

**SELECTMEN'S MEETING AGENDA\***

*Donn B. Griffin Room, Town Hall  
732 Main Street, Harwich, MA  
Executive Session 6:00 P.M.  
Regular Meeting 6:30 P.M.  
Monday, November 26, 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. **EXECUTIVE SESSION** - Pursuant to M.G.L. c. 30A, § 21(a)(2) to conduct strategy sessions in preparation for contract negotiations – Hot Stove Restaurant contract extension at CVGC

III. **PLEDGE OF ALLEGIANCE**

IV. **WEEKLY BRIEFING**

V. **PUBLIC COMMENTS/ANNOUNCEMENTS**

VI. **CONSENT AGENDA**

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

VIII. **NEW BUSINESS**

- A. Request by Building Commissioner to waive the building permit fee for the Brooks Park restroom project
- B. Request from Nstar Electric, d/b/a Eversource Energy to grant a License Agreement to place new facilities (**transformer**) at #1464 Orleans/Harwich Road which will allow service to Harwich Fire Station 2 during construction – effective until the permanent easement can be approved at Town Meeting
- C. Request from Verizon New England and Nstar Electric, d/b/a Eversource Energy to grant a License Agreement to place new facilities (**poles**) at #1464 Orleans/Harwich Road which will allow service to Harwich Fire Station 2 during construction – effective until the permanent easement can be approved at Town Meeting
- D. Request from member Larry Brophy for permission to use remote participation for upcoming meetings of the Affordable Housing Trust – mid December 2018 through March 2019
- E. Crosswalk Policy – *first reading*

IX. **CONTRACTS**

X. **OLD BUSINESS**

- A. Water/Wastewater Commission language revisions

XI. **TOWN ADMINISTRATOR'S REPORT**

- A. Budget Warrant Timeline update
- B. Rod and Gun Club update
- C. Departmental Reports

XII. **SELECTMEN'S REPORT**

XIII. **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

\_\_\_\_\_  
Sandra Robinson, Admin. Secretary

Date: \_\_\_\_\_  
November 21, 2018

## Sandy Robinson

---

**From:** Raymond Chesley  
**Sent:** Friday, November 16, 2018 11:45 AM  
**To:** Sandy Robinson  
**Cc:** Robert Cafarelli; Sean Libby  
**Subject:** New Restrooms at Brooks Park

Sandy

As we have done with other town projects, please ask the Board of Selectman to consider waiving the building permit fees for the new restrooms project at Brooks Park.

Thanks  
Ray Chesley  
Building Commissioner



484 Willow St W. Yarmouth, MA 02673

November 19, 2018

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

Dear Sirs:

Enclosed is a prepared form by which you may grant a License Agreement to NSTAR Electric Company d/b/a EVERSOURCE ENERGY for electric facilities which will service the Harwich Fire Department @ 1464 Route 39 Orleans Road in Harwich, MA.

The License Agreement shall remain in effect until the permanent easement can be signed at the next Town Meeting.

If this meets with your approval, please have the Selectmen sign the Agreement and return two original copies of the instrument to me in the enclosed envelope. You may retain the additional copy for your records.

Warm Regards,

*Jessica Elder*

Jessica Elder  
Right of Way Agent  
Eversource Energy  
[Jessica.Elder@Eversource.com](mailto:Jessica.Elder@Eversource.com)

**LICENSE AGREEMENT**  
**1469 Orleans Rd- Rt. 39-Harwich**  
**Work Order#2279529-FO Pole#702/1**

**THIS LICENSE AGREEMENT** is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by and between THE TOWN OF HARWICH, a municipal corporation, having its principal place of business at 732 Main Street, Harwich, MA 02645 (hereinafter referred to as "Licensor") and NSTAR ELECTRIC COMPANY d/b/a Eversource Energy, a Massachusetts corporation having a principal place of business at 800 Boylston Street, Boston, Suffolk County, Massachusetts (hereinafter referred to as "Licensee").

WHEREAS, Licensor is the record owner of land situated on 1464 Orleans Road Route 39, Harwich, Barnstable County, Massachusetts, by virtue of documents recorded in Book 3618, Page 314 dated September 8, 1982 and recorded with the Barnstable County Registry of Deeds.

NOW THEREFORE, Licensor hereby grants to Licensee, its successors and assigns, the non-exclusive right to locate, relocate, erect, construct, reconstruct, install, operate, maintain, patrol, inspect, repair, replace, alter, change the location of, extend or remove transformers, and primary wire, together with service conductors and other necessary equipment and apparatus ("equipment"), along, upon, under, across and over that certain parcels of land situated in the Town of Harwich. It is agreed that the location of said easement shall be established by the installation and/or existence of said lines and that the easement shall be 15 feet in width.

Together with the right to trim, clear, keep cleared, cut and remove such trees and underbrush or other obstructions as in the judgment of the Grantees may interfere with or endanger said line and equipment and to enter upon said land for any of the aforesaid purposes.

It is agreed that such line or lines and each and every part thereof, whether fixed to the realty or not, shall be and remain the property of the Grantees and their successors and assigns, as their interests may appear.

This License Agreement shall be in effect until such time as an Easement is procured from the Town of Harwich.



IN WITNESS WHEREOF, the parties have hereunto caused this License Agreement to be executed by their authorized officials, effective as of the date first written above.

Town of Harwich-Board of Selectmen

---

Julie E. Kavanagh, Chair

---

Larry G. Ballantine, Vice Chair

---

Edward J. McManus, Clerk

---

Michael D. MacAskill

---

Donald F. Howell

COPY



385 Myles Standish Blvd  
Taunton, MA 02780

November 16, 2018

Town of Harwich  
Attn: Board of Selectmen  
Town Hall  
732 Main Street  
Harwich, MA 02645



Dear Selectmen,

Enclosed you will find a License from Verizon New England Inc. and NSTAR Electric Company D/B/A Eversource Energy proposing to place new facilities at #1464 Orleans-Harwich Rd, Route 39, in the Town of Harwich.

The license must be signed and returned to this office at your earliest convenience. Please return entire original document.

If you have any questions about this license, please contact me.

