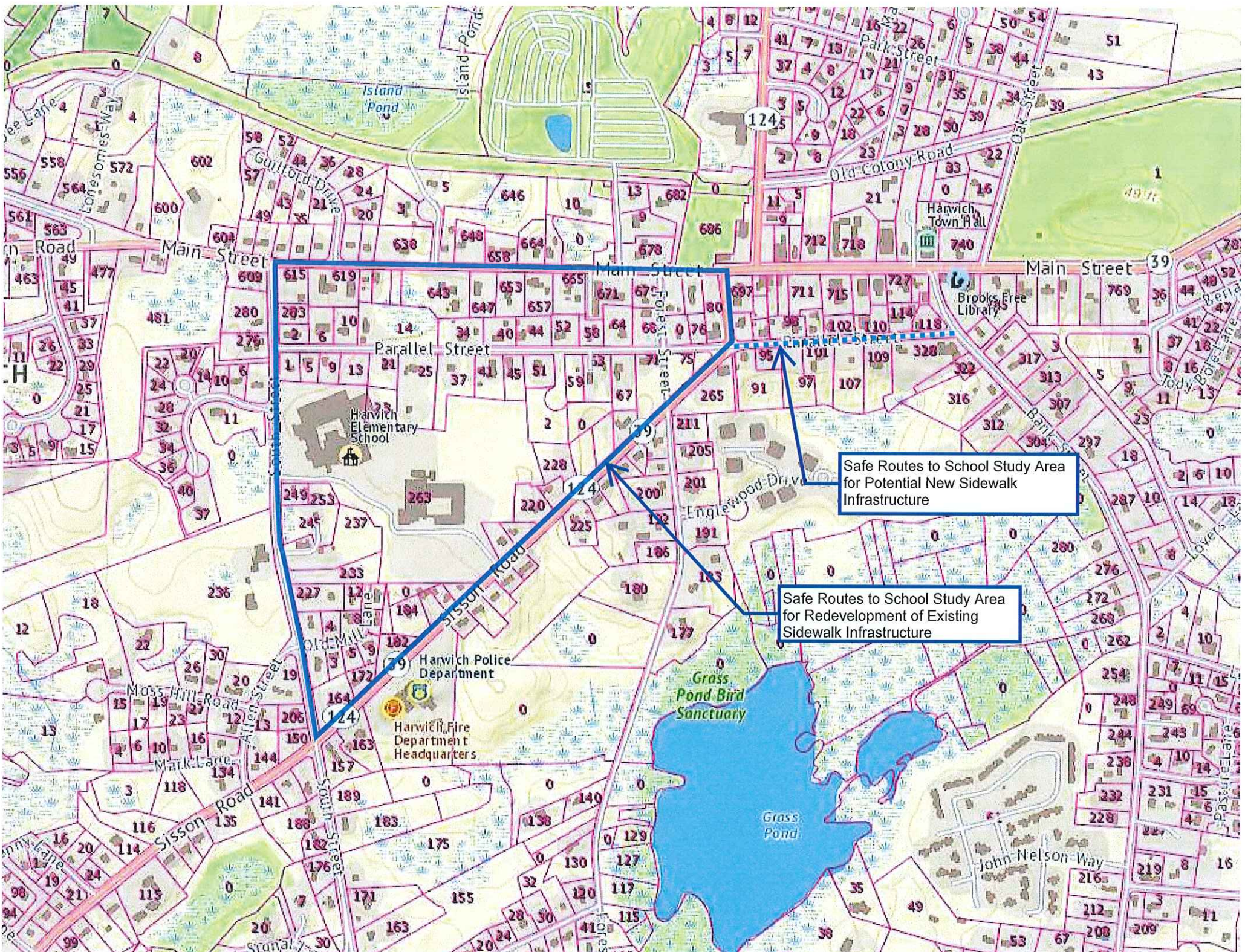
This section shall not prohibit an employee of a municipality with a city or town council form of government from holding the elected office of councillor in such municipality, nor in any way prohibit such an employee from performing the duties of or receiving the compensation provided for such office; provided, however, that no such councillor may vote or act on any matter which is within the purview of the agency by which he is employed or over which he has official responsibility; and provided, further, that no councillor shall be eligible for appointment to such additional position while a member of said council or for six months thereafter. Any violation of the provisions of this paragraph which has substantially influenced the action taken by a municipal agency in any matter shall be grounds for avoiding, rescinding or cancelling such action on such terms as the interest of the municipality and innocent third parties require. No such elected councillor shall receive compensation for more than one office or position held in a municipality, but shall have the right to choose which compensation he shall receive.

