

**SELECTMEN'S MEETING AGENDA\***

*Donn B. Griffin Room, Town Hall*

*732 Main Street, Harwich, MA*

*Regular Meeting 6:30 P.M.*

*Monday, June 10, 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**

A. Remembering Isabelle Monteleone

**V. CONSENT AGENDA**

A. Vote to appoint Griffin Ryder as the Town's representative on the Cape Cod Regional Transit Authority with a term to expire June 30, 2020

B. Vote to approved to waive demolition permit fee for 13 Queen Anne Road

C. Vote to approve inserts to July 1, 2019 tax bill:

a. Treasure Chest Sticker Notification

b. Approval of Tax Bill Insert for Flood Insurance Information

D. Vote to Approve Revolving Fund Cap Increase for the Recreation Department

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

A. Vote to award the sale of Municipal Bonds & Bond Anticipated Notes; Carol Coppola, Director of Finance

**VII. NEW BUSINESS**

A. Request for the annual transfer of cell tower funds for Affordable Housing Trust in the amount of \$40,517

B. Request for Memorial Park Bench to be place at Pleasant Bay Beach in memory of Larry Oakley – Eric Beebe & Link Hooper Approved.

C. Procedure on the release of certain Executive Session Minutes

D. Request to conduct a study of the salt marsh behind Red River Beach which will require the use of a drone –Vote to approve study and waive drone policy – Police approved with stipulations

E. Town of Harwich Ad Hoc Noise Containment Committee

F. Phase 2 Sewer and Sewer Pump Station Easements: Execution of Order of Taking; and

G. Acquisition of Sewer and Drainage Easements in Public Ways: Execution of Order of Taking

H. Overview of Bids on Contract 1 of Phase II Sewer Project – Discussion

I. Introduction of Charles Sumner as s Western & Sampson Project Manager Phase 2 Sewer - Discussion

**VIII. CONTRACTS**

**IX. OLD BUSINESS**

A. Committee Liaisons discussion

**X. TOWN ADMINISTRATOR'S REPORTS**

A. Department Reports:

• Health Department

• Golf Operations

• Harwich Youth and Services

**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 06, 2019

## A Hero At 100: Red Cross Honors Monteleone For WWII Service01 May 2019

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By: Alan Pollock

Topics: [History](#)



Isabelle Monteleone (left) and Hilary Greene. ALAN POLLOCK PHOTO

EAST HARWICH — At age 100, Isabelle Monteleone still enjoys pretty good health, still has a wry sense of humor, and still remembers spending time with the young paratroopers who fought and died in places like Normandy and Bastogne. It seems like a lifetime ago that she was a Red Cross worker embedded with a regiment of the famed 101<sup>st</sup> Airborne Division, running makeshift clubs where they could write letters home, dance, or have a small break from the fighting.



A civilian Red Cross volunteer, Monteleone set up temporary service clubs around Europe for her unit of the U.S. Army's 101<sup>st</sup> Airborne. COURTESY PHOTO

Last week, she was visited by the head of the local Red Cross chapter who honored her with a special Hero Award. Each spring, the Cape, Islands and Southeast Massachusetts Chapter of the American Red Cross holds a breakfast to honor community members who have saved lives or enriched the community, but there is a special category of awards for people who provide services to members of the armed forces. There are typically as many as 50 nominations, Executive Director Hilary Greene told Monteleone, "but your story is absolutely amazing."

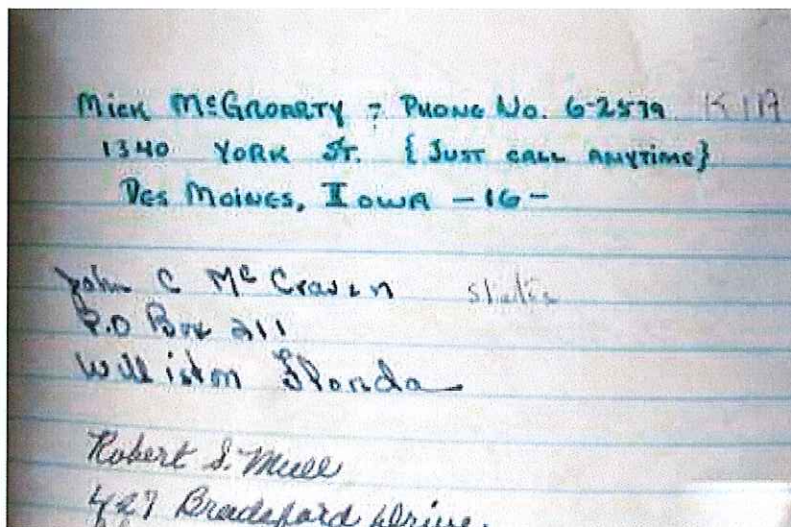
Monteleone was 25 when her first husband died in a plane crash during World War II. She returned to her home near Pittsfield and tried to get on with life. On the advice of her neighbors, she inquired about volunteering with the Red Cross.

"They asked if maybe I'd like to go down and they'd take me in the overseas program," Monteleone recalled. She was sent to New York and then to Washington, D.C. to learn more. The Red Cross needed people to [travel](#) into harm's way to establish temporary service clubs where servicemen could get a snack, play cards, and get a respite from combat.

Monteleone, still newly widowed, told the Red Cross she wasn't up to the job. They thought otherwise and convinced her to [sign up](#).

"It just changed my life," she said.

Monteleone was assigned to the 502<sup>nd</sup> Parachute Infantry of the 101<sup>st</sup> Airborne and traveled with her unit through France to Germany and Austria, ending up back in France on V-E Day. At one point, the Red Cross sought to reassign her, "and the 502<sup>nd</sup> wouldn't let me go," she said with a smile. "I stayed with them throughout the war." She was in Great Britain on the eve of D-Day and later brought supplies to the troops at the Battle of Bastogne.



A page from Monteleone's notebook. She wrote "KIA" next to the names of those who were killed in action.

The bond Monteleone formed with her unit was a strong one. She invited the men of the 502<sup>nd</sup> to write their names and addresses in a notebook that she kept, a notebook that remained a secret even to Monteleone's family until they were arranging a 100<sup>th</sup> birthday celebration last year. There, in pen and ink, the servicemen showed their fondness for "Izzy," who had several other nicknames. Later, Monteleone annotated each entry in pencil, writing "Stateside," "MIA" or "KIA." When a serviceman she knew died, the loss was personal.

“That was awful,” she said, her eyes seeming to gaze back across the decades. When the first members of her unit died, “they were just barely old enough to be in the Army. It was very sad.”

When the war in Europe ended, the members of the 502<sup>nd</sup> sought to have Monteleone awarded the Bronze Star for meritorious service in a combat zone, but found that, as a civilian, she was not eligible to [receive](#) it. Instead, they successfully nominated her for the Presidential Medal of Freedom, one of the two highest honors for U.S. civilians.



A civilian Red Cross volunteer, Monteleone set up temporary service clubs around Europe for her unit of the U.S. Army's 101<sup>st</sup> [Airborne](#).

Last Thursday, Greene visited Monteleone's [home](#) in East Harwich to personally deliver her Red Cross Hero Award. Friends and neighbors were on hand and applauded when Greene put the medal on Monteleone. The honor included a citation from the Massachusetts House of Representatives.

Greene said she has been involved with the annual Heroes Breakfast for many years.

“I've heard some amazing stories,” she said, “but none like this one.”



June 11, 2019

Mr. Griffin Ryder  
Town Engineer  
732 Main Street  
Harwich, MA 02645

Dear Mr. Ryder:

At a public meeting of the Board of Selectmen, held on Monday, June 10, 2019, the Board voted to appoint you as the Town's representative on the Cape Cod Regional Transit Authority. Your new term will expire on June 30, 2020.

**Before assuming the duties of this appointment, please sign this letter and bring it with you to the Town Clerk's office for certification and to be sworn in.** You must contact the Clerk's office in advance at 430-7516 to make arrangements.

By signing this appointment letter, you acknowledge receipt of a Committee Handbook which contains the new Open Meeting Law, Conflict of Interest Law and information pertaining to the State Ethics Mandatory Training Program.

Sincerely,

HARWICH BOARD OF SELECTMEN

\_\_\_\_\_  
Larry G. Ballantine, Chairman

\_\_\_\_\_  
Edward J. McManus, Vice Chairman

\_\_\_\_\_  
Stephen P. Ford, Clerk

\_\_\_\_\_  
Donald F. Howell

\_\_\_\_\_  
Michael D. MacAskill

I accept the appointment as indicated above

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Sworn in by Town Clerk on \_\_\_\_\_

\_\_\_\_\_  
Anita N. Doucette, Town Clerk

CC: Town Clerk

## **Patti Macura**

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**From:** Raymond Chesley  
**Sent:** Thursday, June 06, 2019 11:15 AM  
**To:** Patti Macura; Sandy Robinson  
**Subject:** 13 Queen Anne Road - Demolition Permit

Patti and Sandy

The town has recently acquired the property at 13 Queen Anne Road which needs to be demolished for safety reasons.

Please ask the Select Board to consider waiving the \$75.00 demolition permit fee for this town owned property.

Thanks,  
Ray Chesley  
Building Commissioner

## **Patti Macura**

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**From:** Amy Duffy  
**Sent:** Wednesday, June 05, 2019 2:16 PM  
**To:** Christopher Clark; Larry Ballantine  
**Cc:** Patti Macura  
**Subject:** Treasure Chest permit reminder insert  
**Attachments:** Treasure Chest permit reminder insert.docx

Hello,

I was approached by Tom Caruso on Monday about having a reminder that the Treasure Chest requires stickers inserted in the next tax bill mailing. The printer will need this insert by Tuesday at the latest, in order to get the proof set up, approved, and printed prior to receiving our billing file on the 17<sup>th</sup>. I am not sure if this can get added to the agenda for the 10<sup>th</sup>?

Thank you,

*Amy*

Amy Bullock, CMMC – CMMT  
Treasurer/Town Collector  
[abullock@town.harwich.ma.us](mailto:abullock@town.harwich.ma.us)

Town of Harwich  
732 Main Street Harwich, MA 02645  
508-430-7501, fax 508-430-7504



## **Treasure Chest access now REQUIRES a sticker!**

205 Queen Anne Rd., Harwich, MA 02645  
508-430-7584

The Treasure Chest permits are available to Harwich residents, property owners and those who purchase non-resident Harwich Transfer Station access only.

Treasure Chest permits may be obtained at the Town Hall or the Community Center during normal operating hours.

All visitors to the Treasure Chest must have a current valid permit.

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June 5, 2019

To: Harwich Board of Selectmen  
Christopher Clark, Town Administrator  
From: Charleen Greenhalgh, Town Planner & CRS Coordinator *CG*  
Re: Approval of Tax Bill Insert for Flood Insurance Information

As the Board is aware Harwich has been participating the FEMA Community Rating System Program for nearly 25 years. As part of that participation we do an extensive public outreach program. This year we would like to reach out to all property owners within the town by including in the July 2019 tax bill an insert that would provide information on FEMA and Flood Insurance. A copy of the insert is shown below. The insert would be a 1/3 of a page.

The Planning Department budget has the funds available, approximately \$300, to cover the cost of this insert.

**A recommended motion:**

Move to approve the insert for Flood Insurance Information in the July 2019 tax bill, with associated costs to be incurred by the Planning Department.

<p><b>ARE YOU PROTECTED?—Flood Insurance Information</b> Flood damage is typically not covered by homeowner's insurance. Flooding must be insured under a separate flood policy, which is most commonly acquired through the National Flood Insurance Program (NFIP). You can get flood insurance no matter where your home or business is located. If you have questions about flood insurance (through the NFIP or private companies), Barnstable County's Floodplain Specialist, Shannon Jarbeau, is available to discuss flood insurance questions at 508-375-6952 and visit <a href="https://www.harwich-ma.gov/planning/pages/flood-hazard-map-and-resources">https://www.harwich-ma.gov/planning/pages/flood-hazard-map-and-resources</a></p> <p>Town of Harwich   Planning Department   732 Main Street   Harwich, MA 02645   508-430-7511</p>	<p>STRUCTURES IN THE FLOODPLAINS Nearly <b>1000</b></p>
	<p>PROTECTED PROPERTIES IN THE FLOODPLAINS Nearly <b>60%</b></p>
	<p>FLOOD INSURANCE POLICIES Nearly <b>800</b></p>

To: Harwich Board of Selectmen, Harwich Finance Committee

From: Harwich Recreation Director, Eric Beebe

Date: 6-5-19

Re: Revolving Fund Cap Increase

The Recreation Department is requesting an additional increase to the FY19 Revolving Fund cap from \$175,000 to \$200,000 for the remainder of the fiscal year up until July 1, 2019.

We previously requested an increase to \$175,000 but since then, have received many requests for extended spring programming for the month of June. Typically, we end Spring programs in early June to prep for summer season. But, this year, with school getting out in mid-June, we were approached by many parents/guardians regarding extending our spring programs 3-4 weeks and, additionally, starting a 2-week pre summer camp. Normally, we begin our summer camp on the first week of July but with school ending early, parents and residents are desperately in need of a program that will provide child care for their children until summer begins. We, subsequently, put together a 2 week pre summer camp program and a 4 week extended spring program for residents to sign their children up for to see if we would get enough participants to run the program. We have already received 25 registrations for the pre summer camp and over 110 registrants in the extended spring programming. These are completely new programs and we are delighted with the un-anticipated program and success with sign ups. While these programs will definitely bring in as much or more money than we spend, there is still the money that will be spent against the cap. Therefore, we are requesting the increase of the cap.

The following are the registration and revenue numbers for these programs against the expense as of today, June 5 (we do expect more registrations to keep coming in based on current popularity)

**Spring Extended (mon-fri after school)  
Program Signups**

*Revenue(so far)*

110 participants @ \$30 each- \$3300

*Anticipated Expense*

Staff and additional equipment- \$2300

**Pre-Summer Camp (mon-fri 8:30am-4:30pm)  
Program Sign-ups (2 weeks)**

*Revenue (so far)*

25 participants @ \$200 each- \$5000

*Anticipated Expense*

Staff and additional equipment- \$3500

As indicated, this is a new program that is much more popular than we ever anticipated and is filling a much needed area for residents and parents in town. We see the increase of the cap as a good problem to have as it does not affect the Recreation Department budget or taxpayer monies in any way.

Thank you in your consideration of this matter.