Sincerely,

Verizon New England Inc.  
Attn: Daryl Crossman - ROW  
385 Myles Standish Blvd  
Taunton, MA 02780

(774) 409-3191 - Office  
(774) 409-3930 - Fax  
daryl.crossman@verizon.com - Email

ORLEANS-HARWICH ROAD (ROUTE 39) - #1464 -- HARWICH  
EWO# 1A2Y9AE  
POLES 687/1 & 687/2 -- BREWSTER-CHATHAM ROAD (ROUTE 137)

**LICENSE**

**THIS LICENSE AGREEMENT** is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by and between **The Inhabitants of the Town of Harwich**, a municipal corporation, having its principal place of business at 732 Main Street, Harwich, Massachusetts 02645 (hereinafter referred to as "Licensor") and **Verizon New England, Inc.**, a New York corporation, having its principal place of business at 6 Bowdoin Square, 9<sup>th</sup> Floor, Boston, Massachusetts 02114 and **NSTAR Electric Company dba Eversource Energy**, a Massachusetts Corporation, having its principal place of business at 800 Boylston Street, Boston, Massachusetts 02199, together with its respective successors and assigns, as tenants in common, (hereinafter referred to as "Licensees").

**WHEREAS**, Licensor is the record owner of land situated at **#1464 Orleans-Harwich Road (Route 39)** located in the **Town of Harwich**, Barnstable County, Massachusetts, by virtue of a taking dated **June 7, 1967** recorded with the Barnstable County Registry of Deeds in **Book 1368 Page 309**. Said property is shown on Harwich Assessors plans as **87-J1-0**.

**NOW THEREFORE**, Licensor grants to the Licensees, its successors and assigns, the right to access, erect, construct, dig up, dredge, reconstruct, connect, install lay, operate, maintain, patrol, inspect, repair, replace, alter, extend or remove one or more lines for the transmission and/or distribution of telecommunication including two (2) poles, **687/1 & 687/2 Brewster-Chatham Road (Route 137)**, with the necessary poles, anchors, wires, cables, conduits, conductors, manholes and associated surface closures, terminals, pedestals, fixtures, pads, foundations, appurtenances and other apparatus and equipment deemed necessary for the purposes specified above, as the Licensees may from time to time desire along, upon, across, under and over a portion of land of which Licensor is the sole owner (hereinafter "License Area").

The said License Area is referred as shown on **EXHIBIT A**; the exact location to be determined by and to become permanent upon the erection of the facilities thereof by the Licensees.

The parties agree to the following terms and conditions:

1. The License Area is intended to prohibit surface or subsurface structures or use of the License Area by others, including Licensor, which might damage or interfere with the operation and maintenance of the Licensees facilities without the prior written consent of Licensees, but is not intended to prohibit crossing of said License Area so long as such crossings do not interfere with or prohibit the full use and enjoyment of the License Area herein granted.
2. The Licensees shall have the right of ingress and egress by foot or by vehicle to the License Area over Licensors property, if necessary, for all of the aforementioned purposes.
3. It is also agreed that the Licensees, their successors and assigns, shall have the right to extend its lines on the subject premises from time to time as may be necessary in the judgment of the Licensees to serve customers on the subject premises or on adjoining premises of other parties without incurring any liability to the Licensor, or any successors or assigns.
4. The Licensees shall have the right to cut and remove all trees, undergrowth and other obstructions to the extent that Licensees deems necessary to operate and maintain the equipment safely. Licensees shall repair, re-grade and restore the License Area, as necessary, at its own expense to substantially the same condition that existed prior to the commencement of the work.

5. The facilities shall remain the property of the Licensees, its successors and assigns.

This License Agreement shall be in effect until such time as an Easement is procured from the **Town of Harwich**.

**IN WITNESS WHEREOF**, the parties have hereunto caused this License Agreement to be executed by their authorized officials, effective as of the date first written above.

**Town of Harwich**

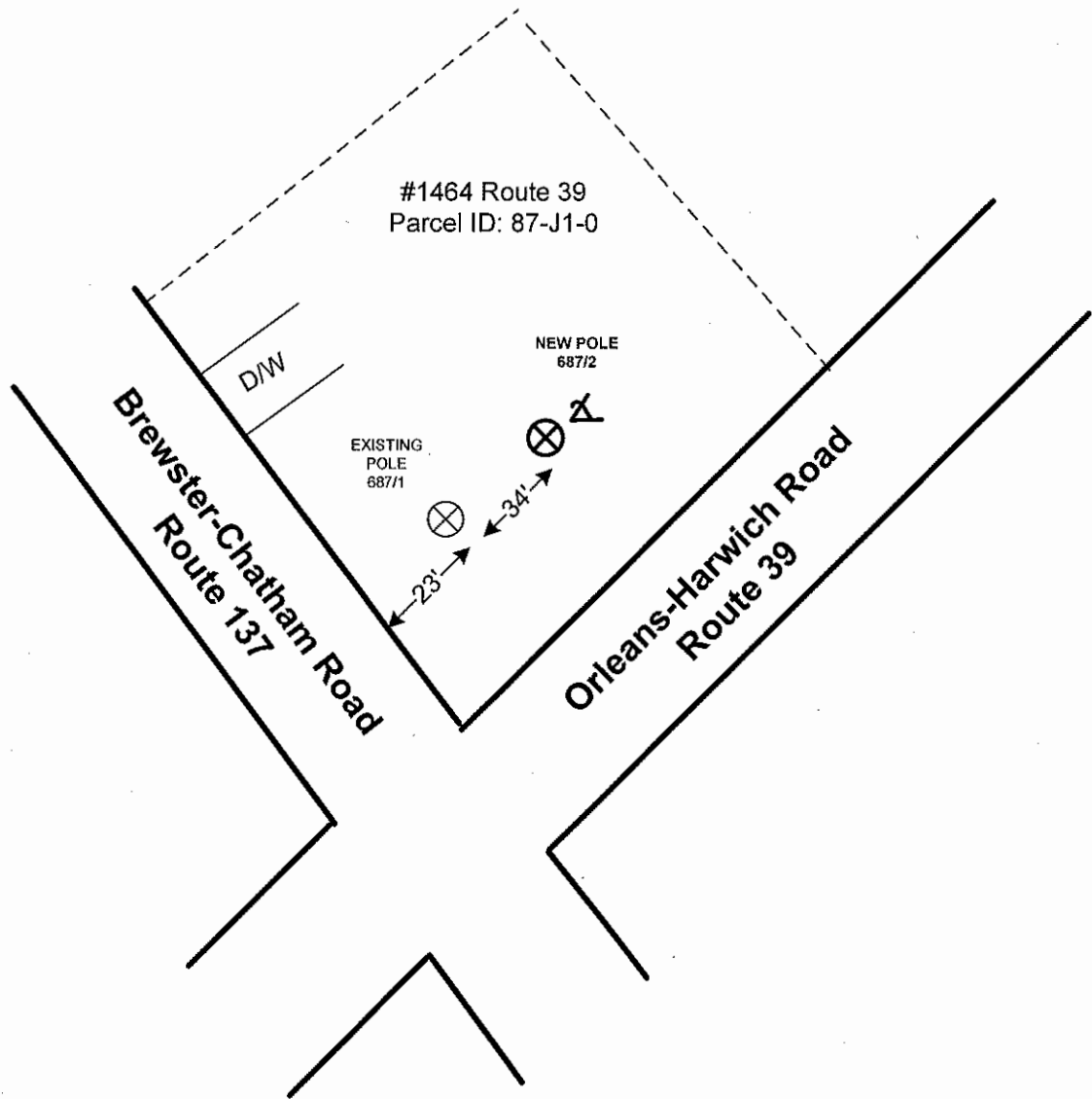
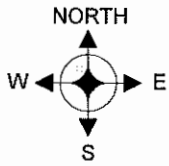
Signature \_\_\_\_\_  
Printed Name

