

SELECTMEN'S MEETING AGENDA*

Donn B. Griffin Room, Town Hall

732 Main Street, Harwich, MA

Regular Meeting 6:00 P.M.

Monday, January 30, 2023

Remote Participation Optional:

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

<https://meet.goto.com/809620509>

You can also dial in using your phone.

Access Code:

809-620-509

United States:

+1 (872) 240-3412

**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. **PUBLIC COMMENTS/ANNOUNCEMENTS**

A. Committee Vacancies

B. Housing Huddle February 1st at 204 Sisson Road

IV. **PRESENTATION**

A. Presentation on the Cultural Council designations for Harwich Center and Harwich Port

V. **CONSENT AGENDA**

A. Approve Board of Selectmen Meeting Minutes for January 17, 2023

VI. **NEW BUSINESS**

A. Discussion on removing Trustees from the Board of Trustees of the Harwich Affordable Housing Trust Fund in accordance with Article V of the Declaration of Trust document; Votes may be taken

B. Discussion – Town Newsletter

C. Approve the following 2023 Annual Class IV Auto Repair License renewals:

1. Nick and Claudine Enterprises, LLC d/b/a West Harwich Sav-On-Gas – 4 Route 28

2. V-Tech Auto Center – 805 Route 28

D. Discussion – Early Childhood Education and Fiscal Year 2024 Human Service Grants

E. Conduct the First Reading, per Board of Selectmen Policy on Policy Development, to amend the Board of Selectmen policy on remote participation; Votes may be taken

F. Approve the following Hall of Fame late submissions, nominated by Richard Waystack:

1. Lee Culver

2. Sheldon Thayer

G. Review and take action on G.L. c. 268A, Section 19 disclosure form- Carol Ridley, Community Preservation Committee

VII. **OLD BUSINESS**

A. Review and take action on G.L. c. 268A, Section 19 disclosure form- John Ketchum, Community Preservation Committee

B. Vote to expand the Harwich Accessibility Rights Committee (HARC) from five full members and two alternates to seven full members with two alternates

C. Discuss creating a 2023 Annual Town Meeting Article for Judah Eldredge

VIII. **CONTRACTS**

A. Vote to approve the 2023 Golf Facility Use Agreement between New Wading River Country Club, LLC and Town of Harwich

B. Vote to approve the Change Order Credit and Contract Time Extension for GHD for Phase 3 design – Credit in the amount of \$25,000

IX. **TOWN ADMINISTRATOR'S REPORT**

X. **SELECTMEN'S REPORT**

XI. **CORRESPONDENCE**

XII. **ADJOURNMENT**

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

Authorized Posting Officer:

Danielle Freiner, Executive Assistant

Posted by: _____
Town Clerk

Date: _____
January 26, 2023

PUBLIC
COMMENTS /
ANNOUNCEMENTS

Town of Harwich
Board of Selectmen Committee Vacancies
01/26/2023

Agricultural Commission (3 Full / 1 Alternate)	4
Capital Outlay Committee (Board of Selectmen/Town Administrator Appointee)	2
Community Center Facilities Committee	1
Conservation Commission (1 Alternate)	1
Forest Committee	3
Harwich Cultural Council	1
Harwich Energy and Climate Action Committee (2 Alternate)	2
Historic District/Historical Commission (2 Full Member - 1 Associate Members)	3
Harwich Housing Committee	1
Planning Board (1 Alternate)	1
Real Estate and Open Space Committee	1
Treasure Chest Committee (1 Alternate)	1
Voter Information Committee	3
Youth Services (1 Full/1 Alternate)	2
Zoning Board of Appeals (1 Alternate)	1



HOUSING to
**PROTECT
CAPE COD**

#SAVETHELOCALS
housingtoprotectcapecod.org



The Boston Globe

July 23, 2022

'We are losing the Cape we have always loved'
Soaring home prices put the pinch on longtime renters – Year-round residents are struggling with a brutal real estate market

HARWICH TOWN HUDDLE

204 SISSON ROAD, UPSTAIRS IN THE LIBRARY

Wednesday, February 1 • 8:30-10 AM



8:30 – 8:55 AM

Welcome & Why We're Here
Alisa Magnotta
CEO, Housing Assistance



8:55 – 9:25 AM
Business Panel Discussion

Hosted by **Matt Pitta**
Director of Communications, The Davenport Companies

Panelists:

- Joe Powers, Town Administrator Harwich
- Scott Carpenter, Superintendent, Monomoy Regional School District
- Sarah Swain, Founder, Cape Wellness Collaborative & Co-Owner, The Frying Pan Gallery
- Patricia Nadle, CEO, Outer Cape Health Services
- Dave LeBlanc, Fire Chief, Harwich Fire Department



9:25 – 9:50 AM

Your vote is your voice - learn how to be an advocate
Ann Schiffenhaus
Director of Community Relations & Advocacy



HOUSING to
**PROTECT
CAPE COD**

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A CALL TO ACTION:

How the housing crisis impacts you - and what to do



JOIN US TO LEARN MORE:

- The economic impact
- How changes to zoning and bylaws restrictions can help
- How you can make a difference

GUEST SPEAKERS INCLUDE:

Alisa Magnotta
CEO, Housing Assistance

Matt Pitta
Director of Communications, The
Davenport Companies

Local Business & Community
leaders including;

Harwich Town Administrator
Harwich Fire Chief
Superintendent, Monomoy
CEO of Outer Cape Health

BEHIND EVERY SMALL
BUSINESS IS A

family

SUPPORTING
OTHER SMALL
BUSINESSES IN THE
COMMUNITY.



Wednesday, February 1
204 SISSON ROAD
8:30-10 AM

QUESTIONS? CONTACT ANN

📞 781-710-1187

✉️ aschiffenhaus@haconcapecod.org

PRESENTATION



Power of culture

To: Mass Cultural Council
Fr: Michael Bobbitt, David Slatery, Jen Lawless, Lisa Simmons, Carolyn Cole,
Re: Cultural District Initiative: Designation – Harwich Center Cultural District
Dt: January 26, 2023

We are pleased to submit a recommendation for the designation of the 52nd cultural district for the Town of Harwich. This designation will lend to a vast cultural landscape that includes districts spanning from one end of the Southeast region of Massachusetts to the next.

The formal site visit for Harwich Center Cultural District took place on Thursday, October 27, 2022. Attendees of the day's community convening included Joseph Powers, Town Administrator, Mary Andersen, Select Board Vice Chair, Kara Mewhinney, Director of Cultural Affairs for the Town of Harwich, Cyndi Williams, Executive Director of the Harwich Chamber of Commerce, Bernadette Waystack, Chair of the Harwich Cultural Council, Roe Osborn of CapeCreative.com, Michael Lach of Harwich Conservation Trust, Mary Sheppar and Sedona Semner of the Guild of Harwich Artists, Carolyn Carey, Director of the Harwich Community Center, Kathy Kirch and Ed McManus of the Cranberry Harvest Festival, Jane Bassette of Stitchology Sewing, Judith Ford of the South Harwich Meeting House, Peggy Nye of William Raves Real Estate and Treasurer of the local Chamber, and additional artists and tenants of 'The 204' Harwich Cultural Center. Mass Cultural Council staff was accompanied on the tour of the proposed district by the Kara Mewhinney, Cyndi Williams and Bernadette Waystack.

We would like to thank Cyndi Williams, Bernadette Waystack and Kara Mewhinney for their stalwart shepherding of this application that began in 2018 when the Town of Harwich spearheaded this initiative as part of their participation in Mass Cultural Council's Cultural Compact pilot program. We'd also like to thank the Town of Harwich for their steadfast support and contributions to their creative and cultural communities as well as this designation effort.

Anita Lauricella was the site advisor for this assessment accompanied by Carolyn Cole, Cultural Districts Program Officer.

Excerpted from the site assessment report prepared by Anita:

“The Town has two strong and distinct cultural anchors [Harwich Center and Harwich Port], which are part of the seven villages of the Town of Harwich.”

“Harwich Center, on the National Register of Historic Places, feels like a timeless New England village. The Library and the Brookes Academy are two striking buildings that set the historical tone of the district.”

“The Town has a strong track record of committing resources to facilities. There are numerous examples: the redevelopment of a closed middle school into 204 Cultural Center, which is the home of artist studios, galleries, and classrooms; capital investment in historic facilities like the Brookes Academy that houses the Harwich Historical Society and Brookes Academy Museum; the South Harwich Meeting House, a gem of a venue, which a private non-profit has developed with Town support; and more recently the Seaside Marketplace and Artisan Shacks.”

“The committee has designed a very robust operating model and planning framework. The Town's support for the initiative is exceptional. The Town has committed to staffing the district and has integrated the staff into the Town's operations. There is an understanding that the development of the cultural district is essential to the Town's long-term growth, character, and community health.”

“The Harwich Cultural Districts have a solid programming history to build on and leverage. The existing programming is a mix of arts & culture, heritage, and recreational activities that are attractive to various audiences... Harwich is a tourist location with a healthy seasonal appeal, but it is clear that year-round programming is growing and strong.”



Power of culture

To: Mass Cultural Council
Fr: Michael Bobbitt, David Slatery, Jen Lawless, Lisa Simmons, Carolyn Cole,
Re: Cultural District Initiative: Designation – Harwich Port Cultural District
Dt: January 26, 2023

We are pleased to submit a recommendation for the designation of the 53rd cultural district for the Town of Harwich. This designation will lend to a vast cultural landscape that includes districts spanning from one end of the Southeast region of Massachusetts to the next.

The formal site visit for Harwich Port Cultural District took place on Thursday, October 27, 2022. Attendees of the day's community convening included Joseph Powers, Town Administrator, Mary Andersen, Select Board Vice Chair, Kara Mewhinney, Director of Cultural Affairs for the Town of Harwich, Cyndi Williams, Executive Director of the Harwich Chamber of Commerce, Bernadette Waystack, Chair of the Harwich Cultural Council, Roe Osborn of CapeCreative.com, Michael Lach of Harwich Conservation Trust, Mary Sheppar and Sedona Semner of the Guild of Harwich Artists, Carolyn Carey, Director of the Harwich Community Center, Kathy Kirch and Ed McManus of the Cranberry Harvest Festival, Jane Bassette of Stitchology Sewing, Judith Ford of the South Harwich Meeting House, Peggy Nye of William Raves Real Estate and Treasurer of the local Chamber, and additional artists and tenants of 'The 204' Harwich Cultural Center. Mass Cultural Council staff was accompanied on the tour of the proposed district by the Kara Mewhinney, Cyndi Williams and Bernadette Waystack.