Eric Beebe-Harwich Recreation Director



**TOWN OF HARWICH  
FINANCE DIVISION**

**732 MAIN STREET, HARWICH, MA 02645  
TEL: 508-430-7518 FAX: 508-430-7504**

**Carol Coppola  
Finance Director/Town Accountant**

**Wendy Tulloch  
Assistant Town Accountant**

*To: Christopher Clark, Town Administrator  
From: Carol Coppola & Amy Bullock  
Date: June 4, 2019  
RE: GO Bonds and Bond Anticipation Notes*

Please find below and attached information pertaining to the sale of General Obligation Bonds and Bond Anticipation Notes. Both Bonds and BANs were competitively bid earlier today and yielded great results for the Town of Harwich. The Bonds sold for 2.31% and the BANs at 1.68%. We respectfully request the Board of Selectmen award the 2019 General Obligation Bonds to Raymond James & Associates, Inc. and the 2019 Bond Anticipation Notes to Piper Jaffray & Company. Below is a summary of the use of proceeds for both obligations.

**GO Municipal Bonds**

	Fire Station #2	Cranberry Valley Improvements	SAQ	Sewer Design & Engineering	Total
<b>Bond</b>	6,650,000	1,200,000	257,600	2,012,400	10,120,000
<b>Premium</b>	683,000	137,350	34,450	160,200	1,015,000
<b>Total</b>	5,967,000	1,062,650	223,150	1,852,200	9,105,000

**Bond Anticipation Notes (BANs)**

	Wychmere Piers	Road Maintenance	Road Maintenance	Fire Station Planning	Road Maintenance	Total
<b>Bond</b>	69,117	512,500	650,000	230,000	700,000	2,161,617
<b>Premium</b>	-	-	-	-	-	17,531
<b>Total</b>	69,117	512,500	650,000	230,000	700,000	

**Bond Premium used to pay down long term debt and as a funding source for issuance costs of both long and short term debt.**

VOTE OF THE BOARD OF SELECTMEN

I, the Clerk of the Board of Selectmen of the Town of Harwich, Massachusetts (the "Town"), certify that at a meeting of the board held June 10, 2019, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: that the maximum useful life of the departmental equipment listed below to be financed with a portion of the proceeds of the borrowing authorized by the vote of the Town passed May 2, 2016 (Article 16) is hereby determined pursuant to G.L. c.44, §7(1) to be as follows:

<u>Purpose</u>	<u>Borrowing Amount</u>	<u>Maximum Useful Life</u>
Marina Improvements	\$257,600	15 Years

Further Voted: that the sale of the \$9,105,000 General Obligation Municipal Purpose Loan of 2019 Bonds of the Town dated June 20, 2019 (the "Bonds"), to Raymond James & Associates, Inc. at the price of \$10,209,073.35 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on June 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2020	\$805,000	5.00%	2030	\$375,000	4.00%
2021	785,000	5.00	2031	375,000	4.00
2022	775,000	5.00	2032	365,000	4.00
2023	775,000	5.00	2033	345,000	4.00
2024	615,000	5.00	2034	340,000	3.00
2025	385,000	5.00	2035	330,000	3.00
2026	385,000	5.00	2036	330,000	3.00
2027	380,000	5.00	2037	330,000	3.00
2028	375,000	5.00	2038	330,000	3.00
2029	375,000	5.00	2039	330,000	3.00

Further Voted: to approve the sale of \$2,161,617 2.50 percent General Obligation Bond Anticipation Notes of the Town dated June 21, 2019, and payable June 18, 2020 (the "Notes"), to Piper Jaffray & Company at par and accrued interest plus a premium of \$17,530.72.

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated May 23, 2019, and a final Official Statement dated June 4, 2019 (the "Official

Statement”), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated May 23, 2019 and a final Official Statement dated June 4, 2019, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing and significant events disclosure undertaking in compliance with SEC Rule 15c2-12 in such forms as may be approved by bond counsel to the Town, which undertakings shall be incorporated by reference in the Bonds and Notes, as applicable, for the benefit of the holders of the Bonds and Notes from time to time.

Further Voted: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and Notes and to comply with relevant securities laws.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance

with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds or the Notes were taken in executive session, all in accordance with G.L. c.30A, §§18-25, as amended.

Dated: June 10, 2019

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Clerk of the Board of Selectmen

71628189v.2

June 4, 2019

**For Immediate Release**

**For Further information, contact;**

Amy Bullock, Treasurer  
Town Hall  
732 Main Street  
Harwich, MA 02645  
Tel: (508) 430-7501

**Town of Harwich, MA \$9,105,000 General Obligation Bonds Net 2.31%; \$2,161,617 Bond Anticipation Notes Net 1.68%**

Amy Bullock, Town Treasurer, announced that the Town received competitive bids from bond and note underwriters on Tuesday, June 4, 2019, for a \$9,105,000 20-year general obligation bond issue and a \$2,161,617 357-day bond anticipation note issue. Raymond James & Associates, Inc. was the winning bidder on the Bonds with an average interest rate of 2.31% and Piper Jaffray & Company was the winning bidder on the Notes with a net interest cost of 1.68%. The Town received a total of 4 bids on the Bonds and 4 bids on the Notes. Bond and Note proceeds will be used to finance various municipal projects.

Prior to the sale, S&P Global Ratings, a municipal credit rating agency, upgraded the Town's long-term rating from 'AA+' to 'AAA', the highest long-term rating attainable. The rating agency cited the Town's very strong economy, strong management with good financial policies and practices, strong budgetary performance, very strong budgetary flexibility, very strong liquidity, and very strong debt and contingent liability position as positive credit factors.

The bids for the Bonds and Notes were accepted at the offices of the Town's Financial Advisor, Hilltop Securities Inc., at 54 Canal Street in Boston, Massachusetts.

-end-



11:00:06 a.m. EDST	Upcoming Calendar	Overview	Compare	Summary
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**Bid Results**

**Harwich (Town)**  
**\$10,120,000 General Obligation Municipal Purpose Loan of 2019**  
**Bonds**

The following bids were submitted using **PARITY**<sup>®</sup> and displayed ranked by lowest TIC.  
 Click on the name of each bidder to see the respective bids.

Bid Award*	Bidder Name	TIC
<input type="checkbox"/>	<a href="#">Raymond James &amp; Associates, Inc.</a>	2.318670
<input type="checkbox"/>	<a href="#">Robert W. Baird &amp; Co., Inc.</a>	2.321962
<input type="checkbox"/>	<a href="#">Roosevelt &amp; Cross, Inc.</a>	2.344065
<input type="checkbox"/>	<a href="#">Janney Montgomery Scott LLC</a>	2.367959

\*Awarding the Bonds to a specific bidder will provide you with the Reoffering Prices and Yields.

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Upcoming Calendar	Overview	Result	Excel
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**Robert W. Baird & Co., Inc. - Milwaukee , WI's Bid**



**Harwich (Town)  
\$10,120,000 General Obligation Municipal Purpose Loan of 2019  
Bonds**

For the aggregate principal amount of \$10,120,000.00, we will pay you \$11,099,289.25, plus accrued interest from the date of issue to the date of delivery. The Bonds are to bear interest at the following rate(s):

Maturity Date	Amount \$	Coupon %	Yield %	Dollar Price
06/15/2020	875M	5.0000	1.2600	103.653
06/15/2021	865M	5.0000	1.2700	107.292
06/15/2022	865M	5.0000	1.2800	110.864
06/15/2023	865M	5.0000	1.2900	114.369
06/15/2024	680M	5.0000	1.3000	117.807
06/15/2025	430M	2.0000	1.3200	103.901
06/15/2026	425M	5.0000	1.3600	124.180
06/15/2027	425M	5.0000	1.4000	127.111
06/15/2028	420M	5.0000	1.4600	129.710
06/15/2029	420M	5.0000	1.5300	129.029
06/15/2030	410M	3.0000	2.0500	107.760
06/15/2031	410M	3.0000	2.2000	106.490
06/15/2032	410M	3.0000	2.3000	105.653
06/15/2033	385M	3.0000	2.4000	104.823
06/15/2034	385M	3.0000	2.5000	104.001
06/15/2035	370M	3.0000	2.6000	103.186
06/15/2036	370M	3.0000	2.6500	102.782
06/15/2037	370M	3.0000	2.7000	102.379
06/15/2038	370M	3.0000	2.7500	101.978
06/15/2039	370M	3.0000	2.8000	101.578

Total Interest Cost: \$3,143,320.83  
 Premium: \$979,289.25  
 Net Interest Cost: \$2,164,031.58  
 TIC: 2.321962  
 Time Last Bid Received On:06/04/2019 10:48:50 EDST

This proposal is made subject to all of the terms and conditions of the Official Bid Form, the Official Notice of Sale, and the Preliminary Official Statement, all of which are made a part hereof.

Bidder: Robert W. Baird & Co., Inc., Milwaukee , WI  
 Contact: Geoff Kuczmariski  
 Title:  
 Telephone:414-765-7331  
 Fax:

Issuer Name: Town of Harwich

Company Name: \_\_\_\_\_

Upcoming Calendar	Overview	Result	Excel
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**Janney Montgomery Scott LLC - Philadelphia , PA's Bid  
Harwich (Town)**



**\$10,120,000 General Obligation Municipal Purpose Loan of 2019  
Bonds**

For the aggregate principal amount of \$10,120,000.00, we will pay you \$11,317,550.05, plus accrued interest from the date of issue to the date of delivery. The Bonds are to bear interest at the following rate(s):

Maturity Date	Amount \$	Coupon %	Yield %	Dollar Price
06/15/2020	875M	5.0000	1.2900	103.623
06/15/2021	865M	5.0000	1.3000	107.231
06/15/2022	865M	5.0000	1.3100	110.771
06/15/2023	865M	5.0000	1.3000	114.327
06/15/2024	680M	5.0000	1.3100	117.754
06/15/2025	430M	2.0000	1.3300	103.842
06/15/2026	425M	5.0000	1.3900	123.954
06/15/2027	425M	5.0000	1.4200	126.938
06/15/2028	420M	5.0000	1.4400	129.906
06/15/2029	420M	5.0000	1.5500	128.835
06/15/2030	410M	5.0000	1.7000	127.392
06/15/2031	410M	5.0000	1.8700	125.779
06/15/2032	410M	5.0000	1.9300	125.216
06/15/2033	385M	3.0000	2.7500	101.978
06/15/2034	385M	3.0000	2.8000	101.578
06/15/2035	370M	3.0000	2.9000	100.785
06/15/2036	370M	3.0000	3.0000	100.000
06/15/2037	370M	3.0000	3.0500	99.311
06/15/2038				
06/15/2039	740M	3.0000	3.1000	98.518

Total Interest Cost: \$3,438,179.17  
 Premium: \$1,197,550.05  
 Net Interest Cost: \$2,240,629.12  
 TIC: 2.367959  
 Time Last Bid Received On:06/04/2019 10:52:33 EDST

This proposal is made subject to all of the terms and conditions of the Official Bid Form, the Official Notice of Sale, and the Preliminary Official Statement, all of which are made a part hereof.

Bidder: Janney Montgomery Scott LLC, Philadelphia , PA  
 Contact: Matthew Davis  
 Title:  
 Telephone:215-665-6521  
 Fax: 215-557-8648

Issuer Name: Town of Harwich

Company Name: \_\_\_\_\_

Town of Harwich, Massachusetts  
 Final Bond Structure  
 General Obligation Municipal Purpose Loan of 2019 Bonds dated June 20, 2019

(TS) = tax supported  
 (SS) = self supporting

	General					Harbor		Sewer			Total Issue	
	Fire Station 2 Construction 1 - EXEMPT (TS)	Fire Station 2 Construction 2 - EXEMPT (TS)	Cranberry Valley Golf Infrastructure Improvements Building - EXEMPT (SS)	Cranberry Valley Golf Infrastructure Improvements Parking Lot & Other - EXEMPT (SS)	Total General	Saquatucket Municipal Marina Improvements - Waterside (67% TS, 33% SS)	Total Harbor	Sewer Interconnection Planning (Phase 2A) Chatham IMA Design 1 - EXEMPT (TS)	Sewer Interconnection Planning (Phase 2A) Chatham IMA Design 2 - EXEMPT (TS)	Sewer Phase 2C - Cold Brook Design - EXEMPT (TS)		Total Sewer
15-Jun-20	133,450	173,550	44,800	27,850	\$ 379,650	18,150	\$ 18,150	166,550	238,200	2,460	\$ 407,200	\$ 805,000
15-Jun-21	130,000	170,000	40,000	25,000	\$ 365,000	15,000	\$ 15,000	165,000	235,000	5,000	\$ 405,000	\$ 785,000
15-Jun-22	130,000	170,000	40,000	25,000	\$ 365,000	15,000	\$ 15,000	160,000	230,000	5,000	\$ 395,000	\$ 775,000
15-Jun-23	130,000	170,000	40,000	25,000	\$ 365,000	15,000	\$ 15,000	160,000	230,000	5,000	\$ 395,000	\$ 775,000
15-Jun-24	130,000	170,000	40,000	25,000	\$ 365,000	15,000	\$ 15,000	-	230,000	5,000	\$ 235,000	\$ 615,000
15-Jun-25	130,000	170,000	40,000	25,000	\$ 365,000	15,000	\$ 15,000	-	-	5,000	\$ 5,000	\$ 385,000
15-Jun-26	130,000	170,000	40,000	25,000	\$ 365,000	15,000	\$ 15,000	-	-	5,000	\$ 5,000	\$ 385,000
15-Jun-27	130,000	170,000	40,000	20,000	\$ 360,000	15,000	\$ 15,000	-	-	5,000	\$ 5,000	\$ 380,000
15-Jun-28	130,000	170,000	40,000	20,000	\$ 360,000	15,000	\$ 15,000	-	-	-	\$ -	\$ 375,000
15-Jun-29	130,000	170,000	40,000	20,000	\$ 360,000	15,000	\$ 15,000	-	-	-	\$ -	\$ 375,000
15-Jun-30	130,000	170,000	40,000	20,000	\$ 360,000	15,000	\$ 15,000	-	-	-	\$ -	\$ 375,000
15-Jun-31	130,000	170,000	40,000	20,000	\$ 360,000	15,000	\$ 15,000	-	-	-	\$ -	\$ 375,000
15-Jun-32	130,000	165,000	35,000	20,000	\$ 350,000	15,000	\$ 15,000	-	-	-	\$ -	\$ 365,000
15-Jun-33	130,000	165,000	35,000	-	\$ 330,000	15,000	\$ 15,000	-	-	-	\$ -	\$ 345,000
15-Jun-34	130,000	165,000	35,000	-	\$ 330,000	10,000	\$ 10,000	-	-	-	\$ -	\$ 340,000
15-Jun-35	130,000	165,000	35,000	-	\$ 330,000	-	\$ -	-	-	-	\$ -	\$ 330,000
15-Jun-36	130,000	165,000	35,000	-	\$ 330,000	-	\$ -	-	-	-	\$ -	\$ 330,000
15-Jun-37	130,000	165,000	35,000	-	\$ 330,000	-	\$ -	-	-	-	\$ -	\$ 330,000
15-Jun-38	130,000	165,000	35,000	-	\$ 330,000	-	\$ -	-	-	-	\$ -	\$ 330,000
15-Jun-39	130,000	165,000	35,000	-	\$ 330,000	-	\$ -	-	-	-	\$ -	\$ 330,000
<b>Total</b>	<b>\$ 2,603,450</b>	<b>\$ 3,363,550</b>	<b>\$ 764,800</b>	<b>\$ 297,850</b>	<b>\$ 7,029,650</b>	<b>\$ 223,150</b>	<b>\$ 223,150</b>	<b>\$ 651,550</b>	<b>\$ 1,163,200</b>	<b>\$ 37,480</b>	<b>\$ 1,852,200</b>	<b>\$ 9,105,000</b>
Original Issue Date of BANs	6/21/2018	N/A	12/15/2017	12/15/2017		N/A		6/21/2018	N/A	N/A		
BANs Outstanding Reference	\$2,900,000	\$0	\$854,712	\$345,288		\$0		\$700,000	\$0	\$0		\$4,800,000
	7(1)		7(1)			7(1)		7(7)		7(1)		
Maximum Term	30		30	15		TBD		5		30		
Date of RL	RL 5/21/18		RL 5/24/17			RL 10/4/16		RL 5/24/17		RL 5/24/17		
Article #	24		18			16		11		12		
Original Auth. Amt	\$6,750,000		\$1,200,000			\$7,000,000		\$8,035,000		\$2,000,000		
Date of Auth.	5/15/2018		5/16/2017			5/17/2016		5/16/2017		5/16/2017		
Amount of Paydown	\$0	\$0	\$0	\$0		\$0		\$0	\$0	\$0		\$0
Maximum Maturity	6/21/2048	6/20/2049	12/15/2047	12/15/2032		6/20/2034		6/21/2023	6/20/2024	6/20/2049		
Remaining Life	29	30	28	13		15		4	5	30		