This section shall not prohibit an employee of a housing authority in a municipality from holding any elective office, other than the office of mayor, in such municipality nor in any way prohibit such employee from performing the duties of or receiving the compensation provided for such office; provided, however, that such elected officer shall not, except as otherwise expressly provided, receive compensation for more than one office or position held in a municipality, but shall have the right to choose which compensation he shall receive; provided further that no such elected official may vote or act on any matter which is within the purview of the housing authority by which he is employed; and provided further that no such elected official shall be eligible for appointment to any such additional position while he is still serving in such elective office or for six months thereafter. Any violation of the provisions of this paragraph which has substantially influenced the action taken by the housing authority in any matter shall be grounds for avoiding, rescinding, or cancelling the action on such terms as the interest of the municipality and innocent third parties may require.

This section shall not prohibit an employee in a town having a population of less than three thousand five hundred persons from holding more than one appointed position with said town, provided that the board of selectmen approves the exemption of his interest from this section.

Vote to exempt from the provisions of MGL, c.268A, Section 20

I move that the Board of Selectmen vote to exempt Dana A. DeCosta, Recycling/Scale Laborer (Part-time) and Board Secretary (Part-time, Special Municipal Employee) from the provisions of Massachusetts General Laws, Chapter 268A, Section 20 as allowed by statute.



Safe Routes to School Study Area
for Potential New Sidewalk
Infrastructure

Safe Routes to School Study Area
for Redevelopment of Existing
Sidewalk Infrastructure



Harwich Cranberry Festival Inc.

508-527-7620 P.O. Box 555 Harwich Port, Massachusetts 02646

June 19, 2019

Larry Ballentine
Board of Selectmen
Town of Harwich
732 Main Street
Harwich, MA 02645

Dear Chairman Ballentine and Selectmen,

The Harwich Cranberry Festival, Inc. will be conducting a summer music concert series as we did last summer at the courtyard of the Cultural Center. Last years concerts were well received and the committee covered the costs of putting them on by a small margin. Last year the board agreed to a waiver of fee for this new venture. This year we are requesting a partial waiver of fee. The fee for the seven events would come to \$1050. We are proposing a fee of \$525. We believe that, with changes we have made in operation, the benefit of this being a second year, and a better idea of where to advertise these concerts, we will do better financially. A second year of partial assistance by the Cultural Center would be a great help.

In addition to adding to the cultural activity of our town and cultural center, the purpose of the concerts is to raise funds for the committees support of scholarships and youth activities.

Thank you for your consideration of this request.

Sincerely,

Edward McManus, President

Harwich Cranberry Festival, Inc.

BUDGET/WARRANT TIME LINE 2019-2020

Monday, June 17, 2019	Review Town Meeting Results and actions to take	
Monday, June 24, 2019	First goals discussion	
Monday, July 1, 2019	Continuation of goals discussion	
Monday, July 15, 2019	Set goals	
Monday, August 12, 2019	Potential articles and assign to committees and departments	
Monday, August 26, 2019	Discuss potential C P C articles	
Friday, August 23, 2019	Capital Budget Instructions submitted by T A to Departments	
Monday, September 16, 2019	Discuss Budget Message	
Friday, September 20, 2019	Deadline for submission of Department Capital Budgets to the T A	
Monday, September 30, 2019	TA presents BOS with 5-Year Financial Plan	Charter 9-2-1/on or before October 1st
TBD	MRSD meeting with B O S and Fincom to discuss enrollments by class and demographics, including a five year projection of same.	
Monday, September 30, 2019	BOS Budget Message to guide TA in developing budget Requests - Including Board agreed to goals	Charter 9-2-2/on or before the first Tuesday in October
	Deadline for submission of C P C requests	
Monday, October 7, 2019	Begin review of warrant articles	<i>Weekly as they come in</i>
Monday, October 21, 2019	Capital Outlay Committee submits 7-yr Capital Outlay plan to T A	
Monday, October 21, 2019	Joint Meeting with MRSD, Finance Committee and Capital Outlay Committee to discuss: <ul style="list-style-type: none"> • State of the Town/BOS Budget Message • MRSD Budget/Enrollments • Finance Committee Priorities • Capital Budget Requests • Outlook for 2020 	
Friday, October 25, 2019	Operating Budget instructions submitted to departments by T A	
Monday, October 28, 2019	B O S to review Capital Outlay Plan and set priorities	
Friday, November 29, 2019	Deadline for submission of department operating budgets to T A	Charter 9-2-3/on or before the 1st Friday of December
Friday, November 29, 2019	Deadline for submission of departmental warrant articles to T A	
Monday, December 9, 2019	TA submits 7-yr Capital Outlay Plan to joint meeting of BOS/ Finance Committee	Charter 9-6-3/during the month of December
Monday, December 23, 2019	MRSD School Vacation	