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Anita Lauricella was the site advisor for this assessment accompanied by Carolyn Cole, Cultural Districts Program Officer.

Excerpted from the site assessment report prepared by Anita:

“The Town has two strong and distinct cultural anchors [Harwich Center and Harwich Port], which are part of the seven villages of the Town of Harwich.”

“Harwich Port is a classic main street with a mix of tourist and resident amenities, including restaurants, shops, and art galleries... Parking is available, making the area easy to reach, and planned street work on Route 28 will make the area easier to navigate on foot.”

“The district has an excellent team with solid experience with community and event planning. The staff brings a deep skill set, knowledge of the area, and extensive programming experience. The partnership with the Chamber of Commerce is another key strength of the operating model. The Chamber has a track record of event planning, community coordination, and business development. It is the foundation for effective private-public collaboration and directly facilitates the involvement and support of the local business community.”

“The Town has clearly articulated a set of manageable, practical, and comprehensive goals. The recommendations focus on informing and directing action and strategies to build a coordinated short-term plan for achieving these goals. They provide a foundation to support the long-term goal: a rich cultural resource for town residents, businesses, and visitors.”

CONSENT AGENDA

**MINUTES
SELECTMEN'S MEETING
TOWN HALL
TUESDAY, JANUARY 17, 2023
6:00 P.M. - REGULAR MEETING
REMOTE PARTICIPATION OPTIONAL**

SELECTMEN PARTICIPATING: Michael MacAskill, Larry Ballantine, Julie Kavanagh, Donald Howell & Mary Anderson

ALSO PARTICIPATING: Joseph F. Powers

CALL TO ORDER

Mr. MacAskill called the meeting to order at 6:00 p.m.

PUBLIC COMMENTS/ANNOUNCEMENTS

Mr. Ballantine announced that the Treasure Chest Committee has decided to delay opening of the Treasure Chest from 9:00 a.m. until 10:00 a.m. Mr. Howell confirmed that they are still open, just with different hours.

Town Clerk Emily Mitchell was present and stated that we are 5 months away from May 2023 Annual Town Election. Nomination papers will be available at the Town Clerk's Office starting tomorrow, January 18, 2023. There are 4 offices on the ballot which include Board of Selectmen, Brooks Free Library Board of Trustees, Monomoy Regional School Committee and Water/Wastewater commission. The last day to obtain nomination papers is March 24, 2023 until 5:00 p.m. and the last day to submit nomination papers for certification is March 28, 2023 until 5:00 p.m. Ms. Mitchell announced that the last day to register to vote is April 21. January begins dog license renewal season. Registration and renewals can be done at the Town Clerk's office for dogs 6 months and older. Registration deadline is January 31. Residents will need to provide updated rabies paperwork for all dogs as well as neuter/spay certificates if applicable.

A. Committee Vacancies

Ms. Anderson read the list of committee vacancies, noting that we are down to 26 open positions.

Mr. MacAskill offered condolences on the passing of Dan O'Leary. Mr. O'Leary was a long time teacher and a staple in the community.

PUBLIC HEARING (No earlier than 6:00 p.m.)

A. Public Hearing continued from November 21, 2022 – Chase Escape Cape Cod, LLC d/b/a Summer House Café to present an update on the non-use of their Section 12, On-Premise, Seasonal All Alcohol Liquor License

Mr. Howell read the public hearing notice.

Mr. Powers read into the record an email received by both himself, Mr. MacAskill and Attorney Blake. The email was received after hours today, January 17, 2023. Counsel that is handling all matters for Chase Escape Cape Cod, LLC stated in the email that he is on paternity leave until the 3rd week in February and that Mr. Fiorillo is unavailable due to medical reasons. They have requested a continuance until February 21, 2023. Mr. Powers noted that he responded to the email and stated that their request is untimely and the hearings would be proceeding as noticed. He also informed them that their client and/or representative should make every effort to avail themselves for the hearing.

Town Counsel Attorney Blake was present remotely and recommended that the Board proceed with the hearing, noting that this is the 2nd time that the town has received a request to continue just hours before the hearing. The applicant has been given many opportunities to come before the Board and provide evidence as to why they have not opened. In Mr. Blake's opinion, the Board has done everything that they have needed to do and are not required to continue the hearing.

The Board agreed that there is no reason to delay the hearing and agreed to proceed.

No comment was provided in person or remotely from the applicant, applicant's counsel or the public.

Mr. Howell moved to close the public hearing, 2nd by Mr. Ballantine and approved 5-0-0.

Mr. Ballantine stated that in addition to delays, the applicant has not fulfilled any of the Board of Health or Conservation Commission requirements. Mr. Ballantine would like to see this move forward.

Mr. Howell pointed out that this has cycled out for the 2nd year of the license and that this is now 2 years of non-conformance. Mr. Howell asked if there has been any evidence that a new septic system has been started. Health Director Katie O'Neill was present and stated that they have not scheduled test holes for the property, which would be the first step in the upgrade process. Mr. Howell said that they are not capable of operating as a food and liquor establishment without a septic system.

Ms. Anderson and Ms. Kavanagh said that there is no need for further discussion. The Board has been provided information from every department that nothing has been done. At a previous meeting, the applicant talked about going for permitting with a 3 month timeline, and that has not been done.

Mr. Ballantine feels that the Board has bent over backwards to work with the applicant.

Mr. MacAskill stated that tonight's exercise was to get an update and that their liquor license has expired, adding that seasonal liquor licenses expire on January 14. Renewal packets are sent out in February and the Board usually votes on them towards the end of March. He feels that there is no action that the Board needs to take tonight, which was confirmed by Attorney Blake. Attorney Blake stated that when it comes time for them to renew their application, this will be something. If action is taken tonight, they can find a failure to exercise their license. Under Chapter 138, Section 77, it states that the licensing authority may, after a hearing, cancel any license issued under this chapter if the licensee failed to conduct the licensed business over the last year. Attorney Blake went on to read Regulation 1.19A and confirmed that the Board of Selectmen have followed all of the regulation requirements. The Board of Selectmen could make a finding tonight that during the calendar year of 2022, the establishment has failed to meet the public need and therefore the license should be cancelled for the prior year. Attorney Blake stated that it is important that the applicant is put on notice because when they submit an application for renewal, the Board can say that they are not going to renew based on 2022.

Mr. MacAskill stated that the licensing agent for the Town of Harwich has indicated that the establishment has not filed a manager of record change with the Town and that we are not even sure that the town has the right address for the applicant. Attorney Blake responded that the renewal packet should be sent to the owner of the establishment at this point as well as their attorney on record.

Mr. Howell moved as a finding of fact that the Board of Selectmen find that the applicant has failed during the entirety of the 2022 license period to meet the public need despite numerous opportunities to address this at both the Board of Selectmen and Board of Health level and find them in violation of their liquor license and that it is revoked, 2nd by Ms. Anderson.

Mr. MacAskill noted that the license is not being revoked.

Mr. Howell moved that as a finding of fact that the Board of Selectmen find that the applicant has failed during the entirety of the 2022 license period to meet the public need despite numerous opportunities to address this at both the Board of Selectmen and Board of Health level and find them in violation of their liquor license, 2nd by Ms. Anderson and approved 5-0-0.

B. Public Hearing – Review proposed amendments to the Harbor Management Plan, Appendix A, Special Purpose Mooring Assignment; Votes may be taken

Mr. Howell read the public hearing notice. Harbormaster John Rendon was present. Special purpose moorings are designed for businesses and yacht clubs who promote boating and boating education. Pleasant Bay Community Boating approached Mr. Rendon with this request and also went before the Waterways Committee on August 17 and received their unanimous support. Mr. Rendon reviewed the request being made as outlined in the memo dated December 8, 2022.

Mr. Howell closed the public hearing, 2nd by Mr. Ballantine and approved 5-0-0.

Mr. Howell feels that this is a wonderful request. Mr. Ballantine agreed and asked if it would affect any of the existing docks. Mr. Rendon responded that there would be no affects to existing docks that this request is strictly for moorings.

Ms. Anderson asked if the town would have any other need for moorings in the requested area. Mr. Rendon responded that there is no need. Harwich's mooring fields are established in Round Cove and Pleasant Bay and do not go anywhere near the area being discussed.

Mr. Kavanagh commented that this request seems like it will be a little safer as well. Mr. Rendon agreed.

Mr. Howell moved to approve the permitting of 8 special purpose moorings by the Harbormaster to Pleasant Bay Community Boating per Section 3.13 of reference (a) as provided in the packet, 2nd by Ms. Anderson and approved 5-0-0.

JOINT MEETING WITH BYLAW CHARTER REVIEW COMMITTEE

Bylaw Charter Review Committee members Sandra Hall, Linda Cebula, Anita Doucette & Deb Sementa were present. Ms. Hall called the meeting to order. Ms. Hall stated that everyone has been operating off of the charter that is posted on the website, which is not the latest version. Ms. Hall handed out language that was passed at May 2021 Annual Town Meeting and again at the ballot.

A. Legal effect of quantum of vote on Capital Plan and discussion on any other changes

Town Counsel Attorney John Giorgio was present. Mr. MacAskill stated that Attorney Giorgio was asked to prepare an opinion ahead of tonight.

Mr. Powers noted that the 2nd part of Section 6: Capital Outlay Plan 9-6-5 was adopted at the May 2019 Annual Town Meeting and followed by the Annual Town Election in June 2020, where the Board was discussing the capital plan in general. He added that the quantum of vote is relative to the 2nd sentence of 9-6-5, which was been in effect since June 2020.

Attorney Giorgio provided an overview of his legal opinion, noting that he was not aware of the subsequent opinion when his opinion was written, but that it doesn't change his opinion in any way. Every year, under this amendment, Town Meeting adopts a 5-year capital plan and that is done by a majority vote. Every year that the capital plan is adopted, it knocks the oldest year off of the plan. The issue is how the 2nd sentence of 9-6-5 is interpreted as well as how the 2 provisions are interpreted to make sense as provided in the charter. It was stated that the best way to interpret the 2nd sentence is that is that if during FY23, if there is an amendment proposed for the capital plan, that it would require a 2/3 vote of Town Meeting. The adoption of the new capital plan would require a simple majority vote.