Premium to be Applied to Project Costs	\$ 296,550	\$ 386,450	\$ 89,912	\$ 47,438	\$	\$ 34,450	\$	\$ 48,450	\$ 106,800	\$ 4,950	\$	\$ 1,015,000
Amount Requested	\$ 2,900,000	\$ 3,750,000	\$ 854,712	\$ 345,288	\$	\$ 257,600	\$	\$ 700,000	\$ 1,270,000	\$ 42,400	\$	\$ 10,120,000

# Town of Harwich, Massachusetts

\$2,161,617 General Obligation Bond Anticipation Notes

Sale Date: 6/4/2019  
 Dated Date: 6/21/2019  
 Delivery Date: 6/21/2019  
 Due Date: 6/18/2020  
 Days Per Year: 360  
 Day Count: 357  
 Bank Qualified: No  
 Rating: None



Bidder	Underwriter	Principal	Coupon Rate	Premium	Interest	Net Interest	NIC	Prorata Premium	Prorata Interest	Award	Reoffering Yield
Piper Jaffray & Company	•	\$2,161,617	2.50%	\$17,530.72	\$53,590.09	\$36,059.37	1.6822%	\$17,530.72	\$53,590.09	\$2,161,617	
BNY Mellon Capital Markets	•	\$2,161,617	2.50%	\$17,011.93	\$53,590.09	\$36,578.16	1.7064%				
Oppenheimer & Co., Inc.	•	\$2,161,617	2.25%	\$10,418.99	\$48,231.08	\$37,812.09	1.7639%				
Century Bank		\$2,161,617	2.60%	\$8,862.63	\$55,733.69	\$46,871.06	2.1866%				
Award Totals								\$17,530.72	\$53,590.09	\$2,161,617	

Weighted Average Net Interest Cost: 1.6822%

**MUNICIPAL PURPOSE LOAN**

Town of Harwich, Massachusetts

\$2,161,617 General Obligation Bond Anticipation Notes

Sale Date: 6/4/2019  
 Dated Date: 6/21/2019  
 Delivery Date: 6/21/2019  
 Due Date: 6/18/2020  
 Bank Qualification: No



<u>Purpose</u>	<u>Vote Date(s)</u>	<u>Reference</u>	<u>Amount Authorized</u>	<u>Previous Issues</u>	<u>Bonds, Grants, and/or Paydowns</u>	<u>Renewal This Issue</u>	<u>New This Issue</u>	<u>Total This Issue</u>	<u>Balance Unissued</u>	<u>Original Issue Date</u>	<u>Prorata Interest</u>	<u>Prorata Premium</u>
Wychew Harbor Piers & Bulkheads	6/5/2014	Ch. 44, s. 7(1)	\$1,704,000	\$69,117	\$1,634,883	\$69,117	\$0	\$69,117	\$0	6/26/2015	\$1,713.53	\$560.54
Road Maintenance	5/2/2016	Ch. 44, s. 7(1)	\$700,000	\$512,500	\$187,500	\$512,500	\$0	\$512,500	\$0	6/22/2017	\$12,705.73	\$4,156.38
Road Maintenance	5/1/2017	Ch. 44, s. 7(1)	\$700,000	\$650,000	\$50,000	\$650,000	\$0	\$650,000	\$0	6/22/2017, 12/15/2017 & 6/21/2018	\$16,114.58	\$5,271.50
Fire Station 2 Planning	5/16/2017	Ch. 44, s. 7(7)	\$310,000	\$230,000	\$80,000	\$230,000	\$0	\$230,000	\$0	6/22/2017	\$5,702.08	\$1,855.30
Road Maintenance	5/7/2018	Ch. 44, s. 7(1)	\$700,000	\$350,000	\$0	\$350,000	\$350,000	\$700,000	\$0	6/21/2018 & 6/21/2019	\$17,354.17	\$5,677.00
<b>Totals</b>			<b>\$4,114,000</b>	<b>\$1,811,617</b>	<b>\$1,952,383</b>	<b>\$1,811,617</b>	<b>\$350,000</b>	<b>\$2,161,617</b>	<b>\$0</b>		<b>\$63,590.09</b>	<b>\$17,530.72</b>

**OFFICE OF THE TOWN ADMINISTRATOR**

**Christopher Clark**, *Town Administrator*

Phone (508) 430-7513

Fax (508) 432-5039

732 MAIN STREET, HARWICH, MA 02645



May 30, 2019

Larry Ballantine, Chair  
Board of Selectmen  
Town Hall  
732 Main Street  
Harwich, MA 02645

RE: Annual request to transfer cell tower funds to Affordable Housing Trust balance

Dear Mr. Ballantine:

With this letter, the Affordable Housing Trust (AHT) requests the annual transfer of cell tower funds in the amount of \$40,517 (available as of April 2019), to the Affordable Housing Trust fund. This annual request is a continuation of the Board of Selectmen's unanimous vote on May 21, 2018, to approve the cell tower fund balance transfer into the Affordable Housing Trust fund in accordance with the established designation. Please see the Board of Selectmen minutes from the May 21, 2018 meeting enclosed.

The Affordable Housing Trust welcomes this effort and appreciates your consideration.

Sincerely,

Christopher Clark  
Town Administrator and Affordable Housing Trust Chair

**MINUTES  
SELECTMEN'S MEETING  
GRIFFIN ROOM, TOWN HALL  
MONDAY, MAY 21, 2018  
6:30 P.M.**

**APPROVED**

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

**OTHERS PRESENT:** Town Administrator Christopher Clark, Diane DiGennaro, Barbara-Anne Foley, John Foley, Carole Ridley, and others.

**SWEARING IN OF ELECTED OFFICIALS**

Ms. Doucette, Town Clerk, swore in Joan McCarty as Library Trustee and Ed McManus as Selectman.

**WEEKLY BRIEFING**

No one appeared before the Board.

**PUBLIC COMMENTS/ANNOUNCEMENTS**

Chairman MacAskill reported that Monomoy High School Principal Bill Burkhead has been named Principal of the Year by the State and commented that Mr. Burkhead is well respected by students and staff and we should be proud as a community to have him there.

**CONSENT AGENDA**

- A. Approve application for 2018 renewal of Lodging House License for The Grey Gull – five units in rear of building only
- B. Vote to sign proclamation for re-dedication of the square at Chase Street and Route 28
- C. Approve Chapter 90 requests for chip sealing various roads

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

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

- A. Town of Harwich certification as a National Wildlife Federation (NFW) Community Wildlife Habitat

Ms. Diane DiGennaro, Co-Chair of the Conservation and Birds Committee of the Garden Club of Harwich, reviewed her letter to the Board of Selectmen of May 2, 2018 as follows:

The Garden Club of Harwich (GCOH) has initiated a project to certify the Town of Harwich as a National Wildlife Federation (NFW) Community Wildlife Habitat. In order to achieve certification through this NFW program, a town must create, maintain and restore wildlife habitats and engage in education and outreach activities. The town and many of its residents have demonstrated their commitment to protecting our environment through the purchase and stewardship of both public and private land.



To get started, a certain number of homes, schools and common areas must become wildlife habitats by providing food, a freshwater source, cover and places to raise young. The program also requires sustained gardening practices such as conserving water, removing invasive plants, using native plants which will grow in this ecoregion, and eliminating pesticides.

To qualify for NWF status for Harwich we plan to contact other town departments and private groups in hopes that they will join us in this exciting challenge. It is not costly and requires minimal effort initially. Subsequent involvement involves maintaining the principles set forth by the NWF guidelines and using its guidelines for future legislation, education, landscaping, planning, etc. Harwich already meets many of the requirements needed for certification, so it is well on its way to becoming the first town on the Cape to have this distinction. Qualified town and common areas must be registered in order to amass the number of points needed to have official NWF Community Wildlife Habitat status. The garden club committee will provide assistance throughout the process.

For further information about the program, please contact one of the co-chairs of the GCOH Conservation and Birds Committee and a representative from this committee would be happy to meet with you to answer your questions and discuss how you can participate in this timely venture. We look forward to hearing from you soon.

Ms. DiGennaro and Ms. Usowski took questions from the Board. Mr. Howell moved to give them our blessing. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

#### **NEW BUSINESS**

- A. Approve new application by The Commodore Inn for Weekday Entertainment from 5:00 p.m. to 8:00 p.m. Thursday, Friday and Saturday

Ms. Foley of The Commodore Inn explained that this application is just for guitar music by the pool. Mr. McManus moved to approve the application. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

- B. Cell Tower Revenue/Affordable Housing Fund Balance – vote to fund new Affordable Housing Trust

Mr. Clark recommended moving the \$34,396, the balance of the cell tower fund, into the Affordable Housing Trust and secondly that future cell tower money should go into the Trust. He recommended that we put money in either quarterly or at the beginning or end of the year. Mr. Howell moved to send \$34,396 from the Cell Tower Fund designated to the new Affordable Housing Trust Fund once established. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

- C. Recommendation for Site Plan Review filing fee for Cape Cod Tech

Mr. Clark stated that under the Dover Amendment, when a school goes before the Planning Board there is a more simple review that is completed. He said when Monomoy applied, it was recognized that there would be lesser review efforts at the Planning Board so the fee was capped at \$4,000. He recommended that the same be applied for the Cape Cod Tech. Ms. Kavanagh moved that we approve the capped site plan review of Cape Cod Tech at a fee of \$4,000. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

#### D. Selectmen's Summer Meeting Schedule

After discussion the Board agreed with the proposed Summer Meeting Schedule with the Non-Resident Taxpayer Meeting being August 6, 2018. Chairman MacAskill announced that the Board would not meet on June 18, July 2, 16, 30, August 13 and 27. Mr. Howell moved we approve the schedule as printed in the agenda. Ms. Kavanagh seconded the motion and the motion carried by a unanimous vote.

#### E. Amend the Personnel By-Law Plan for FY19 in keeping with union increases

Mr. Clark recommended approving 2% COLA's for the Personnel By-Law Plan and confirming or acknowledging the Library Trustees' regrading of the Library Director to Grade M-7. Ms. Kavanagh moved that we approve to amend the Personnel By-Law Plan for FY19 in keeping with the union increases. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

Chairman MacAskill invoked the Attorney General's 48 hour rule to approve the Common Victualler license for Capeside Kitchen so they can be open for Memorial Day weekend noting that they had already received approvals from the regulatory boards. Mr. Clark added that it was just an oversight on the part of Capeside Kitchen as they did not submit the form. Mr. Howell moved that we approve a temporary Victualler's license for Capeside Kitchen Inc. to extend through May 29<sup>th</sup>. Ms. Kavanagh seconded the motion and the motion carried by a unanimous vote.

### OLD BUSINESS

#### A. Pleasant Bay IMA

Ms. Ridley of Pleasant Bay Alliance brought forward documents for signature based on the passage of Town Meeting articles including a Memorandum of Agreement that continues the Alliance, and three documents related to the Pleasant Bay Watershed Permit including an Inter-Municipal Agreement to seek the Watershed Permit from MassDEP, a letter to the Cape Cod Commission which would allow them to submit the Pleasant Bay Targeted Watershed Management Plan for a determination of 208 consistency, and an application letter to MassDEP. Ms. Ridley took questions from the Board and the Board signed the documents.

#### B. Town Administrator Performance Evaluation

Chairman MacAskill reported that Mr. Clark received a passing grade and he is entitled to a 2% COLA. Mr. Howell noted that he gave Mr. Clark the full 9 points for future goals as they can't say he didn't meet them because they haven't established those goals yet. Mr. Howell, Ms. Kavanagh and Mr. Ballantine agreed that the form should be tweaked and made to be more representative of the job and better match their objectives. Mr. Ballantine recommended having reviews more than once a year, possibly quarterly reviews. Ms. Kavanagh moved that we approve the overall Town Administrator evaluation and award the 2% increase. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

#### C. Ownership of fields behind Cultural Center

Mr. Clark indicated that the map in the packet is a starting point and that he walked the site with the Town Surveyor about six months ago and there was some issue as to where the line should be. He said

he could send it over to the School Committee and Superintendent to get the conversation started to see if there any issues. He noted that this specifically addresses the ballfields and doesn't address the joint septic system. He noted that the Little League would have to come to the Town for their license agreement rather than the school. The Board discussed possible siting of the labyrinth in relation to the playground. The consensus of the Board was that Mr. Clark would send a letter to the school.