Monday, January 6, 2020	BOS/FINCOM/Capital Outlay Committee hold joint Public Hearing on submitted Capital Outlay Plan	Charter 9-6-4/on or before the 2nd Friday in January (Finance Committee)
Friday, January 24, 2020	All items to be bid must have specifications in TA's office by 12:00 P.M. to be assured of bid process for Town Meeting	
Monday, February 3, 2020	Meeting with B O S and Fincom to discuss first draft budget and five-year plan with MRSD and Cape Cod Tech	
February – March	Fincom review of budgets and articles	
Monday, February 3, 2020	Last BOS meeting before Annual Warrant closes	
Friday, February 14, 2020	Article deadline – Warrant closes Noon deadline	Charter 2-2-1/Bylaw 1-101 2nd Friday in February by 12:00 Noon
Monday, February 10, 2020	TA presents budget and budget message to B O S and Fincom	Charter 9-2-4/on or before the 2nd Tuesday of February
Monday, February 17, 2020	MRSD School Vacation	
Tuesday, February 18, 2020	1 st draft Warrant to BOS (presented at meeting)	
Monday, February 24, 2020	Articles submitted to Finance Committee by B O S	General By-Laws I, § 271- 1.B. Not later than 14 days after article deadline
Monday, February 24, 2020	BOS required to submit final budget to Finance Committee	Charter 9-3-2 / on or before the 4th Tuesday of February
February 2020	MRSD to submit final line item budget to B O S and Fincom for inclusion in the ATM Warrant	
TBD	Selectmen and Finance Committee Budget Presentations	
Monday, March 2, 2020	Joint budget/article hearing BOS/Finance Committee	
March, 2020	BOS reviews Warrant articles	
Monday, March 2, 2020	VOTE to sign final Annual Town Meeting Warrant	No new information or changes will be added to the Warrant after this date
Monday, March 9, 2020	Vote to open Special Town Meeting Warrant on Tuesday, March 10 and close on Thursday, March 12	All Special Town Meeting Articles must be received 40 days prior to STM
No later than Monday, March 18, 2020	Article funding review by B O S	
Monday, March 18, 2020	BOS votes Special Warrant BOS votes Ballot	
not later than Monday, March 23, 2020	FINCOM submits written recommendations on Budget/Warrant. Joint budget /article hearing with B O S and Fincom reconciliation	Charter 9-3-3/by March 31st
Not later than Monday, March 23, 2020	Fincom conducts one or more hearings on budget	Charter 9-3-3 by March 31st

March 23, 2020	Ballot to Town Clerk	
Monday, April 1, 2020	Send Warrant to Printer Send Warrant to Chronicle (April 16th publication)	Printer needs 2 weeks. Chronicle needs 1 week before publish date
Monday, April 20, 2020	MRSD School Vacation	
Friday, April 17, 2020	Warrants available for public distribution	Charter 2-2-2/14 days prior to Town Meeting
Monday, May 4, 2020	First night of Annual Town Meeting and Special Town Meeting	Charter 2-3-1/1st Monday in May
Tuesday, May 19, 2020	Annual Town Elections	Charter 8-1-1/3rd Tuesday in May

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS.