Mr. Ballantine asked if when an amount changes in the capital plan, for an example from \$100,000 to \$110,000 that would be considered amendment. Attorney Giorgio responded that yes, it would be an amendment to the capital plan. Ms. Hall stated that she disagreed with Attorney Giorgio entirely. When Town Meeting adopts a capital plan, it adopts the entire plan and that the point was that any amendments of what Town Meeting had approved during a previous year would take a 2/3 vote. If you have a 2/3 vote in the 1st year, it is effectively the same. On the idea of monies, the capital plan is the plan that is about the budget and the monies are estimates. Regarding Mr. Ballantine's financial question, Ms. Hall disagreed with Mr. Giorgio's opinion and stated that you would have to amend the plan to change the amounts.

Mr. Howell commented that he is not sure what the practical effect of what Attorney Giorgio is. The actual expenditure of the monies relating to the adoption to year 1 of the plan have already been voted by Town Meeting. Attorney Giorgio responded that he is not sure what the practical effect is either. He could conceive a circumstances at the upcoming May Town Meeting where a project may wanted to be moved up from the first year. If you decided that you needed to add in essence a new item in FY23 to the capital plan that was not included in any prior votes that would be in effect an amendment to the 2023 portion of the plan. If there was a true emergency where money would need to be spent, you would be looking at an amendment to last year's capital plan.

Attorney Giorgio stated that after a debt exclusion is approved for a project, you then go out to bid, and bids can come in higher. The Department of Revenue has a 10% rule of thumb and generally says that you don't have to repeat the debt exclusion ballot question if the amount is under 10%. If over 10%, it would be considered a different project.

Ms. Anderson stated that she understands Ms. Hall's comments. Whatever year has all of these projects have numbers associated with them, if you only change the next year and a couple of the numbers are different, we don't need to amend the capital plan and the new numbers would be put into the separate article. Ms. Hall confirmed that this is correct and stated that this is a capital plan, not a capital budget. By the time you get to some of these projects, especially in the out years, it is a given that prices will rise. This is not a funding article, this is a plan.

Ms. Cebula stated that she is looking to get some yes or no answers to some of these issues. If there is something in the 2025 line of the plan that is now determined to be very important to move into an earlier year, 2024 as an example, would that be a 2/3 or simple majority vote. Attorney Giorgio responded that it would be a simple majority vote. He added that if you were to move something forward into 2023, then it would require a 2/3 vote because 2023 is in the previously approved capital plan.

Ms. Kavanagh said that Mr. Howell wanted to make sure that items didn't move out of sequence. She noted that this is a plan and nothing is steadfast and has to stay in that particular year. If you are trying to amend the plan prior to adopting a new plan, then you have an issue.

Ms. Cebula feels that section 9-6-5 would become irrelevant except in the case that something comes up and would have to be spend immediately.

Ms. Hall stated that the only year that is really important is the current one. Whether you do a simple majority vote on the rest of the plan or 2/3 vote, what we really need to know at the end of the day is that any change to year one will require a 2/3 vote. Mr. MacAskill noted that he hopes to clarify this tonight.

Mr. Howell said that this is about planning to plan. What is the value of the plan after year 1 if every year we adopt it by a simple majority and then change it to whatever sequence we want. Then the public will have no idea what to expect in the next 3-4 years. Attorney Giorgio responded that this is only about the quantum of vote. The voters get to decide on priorities by adoption a 5 year capital plan. Mr. Howell stated that the plan itself doesn't allow you to do anything other than ask for appropriation. Attorney Giorgio responded that the only way to interpret the current charter in terms of the 2/3 vote requirement is if you want to make a change in the first year of the capital plan before you adopt a new one, it takes a 2/3 vote. Mr. Howell asked if the provision said that a simple majority vote of Town Meeting shall be required to adopt a capital plan as previously adopted, would Attorney Giorgio have a different feeling. Attorney Giorgio responded yes, that would make a difference.

Ms. Hall stated that she reads this as "any" amendment and feels that it is fairly clear. It doesn't have to be a new item that is brought it, that even resequencing would require a 2/3 vote.

Ms. Kavanagh said that we have a dedicated committee that comes up with the capital plan and that they agree that it is a plan and that anything can change on a year to year basis. Going back to previous Selectmen discussions, the idea is that if something needs to be re-sequenced, the Selectmen feel that they should be able to do that because it is a plan. Ms. Cebula responded that no one is saying that the Selectmen don't have the authority or right to move an item around in the plan, the question is how many noses need to be counted for the vote.

Ms. Hall noted that the thing to keep in mind is that this whole exercise is designed to inform the voters. If you have a capital plan that was voted in a previous year, and the order is going to be changed, there shouldn't be a problem to get a 2/3 vote for all of the changes. Mr. MacAskill stated that this is a living document that can be changed. We are giving the people a plan, but everyone needs to remember that plans change. Every year, the voters have the right to approve or not approve something. He again stated that this is a living document and a plan and that we are making it more complex than it is. Ms. Doucette disagreed with Mr. MacAskill. If an article comes before Town Meeting, you are voting on that article that is set in stone. If you are going to change it, it has to go back to Town Meeting floor, speaking on the article, not the plan, but the plan is voted on at Town Meeting.

Attorney Giorgio stated that 2/3 votes are not that easy to obtain because that presents a lot of opportunity to impose its will on the majority. If anything, he thinks that the town should be looking to make Town Meeting more of a majority vote body.

Mr. Howell asked what would happen if a resident got to the microphone and says that they want to amend year 1 of what is proposed. Attorney Giorgio responded that would be different and that you would be talking about an amendment on Town Meeting floor. A motion to amend is a simple

majority vote. Mr. Howell responded that this has not been a problem. In past years, things have been re-sequenced because problems have arisen. His question is if you put it this way and say that the simple majority is the threshold, you invite someone to come up with an amendment that could pass at Town Meeting in a much easier way than if it were a 2/3 vote.

Mr. Ballantine argued that Mr. Howell is taking this too far. Mr. Ballantine thinks that the plan is a plan and does like the idea of having a vote go forward, but not so high that it is unworkable. If you go out another year, then things change. He did agree that we need to inform the voters and that the objection before was that the plan is changed too often. Mr. Ballantine said that we have a capital budget and a Capital Outlay Committee that are very responsible as well as a responsible Board of Selectmen who are reasonably responsible with the capital plan.

Ms. Hall stated that the Bylaw Charter Review Committee has a few other changes that they are discussing and will be putting together recommendations for an upcoming meeting.

Mr. MacAskill asked why we are working off of the wrong document. Ms. Hall responded that the town's website is behind in many ways, adding that you cannot find election results posted beyond the 2020 presidential election. You also cannot find Town Meeting election results after 2014. The Town Clerk sends any changes to e-code for updating. Mr. MacAskill would like to figure out where the process has broken down. Ms. Hall stated that e-code has information in the works, but that it is not yet been incorporated. Ms. Hall added that we really need to work on the website.

Mr. Howell stated that he is not interested in any other changes now. He is still unconvinced by information being provided and that he would like to be able to vote for the capital plan, but there is a good possibility that he will vote no at this point.

Ms. Anderson commented that she would still like to pursue the Town Clerk position being appointed rather than elected. Ms. Hall responded that this is not on their list at the moment.

Ms. Kavanagh said that other than zoning items, she would like to add a clarification in 9-6-5 that any amendment in the current year shall require a 2/3 vote at Town Meeting. Mr. MacAskill responded that he would be asking Attorney Giorgio to craft some language change for clarification.

Mr. Powers wanted to go back to statements being made about e-code. The voters have just approved changes this year. All of the items are with the vendor and the current Town Clerk has been on top of all of this since she took office. He went on to say that there were comments made about the website and staff. This is not an issue of the prior computer coordinator, current IT Director or current Town Clerk. Whatever reference made earlier at the meeting was not to any existing staff. Ms. Hall responded that she was responding to where the responsibility is in getting things to e-code and not being accusatory of anyone.

Mr. Howell asked that after something goes through the ballot, would it be fair to say that the Attorney General gets the documents and by July of that year, they would move to forward it or

turn it down. Attorney Giorgio responded that items get passed at Town Meeting, then go to the Attorney General for approval, then it would go on the ballot at the next Annual Town Election. He did add that there is an alternative to do a charter change by special act, where it would not have to go to the Attorney General, but that is not always the fast track.

Ms. Cebula stated that she has the same idea as Ms. Kavanagh when it comes to 9-6-5, so we will not have to do this again in 5 years with a different group of people. There needs to be transparency in government.

Mr. MacAskill stated that he would also like to have a future discussion on the Town Clerk position being elected or appointed. As far as the charter, Mr. MacAskill asked what Ms. Hall seeks happening with the charter as we move forward. He asked if we should have an independent committee that would work alongside everyone help make real revisions. Ms. Hall responded that it would depend on what the goal is. Mr. MacAskill said that he has heard the words vague and interpretation used a lot and that he thinks there is a lot of clean up to do. Ms. Hall responded that it is an ongoing process. If there are major things that Mr. MacAskill is concerned about, the committee would like to hear them. Mr. MacAskill would like to have a fresh set of eyes on the charter. Ms. Kavanagh agreed that a 3rd part is a good idea. That they can also say where things can be cleaned up and provide reasoning behind changes.

Ms. Hall said that the committee was given to understand that the \$75,000 consultant would be there to help advice the committee and do what the Selectmen are looking for. Mr. MacAskill personally thinks that we need a fresh set of eyes on the charter, while not removing the committee from the process. Ms. Anderson thought that the consultant would be to assist the committee.

Attorney Giorgio stated that he is currently working with the Town of Sandwich and their Charter Review Committee that are considering major changes to their form of government. He added his surprise that there hasn't been more of a push in Harwich to go to a stronger Town Manager form of government given all of the complexities and projects that the town has. KP Law has a lot of experience in working on things like this and they are ready and willing to assist where necessary.

Mr. Howell would like to have the consultant come in first and have them meet with the committee.

Mr. Ballantine feels that our charter has served us well and thinks that it is time to have a 3rd party look at it to be sure that it contains what is needed.

Ms. Cebula thinks of the review of the charter in 2 pieces. One would be to see if it is readable and understandable. The 2nd piece would be to see if changes are needed or not.

Ms. Doucette stated that she was part of the initial review and remembers that the charter went through a special act in 2008. She added that new eyes are always a good idea and that she looks forward to meeting with the consultant.