Signature \_\_\_\_\_  
Printed Name

Signature \_\_\_\_\_  
Printed Name

Signature \_\_\_\_\_  
Printed Name

# EXHIBIT 'A'



**NOT TO SCALE**

ORLEANS-HARWICH ROAD (ROUTE 39) - #1464 - HARWICH  
EWO# 1A2Y9AE  
POLES 687/1 & 687/2 - BREWSTER-CHATHAM ROAD (ROUTE 137)

LICENSE

THIS LICENSE AGREEMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by and between **The Inhabitants of the Town of Harwich**, a municipal corporation, having its principal place of business at 732 Main Street, Harwich, Massachusetts 02645 (hereinafter referred to as "Licensor") and **Verizon New England, Inc.**, a New York corporation, having its principal place of business at 6 Bowdoin Square, 9<sup>th</sup> Floor, Boston, Massachusetts 02114 and **NSTAR Electric Company dba Eversource Energy**, a Massachusetts Corporation, having its principal place of business at 800 Boylston Street, Boston, Massachusetts 02199, together with its respective successors and assigns, as tenants in common, (hereinafter referred to as "Licensees").

WHEREAS, Licensor is the record owner of land situated at **#1464 Orleans-Harwich Road (Route 39)** located in the **Town of Harwich**, Barnstable County, Massachusetts, by virtue of a taking dated **June 7, 1967** recorded with the Barnstable County Registry of Deeds in **Book 1368 Page 309**. Said property is shown on Harwich Assessors plans as **87-J1-0**.

NOW THEREFORE, Licensor grants to the Licensees, its successors and assigns, the right to access, erect, construct, dig up, dredge, reconstruct, connect, install lay, operate, maintain, patrol, inspect, repair, replace, alter, extend or remove one or more lines for the transmission and/or distribution of telecommunication including two (2) poles, **687/1 & 687/2 Brewster-Chatham Road (Route 137)**, with the necessary poles, anchors, wires, cables, conduits, conductors, manholes and associated surface closures, terminals, pedestals, fixtures, pads, foundations, appurtenances and other apparatus and equipment deemed necessary for the purposes specified above, as the Licensees may from time to time desire along, upon, across, under and over a portion of land of which Licensor is the sole owner (hereinafter "License Area").

The said License Area is referred as shown on **EXHIBIT A**; the exact location to be determined by and to become permanent upon the erection of the facilities thereof by the Licensees.

The parties agree to the following terms and conditions:

1. The License Area is intended to prohibit surface or subsurface structures or use of the License Area by others, including Licensor, which might damage or interfere with the operation and maintenance of the Licensees facilities without the prior written consent of Licensees, but is not intended to prohibit crossing of said License Area so long as such crossings do not interfere with or prohibit the full use and enjoyment of the License Area herein granted.
2. The Licensees shall have the right of ingress and egress by foot or by vehicle to the License Area over Licensors property, if necessary, for all of the aforementioned purposes.
3. It is also agreed that the Licensees, their successors and assigns, shall have the right to extend its lines on the subject premises from time to time as may be necessary in the judgment of the Licensees to serve customers on the subject premises or on adjoining premises of other parties without incurring any liability to the Licensor, or any successors or assigns.
4. The Licensees shall have the right to cut and remove all trees, undergrowth and other obstructions to the extent that Licensees deems necessary to operate and maintain the equipment safely. Licensees shall repair, re-grade and restore the License Area, as necessary, at its own expense to substantially the same condition that existed prior to the commencement of the work.
5. The facilities shall remain the property of the Licensees, its successors and assigns.

This License Agreement shall be in effect until such time as an Easement is procured from the **Town of Harwich**.

PO Box 81  
S. Harwich, MA 02661

November 17, 2018

Board of Selectmen  
Main Street  
Harwich, Ma

Dear Select-persons:

I am writing to request Permission for Remote Participation in upcoming Meetings of the Harwich Housing Trust. I will be in Florida from mid December 2018 until about the end of March 2019 and will be able to participate either by phone or Fact Time.

As meetings are at the Call of the Chair I am unable to give you specific dates but I will be available when meetings are called. I anticipate to be fully involved in the business that may show up on the Agenda's.

I appreciate the opportunity to be a part of the Trust and expect it will become a valuable entity toward the production of housing availability in Harwich. I have left my contact information with the Town Administrator Chris Clark.

Respectfully submitted,

Lawrence E. Brophy



Town of Harwich - Crosswalk Policy    DRAFT  
Approved by Board of Selectmen

---

## I. Purpose

This policy has been developed in order to establish a structured process and consistent criteria through which the Town can respond to and address residents' requests for the installation of crosswalks on Town maintained intersections and streets. All requests shall be evaluated on a case-by-case basis to determine whether the installation of a crosswalk in the requested location is warranted.

## II. Introduction

### A. Statement of Policy

It shall be the policy of the Town of Harwich to provide for safe pedestrian crossings of public streets by installing and maintaining marked crosswalks at locations where there is substantial conflict between vehicle and pedestrian movement, where significant pedestrian concentrations occur, where pedestrians would not otherwise recognize the proper place to cross, and where traffic movements are controlled.

A "marked crosswalk" is any crosswalk that is delineated by painted markings places on the pavement for the purpose of directing pedestrians to use a particular location to cross the street. Crosswalks may be marked at intersections controlled by traffic signals or stop/yield signs ("controlled crossing"), or at locations where traffic is not controlled by signals or stop/yield signs ("uncontrolled crossings"). Appendix A.1 provides for an outline of guidelines for "Marked Crosswalks at Intersections" for various types of intersections and Appendix A.2 provides guidelines for "Marked Crosswalks at Mid-Block Locations".

### B. Purpose of Policy

The purpose of this policy is to describe the criteria for the installation of marked crosswalks and the design specifications for crosswalk marking and signage. Compliance with these policies will ensure that the pavement markings and signs associated with safe pedestrian crossings are treated consistently throughout the Town of Harwich with respect to their placement, design, installation and maintenance.