TOWN OF HARWICH

ORDER OF TAKING

At a regularly convened meeting of the Board of Selectmen of the Town of Harwich (the “Town”) held on this _____ day of June, 2019, it was voted and ordered as follows:

The Board of Selectmen of the Town of Harwich, duly appointed, qualified, and acting pursuant to the provisions G.L. Chapter 79, G.L. Chapter 83, Sections 1 and 3, and any and every other power and authority hereunto enabling, hereby takes, on behalf of the Town, permanent easements in, on, under and across the parcels of land in Harwich, Massachusetts, known as Alexander’s Chase, Auston Road, Chickadee Lane, Chrisjobeth Circle, Johanna’s Path, Landron Way, Old Salty Lane, Reliance Way, Sadie’s Way, Spence’s Trace, and Spruce Grove (collectively, the “Easement Premises”), and described more particularly in Exhibit A attached hereto and incorporated herein, for the purpose of constructing, inspecting, maintaining, operating, improving, repairing, renewing, replacing and abandoning in place (a) a sewer system and any and all structures and facilities related thereto, including, without limitation, manholes, lines, mains, pipes, conduits, pump stations and such other structures, facilities and/or appurtenances as may be necessary or convenient to establish a public sewerage system, including, without limitation, for the purpose of extending and/or connecting s, regardless of origin, to other land, and (b) stormwater drain or drains, drainage swales, detention or retention basins, and any manhole, pipes, catch basins, conduits, culverts, channels, and such other structures, facilities and/or appurtenances as may be necessary or convenient for the proper drainage of stormwater, including, without limitation, for the purpose of extending and/or connecting drainage facilities, regardless of origin, to other land; and, further, to take any and all actions as may be necessary or incidental to accomplish the foregoing purposes.

The Town shall have the right to enter upon and pass over the Easement Premises from time to time, by foot, vehicle, or heavy equipment, for any and all purposes stated herein and uses necessary or incidental thereto, including, without limitation, using and temporarily storing, as needed, construction equipment, materials or other incidental items within the Easement Premises for the purposes set forth herein. All sewer and drainage facilities installed by the Town shall be and remain the property of the Town. No permanent or temporary buildings, structures, and/or objects shall be constructed, installed, maintained and/or placed upon the Easement Premises that may interfere with the rights hereby taken.

The taking includes the right of the Town to remove any buildings, structures, objects, utilities, other facilities and/or vegetation (including trees and shrubs) now or hereafter located within the Easement Premises whenever their removal shall be necessary or convenient to exercise the rights taken hereunder and/or for the purposes set forth herein. Utilities and related structures and/or facilities located within the Easement Premises that are owned by private utility companies and easements held by private utility companies are not taken.

The land affected by the herein taking are owned or supposedly owned by the owners listed in Schedule A, attached hereto and incorporated within. If in any instance the name of any owner is not correctly stated in Exhibit B, it is understood that in such instance the land referred to is owned by an owner or owners unknown to us.

We have determined that no persons will sustain damages in their property by reason of the herein taking, all in accordance with the provisions of G.L. c.79, §6, as amended, and accordingly award no damages for this taking.

Betterments are not to be assessed under this taking.

IN WITNESS WHEREOF, the Board of Selectmen of the Town of Harwich, set our hands and seal on this ____ day of June, 2019.

TOWN OF HARWICH,
By its Board of Selectmen

THE COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this ____ day of June, 2019, before me, the undersigned notary public, personally appeared _____, member of the Harwich Board of Selectmen, as aforesaid, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding document, and acknowledged to me that he/they signed it voluntarily for its stated purpose on behalf of the Town of Harwich.

Notary Public
My Commission Expires:

EXHIBIT A

Easement Premises

The Easement Premises are described more particularly as follows:

- (a) The parcel of land known as “Alexander’s Chase” and shown on a plan entitled “Definitive Plan of Cluster Subdivision”, dated May 16, 1997, prepared by Eldredge Surveying & Engineering, recorded with the Barnstable Registry of Deeds (the “Registry”) in Plan Book 535, Page 11;
- (b) The parcel of land known as “Auston Road” and shown on a plan entitled “East Harwich Realty Trust”, dated March 1, 2006, recorded with the Registry in Plan Book 607, Page 85;
- (c) The parcel of land known as “Chickadee Lane” and shown on a plan entitled “Plan Showing Subdivision of Land in Harwich, (East), Mass. Made for Cape Investors, Inc.”, dated February 4, 1972, recorded in Plan Book 257, Page 88;
- (d) The parcel of land known as “Chrisjobeth Circle” and shown on a plan entitled “Subdivision Plan of Land in East Harwich Massachusetts Prepared for Davenport Realty Trust”, dated May 14, 1995, revised July 20, 1995, recorded in Book 518, Page 97” ;
- (e) The parcel of land known as “Johanna’s Path” and shown as Parcel 4 on the Assessors Map attached hereto and incorporated herein;
- (f) The parcel of land known as “Landron Way” and shown on a plan entitled “Subdivision Plan of Land in East Harwich, Massachusetts as Prepared for Davenport Realty Trust”, dated July 11, 1995, prepared by Paul E. Sweetser Professional Land Surveyor, recorded in Plan Book 517, Page 86;
- (g) The parcel of land known as “Old Salty Lane” and shown on a plan entitled “Plan of Land in East Harwich Mass.”, dated November 8, 1973, recorded in Plan Book 281, Page 65” ;
- (h) The parcel of land known as “Reliance Way” and shown on Land Court Plan No. 33905C filed with the Barnstable Registry District of the Land Court” ;
- (i) The parcel of land known as “Sadie’s Way” and shown on Land Court Plan No. 35613B filed with the Barnstable Registry District of the Land Court;
- (j) The parcel of land known as “Spence’s Trace” and shown on Land Court Plan No. 35538C filed with the Barnstable Registry District of the Land Court; and
- (k) The parcel of land known as “Spruce Grove” and shown on a plan entitled “Plan of Land in Harwich East Massachusetts Prepared for Harold R. McKenna Corporation”, dated November 2, 1996, prepared by Terry Eldredge, recorded in Plan Book 433, Page 63.

EXHIBIT B

List of Owners

PROPERTY ADDRESS (HARWICH, MA)	RECORD OWNER	DEED REFERENCE
Alexander's Chase		
3 Alexander's Chase	Brian J. Wentworth and Kristen F. Wentworth	Book 31395, Page 58
5 Alexander's Chase	Ellen K. Citron, as Trustee of The Ellen K. Citron Revocable Trust Agreement dated January 14, 2002 and John N. Citron, as Trustee of The John N. Citron Revocable Living Trust Agreement dated January 14, 2002	Book 30307, Page 83
7 Alexander's Chase	James F. Mangan and Patricia S. Mangan	Book 11094, Page 16
9 Alexander's Chase	Michael J. Wyrostek, as Trustee of the Wyrostek Descendants Irrevocable Trust dated May 8, 2017, Jean R. Wyrostek and John P. Wyrostek, Jr.	Book 30529, Page 324
11 Alexander's Chase	Elisa DiBari, as Trustee of the Schiavone Revocable Trust u/d/t dated December 11, 2012	Book 26982, Page 345
0 Alexander's Chase	William Marsh, Trustee of the Alexander's Chase Nominee Trust u/d/t June 23, 1997	Book 10816, Page 60
Auston Road		
157 Route 137	157 Route 137, LLC	Book 28648, Page 154
1470 Orleans Road	Cape Cod Cooperative Bank	Book 22198, Page 242

0 Orleans Road	William Marsh, Trustee of the East Harwich Equity Realty Trust u/d/t May 9, 1986	Book 24917, Page 341
175 Route 137	Trailride, LLC	Book 19741, Page 312
1 Auston Road	Trailride, LLC	Book 20969, Page 250
1484 Orleans Road	United States Postal Service	Book 6294, Page 278
Chickadee Lane		
8 Chickadee Lane	Andrew H. Scales, III	Book 28523, Page 236
1154 Queen Anne Road	Carlos A. Araujo	Book 21232, Page 45
1150 Queen Anne Road	The Cooperage Condominium	Book 20629, Page 229
1150-1 Queen Anne Road	Queen Anne Road Barn LLC	Book 24440, Page 176
1150-2 Queen Anne Road	Queen Anne Road Barn LLC	Book 24440, Page 176
1150-3 Queen Anne Road	Wayne Joseph Rees and Brian T. Rees	Book 23481, Page 275
22 Chickadee Lane	Linda M. Rego, Trustee of The Linda M. Rego 2017 Living Trust u/d/t dated March 3, 2017	Book 30343, Page 95
11 Chickadee Lane	Massimo Puggelli and Mario Puggelli	Book 29191, Page 42
21 Chickadee Lane	Werner H. Graupner and Audrey W. Graupner	Book 3509, Page 290
18 Chickadee Lane	Ron E. Langlois and Dianne E. Langlois	Book 4734, Page 258
0 Queen Anne Road	Luther J. Bates and Amy E. Bates	Book 24098, Page 159
0 Chickadee Lane	Arthur F. Pelletier and Barbara J. Pelletier	Book 3071, Page 122