## **TOWN ADMINISTRATOR'S REPORT**

### **A. CDM Smith brochure costs**

Chairman MacAskill noted that the charge from CDM Smith to update the brochure was \$2,000 and most of it was cutting and pasting from the work our committee did. He stressed the need to start looking at how we are spending the money. He commented that CDM Smith isn't a p.r. firm and we should look at getting one. Mr. Ballantine agreed and said the committee felt they weren't brought into the discussion until it was basically over and we need to be sure we are paying attention to process. Mr. Howell added that the brochure looked very familiar to the prior one and there wasn't a lot of work involved.

### **B. Chamber of Commerce proposal for additional parking in Harwich Port**

Mr. Clark said he was approached by the Chamber of Commerce about using a piece of Town owned land that is part of Schoolhouse parking lot for parking. He reported that the Town Planner has indicated that when the site plan was done for Schoolhouse parking lot there was a commitment to keep a treed area and she has come back with a suggestion to revise that treed area. He said he will explore if we can do that and will ask Mr. Hooper if he can take down some of those trees once the Planning Board gives us the green light.

### **C. Town Meeting/Election results**

Mr. Clark reported that there are 20 different follow up items from Town Meeting that he is working on with our Town Attorney and he will report back on the assignment of that work to department heads. He reported that he has authorized Mr. Lawton to look at the process that was taken for the pet burial ground and he will provide a write up. He noted that there hasn't been a tremendous amount of requests for The Big Fix and the deadline is June 1. Mr. Clark discussed reaching out to department heads and the newspaper and the Board discussed putting it on Channel 18, and reaching out to the Veterans Agent and Assessors. With regard to the agreement with the First Congregational Church, Mr. Clark reported that only the judge's decision gets filed and the plan doesn't have to be stamped.

### **D. Departmental Reports**

## **ADJOURNMENT**

Mr. Howell moved to adjourn at 7:44 p.m. Ms. Kavanagh seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel  
Recording Secretary

## Related Documents - May 21, 2018

- 01 Agenda.pdf
- 02 Lodging House License.pdf
- 03 Proclamation.pdf
- 04 Chapter 90 Requests.pdf
- 05 NWF Certification.pdf
- 06 Weekday Entertainment License.pdf
- 07 Affordable Housing Trust.pdf
- 08 Tech School Site Plan Review.pdf
- 09 BOS Summer Schedule.pdf
- 10 Pleasant Bay IMA.pdf
- 11 T.A. Evaluation - Ballantine.pdf
- 11 T.A. Evaluation - Brown.pdf
- 11 T.A. Evaluation - Kavanagh.pdf
- 11 T.A. Evaluation - MacAskill.pdf
- 11 T.A. Evaluation - Self.pdf
- 12 Ownership of Fields behind Cultural Ctr..pdf
- 13 CDM Smith Brochures.pdf
- 14 Parking in Harwich Port.pdf
- 15 Election Results.pdf
- 16 Departmental Reports.pdf

## **Patti Macura**

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**From:** Pelinda Deegan <pelinda@capecdp.org>  
**Sent:** Thursday, May 30, 2019 2:47 PM  
**To:** Christopher Clark; Patti Macura  
**Cc:** Andrea Aldana; Anita Doucette  
**Subject:** Article 61 Amendment

Hello Chris,

I spoke with Anita today and she will have the certified document ready on Monday, 6/3/19.

Thanks,

**Pelinda Deegan**

*Housing Advocacy Program Manager*

**Community Development Partnership**

**Capecdp.org** | (508) 240-7873 x15 | [pelinda@capecdp.org](mailto:pelinda@capecdp.org)

**OFFICE OF THE TOWN ADMINISTRATOR**

**Christopher Clark, *Town Administrator***

Phone (508) 430-7513

Fax (508) 432-5039

732 MAIN STREET, HARWICH, MA 02645



# MEMO

To: Board of Selectmen

From: Christopher Clark  
Town Administrator

cc:

Re: Memorial Bench at Pleasant Bay

Date: May 16, 2019

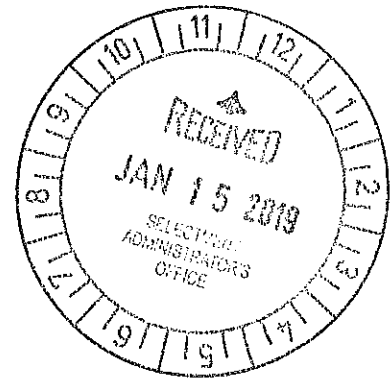
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We received a request from Ms. Deb Oakley to install a Memorial Bench for her late husband Larry. She requested the bench to be place on the beach at Pleasant Bay.

Following a positive vote from the Recreation Commission and approval from the Director of DPW, I recommend that the Board approve the acceptance of this gift.



January 10, 2019



Board Of Selectmen

Town of Harwich

732 Main St.

Harwich, MA 02645

Dear Board Members:

After visiting your picturesque town over the past 46 years during summer months, I am making a request for consideration of installing a memorial bench in memory of my husband, Larry, who died in January 2012.

We frequented the beach at Pleasant Bay, first as newly weds and later with our children and then their families. We are fans of the horseshoe crabs that usually can be found in the shallows of the Bay and are familiar with the history of their over-collecting and health benefits, having read several of William Sargent's informative books.

My questions have to do with whether you would allow another bench close to the pathways from Route 28 onto

---



the beach area? I suspect the grassy mid-section close to the road is considered a type of dune which needs to be protected. On the other side of this area, where the beach begins and extends to the Bay would be my preference, if that would be approved. We often needed to remove our shoes at that juncture and a bench for others to do the same would be pleasing to my family and me. I fully realize you need to be mindful of the seasonal storms that must rocket through, so let me know if water surges are an issue.

Please be in touch to let me know your thoughts and should you have questions that I may answer. Of course, I would abide by your decision and any town codes that are in effect.

Thank you for considering my request,

Deb

Deb Oakley

1085 Bay Rd

Webster, NY 14580

Internet communication can be sent to: [deboak@aol.com](mailto:deboak@aol.com)



## Patti Macura

---

**From:** Eric Beebe  
**Sent:** Thursday, May 30, 2019 9:01 AM  
**To:** Patti Macura  
**Subject:** Re: Memorial Bench at Pleasant Bay for Larry Oakley

Hi Patti

Commission wanted me to check with highway department first which I did. There is one bench around that location now and another could be added but he wouldn't recommend putting it any closer to the water than the other one because it is a flood zone. He also said that because it is a flood zone, he can't guarantee bench won't get damaged in a storm surge

If the people requesting are ok with this, than we can go ahead and get the process moving

Eric

Sent from my iPhone

On May 29, 2019, at 1:09 PM, Patti Macura <[pmacura@town.harwich.ma.us](mailto:pmacura@town.harwich.ma.us)> wrote:

Hi Eric – what was the vote? Can it go on the board agenda for 6/3?

*Patricia Macura*  
*Selectmen/Administrator's Office*  
*Town of Harwich*  
[pmacura@town.harwich.ma.us](mailto:pmacura@town.harwich.ma.us)  
508-430-7513 x3319

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**From:** Patti Macura  
**Sent:** Tuesday, May 28, 2019 2:17 PM  
**To:** Eric Beebe <[ebeebe@town.harwich.ma.us](mailto:ebeebe@town.harwich.ma.us)>  
**Subject:** RE: Memorial Bench at Pleasant Bay for Larry Oakley

Great.... Can you let me know what the decision is by tomorrow at noon – We will still have time to put it on the board agenda for Monday 6/3....

Thanks so much

Patti

*Patricia Macura*  
*Selectmen/Administrator's Office*  
*Town of Harwich*  
[pmacura@town.harwich.ma.us](mailto:pmacura@town.harwich.ma.us)  
508-430-7513 x3319

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**From:** Eric Beebe  
**Sent:** Tuesday, May 28, 2019 2:18 PM  
**To:** Patti Macura <[pmacura@town.harwich.ma.us](mailto:pmacura@town.harwich.ma.us)>  
**Subject:** Re: Memorial Bench at Pleasant Bay for Larry Oakley

This will be on the agenda for tonight's recreation commission meeting.

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**From:** Patti Macura  
**Sent:** Tuesday, May 28, 2019 1:44:29 PM  
**To:** Eric Beebe  
**Subject:** Memorial Bench at Pleasant Bay for Larry Oakley

Hi Eric – Sandy mentioned you are the person to contact for this – has the Recreation Commission approved this request yet?

Please advise at your earliest convenience.

Thank you.

Patti

*Patricia Macura  
Selectmen/Administrator's Office  
Town of Harwich  
[pmacura@town.harwich.ma.us](mailto:pmacura@town.harwich.ma.us)  
508-430-7513 x3319*

**BOARD OF SELECTMEN  
POLICY ON ACCEPTANCE OF GIFTS**

In numerous instances, the Town through its various departments and agencies receives offers of gifts or donations for various purposes. It is the policy of the Board of Selectmen to encourage such donations and gifts, with the clear understanding that there is no offer on the part of Town departments or agencies to reciprocate in any manner with regard to provision of services, enforcement of laws or regulations, or any other consideration by the town.

Any gifts of buildings and/or real property offered to the Town shall be reviewed by the Town Administrator, who shall prepare a written report on the following issues prior to submission to the Board of Selectmen for acceptance at a regularly scheduled Selectmen's meeting:

1. Site inspection to identify potential management problems.
2. Identify conservation resources to document and insure their protection.
3. Environmental Due Diligence for Hazardous Materials - The Grantor shall be asked to determine if the property contains any hazardous materials. The gift of the property should contain language to protect the Town from liability, whether or not there is a known problem.
4. Risk Benefit Assessment – Town Administrator should make a determination whether or not the benefit of obtaining the property outweighs the risk.
5. Title Investigation – The Grantor should provide the Town with title documents to ensure that the grantor is the legal owner(s) and to uncover any liens, mortgages, or other encumbrances that may affect the transaction.
6. Future Uses – Town Administrator shall examine the potential future uses of the property.

The Town Administrator shall present his report with recommendation to the Board of Selectmen for action.

Any gifts or donations solicited by or offered to the various departments or agencies of the Town of Harwich are construed to be gifts or donations to the Town and are therefore governed by this policy.

The Board of Selectmen should be informed through its agenda process of all types of gifts and donations and shall make a determination during a regular business meeting whether or not to accept the gift or donation.

First Reading: September 18, 2006  
Second Reading: September 25, 2006  
Third Reading: October 2, 2006

ADOPTED BY  
BOARD OF SELECTMEN: October 2, 2006

## 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: Board of Selectmen

FROM: Joseph F. Powers, *Assistant Town Administrator*

CC: Christopher Clark, Town Administrator

RE: Procedure on the release of certain executive session minutes

DATE: June 5, 2019

This memo outlines a proposed procedure on the approval and release of certain executive session minutes to preclude meeting in executive session for approval only; thereby reducing the need for ongoing executive sessions for minutes approval only.

As you know, MGL, c. 30A, sec. 22 (f) regulates the disclosure of executive session minutes. The Attorney General's Division of Open Government allows for a public body to "designate the chair or another individual to review and approve executive session minutes..."<sup>1</sup>

The Board may want to consider designating the Chair or another individual to review executive session minutes to determine if an executive session would be necessary for approval. If that individual determined that an executive session is not necessary for approval, they would be authorized to approve them. The Board could also establish a procedure wherein executive session minutes deemed fit for approval and release would still be voted by the Board in open session only.

Regardless, if the Board chose to rely upon the determination of a single "designee", any determination that found continued non-disclosure was still warranted, said determination "must be included in the minutes of the body's next meeting."<sup>2</sup>

**RECOMMENDATION:** That the Board of Selectmen designate the Chairman to review and approve executive session minutes if determined appropriate for approval in accordance with the provisions of the Open Meeting Law and guidance provided by the Division of Open Government with the Attorney General's Office.

<sup>1</sup> Source: <https://www.mass.gov/info-details/frequently-asked-questions-about-the-open-meeting-law#frequently-asked-questions-about-executive-session-minutes->

<sup>2</sup> *Open Meeting Law Guide and Educational Materials*, Office of the Attorney General, January 2018, Page 19.

## Patti Macura

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**From:** Deputy Chief Kevin Considine  
**Sent:** Tuesday, June 04, 2019 2:33 PM  
**To:** Patti Macura; Chief David J. Guillemette  
**Subject:** RE: Questions about Marsh Behind Red River Beach

Hi Patti,

As long as she is not doing this for commercial purposes (for which it does not sound that way, sounds as if this is a school project) she does not need to be a licensed drone pilot (only need a license for a drone if they are used for commercial purposes). However, she would be required to call the Chatham Municipal Airport prior to her flying day. She would also need to be below 400 feet during her use of the drone.

Kevin

Kevin M. Considine  
Deputy Chief of Police



Harwich Police Department  
183 Sisson Road  
Harwich, Ma 02645

(508) 430-7541 X 5521

---

**From:** Patti Macura  
**Sent:** Tuesday, June 4, 2019 1:32 PM  
**To:** Chief David J. Guillemette <dguillemette@harwichpolice.com>; Deputy Chief Kevin Considine <kconsidine@harwichpolice.com>  
**Subject:** FW: Questions about Marsh Behind Red River Beach

Good afternoon Chief,  
We(Chris) have received a request to conduct a study of the salt marsh behind Red River Beach (see description below) Chris has had conversations with Amanda Davis the student from UMass who is doing the study and he is in favor of the study (as long as we get the data collected)... However – Amanda is requesting the use of a drone to be launched 1 day a month to collect data – The town website states no drone use on town beaches. They would need a waiver from the board to launch the drone – before I send this item to the Board for approval - I would like to ask if you (Police Department) would have any issues with the launch of a drone 1 day a month to collect data. If you approve, I will put on the Board agenda for their approval.

Please let me know if you have any questions.