Ms. Hall adjourned the meeting of the Bylaw Charter Review Committee.

CONSENT AGENDA

- A. Vote to approve Board of Selectmen meeting minutes: January 3, 2023 and January 9, 2023

Ms. Anderson commented that it is very nice to have minutes from the last couple of weeks to review, adding that it is a lot easier to remember what happened and what didn't. Mr. Powers agreed.

Mr. Howell moved to approve the Board of Selectmen meeting minutes: January 3, 2023 and January 9, 2023, 2nd by Ms. Anderson and approved 5-0-0.

NEW BUSINESS

- A. Board discussion on priorities for the Real Estate and Open Space Committee

Mr. MacAskill stated that this came from the Real Estate and Open Space Committee (REOS) on what the Selectmen would like them to work on.

Mr. Howell feels that the committee is doing a really good job with both the preservation of land, building of land and putting land back into the private sector again. It would be great if they could continue the assessment of what is possible to resolve titles.

Mr. MacAskill stated that the committee will be meeting on the 20th and will discuss this as a group.

Chair of REOS, Elaine Shovlin was present. They will be meeting on Friday and will be joined by the Interim Assessing Director. The committee will be looking to know which properties have already been resolved.

- B. Vote to authorize a gift account to be setup to accept gifts for the Veteran's Memorial located in Evergreen Cemetery

Cemetery Administrator Robbin Kelley and reviewed the request.

Mr. Howell moved to authority a gift account to be setup to accept gifts for the Veteran's Memorial located in Evergreen Cemetery, 2nd by Ms. Anderson and approved 5-0-0.

- C. Vote to approve the temporary closure request from Blue Stripe LLC d/b/a Cape Sea Grille, 31 Sea Street

Mr. Ballantine moved to approve the temporary closure request from Blue Stripe LLC d/b/a Cape Sea Grille, 31 Sea Street from February 1, 2023 through February 28, 2023, 2nd by Ms. Anderson and approved 5-0-0.

OLD BUSINESS

- A. Update – Judah Eldredge

Board of Selectmen
January 17, 2023

Mr. Powers stated that we have recently heard from counsel and that the next step related to this is switching to the proposed order of taking. Mr. Powers reviewed the requirements for publishing of a legal ad. Looking at the Board's schedule, it looks like February 13, 2023 would be the meeting date. The Board agreed to this date and Mr. Powers said that he would work with staff and confirm legal ad posting dates.

Elaine Shovlin was present and asked if the Board is planning on using eminent domain. Mr. MacAskill responded yes, that what was previously voted.

Mr. MacAskill clarified that this is a piece of property on Seth Whitefield Road.

B. Debrief from Joint Meeting with Harwich Affordable Housing Trust on December 12, 2022

Mr. MacAskill formulated a list of questions from the December 12 meeting. The list was sent to Mr. Powers for answers.

Mr. MacAskill stated that 2 members of the trust had expressed interest in changing the trust documents. The response was that this would start with a vote of the trust and then could be brought to the Selectmen as an agenda item.

The next question was based on the average median income (AMI) and if a written answer was received on what the number was, 40% to 60% or 40% to 80%. Mr. MacAskill knows that the conversation that day was related to work force housing and the Marceline property and what the trust can do. Mr. MacAskill knows that this process is a lot more difficult than simply asking for something in writing. Mr. Powers responded that the trust is bound by the definitions of low and moderate income as defined by the Department of Housing and Community Development (DHCD). They generally think about it in terms of low income before up to or less than 60% AMI and moderate is up to or less than 80% AMI. However, as we get into discussions on certain projects on certain lands, there is a 10 page matrix that talks about whatever the anticipated use of the property would be or what the anticipated development would be and then information on funding sources. For Mr. Powers, it has always been about the phrase work force housing and from his perspective, this is a confusing topic that doesn't really relate to the trust, but it does relate to the town and any other agencies, boards, committees or people.

Another question was if Mr. Powers as the Town Administrator and chair, designate someone else to be the chair, or would the Vice Chair be the chair in any case. Mr. Powers responded that there is an opinion from counsel that this is a policy discussion rather than a legal decision and that he would turn it back to the Board. When the declaration of the trust was approved, there was nothing noted that prevents an amendment of the trust for such a purpose.

Mr. Howell stated that the trust had a really good site visit today and that we all agree about the 80% AMI. His takeaway from the meeting was that there is a common understanding that we just need to start moving forward. Mr. Howell said that he is not interested in blaming anyone and is not looking to change the trust document for that reason.

In going back to the AMI, for Mr. MacAskill it has always been about work force housing in conversations and what the trust is wanting to do. He is not seeing a lot of people dive at the 80% AMI with the funding that they would need to make a project work. Mr. MacAskill does not want to steer the public in the direction that we can use 80% AMI and would be more comfortable with a 40-80% range. Mr. Howell responded that 80% is a cap and it really boils down to something that we have not discussed. The money for the Marceline property came largely from Community Preservation funding. The law states what the constraints are for the use of that funding. Mr. Howell has been in contact with neighboring towns to find out how they were able to move forward. Mixed-use housing is pretty much what everyone is doing with this point. Mr. Howell agrees with the 80% cap.

The next question was related to the trust membership makeup. Trust member Judith Underwood had asked questions relating to the makeup of the trust and whether or not the Board could change the makeup of the trust and if members can be removed. Mr. Powers responded that the short answer is yes and went on to review article 5 of the declaration of the trust. A member of the trust may be removed from the trust by the Board of Selectmen by a majority vote held at a public meeting or by failure to re-appoint.

Ms. Kavanagh stated that she looked at her notes from previous discussions. One thing talked about earlier was the fact that we didn't have any committee language of the trust in the charter. She would like that discussed further. Mr. Howell responded that the language is under Mass General Law. Ms. Kavanagh also noted that there was discussion about rotating the chair and the election by the trustees. She feels that it is important to rotate the chair role. Where she is stuck is how we move forward as soon as possible.

Mr. Howell mentioned that the term board is used throughout the document and is not specific to Selectmen or Trustees. He would like to make sure that the document is tethered to what group is being discussed and that it is not obscure as we move down the road. Mr. MacAskill stated that this would be a trust conversation.

Trust member Brendan Lowney was present. He commented that whenever the term board is used by itself in article 3, when used alone, it is referring to the trustees.

Mr. MacAskill said that there was a resident suggestion to remove DHCD language related to AMI from the trust document. Mr. MacAskill noted that this would be handled by the trust. Mr. Powers added that the trust document will celebrate its 5th birthday this summer. The purpose of the trust as he understands it is clear, unambiguous and simple for the preservation and creation of low and moderate income housing as defined by DHCD. The trust articulates the mission and then personalizes it. The Town of Harwich made the choice to develop a Board of Trustees of the Affordable Housing Trust. If there is to be a conversation as to changing the purpose of the trust, Mr. Powers said that he would try and fight vigorously as he can to retain it. The term work force housing is undefined by the statutes and is separate and distinct. The trust can preserve and create low and moderate income housing. Everyone else outside of the trust can do any kind of housing, including work force housing.

Ms. Kavanagh said that even though work force housing is not defined, it leaves a big problem with housing. She would like to leave conversations with the trust, but would be open to suggestions.

Ms. Anderson feels that there are enough issues with housing that we can leave the trust as is and deal with the affordable end of it.

Mr. Ballantine stated that within the framework when we define moderate income, maybe 80% is the attractive number for the workforce group. For him, that is top priority.

Mr. Howell stated that he sits on the trust and has been hearing all of these things for years. There is no way to have a discussion unless it is happening at a public meeting. There was never a vote of the trust of what they wanted to do regarding DHCD. At this point, the only thing he is grappling with is when the money goes into the trust that it cannot come out unless for the purpose that it was formed. We will not be in the position to fund anything over 80% as we currently stand. It needs to be proven to the public that something positive can be done. We need a success.

Mr. Lowney said that to get on the subsidized housing inventory list, we need to be at 80% or less. Mr. Lowney noted that this would be for one person earning \$60,900 and would get higher for a family of 4. Even under this, we could help people that are making \$60,000 or less. Mr. Lowney does not want to see people get hung up on the numbers.

The next question proposed was relating to if the trust could do their own procurement. Mr. Powers responded that the short answer is that this is a policy decision, which is being generous. The charter reads that the Town Administrator is the Chief Procurement Officer for the town. The only exceptions are the Water/Wastewater Commission and the Board of Library Trustees as elected bodies.

Mr. MacAskill noted that an update is needed on the Sisson Road housing project in its entirety. The bottom line is that we need an update and will have an agenda topic soon on Sisson Road and the lease of the property. Mr. Powers responded that this discussion is regarding 265 Sisson Road, Harwich Junior Theater and the old recreation building. When the town was going through the exercise of registered the deeds in the name of the trust, this was one of the properties that was conveyed at 2019 Town Meeting. The conveyance was everything at the parcel and was transferred to the care, control and custody of the trust. With respect to the lease, the trust would assume the lease if the entirety of the property were to be conveyed to the trust. The conveyance was confirmed by an attorney. There has been no change to the lease agreement or the lease relationship.

Mr. Ballantine asked to confirm that this property is owned by the housing trust. Mr. Powers confirmed that it is, per 2019 Town meeting.

Mr. Howell stated that the trust has the ability to acquire by purchase, gift or other means, property both real and personal. The trust also has the ability to flip, per the trust document. Eventually, the existing lease will expire. What we had in play was 2 quads on the property with a separate

septic system. The existing building would remain and the trust would not be precluded from later leasing out that building. He thinks that it would be correct to say that the money can go to the town if it is an asset of the trust. Mr. MacAskill said that this will be a future agenda item for discussion regarding the lease and the performance of the lease. He added that it makes no sense to him why the Harwich Junior Theater would not want to move into the 204 Sisson Road building. He would like to look at the performance of the lease and what conditions exist and come up with an educated decision of the Board. Mr. Howell asked that the trust be included in these discussions. Mr. Lowney added that the trust does assume the lease moving forward, but there is a note at the very bottom that states that it may not make sense for the trust to be the landlord in these circumstances. Mr. Lowney read the entire note for the record.

Mr. MacAskill said that he would share the document being discussed in next week's packet correspondence. The Town Administrator will share with the trust members.