This guideline incorporates the guidance and standards to comply with the Manual on Uniform Traffic Control Devices (MUTCD)<sup>1</sup>, the Massachusetts Highway Department (MassDOT) Highway Design Manual and Engineering Directive<sup>2</sup> concerning the standardization of crosswalk markings, the American with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities, and applicable Massachusetts state law,<sup>3</sup> as updated and as other regulations may be applicable. Please refer to Appendix B for some of the basic information.

---

<sup>1</sup> *Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD)*, U.S. Department of Transportation, Federal Highway Administration, 2009 (revisions 2012). MUTCD requirements for crosswalk markings are summarized in Attachment 1.

<sup>2</sup> MassHighway Engineering Directive E-96-001, "Standardization of Crosswalk Markings," dated 3/26/96. A copy of the Directive is provided as Attachment 2.

<sup>3</sup> MGL c. 89, §11 requires motorists to yield to pedestrians in marked crosswalks; MGL c. 90, S14A protects blind pedestrians when crossing a road; and, MGL c. 90, §18A provides local officials with the authority to adopt pedestrian rules and regulations. Copies of each statute are provided in Attachment 3.



## C Changes to Policy

Changes to this policy will be recommended by Traffic Safety Committee to The Board of Selectmen for further review and possible adoption.

## D Process

**Application:** An application shall be made to the Town of Harwich Department of Public Works (DPW) with a copy to Traffic Safety Committee. Please see Appendix C.

**Local Review Process.** The application shall be reviewed by the DPW, the Harwich Police and the Town Engineer. DPW will formally notify the applicant(s) and Traffic Safety Committee of the decision within 45 (forty-five) days.

**For Local Roads:** For requests for a crosswalk on Town roads, the DPW will make a decision as to whether the application is appropriate after reviewing recommendations and comments from the Police and Town Engineer and after reviewing the criteria outlined under "Traffic Study", herein.

**For State Roads:** For requests for a crosswalk on State Roads under the jurisdiction of MassDOT, the DPW will make a decision as to whether the application is appropriate after reviewing recommendations and comments from the Police and Town Engineer and after reviewing the criteria outlined under "Traffic Study", below. The DPW will then make a request to MassDOT on behalf of the applicant.

**Traffic Study:** A traffic study may be required to assist in determining if the criteria are satisfied for the installation of a marked crosswalk at a particular location, and to determine the level of marking justified. The components of a traffic engineering study will vary by location, but may include consideration of:

- Speed and volume on the street(s) involved
- Pedestrian volume, age, and level of mobility
- Location of pedestrian origins and destinations and crossing patterns
- Existing sidewalk network and sidewalk ramps (required on both sides of the road)
- Adequacy of sight distances (absence of sight obstructions)
- Street characteristics including grade, curvature, pavement widths, number of vehicle and bicycle lanes
- Location of adjacent driveways
- On-street parking
- Street lighting
- Location of drainage structures
- Distance to nearest marked crossing
- Traffic signal progression
- Potential for rear-end accidents

## Appendix A.1 - MARKED CROSSWALKS AT INTERSECTIONS

	Unsignalized Intersections			
	Signalized Intersections	Stop or Yield Controlled	Roundabout	Approaches
<b>CRITERIA FOR INSTALLATION</b>				
Traffic signal timed for concurrent pedestrian movements shall have crosswalks applied on the roadway approaches that have sidewalks on both sides of the approaching street. Crosswalks should not be installed where no sidewalks exist unless adequate shoulders exist for use by pedestrians. The determination of adequate shoulder should be based on an assessment of traffic volumes, adjacent land uses, and other site-specific considerations.	X			
Traffic signal which is not timed to accommodate concurrent or exclusive pedestrian movements, or have traffic signal heads that cannot be seen by the pedestrian, shall have crosswalks applied only on those approaches which might be used by the pedestrian.	X			
A crosswalk may be placed across an approach if a sidewalk exists on both sides of the roadway approach. Crosswalks should not be installed at locations where sidewalks do not exist unless adequate shoulders exist for use by pedestrians. The determination for adequate should be based upon an assessment of traffic volumes, adjacent land use patterns, and other site specific conditions.		X	X	
In general, the installation of crosswalks across the throat of driveways or minor side roads is not recommended unless there is a high potential for vehicle/pedestrian conflicts that will be mitigated by a marked crosswalk.		X		
In accordance with the MUTCD, crosswalks that are marked on the approaches shall be placed a minimum of 25 feet in advance of the yield line, or if none, from the edge of the circulating lane.			X	

	Unsignalized Intersections			
	Signalized Intersections	Stop or Yield Controlled	Roundabout	Approaches
<p>A crosswalk should not be installed at an intersection on a roadway approach that is not regulated by a traffic signal, a stop sign, or a yield sign unless the following criteria are met:</p> <ol style="list-style-type: none"> <li>The speed limit is 40 mph or less; and,</li> <li>20+ pedestrians use the crossing/hour during the peak AM and PM periods of vehicular traffic (lesser volumes may be considered if a large percentage of the pedestrian population consists of young, elderly, or disabled pedestrians); and,</li> <li>The ADT (average daily traffic) for the roadway (both directions combined) exceeds 3,000 vehicles per day; and</li> <li>A sidewalk or adequate shoulder for use by pedestrians (as determined by traffic volumes, adjacent land uses and other site specific considerations) exists on both side of approach; and,</li> <li>There is not another crosswalk across the same roadway within 200 feet of the intersection; and,</li> <li>Adequate stopping sight distance (equal to or exceeding that for the posted speed) is available in both directions. Because a driver should be measured from the driver's perspective to the out edges of the travel lane so that an approaching driver can see a pedestrian to the outer edges of the travel lane so that an approaching driver can see a pedestrian at any point on the crosswalk.<sup>1</sup></li> </ol> <p>For a new development, change in land use, or new pedestrian facilities, an engineering study may be used to predict whether or not the above criteria will be met once the development or facility has been constructed and is fully occupied.</p>				X