## **DEVELOPING MORE EFFECTIVE CAPS METRICS FOR ASSESSING ECOLOGICAL INTEGRITY OF SALT MARSHES**

The Conservation Assessment and Prioritization System (CAPS) is a computer model and sophisticated approach to assessing the ecological integrity of ecosystems. It is being used as a level 1 assessment methodology as part of a comprehensive wetlands assessment and monitoring program for Massachusetts. When credible models of ecological integrity can be developed we use them to get a comprehensive assessment of all Massachusetts wetlands and use it to guide field-based assessments (rapid or intensive) and policy/management to maintain or improve wetland condition.

For the past several years we have been using data collected in the field to compare the Indices of Ecological Integrity (IEI) calculated by CAPS with biological field data collected in streams, forested wetlands, salt marshes, and, more recently, shrub swamps. From these field data we have been able to calculate robust Indices of Biological Integrity (IBIs) that correspond to IEI gradients for streams and forested wetland, but not salt marshes. Salt marshes are probably the most threatened wetland type in Massachusetts and are particularly vulnerable to the effects of sea level rise.

We have several possible explanations for why we have not yet been able to correlate CAPS IEI scores with field indices of salt marsh condition.

1. Biological data collection has focused on the wrong taxa (plants and invertebrates). Perhaps other taxa (e.g. birds, fish) would be better indicators of salt marsh condition.
2. Methods for sampling invertebrates and vegetation in salt marshes were not sufficient/appropriate.
3. Given the low diversity of salt marsh plants and the tendency for large areas of salt marsh to be dominated by 2-3 species, perhaps species composition is the wrong metric for assessing vegetation. An alternative might be an assessment of plant health and productivity.
4. Given the low diversity of salt marsh plants, perhaps it would be more appropriate to use physical indicators (creek widening, creek bank instability, peat density, inappropriate high marsh flooding) to assess salt marsh condition.
5. The CAPS IEI model for salt marshes lacks metrics for important salt marsh stressors related to sediment dynamics, effects of increased nutrient loading on peat accretion, changes in marsh elevation relative to sea level rise, crab herbivory, and crab burrowing effects on peat density and stability.

Any, all, or various combinations of these factors may be affecting our ability to model ecological integrity or assess condition in the field for salt marshes. We propose to investigate

alternative ways of assessing salt marshes focusing on physical indicators of marsh condition and plant stress/productivity (addressing explanations 3-5 above).

Field work in salt marshes is difficult because tide cycles affect our ability to access interior portions of marshes and to see/evaluate marsh characteristics due to ever changing water levels. Remote sensing (satellite imagery; aerial photographs) offer some potential for assessing salt marsh characteristics. However, these data may not be available at stages in the tide cycle when specific characteristics need to be assessed, such as high tide for assessing high marsh flooding or low tide for assessing creek bank stability.

We propose to investigate the use of unmanned aerial systems (UAS) to collect data when timing is critical and test the potential of using various sensors to assess vegetation health/stress and physical characteristics of salt marshes. These data will be calibrated and assessments validated using data collected on the ground, and will be used to calibrate and test other remotely sensed data (satellite and aerial photographs). The goal is to use UAS technology as part of a nested approach to remote sensing (also including satellite data and aerial photographs) to assess the physical and perhaps biological (e.g. plant stress) condition of salt marshes.

Once a system has been developed for assessing salt marsh condition using remote sensing and supplemented by limited ground data collection, it will be used to assess a large number of sites across the full range of salt marshes in Massachusetts. From these data we will use landscape-scale modeling to create CAPS metrics for characterizing stressors affecting salt marshes and create an IEI model for salt marshes that reflects biological and physical condition as evaluated in the field.

It is expected to take 4-6 years to complete this work. For FY17-19 we proposed a first phase of work that focuses on the exploration, refinement and calibration of remote sensing using UAS in order to assess salt marsh condition with respect to physical degradation, flooding and plant stress.

1. Assist the Massachusetts Office of Coastal Zone Management in developing an Index of Physical Integrity (IPI) that takes into account creek widening, bank instability, peat porosity (a function of crab burrow density), and marsh subsidence (resulting in high marsh flooding)
2. Use UAS technology (e.g. RGB and thermal imaging) to assess physical characteristics of salt marshes with the objective of applying the IPI using remotely sensed data. These UAS assessments will be compared to IPI scores derived from ground-based field assessments

3. Use UAS technology (e.g. RGB and thermal imaging) at CZM sentinel sites to develop protocols and train operators to use UAS acquired data to assess and characterize salt marsh hydrology and flooding characteristics
4. Use UAS technology (e.g. RGB and thermal imaging) to document the extent of high marsh flooding at low tide, neap high tide, and spring high tide to identify permanent water features, inappropriate high marsh flooding (i.e. drowning), and effects of tidal restrictions
5. Use UAS technology (e.g. RGB, near infrared, and thermal imaging) to investigate the potential of using remote sensing to identify areas of plant stress focusing on areas of salt marshes experiencing stress as indicated by physical degradation and inappropriate flooding.
6. Evaluate three CAPS metrics (tidal restrictions, salt marsh ditching and connectedness) for relationships with the three indicators of marsh condition: physical integrity, flooding, and plant stress.



## **OUR SURVEY APPROACH:**

### **June/July 2019:**

Myself and an assistant will install 7-10 ground control points - 1ft x 1ft square platforms that are connected to a stake that goes into the ground (see picture below).

In 2020, myself and an assistant will install 6-9 sediment traps on the marsh surface- a shallow "bucket that is 1ft. wide and 2 inches deep.

### **June -October 2019:**

After ground control points are installed, we use a drone with special sensors to survey the salt marsh area. The ground control points improve the accuracy of the drone imagery. The drone is quiet, flies at 400 feet, and does not fly over houses, streets, or people.

### **August - October 2019:**

Finally, when the salt marsh finishes growing for the season (August and September), myself and an assistant use a location device to validate the type of vegetation that is growing in a certain area and the edges of the creek. This process takes 2-4 days during low tide.



*Emily validating the location of a creek edge*



*Amanda installing and locating a GCP*



*Proposed footprint of UAS flight at Red River in Harwich and Chatham*



Above is our proposed flight footprint. We fully understand and expect this footprint to be reduced based on permissions from private owners and piping plover populations. We will work with all managers/owners from both Harwich and Chatham on the flight footprint.



An example of 1)a sediment bucket trap and 2) turbidity sensors with solar-powered power source. Water loggers will be the same size as the turbidity sensor but will not need a power source.

TOWN OF HARWICH  
732 Main Street  
Harwich, MA 02645

CONSERVATION  
DEPARTMENT

(508) 430-7538

# \_\_\_\_\_

TOWN OF HARWICH CONSERVATION DEPARTMENT  
APPLICATION FOR PROJECTS  
REQUESTING ADMINISTRATIVE REVIEW

DATE May 21, 2019

REPRESENTATIVE: Scott Jackson, UMass Amherst

MAILING ADDRESS: Holdsworth Hall, 160 Holdsworth Way, UMass Amherst 01003

PHONE # 413-545-4743

OWNER'S NAME: Town of Harwich

MAILING ADDRESS: ---

ADDRESS OF PROPOSED WORK Area behind Red River Beach  
- 0 Uncle Venies Road MAP X PARCEL ---

DESCRIPTION OF PROJECT: \_\_\_\_\_

We propose surveying the salt marsh landscape and sediment dynamics behind Red River Beach using 1) several sensors on a UAS system, and 2) small sediment monitoring devices. A project description and map is attached.

	YES	NO
1. Will proposed work take place within 50 ft. of any resource area?	<u>X</u>	<u>---</u>
2. Is excavation by machinery required?	<u>---</u>	<u>X</u>
3. Is uprooting of vegetation or mowing to the ground proposed?	<u>---</u>	<u>X</u>
4. Is tree removal proposed?	<u>---</u>	<u>X</u>
5. Is pruning of trees proposed?	<u>---</u>	<u>X</u>
6. Is cutting of shrubs proposed?	<u>---</u>	<u>X</u>
7. Is removal of briars, brambles or bittersweet vine proposed?	<u>---</u>	<u>X</u>
8. Is removal of poison ivy proposed?	<u>---</u>	<u>X</u>
9. Is planting proposed?	<u>---</u>	<u>X</u>

***FOR OFFICE USE ONLY***

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**SITE INSPECTION DATE:** \_\_\_\_\_

**COMMENTS:**

**CONSERVATION ADMINISTRATOR** \_\_\_\_\_

**DATE APPROVED:** \_\_\_\_\_

**DATE DENIED:** \_\_\_\_\_

**DATE OF COMPLETION:** \_\_\_\_\_

**DATE OF FINAL INSPECTION:** \_\_\_\_\_

# Town Beach Rules and Regulations

**Definition:** *Beach – includes beach, parking lot and abutting Town-owned sand dunes for both salt and fresh water Town-owned property*

## Section 1 EFFECTIVE DATES – MEMORIAL DAY THROUGH LABOR DAY (ANY YEAR)

1. No alcoholic beverages will be possessed or consumed on any public beach, and no person shall be intoxicated, or commit any obscene or indecent act or use profane/obscene language.
2. No littering, all refuse must be placed in rubbish containers provided. No glass containers will be allowed on beaches. No household refuse allowed in rubbish containers.
3. No person shall damage, deface, or remove any building, structure or sign belonging to the Town of Harwich.
4. No selling, advertising, or giving away of goods and services will be permitted except by concessionaires under contract with the Town or by written permission from the Recreation and Youth Commission.
5. No fires are allowed except in designated areas with approval and paid permit issued by the Recreation and Youth Department.
6. No animals or pets are permitted on any beaches. The term beaches shall include sand, dune, water and parking lots.
7. No tents, travel trailers, campers, or other units shall be used for habitation.
8. No person shall disturb the peace and tranquility of others.
9. Children (12) years of age or younger must be accompanied by an adult or person responsible for his or her behavior within the beach area.
10. Ball playing, kite flying and frisbee playing are permitted at the discretion of the Lifeguards only.
11. Scuba diving, skin diving, and all other methods of underwater swimming are prohibited in designated swimming areas.
12. Sailboats, kayaks, windsurfers, surfboards etc. are prohibited, except for designated areas of Red River Beach and fresh water ponds.
13. Speed limits on all beach parking lots shall not be in excess of 10 miles per hour and motor vehicles will not be allowed to park or travel beyond designated parking areas.
14. No individual or group of individuals will be granted reserved parking places.
15. Inflatables and beach umbrellas are permitted at the discretion of the Lifeguards only.
16. Fishing is not permitted in designated swim areas when Lifeguards are on duty.
17. All beach parking lot areas are closed from 10:00 pm until 6:00 am; all beaches are closed from Midnight to 6:00 am.
18. **Red River Beach Only – Dog walking is allowed in the parking lot area only from Dawn - 9:00 am and from 4:30 pm - Dusk, Memorial Weekend through Labor Day.**
19. No Motorboat of more than 10 horsepower or used for waterskiing may be launched or operated from the boat ramp at the east end of Long Pond (Wixon Memorial, off Cahoon Road).
20. The use of drones is prohibited on Town of Harwich beaches.

**VIOLATORS OF THESE RULES AND REGULATIONS ARE SUBJECT TO ARREST  
AND PUNISHMENT BY A FINE OF NOT MORE THAN FIFTY (\$50.00) DOLLARS  
LITTERING AND HOUSEHOLD TRASH TWO HUNDRED (\$200.00) DOLLARS**

## Section 2 EFFECTIVE DATES – The day after Labor Day through the day before Memorial Day (Any Year)

**“SCOOPER LAW” M.G.L. Chapter 111 Section 31 is in effect.**

**VIOLATION OF THIS REGULATION IS SUBJECT TO A FINE OF FIFTY (\$50.00) DOLLARS.**

All animal owners are responsible for removing wastes produced by their animals on all public property within the Town of Harwich.

**Per order of the Town of Harwich Board of Selectmen.  
Adopted annually at a public meeting by Board of Selectman.**

## DRAFT

### **Town of Harwich Ad Hoc Noise Containment Committee**

**Background** In recent years Harwich and, specifically, the Village of Harwich Port have enjoyed increasing restaurant activity to the benefit of town residents and vacationing tourists. Unfortunately, this increased activity has increased noise levels to the discomfort of nearby residents. The sound levels may be exacerbated when restaurants utilize outdoor music. As excess noise can be an issue throughout Harwich a uniform, consistent compromise noise policy is sought through a dialog with impacted parties. Open discussion is expected from all interested parties as it is realized no outcome will completely satisfy everyone.

**Ad Hoc Committee membership and terms.** The committee shall consist of seven (7) members as follows: The Chamber of Commerce Executive Director, two (2) additional members of the local business community, and four (4) local residents. Town staff including the Town Planner, Health Director, Fire Department, Police Department will advise and support the committee. As this is not a standing committee, appointments thereto shall not exceed December 31, 2020, prior to which recommendations shall be developed, presented and discussed with the Board of Selectmen by March 31, 2020. Maintaining the committee for a longer time period will allow the committee, BOS and others to evaluate results of any noise containment actions.

**Charge.** The committee shall obtain information from restaurants, nearby residents and other town residents to understand the issues including a thorough review and understanding of the requirements currently in place in the Harwich's by-laws including the definition of "audible noise". We need this discussion early so we ALL understand the requirements from all sides, i.e. businesses, residences, police, fire department, etc. so it is clearly defined so the establishments understand the limits, the police can have a uniform enforcement and the residents understand the limits of the noise levels. The first objective will be to report these findings.

Following the above report, the committee will explore possible solutions, examples:

- Improve dialogue between restaurants and affected parties.
- Propose an audible noise definition to support enforcement and to communicate noise limits to nearby residents.
- Manage control of music sound levels in restaurant outside areas.
- Determine best amplification levels, speaker placement, etc.
- Monitor sound levels including possible use of continuous monitoring tools to allow immediate feedback when approved sound levels are exceeded.
- Suggest when/where outdoor music is best allowed

It is assumed that full discussion between all interested parties will result in other possible actions to mitigate noise concerns.

**Meetings and Recommendations.** The committee shall meet at sufficient intervals to submit a report no later than March 31, 2020, but shall meet no less than once a month to that end. Periodic status reports shall be made to the Board of Selectmen at no less than 60 days intervals.