Chrisjobeth Circle		
26 Chrisjobeth Circle	Dewitt P. Davenport and Stephen N. Aschettino, Trustees of Davenport Realty Trust u/d/t dated June 9, 1956, as amended and restated	Book 9916, Page 299
24 Chrisjobeth Circle	Dewitt P. Davenport and Stephen N. Aschettino, Trustees of Davenport Realty Trust u/d/t dated June 9, 1956, as amended and restated	Book 9916, Page 299
22 Chrisjobeth Circle	Dewitt P. Davenport and Stephen N. Aschettino, Trustees of Davenport Realty Trust u/d/t dated June 9, 1956, as amended and restated	Book 9916, Page 299
20 Chrisjobeth Circle	Dewitt P. Davenport and Stephen N. Aschettino, Trustees of Davenport Realty Trust u/d/t dated June 9, 1956, as amended and restated	Book 9916, Page 299
18 Chrisjobeth Circle	Dewitt P. Davenport and Stephen N. Aschettino, Trustees of Davenport Realty Trust u/d/t dated June 9, 1956, as amended and restated	Book 9916, Page 299
16 Chrisjobeth Circle	Dewitt P. Davenport and Stephen N. Aschettino, Trustees of Davenport Realty Trust u/d/t dated June 9, 1956, as amended and restated	Book 9916, Page 299
14 Chrisjobeth Circle	Dewitt P. Davenport and Stephen N. Aschettino, Trustees of Davenport Realty Trust u/d/t dated June 9, 1956, as amended and restated	Book 9916, Page 299
12 Chrisjobeth Circle	Dewitt P. Davenport and Stephen N. Aschettino, Trustees of Davenport Realty Trust u/d/t dated June 9, 1956, as amended and restated	Book 9916, Page 299
10 Chrisjobeth Circle	Dewitt P. Davenport and Stephen N. Aschettino, Trustees of Davenport Realty Trust u/d/t dated June 9, 1956,	Book 9916, Page 299

	as amended and restated	
8 Chrisjobeth Circle	Dewitt P. Davenport and Stephen N. Aschettino, Trustees of Davenport Realty Trust u/d/t dated June 9, 1956, as amended and restated	Book 9916, Page 299
6 Chrisjobeth Circle	Dewitt P. Davenport and Stephen N. Aschettino, Trustees of Davenport Realty Trust u/d/t dated June 9, 1956, as amended and restated	Book 9916, Page 299
4 Chrisjobeth Circle	Dewitt P. Davenport and Stephen N. Aschettino, Trustees of Davenport Realty Trust u/d/t dated June 9, 1956, as amended and restated	Book 9916, Page 299
2 Chrisjobeth Circle	Dewitt P. Davenport and Stephen N. Aschettino, Trustees of Davenport Realty Trust u/d/t dated June 9, 1956, as amended and restated	Book 9916, Page 299
0 Chrisjobeth Circle	Dewitt P. Davenport and Stephen N. Aschettino, Trustees of Davenport Realty Trust u/d/t dated June 9, 1956, as amended and restated	Book 9916, Page 299
0 Chrisjobeth Circle	Dewitt P. Davenport and Stephen N. Aschettino, Trustees of Davenport Realty Trust u/d/t dated June 9, 1956, as amended and restated	Book 9916, Page 299
Johanna's Path		
23 Johanna's Path	DeWitt P. Davenport, John C. Davenport, and Stephen N. Aschettino, Trustees of South Yarmouth Nominee Trust u/d/t dated January 27, 1987	Certificate of Title No. 144855 (Lot 2, Land Court Plan No. 42770-A)
19 Johanna's Path	DeWitt P. Davenport, John C. Davenport, and Stephen N. Aschettino, Trustees of South Yarmouth Nominee Trust u/d/t dated January 27, 1987	Certificate of Title No. 144855 (Lot 2, Land Court Plan No.42770-A)
15 Johanna's Path	DeWitt P. Davenport, John C. Davenport, and Stephen N.	Certificate of Title No. 144855 (Lot 2, Land Court