CONTRACTS

- A. Vote to authorize the Chair to execute the Fiscal Year 2023 Student Awareness of Fire Education (S.A.F.E.) and Senior SAFE grant contract between the Department of Fire Services and Town of Harwich in the amount of \$3,781 and \$2,077

Mr. Howell moved to authorize the Chair to execute the Fiscal Year 2023 Student Awareness of Fire Education (S.A.F.E.) and Senior SAFE grant contract between the Department of Fire Services and Town of Harwich in the amount of \$3,781 and \$2,077, 2nd by Ms. Anderson and approved 5-0-0.

- B. Vote to approve a change order request from Bowditch Excavating in the amount of \$6,000 for the Cranberry Valley Golf Course bunker renovation project.

Mr. Howell asked why Mr. Powers wouldn't sign this contract. Mr. Powers responded that this is a change order from a larger contract.

Mr. Ballantine moved to approve a change order request from Bowditch Excavating in the amount of \$6,000 for the Cranberry Valley Golf Course bunker renovation project for Selectmen signature, 2nd by Ms. Anderson and approved 5-0-0.

TOWN ADMINISTRATOR'S REPORT

Mr. Powers reported that Susan Kerr has been promoted from Executive Assistant to Assistant Treasurer/Collector. This is a great opportunity for a well-qualified employee to progress upwards.

4 Selectmen will be joining Mr. Powers in Boston on Friday and Saturday for the 44th Annual Business Meeting and Trade Show of MMA.

SELECTMEN'S REPORT

Board of Selectmen
January 17, 2023

Ms. Anderson said that it has been painfully apparently to her that the Affordable Housing Trust Fund Board has been and continues to be increasingly dysfunctional. At this point, the only way she sees to fix it and move forward with housing is to change out some of the players and get fresh minds into the conversation. She suggested that we thank the members for their service now, whose terms expire on June and bring in 2 fresh members. Mr. MacAskill responded that he would put that on the next agenda for an action of the Board. He added that he did receive a fair amount of calls today and that it is time to make a change and time for move forward.

CORRESPONDCE

None discussed.

ADJOURNMENT

Mr. Howell moved to adjourn the meeting of the Board of Selectmen, 2nd by Ms. Anderson and approved 5-0-0.

Respectfully submitted,
Jennifer Clarke
Recording Secretary

NEW BUSINESS

(19) The Trustees shall have full power and authority, at any time and from time to time to expend Trust funds, both principal and interest, as the Board deems appropriate. All expenditures shall be made in conformance with the terms of this Trust and the Act.

ARTICLE V – REMOVAL OF TRUSTEES

A member of the Board may be removed from the Trust by the Board of Selectmen by a majority vote after a public meeting or by failure to reappoint.

ARTICLE VI – MEETINGS OF THE TRUSTEES

The Board of Trustees shall meet at least quarterly at such time and such place as the Trustees shall determine. Special meetings may be called by the Chairperson or by any three (3) Trustees. Notice of any meeting of the Trust shall be filed with the Town Clerk and posted in accordance with the Open Meeting Law, Chapter 30A, Sections 18-25 of the General Laws.

A quorum of the Board of Trustees shall be the majority of the full Board of Trustees but less than a quorum may, subject to the requirements of the Open Meeting Law, continue a meeting to a time, date and place certain.

The Chairperson may establish sub-committees and/or ad hoc task related committees to carry out the purposes of the Trust. Chairpersons of the sub-committees may be selected by the members of the sub-committees.

ARTICLE VII – ACTS OF TRUSTEES

Any action of the Board of Trustees shall be approved by a majority of those present and voting at a duly called meeting, provided that a quorum is present, and any and all instruments executed by such majority shall be binding upon the Trust, and shall be conclusive evidence that such action has been duly authorized. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust property. No one dealing with the Trustees need inquire concerning the validity of any act of the Trustees or see to the application of anything paid to or upon the order of the Trustees. No Trustee shall be liable for the act, negligence or default of any other Trustee or any employee, agent, or representative of the Trust selected with reasonable care, nor for errors in judgment, nor mistakes of law or fact made in good faith nor in reliance in good faith on advice of counsel nor for other acts or omissions in good faith

ARTICLE VIII – LIABILITY; CONFLICT OF INTEREST

Neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the Town of Harwich, except in the manner specifically authorized herein. The Trust is a public employer and the Trustees are public employees for the purposes of Chapter 258 of the General Laws. The Trust shall be deemed a municipal agency and the Trustees special municipal employees for the purposes of Chapter 268A of the General Laws.

successor shall be appointed by the Board of Selectmen to fill such vacancy for the remainder of the unexpired term, provided that in each case the said appointment and acceptance in writing by the Trustee so appointed is filed with the Town Clerk and recorded with the Barnstable County Registry of Deeds and, if applicable, the Barnstable County Registry District of Land Court. Upon the appointment of any succeeding Trustee and the filing and recording of such appointment or a certificate of such appointment, the title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining Trustees.

O F F I C I A L O F F I C I A L
A R T I C L E I V – P O W E R S O F T R U S T E E S

The Trustees shall have the following powers which shall be carried out in accordance with and in furtherance of the provisions of the Act as outlined below:

- (1) to accept and receive property, whether real or personal, by gift, grant, devise, or transfer from any person, firm, corporation or other public or private entity, including without limitation grants of funds or other property tendered to the Trust in connection with provisions of any zoning ordinance or by-law or any other ordinance or by-law or any general or special law or any other source, including money from the Community Preservation Act, Chapter 44B of the General Laws (the “CPA”); provided, however, that any such money received under the CPA shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of the Act when expended by the Trust, and such funds shall be accounted for separately by the Trust; and provided further, that at the end of each fiscal year, the Trust shall ensure that all expenditures of funds received from the CPA are reported to the Harwich Community Preservation Committee (the “CPC”) for inclusion in the community preservation initiatives report, form CP-3, to the department of revenue;
- (2) to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
- (3) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to Trust property as the Board of Trustees deems advisable notwithstanding the length of any such lease or contract;
- (4) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust;
- (5) to employ advisors and agents, such as accountants, appraisers and lawyers as the Board deems necessary;
- (6) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board deems advisable;

(7) to apportion receipts and charges between income and principal as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
N O T A N N O T
O F F I C I A L O F F I C I A L
C O P Y C O P Y

(8) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
N O T A N N O T
O F F I C I A L O F F I C I A L
C O P Y C O P Y

(9) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Board may deem necessary and appropriate;

(10) to carry property for accounting purposes other than acquisition date values;

(11) to borrow money on such terms and conditions and from such sources as the Board deems advisable, to mortgage and pledge Trust assets as collateral;

(12) to make distributions or divisions of principal in kind;

(13) to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the Board may deem appropriate;

(14) to manage or improve real property; and to abandon any property which the Board determined not to be worth retaining;

(15) to hold all or part of the Trust property uninvested for such purposes and for such time as the Board may deem appropriate;

(16) to extend the time for payment of any obligation to the Trust;

(17) to designate the Selectmen member of the Board to report to the full Board of Selectmen on acquisition and dispositions of real property by the Trustees;

(18) the Trust shall have the following additional duties:

- (a) The Trust shall oversee all funds under its control and use the funds to create and preserve affordable housing opportunities in the Town of Harwich; and
- (b) The Trust shall work with the Harwich Housing Committee to develop an affordable housing plan, which shall be updated each year and a copy presented to the Board of Selectmen.

(19) The Trustees shall have full power and authority, at any time and from time to time to expend Trust funds, both principal and interest, as the Board deems appropriate. All expenditures shall be made in conformance with the terms of this Trust and the Act.

N O T
A N
O F F I C I A L
C O P Y

ARTICLE V – REMOVAL OF TRUSTEES

N O T

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O F F I C I A L
C O P Y

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ARTICLE VIII – LIABILITY; CONFLICT OF INTEREST

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meeting called for that purpose and approved in writing by the Board of Selectmen, provided that in each case, a certificate of amendment has been recorded with the Barnstable County Registry of Deeds and the Barnstable County Registry District of Land Court.

ARTICLE XIV – RECORD TO BE CONCLUSIVE, CERTIFICATE AS TO FACTS

Every contract, deed, mortgage, lease and other instrument executed by a majority of the Trustees as appears from instruments or certificates recorded with the Registry of Deeds and Registry District Land Registration Office to be Trustees hereunder shall be conclusive evidence in favor of any person relying thereon or claiming thereunder, that at the time of the delivery thereof this Trust was in full force and effect and that the execution and delivery of such instrument was duly authorized by the Trustees except that instruments of amendment pursuant to Article XIII and an instrument of termination pursuant to Article X hereof shall be conclusive only if it appears that the delegations, amendments or termination have been executed by all of the Trustees and the Board of Selectmen. Any person dealing with the Trust property or the Trustees may always rely on a certificate signed by any person appearing from instruments or certificates so recorded to be Trustee hereunder as to the identity of the then current Trustees or as to the existence or nonexistence of any fact or facts which constitute conditions precedent to acts by the Trustees or in any other manner germane to the affairs of the Trust.

ARTICLE XV – TITLES

The titles to the various Articles herein are for convenience only and are not to be considered part of said Articles nor shall they affect the meaning or the language of any such article.

638933/HARW/0001

[signature page follows]

Signed by the Town of Harwich Board of Selectmen under Seal as of this 9th day of July, 2018. **NOT AN OFFICIAL COPY**

NOT AN OFFICIAL COPY

NOT AN OFFICIAL TOWN OF HARWICH, By its Board of Selectmen

Julie Kavanagh
Julie Kavanagh

Larry Ballantine
Larry Ballantine

Edward McManus
Edward McManus

Donald Howell
Donald Howell

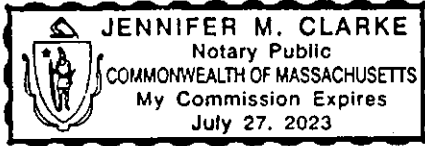
THE COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this 9 day of July, 2018, before me, the undersigned notary public, personally appeared Harwich Board of Selectmen, member(s) of the Harwich Board of Selectmen, as aforesaid, who proved to me through satisfactory evidence of identification, which was in person, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose on behalf of the Town of Harwich.