To: Christopher Clark, Town Administrator

From: Shirin Everett, Esq. K-P Law

Motions:

Here are drafts of the motions to be taken by the Board of Selectmen:

1. For Sewer Taking: Moved, pursuant to the authority granted under Section 1 of Chapter 83 and Chapter 79 of the General Laws, to take by eminent domain permanent sewer and sewer pump station easements and temporary construction easements and sign an Order of Taking to that effect, taking easements from the owners listed in Schedule A of the Order, and to award damages for the taking in the amounts set forth in Schedule B of the Order of Taking, which shall not be recorded with the Barnstable Registry of Deeds.
2. For Utility Taking (Private Ways): Moved, pursuant to the authority granted under Sections 1 and 3 of Chapter 83 and Chapter 79 of the General Laws, to take by eminent domain permanent sewer and drainage easements in certain private ways and to execute an Order of Taking to that effect, taking easements within the private ways listed in the Order of Taking from the owners listed in Schedule A of the Order, and to declare that no damages are due for said taking.

SRF/Title Certification

With respect to the SRF loan, as discussed, it is my recommendation that we follow the following sequence of events:

1. The Selectmen sign the Order of Taking and we put them on record;
2. I will finalize and send you the Title Certification for the Project Sites for the SRF Loan, which should be forwarded to DEP for review;
3. Once DEP has reviewed the Certification, the contract should be awarded, unless DEP allows the contract to be awarded sooner; and
4. Construction begins.

For the Title Certification, please request the Town Clerk to sign Exhibit A of the attached Certification. CDM needs to sign Exhibit B. I need to include signed originals of both Exhibits in the Title Certification.

Please let me know if you have any questions.

Shirin Everett, Esq.  
KP | LAW  
101 Arch Street, 12th Floor  
Boston, MA 02110  
O: (617) 654 1731  
F: (617) 654 1735  
[severett@k-plaw.com](mailto:severett@k-plaw.com)  
[www.k-plaw.com](http://www.k-plaw.com)



CERTIFICATE AS TO TITLE TO PROJECT SITE

I, KP Law, P.C., representing the Town of Harwich, Massachusetts, herein called the Applicant, as title counsel, do hereby certify:

1. That I have been informed by the Applicant as to the location of the sites being provided by the Applicant for all elements (treatment plant, interceptors, outfalls, pumping stations, force mains, and appurtenances) of the water pollution abatement project for which State Financial Assistance has been offered, identified as CWSRF-4424 (the "Project"), which sites consist of the parcels of land identified in Addendum A (the "Project Site").
2. That, based solely on the deeds to the Town and not on title research, it is my opinion that the Applicant has or will acquire a legal and valid fee simple title or other estate or interest in the Project Site, including easements and right-of-ways, as are necessary for undisturbed use and possession for the purposes of construction and operation for the estimated life of the Project, subject to the matters set forth in the Addendum A attached hereto and incorporated herein;
3. That any deeds or documents required to be recorded in order to protect the title of the owner and the interests of the Applicant have been or will be duly recorded or filed for record wherever necessary with reference to Contracts WW-001 and WW-002, inclusive, subject to the matters set forth in the Addendum A attached hereto and incorporated herein.
4. See Addendum A attached hereto.

Dated as of this \_\_\_\_\_ day of June, 2019.

---

Kopelman and Paige, P.C.  
Town Counsel  
101 Arch Street  
Boston, MA 02110  
(617) 556-0007

ADDENDUM A TO  
CERTIFICATE OF COUNSEL  
AS TO TITLE TO PROJECT SITE

I. My opinion is based on review of the following documents.

1. PROJECT SITES.

The Project Sites consist of the following parcels of land in Harwich (collectively, the “Project Site”):

- (a) *Public Ways.* The public ways identified in the Town Clerk’s Certificate, attached hereto;
  - (b) *Private Ways.* Privately-owned roadways known as Alexander’s Chase, Auston Road, Chicadee Lane, Chrisjobeth Circle, Johanna’s Path, Landron Way, Old Salty Lane, Reliance Way, Sadie’s Way, Spence’s Trace, and Spruce Grove, as set forth more particularly in the Order of Taking dated \_\_\_\_\_, 2019 and recorded with the Barnstable Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_, and filed with the Barnstable Registry District of the Land Court as Document No. \_\_\_\_\_, a copy of which is enclosed herewith; and
  - (c) *Private Land.* The parcels of privately-owned properties located at 246 Route 137; 111 Route 137; 129 Route 137; 1404 Orleans Road; Spence’s Trace; 113 Church Street; 24 Church Street; and 1421 Orleans Road, as set forth more particularly in the Order of Taking dated \_\_\_\_\_, 2019 and recorded with the Barnstable Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_, and filed with the Barnstable Registry District of the Land Court as Document No. \_\_\_\_\_, a copy of which is enclosed herewith.
2. CERTIFICATE OF TOWN CLERK. Certification by the Town Clerk of the Town of Harwich as to public ways, attached hereto as Exhibit A and incorporated herein.
3. CERTIFICATE OF PROJECT ENGINEER. Certification by the Project Engineer as to the location of the Project Sites, attached hereto as Exhibit B and incorporated herein.

II. EXCEPTIONS.

No Certification is made to the following which are not matters of record at the Barnstable Registry of Deeds (the “Registry”):

- 1. Any matter preceding a title examination of the record title, any irregularity not readily apparent within the foregoing records, and, in case of Registered Land, any matter excepted by Chapter 185, Section 46;
- 2. Any facts, rights, interests or claims which are not duly shown by the public records at the Registry;

3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts, rights or interest which a correct and complete survey would disclose;
4. Any lien, or right to a lien, for services, labor or materials theretofore or hereafter furnished, imposed by law and not duly shown by the public records at the Registry;
5. Any law, ordinance, by-laws or other governmental regulations affecting, restricting, prohibiting or otherwise regulating the occupancy, use or enjoyment of the Project Site, the character, dimensions or location of any present or future improvement now existing or hereafter planned for the Project Site, or a separation in ownership or change in the dimensions or area of the Project Site (including, without limiting the generality of the foregoing, zoning laws, state building code, wetlands protection act, subdivision control laws, lead paint laws, health laws, sewage disposal laws, historic districts, and pollution control laws);
6. Such facts as may be revealed by a personal inspection; and
7. Rights of tenants, lessees or occupants.

### III. ENCUMBRANCES

The privately-owned parcels of land that are referred to in Section I.1(c)) and comprise the Project Site are subject to or affected by the following encumbrances and other matters of record at the Registry:

1. *1404 Orleans Road/JP Hattrick, LLC*: Easements (rights in ditch and cart road, access easement held by the Town of Harwich);
2. *1421 Orleans Road/Linear Retail Harwich #1 LLC*: Mortgage and Assignment of Leases and Rents to TD Bank, N.A.; UCC Financing Statement; Notice of Lease; Subordination, Non-Disturbance and Attornment Agreement; Notice of Decision; and easements/takings (*recorded land*);
3. *1421 Orleans Road/Linear Retail Harwich #1 LLC*: Mortgage, Assignment of Leases and Rents, and Assignment and Assumption Agreement to and with Sun Life Assurance Company of Canada; Mortgage and Assignment of Leases and Rents to TD Bank, N.A.; UCC Financing Statement; easements (county roadway and sidewalk easement held by Town); Subordination, Non-Disturbance and Attornment Agreement; Notice of Lease; restriction (on facility design flow); and Notice of Decisions (*registered land*);
4. *24 Church Street/Steven and Laurie Jalbert*: Mortgages to World Savings Bank, FSB, National City Bank, and CIT Corp. (d/b/a Hinckley Home Center); executions; Declaration of Homestead; executions; and federal tax lien
5. *113 Church Street/Donald and Sonya Gorman*: Declaration of Homestead;

6. *111 Route 137/WJG Realty Company, LLC*: Mortgages to United States Trust Company and Grove Bank for Savings; declaration of trust and amendments; easements (access and utility); restrictions and covenants; and Notice of Decisions;
7. *129 Route 137/Cape Cod Five Cents Savings Bank*: Easement (utility);
8. *246 Route 137/Muriel Woodland*: Taking (Town of Harwich); and
9. *Spence's Trace/Paul Cuddy, Trustee*: Easements (water easement held by Town and access easement).

#### IV. PUBLIC WAYS

Title research has been done on the portions of the Project Site that consist of the privately-owned parcels of land and the private ways. My opinion as to the public ways is based entirely on the Town Clerk's Certificate. To the extent that there are no deeds or easements for the public ways that comprise the Project Site, the Applicant has a valid claim of title by adverse possession based on the Town's open, exclusive, adverse, and notorious use of such ways continuously for more than twenty (20) years. G.L. c. 260, §21 states that an action to recover title to property must be commenced within twenty (20) years after the right of action or of entry first accrued. The Town has used these rights-of-ways for more than twenty (20) years. Further, The Town has the right under the provisions of G.L. c. 83, §§1 and 3 to lay out, construct, maintain and operate common sewers in public or private ways within the territorial limits of the Town. That section also authorizes the Town to "take by eminent domain under chapter seventy-nine, or acquire by purchase or otherwise, any lands, rights of way or easements, public or private...necessary for accomplishing any purpose mentioned in this section [that is, to lay out, construct, maintain and operate a system or systems of sewerage and sewage treatment and disposal], and may construct such sewers...under or over any...public way...and any private land, public way or railroad location" for such purposes.

EXHIBIT A

TOWN OF HARWICH  
TOWN CLERK'S CERTIFICATE

PUBLIC WAYS

Upon a due and diligent search of the available records of the Town of Harwich (the "Town"), I certify that the following roadways have been laid out and accepted as public ways:

*Contract 1:*

- Brewster Chatham Road (Route 137)
- Orleans Harwich Road (Route 39)
- Ellis Drive
- White Pine Circle
- Herndon Road
- Cemetery Road
- Compass Drive
- Halls Path
- Sherwood Road
- Partridge Lane
- Round Cove Road
- Somerset Road
- Old Heritage Lane
- Liberty Trail

*Contract 2:*

- Church Street
- Harden Lane
- Nor'East Drive
- Sou'West Drive
- Sugar Hill Drive
- Deer Meadow Road
- Marsh View Road
- Tern Road
- Locust Grove Road
- Nickerson Road
- Continental Drive
- Whidah Drive
- Bay Road
- Fredericksburg Avenue
- Williamsburg Avenue
- Vicksburg Avenue
- Huckleberry Path

- Old Carriage Drive

Signed and sworn to on this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

---

Town Clerk  
Town of Harwich

664535/HARWWTR/0001

EXHIBIT B

TOWN OF HARWICH  
CERTIFICATE OF PROJECT ENGINEER AS TO PROJECT SITE

We hereby certify to KP Law, P.C., with respect to the project site being provided by the Applicant for all elements (treatment plant, interceptors, outfalls, pumping stations, force mains, and appurtenances) of the water pollution abatement project for which State Financial Assistance has been offered, identified as CWSRF-4424 (the "Project"), that:

- a. The public ways, the private ways, and the privately-owned parcels identified in the Certificate as to Title to the Project Site issued by KP Law, P.C. ("Certificate of Title") for this Project are the locations of the Project Site being provided by the Applicant for all elements of the Project;
- b. The Town will acquire continuous and adequate rights of way needed for the construction and operation of the Project for the estimated life of the Project; and
- c. No other land, easements or rights of way are necessary for the construction, operation and maintenance of the Project as currently proposed, in addition to those described in subsections (a) and (b) above, subject to the information in the Addendum to the Certificate as to Title.

KP Law, P.C. may rely on this certification in issuing its Certificate as to Title to the Project Site to the Department of Environmental Protection.

Signed and sworn to this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**Project Engineer:**

CDM Smith

By: \_\_\_\_\_

Name:

Title:

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, Section 1, and any and every other power and authority hereunto enabling, hereby takes, on behalf of the Town, the following rights and easements:

1. Permanent easements for the construction, installation, maintenance, improvement, repair, replacement and/or relocation of sanitary sewer pumping stations and related structures, appurtenances and facilities, including, without limitation, connecting sanitary sewer force mains, gravity sewer lines, pipes, above and below grade appurtenances, fittings, utilities, generator and/or any other equipment (including buildings and/or fencing to protect said facilities or equipment), and landscaping, all as may be necessary or convenient to establish a public sewerage system, in, on and under the following parcels of land in the Town of Harwich (collectively, the "Permanent Sewer Pump Easement Premises") and shown on plans prepared by SMC Surveying and Mapping Consultants:

- (a) The parcel of land shown as "Permanent Easement 1,785± Sq.Ft." on a plan entitled "Easement Plan of Land Pumping Station 34 Church Street Harwich, MA", dated October 30, 2018 ("Plan A"), attached hereto and recorded herewith, which parcel is a portion of the property located at 113 Church Street;
- (b) The parcel of land shown as "Permanent Easement 1,250± Sq.Ft." on a plan entitled "Easement Plan of Land Pumping Station 24 Church Street Harwich, MA", dated October 30, 2018 ("Plan B"), attached hereto and recorded herewith, which parcel is a portion of the property located at 24 Church Street;
- (c) The parcel of land shown as "Permanent Easement 1,922± Sq.Ft." on a plan entitled "Easement Plan of Land Pumping Station 246 Chatham-Brewster Road Harwich, MA", dated November 16, 2018 ("Plan C"), attached hereto and recorded herewith, which parcel is a portion of the property located at 246 Route 137;
- (d) The parcel of land shown as "Utility Easement 746± S.F." on a plan entitled "Easement Plan of Land Pumping Station 1404 Orleans Road & Spence's Trace



Harwich, MA”, dated November 13, 2018 (“Plan D”), attached hereto and recorded herewith, which parcel is a portion of the property located at 1404 Orleans Road; and

- (e) The parcel of land shown as “Utility Easement 114± S.F.” on Plan D, which parcel is a portion of Spence’s Trace, a private way.

2. Permanent easements for the construction, installation, maintenance, improvement, repair, replacement and/or relocation of subsurface sanitary sewer force mains, gravity sewer lines, pipes, and related appurtenances and facilities and limited surface limited improvements such as manholes and vents, all as may be necessary or convenient to establish a public sewerage system, in, on and under the following parcels of land in the Town of Harwich (collectively, the “Permanent Cross-Country Easement “Premises”) and shown on plans prepared by SMC Surveying and Mapping Consultants:

- (a) The parcels of land shown as “20’ Wide Utility Easement 2,190 S.F.±”, “20’ Wide Utility Easement 2,879 S.F.±” and “20’ Wide Utility Easement 16,710 S.F.±” on a plan entitled “Easement Plan of Land Stop & Shop Plaza Orleans-Harwich Road & Chatham-Brewster Road Harwich MA”, dated February 4, 2019, attached hereto and recorded herewith (“Plan E”), which parcel is a portion of the property located at 129 Route 137; and
- (b) The parcel of land shown as “15’ Wide Utility Easement 11,982 S.F.±” on a plan entitled “Easement Plan of Land 1421 Orleans Harwich Road (Route 39) Harwich, MA”, dated February 6, 2019 (“Plan F”), attached hereto and recorded herewith, which parcel is a portion of the property located at 1421 Orleans Road.