	Aschettino, Trustees of South Yarmouth Nominee Trust u/d/t dated January 27, 1987	Plan No. 42770-A)
11 Johanna's Path	DeWitt P. Davenport, John C. Davenport, and Stephen N. Aschettino, Trustees of South Yarmouth Nominee Trust u/d/t dated January 27, 1987	Certificate of Title No. 144855 (Lot 2, Land Court Plan No. 42770-A)
7 Johanna's Path	DeWitt P. Davenport, John C. Davenport, and Stephen N. Aschettino, Trustees of South Yarmouth Nominee Trust u/d/t dated January 27, 1987	Certificate of Title No. 144855 (Lot 2, Land Court Plan No. 42770-A)
3 Johanna's Path	DeWitt P. Davenport, John C. Davenport, and Stephen N. Aschettino, Trustees of South Yarmouth Nominee Trust u/d/t dated January 27, 1987	Certificate of Title No. 144855 (Lot 2, Land Court Plan No. 42770-A)
0 Johanna's Path	DeWitt P. Davenport, John C. Davenport, and Stephen N. Aschettino, Trustees of South Yarmouth Nominee Trust u/d/t dated January 27, 1987	Certificate of Title No. 144855 (Lot 2, Land Court Plan No. 42770-A)
0 Johanna's Path	DeWitt P. Davenport, John C. Davenport, and Stephen N. Aschettino, Trustees of South Yarmouth Nominee Trust u/d/t dated January 27, 1987	Certificate of Title No. 144855 (Lot 2, Land Court Plan No. 42770-A)
43 Johanna's Path	DeWitt P. Davenport, John C. Davenport, and Stephen N. Aschettino, Trustees of South Yarmouth Nominee Trust u/d/t dated January 27, 1987	Certificate of Title No. 144855 (Lot 2, Land Court Plan No. 42770-A)
39 Johanna's Path	DeWitt P. Davenport, John C. Davenport, and Stephen N. Aschettino, Trustees of South Yarmouth Nominee Trust u/d/t dated January 27, 1987	Certificate of Title No. 144855 (Lot 2, Land Court Plan No. 42770-A)
35 Johanna's Path	DeWitt P. Davenport, John C. Davenport, and Stephen N. Aschettino, Trustees of South Yarmouth Nominee Trust u/d/t dated January 27, 1987	Certificate of Title No. 144855 (Lot 2, Land Court Plan No. 42770-A)
31 Johanna's Path	DeWitt P. Davenport, John C. Davenport, and Stephen N. Aschettino, Trustees of South Yarmouth Nominee Trust u/d/t	Certificate of Title No. 144855 (Lot 2, Land Court Plan No. 42770-A)

	dated January 27, 1987	
27 Johanna's Path	DeWitt P. Davenport, John C. Davenport, and Stephen N. Aschettino, Trustees of South Yarmouth Nominee Trust u/d/t dated January 27, 1987	Certificate of Title No. 144855 (Lot 2, Land Court Plan No. 42770-A)
Landron Way		
242 Route 137	Glen W. Gonsalves and Danette L. Gonsalves	Book 4993, Page 178
6 Landron Way	DeWitt P. Davenport and John C. Davenport, Trustees of Davenport Realty Trust u/d/t dated June 9, 1956	Book 9721, Page 75
4 Landron Way	DeWitt P. Davenport and John C. Davenport, Trustees of Davenport Realty Trust u/d/t dated June 9, 1956	Book 9721, Page 75
2 Landron Way	DeWitt P. Davenport and John C. Davenport, Trustees of Davenport Realty Trust u/d/t dated June 9, 1956	Book 9721, Page 75
Old Salty Lane		
0 Orleans Road	Jabez Crowell, Jr. and Lucy J. Higgins	Book 235, Page 389
4 Old Salty Lane	Julia M. Gallagher	Book 2560, Page 337
10 Old Salty Lane	Norman R. Routhier III	Book 19232, Page 339
16 Old Salty Lane	Krzysztof Roszak and Misty Roszak	Book 31001, Page 164
1388 Orleans Road	Scott N. Punty and Magdalena Wojtkiewicz Punty	Book 23658, Page 243
Reliance Way		
160 Round Cove Road	Nicholas Putnam Ruggiere	Certificate of Title No. 203620 (Lot 8, Land Court Plan No. 33905-B)