Jennifer M. Clarke
Notary Public
My Commission Expires: July 27, 2023

638933/HARW/0001



BARNSTABLE REGISTRY OF DEEDS
John F. Meade, Register



OFFICE OF THE SELECTMEN
732 MAIN ST., HARWICH, MA 02645
www.harwich-ma.gov
(508) 430-7513

APPLICATION FOR AUTO LICENSE RENEWAL

Check all applicable: _____ CLASS I - AGENTS OR SELLERS
_____ CLASS II - USED CAR DEALERS
_____ CLASS III - JUNK CAR DEALERS
 _____ CLASS IV - AUTO REPAIRMAN

FEE: \$100 each

BUSINESS NAME Nick & Claudine Enterprises LLC

D/B/A West Harwich SUV-ON-GAS PHONE 508-430-9923

BUSINESS ADDRESS 4 RT 28 West Harwich, MA 02671

MAILING ADDRESS SAME

NAME OF OWNER NICK FOAID


EMAIL ADDRESS _____

IF CORPORATION OR PARTNERSHIP, LIST OFFICER INFORMATION BELOW.

Name	Title	Address
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

By signing below, I am certifying that the premises to be licensed as described herein have been inspected and found to be in compliance with applicable local codes and regulations, including zoning ordinances, health regulations and building and fire codes.

 1/21/23
Signature of Applicant, Owner or Manager Date

Federal I.D. # _____

*Application must include payment, Certificate of Insurance showing workers comp coverage and Workers Comp Affidavit. Any application missing information or documentation will be deemed incomplete and sent back to the applicant.



OFFICE OF THE SELECTMEN
732 MAIN ST., HARWICH, MA 02645
www.harwich-ma.gov
(508) 430-7513

APPLICATION FOR AUTO LICENSE RENEWAL

Check all applicable: CLASS I - AGENTS OR SELLERS
 CLASS II - USED CAR DEALERS
 CLASS III - JUNK CAR DEALERS
 CLASS IV - AUTO REPAIRMAN

FEE: \$100 each

BUSINESS NAME V-Tech Auto Center

D/B/A _____ PHONE 508 432 6607

BUSINESS ADDRESS 805 Rt-28 Harwichport MA 02646

MAILING ADDRESS _____

NAME OF OWNER Vladislav Angelov

EMAIL ADDRESS _____

IF CORPORATION OR PARTNERSHIP, LIST OFFICER INFORMATION BELOW.

Name	Title	Address
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

By signing below, I am certifying that the premises to be licensed as described herein have been inspected and found to be in compliance with applicable local codes and regulations, including zoning ordinances, health regulations and building and fire codes.

[Signature] Date 01/25/2023

Federal I.D. # _____

*Application must include payment, Certificate of Insurance showing workers comp coverage and Workers Comp Affidavit. Any application missing information or documentation will be deemed incomplete and sent back to the applicant.

Harwich Resident Early Education and Care Enrollment and Waitlist Numbers:

Enrolled 0-2 Enrolled 3-5 waitlisted 0-2 waitlisted 3-5

Harwich Elementary Integrated Preschool 51

Harwich Elementary School Integrated Preschool New Afternoon program starting at the end of January will have approximately 18 students.

Harwich Elementary Developmental Screening requests: 10 (not enrolled)

Cape Cod Children’s Place	1	2	1	0
Eastham				
Northside Preschool	0	0	0	0
Yarmouth				
Sunshine and Rainbows	3	5	0	0
Yarmouth				
Jackie Watson	3	0	3	0
Harwich home provider				
Jen Gould	3	2	0	0
Harwich home provider				

Harwich Resident Early Education and Care Enrollment and Waitlist Numbers:

	<u>Enrolled 0-2</u>	<u>Enrolled 3-5</u>	<u>waitlisted 0-2</u>	<u>waitlisted 3-5</u>
Meetinghouse Preschool Orleans	0	0	0	0
The Family School Brewster	6	11	?	?
Three Harbors Preschool Harwich	10	5	?	?
Fine Futures Early Learning Dennis	0	0	0	0
Kristine Taylor Brewster home provider	1	0	0	0
Rocking Unicorn Chatham	n/a	18		
Sharon Bunting Harwich home provider	2	0	3	0
Children's Center (HECH) Harwich	n/a	15	4	10
Learning Garden Orleans	n/a	3	?	?

Harwich Resident Early Education and Care Enrollment and Waitlist Numbers:

	<u>Enrolled 0-2</u>	<u>Enrolled 3-5</u>	<u>waitlisted 0-2</u>	<u>waitlisted 3-5</u>
Sunflower School Yarmouth	3	4		
St. David's Nursery School Yarmouth	1	1	?	?
Laurel School Brewster	6	14	?	?
South Shore Early Ed. Dennis		2		
South Shore Early Ed. Yarmouth?				
YMCA				
Brewster	2	1		
Barnstable	3	6		
Cotuit		1		

Harwich Resident Early Education and Care Enrollment and Waitlist Numbers:

TOTALS	<u>Enrolled 0-2</u>	<u>Enrolled 3-5</u>	<u>waitlisted 0-2</u>	<u>waitlisted 3-5</u>
	44	138		

Community Partners Harwich Numbers:

HECH - affordable housing applicants on waitlist: 53 / 14 have children ages 0 - 5yrs old

Harwich Resident Early Education and Care Enrollment and Waitlist Numbers:

Enrolled 0-2 Enrolled 3-5 waitlisted 0-2 waitlisted 3-5

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Sunshine and Rainbows	3	5	0	0
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Harwich home provider				
Jen Gould	3	2	0	0
Harwich home provider				

Harwich Resident Early Education and Care Enrollment and Waitlist Numbers:

	<u>Enrolled 0-2</u>	<u>Enrolled 3-5</u>	<u>waitlisted 0-2</u>	<u>waitlisted 3-5</u>
Meetinghouse Preschool Orleans	0	0	0	0
The Family School Brewster	6	11	?	?
Three Harbors Preschool Harwich	10	5	?	?
Fine Futures Early Learning Dennis	0	0	0	0
Kristine Taylor Brewster home provider	1	0	0	0
Rocking Unicorn Chatham	n/a	18		
Sharon Bunting Harwich home provider	2	0	3	0
Children's Center (HECH) Harwich	n/a	15	4	10
Learning Garden Orleans	n/a	3	?	?

Harwich Resident Early Education and Care Enrollment and Waitlist Numbers:

	<u>Enrolled 0-2</u>	<u>Enrolled 3-5</u>	<u>waitlisted 0-2</u>	<u>waitlisted 3-5</u>
Sunflower School Yarmouth	3	4		
St. David's Nursery School Yarmouth	1	1	?	?
Laurel School Brewster	6	14	?	?
South Shore Early Ed. Dennis		2		
South Shore Early Ed. Yarmouth?				
YMCA				
Brewster	2	1		
Barnstable	3	6		
Cotuit		1		

Harwich Resident Early Education and Care Enrollment and Waitlist Numbers:

TOTALS	<u>Enrolled 0-2</u>	<u>Enrolled 3-5</u>	<u>waitlisted 0-2</u>	<u>waitlisted 3-5</u>
	44	138		

Community Partners Harwich Numbers:

- **HECH - affordable housing applicants on waitlist: 53 / 14 have children ages 0 - 5yrs old**
- **Hands of Hope Outreach Center 49 RT 28 PO Box 387 West Harwich, MA 02671**

Helping 131 Harwich families who reside in Harwich Center, Harwich Port, and West Harwich. Folks living beyond Harwich Center to the South and East are asked to call LCO.

These 131 families have 114 children. 39 of this number of children are under 5 as of the end of 2022.

Many of these families may also use Lower Cape Outreach Pantries, such as St. Peters, or the Family Pantry but we don't share names with anyone, so not sure if there would be any duplication.

- **Cape Cod Children's Place 2023 Winter Family Engagement programs**
Registration: 32 Harwich Families with 45 children

OFFICE OF THE TOWN ADMINISTRATOR

Phone (508) 430-7513

Fax (508) 432-5039

Joseph F. Power, *Town Administrator*

732 MAIN STREET, HARWICH, MA 02645

Meggan M. Eldredge, *Assistant Town Administrator*



Memo

To: Board of Selectmen
Joseph F. Powers, Town Administrator

From: Meggan Eldredge, Assistant Town Administrator 

Date: January 26, 2023

RE: Human Services Grant Program FY24

The purpose of the Human Services Grant program is to assist non-profit agencies in their efforts to support the residents of the Town of Harwich through vital human service programming. Historically, grant applications have been received from organizations assisting with housing, food insecurity, mental and physical health, substance abuse as well as programs for clothing, legal assistance and childcare.

The past two years, the Human Services grant program has been level funded at \$83,250 each year. Each year, the requests for grant funding has exceeded this amount by \$45,111 and \$31,350 respectively. Priority was given to programs impacting the highest number of Harwich residents.

Enclosed are the memos from FY23 and FY22 outlining the list of applicants and the monetary awards provided to each organization. This year, the grant program will be overseen by our Director of Cultural Affairs, Kara McWhinney who will work closely with me to refine the eligibility criteria as well as outline the evaluation and award process.

Considering the state of inflation that impacts the housing crisis we are currently facing, we will be prioritizing the needs of local families. Rising costs that support daily living expenses such as utilities put a strain on the ability to provide healthy food, sufficient clothing for growing children, and after-school care that allows parents the opportunity to work full-time. For this reason, requests that will support housing stability, childcare costs and behavioral health are top priorities.

The Request for Proposals application packet will be available in early March. Advertisement for the grant will include an ad in the Chronicle, notice posted on our website as well as social media, and FY23 grant recipients will be emailed notice as well. Proposals will be due in the Office of the Town Administrator no later than 4 pm on April 3, 2023 with a review period to conclude before May 1st. Award notifications will be sent out after the Board of Selectmen have had a chance to review and approve the recommendations of award.

I welcome your thoughts and suggestions regarding the process for FY24 and look forward to providing this much-needed service to our residents.

OFFICE OF THE TOWN ADMINISTRATOR

Phone (508) 430-7513

Fax (508) 432-5039

Joseph F. Power, *Town Administrator*

Meggan M. Eldredge, *Assistant Town Administrator*

732 MAIN STREET, HARWICH, MA 02645



Memo

To: Board of Selectmen
Joseph F. Powers, Town Administrator

From: Meggan Eldredge, Assistant Town Administrator

Date: June 8, 2022

RE: FY23 Harwich Human Services Grant

The FY 23 Harwich Human Services Grant Request for Proposals (RFP) was announced on April 28, 2022 and all proposals were due into the Administrator’s Office by May 20, 2022. The anticipated funds available for grant awards totaled \$83,250. This year, 15 applications were submitted with total requests equaling \$114,600.00, exceeding the funds available by \$31,350.00

The Harwich Human Services Grant proposals were reviewed by four staff members: Amy Usowski, Eric Beebe, Meggan Eldredge and Susan Jusell. All team members reviewed the applications individually using a standardized score sheet. On June 6, 2022, the Review Team met as a group to make a final recommendation based on the merits of the applications, the history and capacity of the requesting organizations, and the needs to be addressed with requested funding. Keeping in mind the current needs of the community, the review team ranked proposals by overall community impact provided by the organization and programs that focused on providing services to local residents specifically with little to no duplication of services from other organizations.