3. Temporary easements for construction purposes, including, without limitation, grading land, constructing, installing, placing, operating, improving, maintaining, repairing, replacing, relocating, realigning and/or reconstructing the foresaid sewer facilities within the Permanent Easement Premises, slopes of excavation and/or embankment, walls, landscaping, loaming, planting trees, seeding, paving, and/or erosion control, which temporary construction easements shall terminate automatically two (2) years from the date on which this Order of Taking is recorded/filed with the Barnstable Registry of Deeds without the necessity of recording/filing any instrument with said Deeds (provided that nothing herein shall affect the permanent easements taken pursuant hereto), in, on and under the following parcels of land (collectively, the “Temporary Easement Premises”):

- (a) The parcel of land shown as “Temporary Easement 655+ Sq.Ft.” on Plan A, which parcel is a portion of the property located at 113 Church Street;
- (b) The parcel of land shown as “Temporary Easement 1,725± Sq.Ft.” on Plan B, which parcel is a portion of the property located at 24 Church Street;
- (c) The parcel of land shown as “Temporary Easement 1,436± Sq.Ft.” on Plan C, attached hereto and recorded herewith, which parcel is a portion of the property located at 246 Route 137;

- (d) The parcel of land shown as “Temporary Construction Easement 497± S.F” on Plan D, which parcel is a portion of the property located at 1404 Orleans Road;
- (e) The parcels of land shown as “Temporary Construction Easement 16± S.F” and “Temporary Construction Easement 28± S.F” on Plan D, which parcels are portions of Spence’s Trace, a private way;
- (f) The parcels of land shown as “10’ Wide Temporary Construction Easement 1,379 S.F.±” and “10’ Wide Temporary Construction Easement 810 S.F. ±” on Plan E, which parcels are portions of the property located at 129 Route 137;
- (g) The parcels of land shown as “10’ Wide Temporary Construction Easement 1,249 S.F.±”, “10’ Wide Construction Easement 1,630 S.F.±”, “20’ Wide Temporary Construction Easement 13,368 S.F.±” and “Temporary Construction Easement 5,330 S.F.±” on Plan E, which parcels are portions of the property located at 111 Route 137; and
- (h) The parcel of land shown as “10’ Wide Temporary Construction Easement 7,806 S.F±” on Plan F, which parcel is a portion of the property located at 1421 Orleans Road.

The Town shall have the right to enter upon and pass over the Permanent Sewer Pump Easement Premises, the Permanent Cross-Country Easement Premises, and the Temporary Easement Premises (collectively, 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 pump stations and other sewer facilities installed by the Town shall be and remain the property of the Town. No permanent or temporary buildings, structures, utilities and/or other facilities shall be constructed, installed, maintained and/or placed upon the Permanent Easement Premises by any party other than the Town without the prior written consent of the Town.

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 Schedule A, it is understood that in such instance the land referred to is owned by an owner or owners unknown to us.

The amount awarded as damages to the Owner or Owners of the parcels in accordance with the provisions of G.L. c.79, §6, as amended, and to any other person or corporation having

an interest therein, is set forth on Schedule B attached hereto and incorporated herein, but which shall not be recorded with the Barnstable Registry of Deeds

Betterments are not to be assessed under this taking.

[signature page follows]

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:

638929/HARW/0207

**TOWN OF HARWICH**

**SCHEDULE A**

**LIST OF OWNERS**

<b>Easement</b>	<b>Record Owner</b>	<b>Property Address (Harwich, MA)</b>	<b>Deed References</b>
“Permanent Easement 1,922± Sq.Ft.” and “Temporary Easement 1,436± Sq.Ft.”	Muriel L. Woodland	246 Route 137	Book 10297, Page 6
Utility Easement 746± S.F.” and “Temporary Construction Easement 497± S.F”	JP Hattrick LLC	1404 Orleans Road	Certificate of Title No. 182037 (Lot 4 on Land Court Plan No. 35538B), and Book 21672, Page 305 (Lot 1, Plan Book 579, Page 27)
“Utility Easement 114± S.F.”, “Temporary Construction Easement 16± S.F” and “Temporary Construction Easement 28± S.F”	Paul Cuddy, Trustee, Sylvester Realty Trust, u/d/t dated February 1, 2001, filed as Doc. No. 934978	Spence’s Trace	Certificate of Title No. 170177 (Lot 3 on Land Court Plan No. 35538B)
“Permanent Easement 1,785± Sq.Ft.” and “Temporary Easement 655± Sq.Ft.”	Donald J. Gorman and Sonya B. Gorman; Estate of Mary L. Rogers and Estate of Emma P. Cahoon	113 Church Street	Book 6159, Page 325
“Permanent Easement 1,250± Sq.Ft.” and “Temporary Easement 1,725± Sq.Ft.”	Steven Jalbert and Laurie Jalbert	24 Church Street	Certificate of Title No. 177915 (Lots 10 and 11, Land Court Plan No. 35669B)

<p>“15’ Wide Utility Easement 11,982 S.F.±” and “10’ Wide Temporary Construction Easement 7,806 S.F.±”</p>	<p>Linear Retail Harwich #1 LLC</p>	<p>1421 Orleans Road</p>	<p>Certificate of Title No. 184948 (Lot 2, Land Court Plan No. 31142A), and Book 22581, Page 262</p>
<p>“20’ Wide Utility Easement 2,190 S.F.±”, “10’ Wide Temporary Construction Easement 1,379 S.F.±”, and “10’ Wide Temporary Construction Easement 810 S.F.±”</p>	<p>Cape Cod Five Cents Savings Bank</p>	<p>129 Route 137</p>	<p>Certificate of Title No. 119032 (Lot 67, Land Court Plan No. 39774H)</p>
<p>“20’ Wide Utility Easement 2,879 S.F.±” “20’ Wide Utility Easement 16,710 S.F.±”, “10’ Wide Temporary Construction Easement 1,249 S.F.±”, “10’ Wide Construction Easement 1,630 S.F.±”, “20’ Wide Temporary Construction Easement 13,368 S.F.±” and “Temporary Construction Easement 5,330 S.F.±”</p>	<p>WJG Realty Company, LLC</p>	<p>111 Route 137</p>	<p>Certificate of Title No. 126299 (Lot 65, Land Court Plan No. 39774F, and Lot 66, Land Court Plan No. 39774H)</p>

**SCHEDULE B**

**LIST OF OWNERS**

<b>Easement</b>	<b>Record Owner</b>	<b>Property Address (Harwich, MA)</b>	<b>Damages</b>
“Permanent Easement 1,922± Sq.Ft.” and “Temporary Easement 1,436± Sq.Ft.”	Muriel L. Woodland	246 Route 137	\$5,000.00
Utility Easement 746± S.F.” and “Temporary Construction Easement 497± S.F”	JP Hattrick LLC	1404 Orleans Road	\$6,000.00
“Utility Easement 114± S.F.”, “Temporary Construction Easement 16± S.F” and “Temporary Construction Easement 28± S.F”	Paul Cuddy, Trustee, Sylvester Realty Trust, u/d/t dated February 1, 2001, filed as Doc. No. 934978	Spence’s Trace	\$30.00
“Permanent Easement 1,785± Sq.Ft.” and “Temporary Easement 655± Sq.Ft.”	Donald J. Gorman and Sonya B. Gorman; Estate of Mary L. Rogers and Estate of Emma P. Cahoon	113 Church Street	\$8,000.00
“Permanent Easement 1,250± Sq.Ft.” and “Temporary Easement 1,725± Sq.Ft.”	Steven Jalbert and Laurie Jalbert	24 Church Street	\$5,500.00

<p>“15’ Wide Utility Easement 11,982 S.F.±” and “10’ Wide Temporary Construction Easement 7,806 S.F.±”</p>	<p>Linear Retail Harwich #1 LLC</p>	<p>1421 Orleans Road</p>	<p>\$0</p>
<p>“20’ Wide Utility Easement 2,190 S.F.±”, “10’ Wide Temporary Construction Easement 1,379 S.F.±”, and “10’ Wide Temporary Construction Easement 810 S.F.±”</p>	<p>Cape Cod Five Cents Savings Bank</p>	<p>129 Route 137</p>	<p>\$0</p>
<p>“20’ Wide Utility Easement 2,879 S.F.±” “20’ Wide Utility Easement 16,710 S.F.±”, “10’ Wide Temporary Construction Easement 1,249 S.F.±”, “10’ Wide Construction Easement 1,630 S.F.±”, “20’ Wide Temporary Construction Easement 13,368 S.F.±” and “Temporary Construction Easement 5,330 S.F.±”</p>	<p>WJG Realty Trust</p>	<p>111 Route 137</p>	<p>\$0</p>



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:

638929/HARW/0207

## 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
<b>Alexander's Chase</b>		
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. Wyrstek, as Trustee of the Wyrstek Descendants Irrevocable Trust dated May 8, 2017, Jean R. Wyrstek and John P. Wyrstek, 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
<b>Auston Road</b>		
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
<b>Chickadee Lane</b>		
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
<b>Chrisjobeth Circle</b>		
26 Chrisjobeth Circle	Dewitt P. Davenport and John C. Davenport, Trustees of Davenport Realty Trust u/d/t dated June 9, 1956	BOOK 9916, PAGE 299
24 Chrisjobeth Circle	Dewitt P. Davenport and John C. Davenport, Trustees of Davenport Realty Trust u/d/t dated June 9, 1956	BOOK 9916, PAGE 299
22 Chrisjobeth Circle	Dewitt P. Davenport and John C. Davenport, Trustees	BOOK 9916, PAGE 299

	of Davenport Realty Trust u/d/t dated June 9, 1956	
20 Chrisjobeth Circle	Dewitt P. Davenport and John C. Davenport, Trustees of Davenport Realty Trust u/d/t dated June 9, 1956	BOOK 9916, PAGE 299
18 Chrisjobeth Circle	Dewitt P. Davenport and John C. Davenport, Trustees of Davenport Realty Trust u/d/t dated June 9, 1956	BOOK 9916, PAGE 299
16 Chrisjobeth Circle	Dewitt P. Davenport and John C. Davenport, Trustees of Davenport Realty Trust u/d/t dated June 9, 1956	BOOK 9916, PAGE 299
14 Chrisjobeth Circle	Dewitt P. Davenport and John C. Davenport, Trustees of Davenport Realty Trust u/d/t dated June 9, 1956	BOOK 9916, PAGE 299
12 Chrisjobeth Circle	Dewitt P. Davenport and John C. Davenport, Trustees of Davenport Realty Trust u/d/t dated June 9, 1956	BOOK 9916, PAGE 299
10 Chrisjobeth Circle	Dewitt P. Davenport and John C. Davenport, Trustees of Davenport Realty Trust u/d/t dated June 9, 1956	BOOK 9916, PAGE 299
8 Chrisjobeth Circle	Dewitt P. Davenport and John C. Davenport, Trustees of Davenport Realty Trust u/d/t dated June 9, 1956	BOOK 9916, PAGE 299
6 Chrisjobeth Circle	Dewitt P. Davenport and John C. Davenport, Trustees of Davenport Realty Trust u/d/t dated June 9, 1956	BOOK 9916, PAGE 299
4 Chrisjobeth Circle	Dewitt P. Davenport and John C. Davenport, Trustees of Davenport Realty Trust u/d/t dated June 9, 1956	BOOK 9916, PAGE 299
2 Chrisjobeth Circle	Dewitt P. Davenport and John C. Davenport, Trustees of Davenport Realty Trust u/d/t dated June 9, 1956	BOOK 9916, PAGE 299
0 Chrisjobeth Circle	Dewitt P. Davenport and John C. Davenport, Trustees of Davenport Realty Trust u/d/t dated June 9, 1956	BOOK 9916, PAGE 299

0 Chrisjobeth Circle	Dewitt P. Davenport and John C. Davenport, Trustees of Davenport Realty Trust u/d/t dated June 9, 1956	BOOK 9916, PAGE 299
<b>Johanna's Path</b>		
23 Johanna's Path	Palmer Davenport, DeWitt P. Davenport, and George C. Baldwin, Jr., Trustees of South Yarmouth Nominee Trust u/d/t dated January 27, 1987	CERTIFICATE OF TITLE NO. 14855
19 Johanna's Path	Palmer Davenport, DeWitt P. Davenport, and George C. Baldwin, Jr., Trustees of South Yarmouth Nominee Trust u/d/t dated January 27, 1987	CERTIFICATE OF TITLE NO. 14855
15 Johanna's Path	Palmer Davenport, DeWitt P. Davenport, and George C. Baldwin, Jr., Trustees of South Yarmouth Nominee Trust u/d/t dated January 27, 1987	CERTIFICATE OF TITLE NO. 14855
11 Johanna's Path	Palmer Davenport, DeWitt P. Davenport, and George C. Baldwin, Jr., Trustees of South Yarmouth Nominee Trust u/d/t dated January 27, 1987	CERTIFICATE OF TITLE NO. 14855
7 Johanna's Path	Palmer Davenport, DeWitt P. Davenport, and George C. Baldwin, Jr., Trustees of South Yarmouth Nominee Trust u/d/t dated January 27, 1987	CERTIFICATE OF TITLE NO. 14855
3 Johanna's Path	Palmer Davenport, DeWitt P. Davenport, and George C. Baldwin, Jr., Trustees of South Yarmouth Nominee Trust u/d/t dated January 27, 1987	CERTIFICATE OF TITLE NO. 14855
0 Johanna's Path	Palmer Davenport, DeWitt P. Davenport, and George C. Baldwin, Jr., Trustees of South Yarmouth Nominee	CERTIFICATE OF TITLE NO. 14855



	Trust u/d/t dated January 27, 1987	
0 Johanna's Path	Palmer Davenport, DeWitt P. Davenport, and George C. Baldwin, Jr., Trustees of South Yarmouth Nominee Trust u/d/t dated January 27, 1987	CERTIFICATE OF TITLE NO. 14855
43 Johanna's Path	Palmer Davenport, DeWitt P. Davenport, and George C. Baldwin, Jr., Trustees of South Yarmouth Nominee Trust u/d/t dated January 27, 1987	CERTIFICATE OF TITLE NO. 14855
39 Johanna's Path	Palmer Davenport, DeWitt P. Davenport, and George C. Baldwin, Jr., Trustees of South Yarmouth Nominee Trust u/d/t dated January 27, 1987	CERTIFICATE OF TITLE NO. 14855
35 Johanna's Path	Palmer Davenport, DeWitt P. Davenport, and George C. Baldwin, Jr., Trustees of South Yarmouth Nominee Trust u/d/t dated January 27, 1987	CERTIFICATE OF TITLE NO. 14855
31 Johanna's Path	Palmer Davenport, DeWitt P. Davenport, and George C. Baldwin, Jr., Trustees of South Yarmouth Nominee Trust u/d/t dated January 27, 1987	CERTIFICATE OF TITLE NO. 14855
27 Johanna's Path	Palmer Davenport, DeWitt P. Davenport, and George C. Baldwin, Jr., Trustees of South Yarmouth Nominee Trust u/d/t dated January 27, 1987	CERTIFICATE OF TITLE NO. 14855
<b>Landron Way</b>		
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
<b>Old Salty Lane</b>		
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
<b>Reliance Way</b>		
160 Round Cove Road	Nicholas Putnam Ruggiere	CERTIFICATE OF TITLE NO. 203620
150 Round Cove Road	Samuel C. Watson and Sarah A. Watson	CERTIFICATE OF TITLE NO. 217058
8 Reliance Way	Daniel T. Burnham, Jr. and Erin Burnham	CERTIFICATE OF TITLE NO. 198329
16 Reliance Way	David J. Nixon and Debra A. Nixon	CERTIFICATE OF TITLE NO. 113322
19 Reliance Way	Robert W. Nixon and Jo Ann Nixon	CERTIFICATE OF TITLE NO. 113011
15 Reliance Way	Joseph P. Insana and Hidi E. Insana	CERTIFICATE OF TITLE NO. 209082
9 Reliance Way	David G. Mutch, as Trustee 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
<b>Sadie's Way</b>		
8 Sadie's Way	Jonathan W. Hemeon and	CERTIFICATE OF TITLE NO.