	Unsignalized Intersections			
	Signalized Intersections	Stop or Yield Controlled	Roundabout	Approaches
<b>INSTALLATION OF STOP LINE</b>				
Stop (Yield) line should be white in color, have a width of 12 inches, and be marked a minimum of 4 ft in advance of the nearest crosswalk line, as measured by the gap between the stop bar and the closest crosswalk marking.	X	X		
<b>NO PARKING ZONE</b>				
In accordance with the MUTCD (Section 3B.18), parking spaces shall not be marked within 20 feet of a marked crosswalk at an intersection, as measured by the gap between the parking space and the closest crosswalk.	X	X	X	X
<b>PEDESTRIAN WARNING SIGNS</b>				
In accordance with the MUTCD (Section 3B.18), parking spaces shall not be marked within 20 feet of a marked crosswalk at an intersection, as measured by the gap between the parking space and the closest crosswalk.	X	X		
Pedestrian in crosswalk signs shall be installed at each end of the crosswalk location. The signs shall be placed in advance of the crosswalk adjacent to the travel lane and facing the driver.  Advance pedestrian warning signs shall be installed at a distance of at least 150 feet but not exceeding 700 feet in advance of the crosswalk on the approach to the roundabout. No advance warning sign is required within the roundabout. Advance pedestrian warning signs may be accompanied by supplemental plaques with the legend "Ahead" or "XXX FEET".			X	X
<b>PAVEMENT/CROSSWALK PATTERNS</b>				
Standard (preferred) or Ladder design. In all cases, the DPW Director should be contacted to make the final decision on the design pattern to be used.	X	X	X	X

	Unsignalized Intersections			
	Signalized Intersections	Stop or Yield Controlled	Roundabout	Approaches
<b>CROSSWALK MARKING WIDTH AND COLOR</b>				
The width of the standard crosswalk shall be 10 feet on center, with the all transverse line in solid white and 12" in width.	X			
The width of the standard crosswalk shall be 8 feet on center, with the all transverse line in solid white and 12" in width.		X	X	X
Crosswalk marking shall therefore be installed using either: (a) a chlorinated paint suitable for application on asphalt surfaces, (b) a thermoplastic paving marking material, or (c) an inlay polymer marking tape. Crosswalk markings shall also consist of high reflectivity materials.	X	X	X	X
<b>SIGNAGE</b>				
Signage must comply with MUTCD, including but not limited to pedestrian, bicycle and school signs, and in-street pedestrian crossing signs.	X	X	X	X
<b>ADA COMPLIANCE</b>				
Where a crosswalk provides access to sidewalks, curb ramps that meet ADA Accessibility Guidelines (ADAAG), MassDOT Construction Standards, and all required of the Massachusetts Architectural Board (521 CMR) must be provided at both ends of the crosswalk. If a crosswalk leads to a paved shoulder, it should meet ADAAG regarding width and cross-slope (maximum 2%) to the extent feasible.	X	X	X	X

## Appendix A.2 - MARKED CROSSWALKS AT MID-BLOCK LOCATIONS

	SCHOOL CROSSINGS	NON-SCHOOL CROSSINGS <sup>2</sup>
<b>CRITERIA FOR INSTALLATION</b>		
<p>All of the following criteria should be met before installing a crosswalk at a mid-block location on an established school route:</p> <ul style="list-style-type: none"> <li>a. The speed limit is 40 mph or less; and,</li> <li>b. A sidewalk or adequate shoulder for use by pedestrians (as determined by traffic volumes, adjacent land uses and other site specific considerations) exists on both sides of the roadway approach; and,</li> <li>c. No another crosswalk across the same roadway within 200 feet of the proposed location; and,</li> <li>d. Adequate stopping sight distance (equal to or exceeding that for the posted speed) is available in both directions. Because a driver must be able to see either the crosswalk or the school crossing sign, the sight distance should be measured from the driver's perspective to the outer edges of the travel lane so that an approaching driver can see a pedestrian at any point of the sidewalk.<sup>1</sup></li> </ul>	X	
<p>All criteria should be met before installing a crosswalk at an uncontrolled, mid-block location:</p> <ul style="list-style-type: none"> <li>a. The 85<sup>th</sup> percentile speed of traffic at the marked crosswalk must be less than 40 mph; and,</li> <li>b. Pedestrian volume crosswalk location must be &gt;30 pedestrians per hour (pph) during peak pedestrian hour (lesser volume may be considered if a large percentage of the pedestrian population consists of young, elderly, or disabled pedestrians); or 15 pph for each 4 hours; and,</li> <li>c. The ADT for the roadway (both directions combined) must &gt;3,000 vehicles per day; or the number of unimpeded vehicle time gaps that equal or exceed the pedestrian crossing times in an average 5 minute period during the peak vehicle hour must be greater than 4;<sup>3</sup></li> <li>d. A sidewalk or adequate shoulder for use by pedestrians, or a distinct pedestrian destination such as a recreation field, must exist on both sides of the roadway approach; and,</li> <li>e. Another crosswalk across the same roadway cannot exist within 300 feet of the proposed location;<sup>4</sup></li> <li>f. The proposed crosswalk location must have adequate street lighting near the crosswalk already in existence or scheduled for installation; and,</li> <li>g. Adequate stopping sight distances (equal to or exceeding that for the posted speed) must be available in both directions.<sup>1</sup></li> </ul>		X
<p>New development, change in use, or new pedestrian facilities, engineering study may be used to predict whether the above criteria will be met once the completed development or facility is fully occupied.</p>	X	X



	SCHOOL CROSSINGS	NON-SCHOOL CROSSINGS <sup>2</sup>
<b>PAVEMENT/CROSSWALK PATTERNS</b>		
Standard (preferred) or Ladder design. In all cases, the DPW Director should be contacted to make the final decision on the design pattern to be used.	X	X
In accordance with the MUTCD, crosswalks that are marked on the approaches shall be placed a minimum of 25 feet in advance of the yield line, or if none, from the edge of the circulating lane.		X
<b>CROSSWALK MARKING WIDTH AND COLOR</b>		
The standard crosswalk width shall be 8 feet on center, all transverse lines in solid white 12" Wide	X	X
<b>NO PARKING ZONE</b>		
Per MUTCD (Section 3B.18), parking spaces shall not be marked within 20 feet of a marked crosswalk at an intersection, as measured by the gap between the parking space and the closest crosswalk. If a bulb-out is present, the gag may be reduced to 10 feet.	X	X
<b>WARNING CROSSING SIGN</b>		
A School Crossing Warning Assembly (SCWA) or a Pedestrian in Crosswalk sign consisting of a School Crossing Sign (or a Pedestrian in crosswalk sign) with a diagonal downward arrow plaque shall be installed at each end of the crosswalk location. Signs shall be placed in advance of the crosswalk adjacent to the travel lane and facing the driver.	X	X
<b>ADA COMPLIANCE</b>		
Where a crosswalk provides access to sidewalks, curb ramps that meet ADA Accessibility Guidelines (ADAAG), MassDOT Construction Standards, and all required of the Massachusetts Architectural Board (521 CMR) must be provided at both ends of the crosswalk. If a crosswalk leads to a paved shoulder, it should meet ADAAG regarding width and cross-slope (maximum 2%) to the extent feasible.	X	X

<sup>1</sup>The adequacy of stopping sight distances shall be determined in accordance with the guidance contained in the ASSHTO "Green Book" – A Policy on the Geometric Design of Highways and Street (2011, 6th edition).