After lengthy and thoughtful discussion by all team members, we respectfully submit the following recommendations for FY 23 Harwich Human Services Grant funding:

REQUESTING ORGANIZATION	FY21 AWARDED	FY 22 REQUESTED	FY 22 AWARD RECOMMENDATION
AIDS SUPPORT GROUP OF CAPE COD	\$6,500.00	\$10,000.00	\$7,500.00
ALZHEIMERS SUPPORT CENTER	\$8,500.00	\$10,000.00	\$7,500.00
BEHAVIORAL HEALTH	N/A	\$5,000.00	\$3,000.00

CAPE ABILITIES	\$3,000.00	\$10,000.00	\$0.00
CAPE COD CHILDRENS PLACE	N/A	\$5,000.00	\$3,500.00
DUFFY HEALTH	\$1,000.00	\$3,000.00	\$2,000.00
FAMILY PANTRY OF CAPE COD	\$10,000.00	\$10,000.00	\$7,500.00
FOOD FOR KIDS	N/A	\$3,250.00	\$2,500.00
HARWICH CHILDRENS FUND	N/A	\$10,000.00	\$3,500.00
HECH	\$4,300.00	\$10,000.00	\$7,500.00
INDEPENDENCE HOUSE	\$6,600.00	\$10,000.00	\$7,000.00
LOWER CAPE OUTREACH COUNSEL	\$9,000.00	\$10,000.00	\$7,500.00
OUTER CAPE HEALTH	\$8,000.00	\$10,000.00	\$5,000.00
SIGHT LOSS SERVICES	\$3,000.00	\$3,500.00	\$3,000.00
SOUTH COASTAL COUNTIES LEGAL SERVICES INC	\$2,600.00	\$2,600.00	\$2,250.00
THE HOMELESS PREVENTION COUNSEL	\$8,500.00	\$10,000.00	\$7,500.00
WE CAN	\$4,250.00	\$6,011.00	\$5,500.00

REQUESTING ORGANIZATION	FY22 AWARDED	FY 23 REQUESTED	FY 23 AWARD RECOMMENDATION
Alzheimer's Family Support Center	\$ 7,500.00	\$ 10,000.00	\$ 5,750.00
Behavioral Health Innovators, Inc (BHI)	\$ 3,000.00	\$ 9,500.00	\$ 8,500.00
Cape Cod Children's Place, Inc	\$ 3,500.00	\$ 5,000.00	\$ 3,500.00
REQUESTING ORGANIZATION	FY22 AWARDED	FY 23 REQUESTED	FY 23 AWARD RECOMMENDATION
Duffy Health Center	\$ 2,300.00	\$ 3,000.00	\$ 2,000.00
Elder Services of Cape Cod and the Islands	new this year	\$ 6,000.00	\$ 1,000.00
Food 4 Kids - Church of the Holy Spirit	\$ 2,700.00	\$ 3,000.00	\$ 3,000.00
Harwich Children's Fund	\$ 3,500.00	\$ 10,000.00	\$ 8,000.00
Harwich Ecumenical Council for Housing	\$ 7,500.00	\$ 10,000.00	\$ 8,000.00
Homeless Prevention Council	\$ 7,500.00	\$ 10,000.00	\$ 8,000.00
Independence House, Inc	\$ 7,500.00	\$ 12,000.00	\$ 8,500.00
Lower Cape Outreach Council	\$ 7,500.00	\$ 10,000.00	\$ 8,000.00
Outer Cape Health Services	\$ 5,000.00	\$ 10,000.00	\$ 5,000.00
Sight Loss Services, Inc Cape Cod and Islands	\$ 3,000.00	\$ 3,500.00	\$ 2,000.00
South Shore Counties Legal Services Inc	\$ 2,250.00	\$ 2,600.00	\$ 2,000.00
The Family Pantry of Cape Cod	\$ 7,500.00	\$ 10,000.00	\$ 10,000.00

Total requested/recommended		\$ 114,600.00	\$ 83,250.00

As you will see, funding was dispersed among all applications, however the Family Pantry and Food 4 Kids stood out as organizations that provided the greatest support and outreach to residents. For this reason, the review team is recommending to award the full funding request to these applicants. The remaining applications encompassed a variety of other human service needs both locally and regionally.

Among the applications, Elder Services of Cape Cod and the Island is a first time applicant. The decision to recommend a small portion of this request is based on the relationship that currently exists between Elder Services and the Town; we provide office space and kitchen space at our Community Center for a nominal monthly fee. We fully support the meals-on-wheels program and do not underestimate its value to the residents, however the review team felt that our in-kind service off sets the grant amount.

Overall this grant cycle was eye-opening for all members of the review team; it is amazing to see such incredible programming, volunteerism and support for our community. The need for these social services in Harwich has not declined and in fact has increased in light of the economic status of our country. We are appreciative to have been a part of the review process and grateful that the Town of Harwich provides this grant funding year after year.

OFFICE OF THE TOWN ADMINISTRATOR

Phone (508) 430-7513

Fax (508) 432-5039



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

732 MAIN STREET, HARWICH, MA 02645

Memo

To: Joseph F. Powers, Town Administrator
From: Meggan Eldredge, Assistant Town Administrator
Date: August 12, 2021
RE: FY22 Harwich Human Services Grant

The FY 22 Harwich Human Services Grant Request for Proposals (RFP) was announced on April 1, 2021 and all proposals were due into the Administrator’s Office by April 30, 2021. The anticipated funds available for grant awards totaled \$83,250. This year, 17 applications were submitted with total requests equaling \$128,361.00, exceeding the available funds by \$45,111.

The Harwich Human Services Grant proposals were reviewed by two staff members: Meggan Eldredge and Carolyn Carey. The applications were reviewed independently using a standardized score sheet. On July 7, 2021, the Carolyn and I met to make a final recommendation based on the merits of the applications, the history and capacity of the requesting organizations, and the needs to be addressed with requested funding. After lengthy and thoughtful discussion, we respectfully submit the following recommendations for FY 22 Harwich Human Services Grant funding:

REQUESTING ORGANIZATION	FY21 AWARDED	FY 22 REQUESTED	FY 22 AWARD RECOMMENDATION
AIDS SUPPORT GROUP OF CAPE COD	\$6,500.00	\$10,000.00	\$7,500.00
ALZHEIMERS SUPPORT CENTER	\$8,500.00	\$10,000.00	\$7,500.00
BEHAVIORAL HEALTH	N/A	\$5,000.00	\$3,000.00
CAPE ABILITIES	\$3,000.00	\$10,000.00	\$0.00
CAPE COD CHILDRENS PLACE	N/A	\$5,000.00	\$3,500.00
DUFFY HEALTH	\$1,000.00	\$3,000.00	\$2,000.00
FAMILY PANTRY OF CAPE COD	\$10,000.00	\$10,000.00	\$7,500.00
FOOD FOR KIDS	N/A	\$3,250.00	\$2,500.00

HARWICH CHILDRENS FUND	N/A	\$10,000.00	\$3,500.00
HECH	\$4,300.00	\$10,000.00	\$7,500.00
INDEPENDENCE HOUSE	\$6,600.00	\$10,000.00	\$7,000.00
LOWER CAPE OUTREACH COUNSEL	\$9,000.00	\$10,000.00	\$7,500.00
OUTER CAPE HEALTH	\$8,000.00	\$10,000.00	\$5,000.00
SIGHT LOSS SERVICES	\$3,000.00	\$3,500.00	\$3,000.00
SOUTH COASTAL COUNTIES LEGAL SERVICES INC	\$2,600.00	\$2,600.00	\$2,250.00
THE HOMELESS PREVENTION COUNSEL	\$8,500.00	\$10,000.00	\$7,500.00
WE CAN	\$4,250.00	\$6,011.00	\$5,500.00

Due to the shortfall of funding between available revenue and requests, no organization was awarded the full amount requested. It is important to note that Cape Abilities submitted a request for funding a driveway resurfacing and extension project at a residential home in Harwich. Although we feel this is a worthy cause, the team ultimately decided to not support this funding request as it is outside of the scope of services identified in the RFP and not an allowable expense.

It was the overall consensus of the review team that the grant process needs to be reevaluated to better define parameters for awards. With requests for funding far outweighing the available revenue, it becomes difficult to choose between organizations that provide much needed services to the residents of Harwich. We recommend that Administration assign this topic to a team or committee in the coming months in order to prepare for the FY23 Human Services Grant timeline. Along with the input of the Board of Selectmen, we hope the Town can produce a new RFP for coming years.

HARWICH BOARD OF SELECTMEN POLICY DEVELOPMENT

It is the intent of the Board of Selectmen to develop policies and put them in writing so that they may serve as guidelines and goals for the successful and efficient functioning of the town government.

The Board considers policy development its chief function, along with providing the wherewithal such as personnel, buildings, material, and equipment of the successful administration, application, and execution of its policies.

It is the Board's intention that its policies serve as sources of information and guidance for all people who are interested in, or connected with government of the Town.

Changes in needs, conditions, purposes and objectives will require revisions, deletions, and additions to the policies of present and future Boards. The Board will welcome suggestions for ongoing policy development.

PRELIMINARY DEVELOPMENT OF POLICIES

Proposals regarding town government policies and operations may originate at any of several sources; a taxpayer, an employee, a member of the Board, the Town Administrator, a member of another board or committee, a consultant, a civic group, etc.

A careful and orderly process shall be used in examining such proposals prior to action upon them by the Board.

Final action on such proposals, whatever their source, shall be by the Board in accord with its policy on policy adoption. The Board shall take action on matters with due consideration for the recommendations presented to the Board by the Town Administrator, the relevant department head or committee.

POLICY ADOPTION

Adoption of new policies or changing existing policies is solely the responsibility of the Board.