	Kristin A. Hemeon	143043
9 Sadie's Way	Ronald J. Daigle	CERTIFICATE OF TITLE NO. 162670
18 Sadie's Way	Russell E. Holmes and Susy N. Bento-Holmes	CERTIFICATE OF TITLE NO. 135255
21 Sadie's Way	Walter J. Kane and Mary L. Kane, Life Estate, Jacqueline Ganshirt, Patricia Smith, Maureen Tomkins, Susan Norregaard, Walter J. Kane, Jr., William F. Kane, Daniel P. Kane and John D. Murphy	CERTIFICATE OF TITLE NO. 216587
24 Sadie's Way	Kathleen Cloney	CERTIFICATE OF TITLE NO. 192130
31 Sadie's Way	Alexander C. Jamoulis	CERTIFICATE OF TITLE NO. 215837
35 Sadie's Way	John Thomas Frey and Maria Zandonella-Frey	CERTIFICATE OF TITLE NO. 174882
<b>Spence's Trace</b>		
2 Spence's Trace	Philip A. Pane, Janet E. Pane and Laurie Pane Foster, as Trustees of the "PANE FAMILY TRUST" 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
0 Spence's Trace	Paul Cuddy, Trustee of Sylvester Realty Trust u/d/t dated February 1, 2001	CERTIFICATE OF TITLE NO. 170177



260 West Exchange Street, Suite 300  
Providence, Rhode Island 02903  
tel: 401 751-5360  
fax: 401 274-2173

June 5, 2019

Mr. Christopher Clark  
Town Administrator  
Town of Harwich  
732 Main Street  
Harwich, Massachusetts 02645

Subject: Town of Harwich, Massachusetts  
Sewerage Works Improvements, Phase 2 Contract No.1  
Project No. CWSRF – 4424/1

Dear Mr. Clark:

On Thursday, May 23, 2019, at 2:00 p.m., four general bids were received, opened, and read aloud in the Office of the Board of Selectmen located at 732 Main Street Harwich, MA for the construction of the above-referenced project. The total bid prices were as follows:

<u>Bidder</u>	<u>Total Base Bid</u>
Robert B. Our, Inc.	\$11,368,663.48
RJV Construction Corp.	\$11,764,616.95
Revoli Construction Co., Inc.	\$11,787,833.20
P. Gioioso and Sons, Inc.	\$12,375,463.25

A copy of the bid tabulation is attached.

The low bidder for the project is Robert B. Our, Inc. (RBO) based out of Harwich, Massachusetts. The firm's Bonding Company for the project is Fidelity and Deposit Company of Maryland. This bonding company will be providing the payment and performance bonds for the project. It is noted that RBO has a single contract bonding capacity of \$40M and an aggregate bonding capacity of \$85M. RBO has been a client of The Cooperative Bank of Cape Cod for 10 years and the bank's reference stated that RBO is a valued customer in good standing.

RBO has completed multiple sewerage construction projects similar in size and cost to the Town of Harwich Contract 1 project, including a \$12,563,144 sewer expansion project in Nantucket, Massachusetts; a \$3,239,345 sewer expansion project in Chatham, Massachusetts; and a \$21,646,359 sewer expansion project in Falmouth, Massachusetts. In addition to these completed projects, RBO has an ongoing \$26,330,214 wastewater collection system project in Provincetown, Massachusetts.





Mr. Christopher Clark  
Town Administrator  
June 5, 2019  
Page 2

The references contacted indicated that RBO performed quality work, with a knowledgeable and responsive work force, and had the resources necessary to successfully complete the projects.

It appears, based on this evaluation and the Town's previous experience, that RBO has the qualifications and resources necessary to complete the work under this contract, and we recommend award. We note that the bid price is more than estimated and will continue to work with the Town to make necessary adjustments to the Contract 2 bid documents so that it can be awarded within the total Phase 2 amount appropriated at 2018 Town Meeting.

As such, we have attached a draft letter of intent to award for your use.

If you have any questions, or require additional information please contact us directly.

Very truly yours,

Antonio Bonilla  
Lead Construction Coordinator  
CDM Smith Inc.

cc: David Young, CDM Smith  
Michael Guidice, CDM Smith  
Dan Borges, CDM Smith

**DRAFT**  
**2019-20 BOARD OF SELECTMEN**  
**Liaisons to Town Committees**

<b>Steve Ford, Clerk</b> <a href="mailto:sford@townofharwich.us">sford@townofharwich.us</a>	Ambulance Waiver Administrator Library Trustees Planning Board Harwich Energy Conservation Chamber Of Commerce Housing Committee	May 2019
<b>Donald F. Howell</b> <a href="mailto:dhowell@townofharwich.us">dhowell@townofharwich.us</a>	Council on Aging Community Preservation Brooks Academy Museum Commission Real Estate and Open Space By Law And Charter Review Community Center Facilities Committee Capital Outlay Committee	May, 2020
<b>Michael D. MacAskill</b> <a href="mailto:mmacaskill@townofharwich.us">mmacaskill@townofharwich.us</a>	Water Commission Historic District/Historical Commission Voter Information Committee Traffic Safety Committee Youth Services Committee Recreation and Youth Waterways Committee	May, 2019
<b>Larry G. Ballantine, Chair</b> <a href="mailto:lballantine@townofharwich.us">lballantine@townofharwich.us</a>	Board of Appeals Wastewater Implementation Committee Harwich Accessibility Rights Comm. Monomoy Regional School District Board of Health Finance Committee Conservation Commission Town Forest Committee	May, 2020
<b>Edward McManus, Vice Chair</b>	Cultural Council Bikeways Committee Treasure Chest Committee Cemetery Commission Golf Committee Board of Assessors Agricultural Commission Housing Authority	May, 2021

**Health Director Monthly Report  
May 2019**

○ **Departmental news-**

Katie attended the Spring MHOA seminar for community sanitation program updates. The Pool Code is still under review for revisions as well as the Housing Code. These two updates have been undergoing revisions for quite some time, with the promise of promulgation each year. Things seem to have come to a halt.

Katie has been developing rodent control information for both homeowners and restaurants. We anticipate having this information available on our website as well as on Channel 18. We will be bringing the information to hand out to restaurant owners and homeowners involved in rodent complaints.

The Annual Town Meeting was completed in two nights. The Health Department budget was approved. The ban on plastic straws was also approved, making the Board of Health an enforcement agency. The restriction on plastic bottles was also approved-this restricts the Town from purchasing single use plastic beverage containers as well as the sale of the containers on town owned property-this is effective in January of 2020.

I started my Master's degree program this month. I have enrolled in Southern New Hampshire University's Masters in Public Health program. This is an online degree program that will take about 2 years to complete. Although not required for my position, I am excited to continue learning and expanding my knowledge of public health. It is refreshing to go back to school and learn ways to improve the programs in place here in Harwich.

○ **Wastewater-**

Dan Pelletier and I conducted a homeowner information seminar at the Community Center for updates on the sewer project. This well attended event brought many homeowners together to discuss the process of Phase 2 and we gave one-on-one assistance to homeowners needing guidance on how to read a septic plan and make decisions on stub locations.

Contract 1 went out to bid and the bid opening was conducted. Robert B. Our was the low bidder at \$11,368,663.48. This amount is higher than expected, contract 2 may need to be adjusted in scope to stay within the allotted budget for the entire Phase 2.

The RFP for a project manager was awarded to Charles Sumner who will be working with others to act as a conduit of information to homeowners, engineers and contractors.

- **Food Service Program-**

I attended the annual liquor license meeting with the Police, Fire and Building departments. This meeting was conducted to review the noise and sign bylaws as well as the liquor license rules and regulations. Health was invited to speak about seating capacities and our involvement in the Code Enforcement program that was started last year. During the summer months of July and August, the Building and Fire Departments conduct an on-site visit during evening hours to check for occupancy/safety issues. Health Department staff goes along for seating capacity and food service violations.

A new establishment-Dockside Seafood-was inspected and a food service permit was issued. This is the snack shack at Saquatucket Harbor. There has been controversy regarding the number of seats allowed for this site. The septic system was designed for the minimum flow for food service, which is 1000 gallons per day-this is the minimum allowed regardless if seats are present or not. If seats are present, it allows for a maximum of 50 paper-service seats. The septic system also has capacity for the other uses at the harbor-office, retail, boat slip, garage bay. The septic system has amply capacity for these other uses, allowing for the public to use the bathrooms during their time enjoying the harbor.

- **Community Sanitation Programs-**

May has been an extremely busy month for pre-operational inspections of swimming pools and food service. I am disappointed in the condition of many of the swimming pools; we have required re-inspections on nearly every pool so far this year. It is time to conduct another education seminar for pool operators prior to opening next year.

We have been testing three of our public beaches for bacteria quality prior to Memorial Day. All beaches will resume testing the first week in June. Quality has been acceptable so far.

Meggan Eldredge 6.1.19



## Monthly Report for Selectman

May 2019

### Golf Operations

- The golf course was open all 31 days in May.
- In May, CV hosted golf outings for the Salute Military Golf Association (5/6), Harwich Fire Association (5/17) and Harwich Police Association (5/30).
- Through the end of May, Membership sales are on pace with projections with a total of 1054 sold including 656 Harwich renewals, 51 new Harwich, 146 Chatham renewals, 30 new Chatham, 30 Eastham/Orleans renewals, 8 new Eastham/Orleans, 12 non-resident renewals, 7 new non-resident, 67 juniors, 48 young adults and 2 non-resident juniors.
- Scheduled events in June include: Cape Cod Retired Men's Club (6/3), New England PGA Junior Tour (6/17), CV Women's Golf Association Member/Member (6/18), Cape Cod Women's Golf League (6/27) and the Cape's only Drive, Chip & Putt Qualifier (6/27).

### Golf Course Maintenance

- ▶ Verti-cut and top dressed greens to smooth out.
- ▶ Spring green, fairway and tee aeration has been completed
- ▶ Bunker maintenance, weeding and edging
- ▶ Transplanted shrubs from cart barn area to hole 6 and 9 green.

### Golf Course Infrastructure Project

- ▶ Lighting and electric outlets have been installed in new cart storage building
- ▶ Currently working with CVEC and selected vendor Greenskies on interconnection.
- ▶ Currently landscaping around new cart storage building.
- ▶ Working with Conservation to prepare new cart path through wetlands area into cart wash area. Cart path will be 1/2" native stone through conservation area.
- ▶ Installing new signage for cart return, restaurant and bag drop areas.



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

**MONTHLY REPORT-Board of Selectmen**  
**Sheila House, LMHC – June 5, 2019**

- Current caseload of 19 individuals. Clients receive mental health counseling, case management, mentoring, and wellness referrals as needed.
- Administrative block time (closing files, curriculum planning, update email lists, generate and distribute information to school administrators)
- **May 14, 2019-** Worked with Stephanie Briody from Behavioral Health Innovators on a National Libraries grant to secure funding for information and training opportunities for accessing health care through local libraries and web sites. Because of the stigma that continues to be attached to seeking behavioral health and addiction treatment services, libraries are ideal locations to find information as it is easy to access through computers and available databases.
- **May 17, 2019-** Attended conference/training offered by the Department of Health titled “Trauma & Resilience” (this is the first in a series of 6 free trainings, all focused on trauma)
- **May 19, 2019-** Volunteered at the 3<sup>rd</sup> Annual BCSAC Parenting to Prevention Summit in Hyannis at the Cape Codder Resort. 2 keynote speakers covered the topics of *Anxiety Disorders & Substance Abuse* and *Vaping 101*.
- **May 20, 2019** – Annual planning meeting with Girl Power senior mentors, to discuss 3 Girl Power sessions which will take place during the 2019-2020 school year. Two mentors have written a grant so that we can have funding for some more high-powered programming.
- **May 22, 2019-** Harwich Children’s fund meeting with Eric Beebe, Carolyn Carey, and Ed McManus about bringing Circus Smirkus to Harwich during the summer of 2020, a fundraiser for HCF in conjunction with the community center’s 20<sup>th</sup> anniversary. Next meeting will be with the Harwich Recreation Commission on June 25<sup>th</sup>.
- **May 30, 2019-** Presentation to the Harwich-Chatham Newcomers Current Events Group, about the opioid epidemic and prevention efforts both county and town-wide.
- **June 5, 2019-** Last meeting of the Monomoy District Behavioral Health Steering Committee. Action plan will be finalized and shared with the administration during the coming months.

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

Best Regards,

**Sheila**

Sheila House, MS, LMHC  
Harwich Youth & Family Services