<sup>2</sup>Crosswalk lines should not be used indiscriminately at locations away from traffic signals or stop signs. Crosswalks may be marked at mid-block locations only if an engineering study determines it is safe to do so, and their presence is necessary to concentrate pedestrian crossing activity at a specific location and position pedestrians to be more visible by motorists

<sup>3</sup>The pedestrian crossing time is calculated by dividing the curb-to-curb street width by 4 feet per second, and the average number of gaps per 5 minute period is equal to the total usable gap time in seconds divided by pedestrian crossing time multiplied by 12.

<sup>4</sup>Mid-block crosswalks should be located, as much as possible, mid-way between stop or signal-controlled intersections except where there are special trip generation/destinations directly across from each other and all other criteria are met. Special pedestrian trip generators include schools, senior citizen facilities, and community facilities such as parks and libraries.

## Appendix B – DESIGN FEATURES OF MARKED CROSSWALKS

### A. ADA Compliance

Where a crosswalk provides access to sidewalks, curb ramps that meet ADA Accessibility Guidelines (ADAAG), MassDOT Construction Standards, and all required of the Massachusetts Architectural Board (521 CMR) must be provided at both ends of the crosswalk. If a crosswalk leads to a paved shoulder, it should meet ADAAG regarding width and cross-slope (maximum 2%) to the extent feasible.

### B. Pavement Marking Patterns

There are several patterns in which to mark or paint a crosswalk: Standard, Block, Ladder, and Diagonal. All new crosswalks marked in the town shall be Standard or Ladder design only, and installed in conformance with the following guidelines. Existing crosswalks of the any design may be repainted in their existing pattern until such time a (re)construction of the street on which they lie requires removal of the existing crosswalk and it can be replaced with the preferred Standard or Ladder design. In all cases, the DPW Director should be contacted to make the final decision on the design pattern to be used.

### C. Crosswalk Marking Width and Color

When a crosswalk is located on a residential or local street, the width of the crosswalk (distance between transverse lines) shall be 8 feet on center. When the crosswalk is located on a collector or arterial street, the width of the crosswalk shall be 10 feet on center. In accordance with the MUTCD, all transverse lines, regardless of their marking material, shall be solid white in color with a width of 12 inches.

### D. Crosswalk Marking Materials

It is important that crosswalks markings be visible to motorists (especially at night), not be slippery or create tripping hazards, and not be difficult to traverse by those with diminished mobility or visual capabilities. All crosswalk marking shall therefore be installed using either: (a) a chlorinated paint suitable for application on asphalt surfaces, (b) a thermoplastic paving marking material, or (c) an inlay polymer marking tape. All crosswalk markings shall also consist of high reflectivity materials.

### E. Use of Colored and Textured Pavement

In commercial and school zones, colored and textured pavement may be used to enhance the aesthetics of the crosswalk. The most common treatment is a terra cotta colored, brick pattern that is stamped into newly laid asphalt. In accordance with the MUTCD, the colors white, yellow, blue or red shall not be used for this purpose. Transverse white crosswalk marking (standard crosswalk pattern) must be used in addition to the colored texture pavement in order to legally establish a crosswalk location when textured pavement is used.



Other types of materials, such as granite and cobblestone, although aesthetically attractive, are not recommended as these may become slippery when wet and be difficult for the visually or mobility impaired or use of a wheelchair.

Solid painting of the crosswalk between the transvers lines is not preferable within the Town of Harwich. The painted surface can become extremely slippery, particularly for motorcycles, bicycles and pedestrians.

F. Signage

All signage must comply with MUTCD, including but not limited to pedestrian, bicycle and school signs, and in-street pedestrian crossing signs.

G. Crosswalk Maintenance

Town Crosswalk markings and signs should be maintained in a high state of visibility and meet reflectivity standards. All crosswalk markings and signs should be inspected at least once a year and replaced as needed, by DPW. Markings and signs for crosswalks located in school zones must be inspected prior to the beginning of the school year and replaced as needed, by DPW.

Crosswalk markings and signs located on Massachusetts state roads are not maintained by the Town of Harwich but by the State.

H. Crosswalks on Private Road

Crosswalks on private road shall comply with all ADA requirement and will be maintained by residents of that private road.

I. Pre-existing Nonconforming Crosswalks

These crosswalks will be evaluated as part of a specific road reconstruction/maintenance project. They may be eliminated if the existing conditions do not permit a crosswalk within this policy.

## Appendix C – CROSSWALK APPLICATION FORM (page 1 of 3)

These forms are used to request the installation of a crosswalk on a Town Maintained street or to request the Town make a request to MassDOT jurisdiction streets/roads. When these completed forms are submitted. Town staff will evaluate the request to determine if the application is acceptable for the type of crosswalk, and make sure that the location is a Town maintained street. **Application to be submitted to the Harwich DPW, Highway & Maintenance, 273 Queen Anne Road, PO Box 1543, Harwich, MA 02645 with a copy to Traffic Safety Committee, Town Hall, 732 Main Street, Harwich MA 02745.**

### Contact Information

Name (please print) \_\_\_\_\_

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

Phone Number \_\_\_\_\_ Email \_\_\_\_\_

### Description of Request:

Please describe the requested crosswalk location. Attach a map or picture if necessary: \_\_\_\_\_

---

---

---

---

---

Please describe the nature of the neighborhood traffic and why it may be beneficial to install a crosswalk (attach additional sheet if necessary): \_\_\_\_\_

---

---

---

---

---

Please list locations of existing sidewalks and crosswalks in the immediate area: \_\_\_\_\_

---

---

---

---

---

## Appendix C – NEIGHBORHOOD PETITION FORM (page 2 of 3)

Please fill out these forms and return with completed application.