150 Round Cove Road	Samuel C. Watson and Sarah A. Watson	Certificate of Title No. 217058 (Lot 9, Land Court Plan No. 33905-B)
8 Reliance Way	Daniel T. Burnham, Jr. and Erin Burnham	Certificate of title No. 198329 (Lot 12, Land Court Plan No. 33905-C)
16 Reliance Way	David J. Nixon and Debra A. Nixon	Certificate of Title No. 113322 (Lot 13, Land Court Plan No. 33905-C)
19 Reliance Way	Robert W. Nixon and Jo Ann Nixon	Certificate of Title No. 113011 (Lot 14, Land Court Plan No. 33905-C)
15 Reliance Way	Joseph P. Insana and Hidi E. Insana	Certificate of Title No. 209082 (Lot 15, Land Court Plan No. 33905-C)
9 Reliance Way	Norma A. Mutch and Jonathan D. Mutch, as Successor Trustees of the David G. Mutch Trust – 1994 u/d/t dated March 18, 1994, and Norma A. Mutch, as Trustee of the Norma A. Mutch Trust – 1994 u/d/t dated March 18, 1994	Certificate of Title No. 163954 (Lot 16, Land Court Plan No. 33905-C)
Sadie's Way		
8 Sadie's Way	Jonathan W. Hemeon and Kristin A. Hemeon	Certificate of Title No. 143043 (Lot 1, Land Court Plan No. 35614-B)
9 Sadie's Way	Ronald J. Daigle	Certificate of Title No. 162670 (Lot 2, Land Court Plan No. 35614-B, sheet 2)
18 Sadie's Way	Russell E. Holmes and Susy N. Bento-Holmes	Certificate of Title No. 135255 (Lot 3, Land Court Plan No. 35614-B)
21 Sadie's Way	Walter J. Kane and Mary L. Kane, Life Estate, Jacqueline Ganshirt, Patricia Smith,	Certificate of Title No. 216587 (Lot 4, Land Court Plan No. 35614-B)

	Maureen Tomkins, Susan Norregaard, Walter J. Kane, Jr., William F. Kane, Daniel P. Kane and John D. Murphy	
24 Sadie's Way	Kathleen Cloney	Certificate of Title No. 192130 (Lot 5, Land Court Plan No. 35614-B)
31 Sadie's Way	Alexander C. Jamoulis	Certificate of Title No. 215837 (Lot 6, Land Court Plan No. 35614-B, sheet 2)
35 Sadie's Way	John Thomas Frey and Maria Zandonella-Frey	Certificate of title No. 174882 (Lot 7, Land Court Plan No. 35614-B, sheet 2)
Spence's Trace		
2 Spence's Trace	Philip A. Pane, Janet E. Pane, and Laurie Pane Foster, as Trustees of Pane Family Trust, u/d/t dated February 26, 2014	Book 28130, Page 277
0 Orleans Road	Paul Cuddy, Trustee of Sylvester Realty Trust u/d/t dated February 1, 2001	Book 21265, Page 77
6 Spence's Trace	Jeffery Schwab and Arly Davis	Book 31343, Page 250
10 Spence's Trace	William A. Kretschmer and Ursula Kretschmer	Book 5390, Page 62
14 Spence's Trace	Irving I. Bakal and Donna Eby Bakal	Book 26328, Page 215
11 Spence's Trace	Joseph V. Fitzgerald and Kathryn L. Fitzgerald	Book 10418, Page 284
0 Spence's Trace	Paul Cuddy, Trustee of Sylvester Realty Trust u/d/t dated February 1, 2001	Certificate of Title No. 170177 (Lots 5, 6, Fee in Spence's Trace, Land Court Plan No. 35538-B)
0 Spence's Trace	Paul Cuddy, Trustee of Sylvester Realty Trust u/d/t dated February 1, 2001	Certificate of Title No. 170177 (Lots 5, 6, Fee in Spence's Trace, Land Court Plan No. 35538-B)