THE UNDERSIGNED AGREE TO THE FOLLOWING:

1. All persons signing this petition do hereby certify that they own property or reside within the following area: \_\_\_\_\_

---

---

---

---

2. All persons signing this petition do hereby agree to the following problem in the defined area:

---

---

---

---

3. All persons signing this petition do hereby agree that the following contact person(s) represents the neighborhood in matters pertaining to items 1 and 2 above:

Name of key contact person (please print) \_\_\_\_\_

Legal/Mailing Address - \_\_\_\_\_

Phone: \_\_\_\_\_ email: \_\_\_\_\_

Name of additional contact (optional) (please print) \_\_\_\_\_

Legal/Mailing Address \_\_\_\_\_

Phone: \_\_\_\_\_ email: \_\_\_\_\_

*Please attach additional pages if necessary to discuss the request.*

Date Submitted: \_\_\_\_\_



AMEND THE TOWN OF HARWICH - CHARTER TO CHANGE THE NAME OF WATER COMMISSION TO WATER/WASTEWATER COMMISSION AND TO ADD ADDITIONAL DUTIES AND RESPONSIBILITIES THERETO:

ARTICLE XX38:— To see if the Town will vote pursuant to M.G.L. c.43B, §10 to amend Chapters 6 and 10 of the Town Charter, which amendment will be subject to approval by the voters at the 2019 Annual Town Election, as set forth below, with strikethrough text to be deleted and bold text to be inserted:

1. Amend Chapter 6, subsection 6-1-1, General Provisions, as follows:

6-1-1 The officers and town agencies to be elected by vote of the town shall be: a moderator, a town clerk, a board of selectmen as provided in chapter 3, members of the Monomoy regional school district committee, a water and wastewater commission, a board of library trustees, and a housing authority.

2. Amend Chapter 6, Section 6, Water Commission, as follows:

Section 6. Water and Wastewater Commission

6-6-1 A water and wastewater commission of ~~3~~ **5** members shall be elected for 3-year overlapping terms.

6-6-2 The water and wastewater commission shall possess and exercise all powers given to ~~this the~~ board of water commissioners under chapter 165 of the acts of 1935, and ~~boards of sewer commissioners under chapter 83 of the General Laws.~~ **The water and wastewater commission shall be responsible for the administration, maintenance and operation of the water and sewer systems and facilities.**

6-6-3 The water and wastewater commission shall appoint a water and wastewater superintendent, and ~~such officer shall work cooperatively with~~ **shall request this officer to cooperate with, and be responsive to,** requests from the town administrator's office.

6-6-4 ~~Notwithstanding any other provision of this section to the contrary, the board of selectmen shall be responsible for the design and construction of the town sewer systems and for implementation of the comprehensive wastewater management plan.~~

3. Amend Chapter 10, Additional Provisions, by inserting the following new section:

Section 4. Water and Wastewater Commission Transition

10-4-1 The vote of the ~~May-7, 2019~~ **2019** Annual Town Meeting to amend the Section 6 of the Town Charter shall take effect upon approval by the voters at the ~~2020~~ **2019** Annual Town Election ("amendment").

10-4-2 ~~As of the effective date of the amendment, the water commission shall have the additional powers, duties and responsibilities of a sewer commission under the general laws, except as otherwise specified in the amendment. No contracts or liabilities in force on the effective date of the amendment shall be affected by the expansion of the powers and duties of the water commission, and the newly established water and wastewater commission shall in all respects be the lawful~~

Commented [JG1]: I recommend that the straw through language (which appeared in the warrant) be simply deleted altogether.



successor of the water commission. All records, property and equipment whatsoever of the water commission shall be assigned to the water and wastewater commission, and any appropriation for the operations of such water commission and water system, and for the sewer system, shall, following initial approval by the town administrator, be available for expenditure by the water and wastewater commission consistent with the purposes for which such funds were appropriated.

Commented [JG2]: This is the text that appeared in the warrant for the 2018 ATM that should now be stricken.

10-4-3 Any incumbent elected water commissioner shall serve as a member of the water and wastewater commission for a period equivalent to the remainder of their elected term, and shall be entitled to have the words "candidate for re-election" appear next to their name on the ballot if they choose to run for election to the water and wastewater commission while serving in that capacity. At the first annual town election held after the effective date of this Charter amendment, two additional offices of water and wastewater commissioner shall be included on the election warrant, one for a two-year term and one for a three-year term; provided, however, that until said election, the water and wastewater commission shall be deemed to consist of three members.

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

### BUDGET/WARRANT TIME LINE 2018-2019

Friday, August 24, 2018	Capital Budget Instructions submitted by T A to Departments	
Friday, September 21, 2018	Deadline for submission of Department Capital Budgets to the T A	
Monday, September 24, 2018	TA presents BOS with 5-Year Financial Plan	<b>Charter 9-2-1/on or before October 1<sup>st</sup></b>
TBD	MRSD meeting with B O S and Fincom to discuss enrollments by class and demographics, including a five year projection of same.	
Monday, October 1, 2018	Deadline for submission of C P C requests	
Monday, October 1, 2018	BOS Budget Message to guide TA in developing budget Requests - Including Board agreed to goals	<b>Charter 9-2-2/on or before the first Tuesday in October</b>
Monday, October 22, 2018	Capital Outlay Committee submits 7-yr Capital Outlay plan to T A	
Monday, October 22, 2018	Joint Meeting with MRSD, Finance Committee and Capital Outlay Committee to discuss: <ul style="list-style-type: none"> <li>• State of the Town/BOS Budget Message</li> <li>• MRSD Budget/Enrollments</li> <li>• Finance Committee Priorities</li> <li>• Capital Budget Requests</li> <li>• Outlook for 2020</li> </ul>	
Wednesday, October 31, 2018	Operating Budget instructions submitted to departments by T A	
Friday, November 30, 2018	Deadline for submission of department operating budgets to T A	<b>Charter 9-2-3/on or before the 1<sup>st</sup> Friday of December</b>
Friday, November 30, 2018	Deadline for submission of departmental warrant articles to T A	
Monday, December 10, 2018	B O S Review and discussion of potential warrant articles	
Monday, December 10, 2018	TA submits 7-yr Capital Outlay Plan to joint meeting of BOS/ Finance Committee	<b>Charter 9-6-3/during the month of December</b>
Monday, December 24, 2018	MRSD School Vacation	
Monday, January 7, 2019	BOS/FINCOM/Capital Outlay Committee hold joint Public Hearing on submitted Capital Outlay Plan	<b>Charter 9-6-4/on or before the 2<sup>nd</sup> Friday in January</b>
Friday, January 25, 2019	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, January 28, 2019	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 4, 2019	Last BOS meeting before Annual Warrant closes	



Friday, February 8, 2019	Article deadline – Warrant closes Noon deadline	<b>Charter 2-2-1/Bylaw 1-101 2<sup>nd</sup> Friday in February by 12:00 Noon</b>
Monday, February 11, 2019	TA presents budget and budget message to B O S and Fincom	<b>Charter 9-2-4/on or before the 2<sup>nd</sup> Tuesday of February</b>
Monday, February 18, 2018	MRSD School Vacation	
Tuesday, February 19, 2019	1 <sup>st</sup> draft Warrant to BOS (presented at meeting)	
Tuesday, February 19, 2019	Articles submitted to Finance Committee by B O S	<b>General By-Laws I, § 271- 1.B. Not later than 14 days after article deadline</b>
Monday, February 25, 2019	BOS required to submit final budget to Finance Committee	<b>Charter 9-3-2 / on or before the 4<sup>th</sup> Tuesday of February</b>
February 2019	MRSD to submit final line item budget to B O S and Fincom for inclusion in the ATM Warrant	
<b>Saturday, March 2, 2019 (TENTATIVE)</b>	Selectmen and Finance Committee Budget Presentations	
Monday, March 4, 2019	Joint budget/article hearing BOS/Finance Committee	
March, 2019	BOS reviews Warrant articles	
Monday, March 4, 2019	VOTE to sign <b>final</b> Annual Town Meeting Warrant	<b>No new information or changes will be added to the Warrant after this date</b>
Monday, March 4, 2019	Vote to open Special Town Meeting Warrant	<b>All Special Town Meeting Articles must be received 40 days prior to STM</b>
No later than Monday, March 18, 2019	Article funding review by B O S	
Monday, March 18, 2019	BOS votes Special Warrant BOS votes Ballot	
<b>not later</b> than Monday, March 25, 2019	FINCOM submits written recommendations on Budget/Warrant.  Joint budget /article hearing with B O S and Fincom reconciliation	<b>Charter 9-3-3/by March 31<sup>st</sup></b>
<b>Not later</b> than Monday, March 25, 2019	Fincom conducts one or more hearings on budget	<b>Charter 9-3-3 by March 31<sup>st</sup></b>
March 25, 2019	Ballot to Town Clerk	
Monday, April 1, 2019	Send Warrant to Printer Send Warrant to Chronicle <b>(April 18<sup>th</sup> publication)</b>	Printer needs 2 weeks. Chronicle needs 1 week before publish date
Monday, April 15, 2018	MRSD School Vacation	
Friday, April 19, 2019	Warrants available for public distribution	<b>Charter 2-2-2/14 days prior to Town Meeting</b>
Monday, May 6, 2019	First night of Annual Town Meeting and Special Town Meeting	<b>Charter 2-3-1/1<sup>st</sup> Monday in May</b>
Tuesday, May 21, 2019	Annual Town Elections	<b>Charter 8-1-1/3<sup>rd</sup> Tuesday in May</b>



## Sandy Robinson

---

**From:** Christopher Clark  
**Sent:** Tuesday, November 20, 2018 3:47 PM  
**To:** Sandy Robinson  
**Cc:** John Giorgio  
**Subject:** FW: Disturbing the Peace

Sandy,

This part of the original concern that was raised regarding the Fish and Game Club on Depot Road and Harwich. I did go out and tour the site and found it to be in a remote location and I can understand the concern regarding the noise level however this is an established site that is been in operation for several decades. I did have a subsequent conversation with Atty. Giorgio regarding the regulation of Fish and Game Clubs. I will send his write up under separate email.

Chris

**From:** Julie Kavanagh  
**Sent:** Wednesday, September 05, 2018 1:42 PM  
**To:** Town Administrator Office <Administrator@town.harwich.ma.us>  
**Subject:** Fwd: Disturbing the Peace

Sent from my iPhone

Begin forwarded message:

**From:** Timothy Ethier <~~timothy.ethier@townofharwich.us~~>  
**Date:** September 1, 2018 at 12:43:51 PM EDT  
**To:** [jkavanagh@townofharwich.us](mailto:jkavanagh@townofharwich.us), [mmacaskill@townofharwich.us](mailto:mmacaskill@townofharwich.us),  
[lballantine@townofharwich.us](mailto:lballantine@townofharwich.us), [dhowell@townofharwich.us](mailto:dhowell@townofharwich.us)  
**Subject:** **Re: Disturbing the Peace**

To all: Another nice Saturday and the war zone gunfire continues from the Fish&Game club on Depot road in Harwich. Blam blam, pow pow- it is not right that residents are put through this so that a few people can shoot their guns from 8-8 365 days a year. You are town leaders and I hope you have the courage to stand up for what is right.

--East Falmouth is in a similar situation with a gun range there which is only open 10-3. They are looking into requiring "Gun Sheds" be installed to cut the noise level. At the least the times of this range in Harwich should be restricted and the 7 days a week, 365 days a year needs to be changed. Please have the courage to stand up against this constant disturbance.

Tim Ethier  
500 Old Chatham Road  
South Dennis  
508-873-6603

On Aug 20, 2018, at 2:02 PM, Timothy Ethier <~~timothy.ethier@townofharwich.us~~> wrote:

Board of Selectman: I have spoken with the Harwich police on a number of occasions and they suggested that I bring this issue to the Board of Selectman. The level of gunfire that comes from

this range is beyond acceptable in this day and age. Many days it is nearly constant from 8 am till after 8 pm. How can anyone in this area of Dennis or Harwich enjoy outdoor activities or even indoor- I kind of like to keep windows open during the hot summer- when the sound of constant gunfire cascades out from this range. The shooters themselves wear ear gear that almost entirely eliminates the sound we are subject to. Yes, this range was here for a good long time. There were gun ranges on Manhattan Island at one time too. In this day an age ranges in populated areas should be enclosed and they are in most areas. Please stand up for the area residents and don't allow yourself to be intimidated by the gun crowd. Please close this range, order it to be enclosed or at the very least, give the residents some days off from this- perhaps odd or even days or Sunday at least. There is no greater disturbance to the peace then the sound of constant gunfire- this is not a war zone but it sounds like one. Thank you.

Tim Ethier

[Redacted address information]



# 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 11/11/18 THROUGH 11/17/18

### PATROL

- 396 Calls and patrol-initiated activity logged
  - 4 Arrests
  
- 33 Traffic Enforcement Assignments completed
  
- 55 motor vehicle stops resulting in:
  - 29 Verbal warnings
  - 19 Written warnings
  - 7 Investigations
  
- 4 Motor vehicle accidents investigated

### ADMINISTRATION

- Command staff attended in-service training
- Chief met with citizens re: a petition article for town meeting
- Command staff meeting held

### COMMUNITY POLICING / SRO

- The Citizens Academy graduated on Thursday 11/15. The final class had presenters from Cape Cod Regional SWAT team, K-9 and Crisis Negotiations
- Lt Considine represented Harwich PD at a Special Olympics event at Gillette stadium
- Chief met with Harwich Ecumenical Clergy Association for a luncheon at St. Peters
- Several officers and Command staff attended the Veterans Day Ceremony at Island Pond Cemetery