Policies and policy revisions introduced shall not be adopted until a subsequent meeting. Thus, time shall be given to permit further study and also to give opportunity to interested parties to react. However, temporary approval may be granted by the Board in lieu of formal policy to meet emergency conditions or special events which will take place before formal action can be taken. Such temporary approval shall be by unanimous vote at a public meeting. In all other cases, the First Reading and Second Reading procedures shall be followed as noted herein.

First Reading

The First Reading is a general and wide-ranging discussion of the principles and scope of a draft policy brought before the Board of Selectmen. During the course of the first reading, the scope and purpose of a policy are the subject of debate. This stage is intended to serve as a detailed examination of the proposed policy and an opportunity for the Board members to offer possible amendments for consideration by the entire Board.

Any member of the Board may propose an amendment to the measure and may further respond to improvements suggested during the first reading debate, or to arguments submitted by outside parties. At the conclusion of the first reading, the Board of Selectmen may vote that the policy be forwarded to the second reading stage or to refer the matter to another venue for consideration prior to advancement.

Second Reading

Generally, the Second Reading brings a refined version of a policy before the Board for final consideration. The Second Reading is intended as a final discussion on the overall content of the amended policy.

During the course of the second reading, discussion and debate are limited only to minor amendments to individual clauses within a given policy and not, as noted above, the overall scope and purpose of the policy. If new amendments and clauses to a proposed policy are discussed and voted on, and if the overall scope and purpose of the policy have significantly changed as determined by a majority of the Board of Selectmen, the proposed policy may be reverted back to the First Reading stage for additional consideration. Any member of the Board of Selectmen may ask to vote whether or not a significant number of changes have occurred to warrant sending a proposed policy back to the First Reading stage. However; should any changes to the Second Reading document be made and so voted for inclusion by the Board, the final language should normally be referred to a subsequent meeting for a formal vote.

At the conclusion of discussion, and if no significant amendments have occurred which would otherwise preclude the proposed policy from being considered, the Board of Selectmen take a final vote on the proposed policy.

ADMINISTRATION IN POLICY ABSENCE

In cases when action must be taken within the town government where the Board has provided no guides for administrative action, the Town Administrator shall have the power to act.

His/her decisions, however, shall be subject to review by the Board at its next regular meeting. It shall be the duty of the Town Administrator to inform the board promptly of such action and of the need for policy.

SUSPENSION OF POLICIES

The operation of any section or sections of Board policies not established by law or contract may be temporarily suspended by a unanimous vote of the Board members present at any regular or special meeting.

HARWICH BOARD OF SELECTMEN

Harwich, Massachusetts

ADOPTED: September 12, 2005

AMENDED: N/A

TOWN OF HARWICH
PROCEDURE FOR REMOTE PARTICIPATION

Remote Meeting Participation is authorized by amended Open Meeting Law regulation and is available to all municipal Boards, Committees and Commissions in accordance with the Attorney General's CMR 29.10 issued on November 11, 2011 (see attached) and approved by a vote of the Board of Selectmen on December 12, 2011. The Board of Selectmen on January 9, 2012 further adopted these local procedures for remote participation so long as a quorum of the body, including the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location.

- 1) The Town of Harwich will allow remote participation by audio and/or video communication.
- 2) A member of a Board, Committee or Commission who cannot attend a meeting for one or more of the five permissible reasons, must notify the chair/ acting chair that they qualify for and wish to participate remotely, or acting chair if the chair is seeking remote participation, and the chair /acting chair shall notify the Information Technology Director ~~for set up of the tele-conference equipment in a meeting room at least 24 hours prior to the scheduled meeting based on the availability of equipment. (A cell phone with speaker phone or skype audio or video is an acceptable alternative technology but must be clearly audible to one another). When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.~~
- 3) Chair or Acting Chair shall identify for the record any or all remote participants at the start of the meeting.
- 4) To assure accurate votes taken during the meeting, the Chair shall specifically ask for the remote participant's vote.
- 5) The meeting minutes shall reflect the member who participated by remote access.
- 6) Members are allowed to participate remotely up to three times per calendar year. If circumstances warrant an extension longer than three remote participations per year, ~~the Board of Selectmen~~ must vote to grant such extension.
- 7) Remote participation shall be limited to two (2) members at any meeting.
- 8) Cost of remote participation shall be borne by the remotely participating member. The five permissible reasons allowed for remote participation are:
 - 1) Personal illness;
 - 2) Personal disability;
 - 3) Emergency;

- 4) Military service; or
- 5) Geographic distance

Adopted at a Public Meeting of the Board of Selectmen on January 9, 2012.

Amended May 23, 2016

TOWN OF HARWICH

PROCEDURE FOR REMOTE PARTICIPATION

Remote Meeting Participation is authorized by amended Open Meeting Law regulation and is available to all municipal Boards, Committees and Commissions in accordance with the Attorney General's CMR 29.10 issued on November 11, 2011 (see attached) and approved by a vote of the Board of Selectmen on December 12, 2011. The Board of Selectmen on January 9, 2012 further adopted these local procedures for remote participation so long as a quorum of the body, including the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location.

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- 2) A member of a Board, Committee or Commission who cannot attend a meeting for one or more of the five permissible reasons, must notify the chair/ acting chair that they qualify for and wish to participate remotely, or acting chair if the chair is seeking remote participation, and the chair /acting chair shall notify the Information Technology Director and Channel 18 Station Manager for remote Go To Meeting/Zoom/Teams access in a meeting room at least 48 hours prior to the scheduled meeting.
- 3) Chair or Acting Chair shall identify for the record any or all remote participants at the start of the meeting.
- 4) To assure accurate votes taken during the meeting, the Chair shall specifically ask for the remote participant's vote.
- 5) The meeting minutes shall reflect the member who participated by remote access.
- 6) Members are allowed to participate remotely up to three times per calendar year. If circumstances warrant an extension longer than three remote participations per year, the Chair of the Board, Committee or Commission must grant such extension.
- 7) Remote participation shall be limited to two (2) members at any meeting.
- 8) Cost of remote participation shall be borne by the remotely participating member.

The five permissible reasons allowed for remote participation are:

- 1) Personal illness;
- 2) Personal disability;
- 3) Emergency;
- 4) Military service; or

5) Geographic distance Adopted at a Public Meeting of the Board of Selectmen on January 9, 2012.
Amended May 23, 2016

DRAFT

Town of Harwich

Hall of Fame Nomination Form

1. Lee Culver
2. 2 Cranwood Road
3. October 17, 1947
4. January 19, 2020
5. Retired Harwich Police Detective
6. Harwich Police Detective, 1970 - 2008
Harwich Emergency Management Director, 25+ Years
Harwich Recreation & Youth, 1978-2020
Cape Tech School Committee, 1988-2020
Community Center Building Committee, 1998-1999 (Chair)
Community Center Facilities Committee, 2000-2020

For Lee Culver, wearing a Harwich Police Department badge for nearly 30 years wasn't the sum of his service to the town he loved, it was just a start! His dedication to Harwich made our community a better place to live, a better place to work, a better place to visit!

Richard Waystack

January 25, 2023

Town of Harwich

Hall of Fame Nomination Form

1. Sheldon Thayer, Jr
2. 41 Long Road, Harwich, MA
3. July 1, 1936
4. January 24, 2015
5. Retired Barnstable High School Teacher
6. Founding Member, Harwich Cranberry Festival
Chairman, Harwich Finance Committee, 20 years
Harwich Recreation & Youth, 20 Years
Founder and President, Barnstable County Finance
Community Center Building Committee, 1998, 1999
Harwich Channel 18, Host

Sheldon Thayer, with his quick wit, will best be remembered for his distinctive voice and laugh; all things Harwich, his generosity of time and spirit, but most of all his exuberant, colorful love of life.

Richard Waystack

January 25, 2023

Michael MacAskill
Chair
Harwich Board of Selectmen
732 Main Street
Harwich, MA. 02646

Mr. MacAskill:

I currently serve as Select Board appointee to the Community Preservation Committee. I have enclosed a §19 Disclosure of Financial Interest because of a professional engagement I have with an applicant for Community Preservation Act (CPA) funding, Harwich Conservation Trust (HCT). I propose to recuse myself from deliberation and voting on HCT's application before the CPC. In addition, I propose to recuse myself from an application by the Harwich Fire Association for improvements to a building in which HCT is a tenant.

I previously disclosed in a public meeting of the CPC that I am a volunteer member of the Board of Community Development Partnership (CDP), a non-profit organization that has submitted an application for CPA funding. To avoid any perceived undue influence, I propose to recuse myself from deliberation and voting on the CDP's application as well.

I do not believe my relationship to HCT or CDP will bias my opinion on other matters before the CPC, and respectfully request your permission to continue to deliberate and vote on those other matters. A determination by the Select Board is requested prior to the CPC's next meeting on February 9, 2023.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Carole Ridley".

Carole Ridley
115 Kendrick Road
Harwich, MA 02645

**DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE OF FINANCIAL INTEREST
AND DETERMINATION BY APPOINTING AUTHORITY
AS REQUIRED BY G. L. c. 268A, § 19**

	MUNICIPAL EMPLOYEE INFORMATION
Name:	
Title or Position:	Select Board representative
Municipal Agency:	Town of Harwich Community Preservation Committee (CPC)
Agency Address:	732 Main Street Harwich, MA 02645
Office Phone:	N/A
Office E-mail:	cpc@townofharwich.us
	My duties require me to participate in a particular matter, and I may not participate because of a financial interest that I am disclosing here. I request a determination from my appointing authority about how I should proceed.
	PARTICULAR MATTER
Particular matter E.g., a judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, or finding.	Please describe the particular matter. One application for funding before the CPC, Bells Neck Road-Herring River Land Preservation Project (OS 1), is an application by Harwich Conservation Trust for \$125,000 for conservation land acquisition. In addition, Old Fire Station Restoration 203 Bank Street Project is an application by the Harwich Fire Association for \$350,000 for improvements to a building in which Harwich Conservation Trust is a co-tenant.
Your required participation in the particular matter: E.g., approval, disapproval, decision, recommendation, rendering advice, investigation, other.	Please describe the task you are required to perform with respect to the particular matter. As a member of the CPC I am asked to deliberate and vote on these matters and other applications before the CPC. I propose to recuse from participating in deliberations and voting on the matters listed above. I do not believe my financial relationship with HCT will bias my opinion on other matters before the CPC, I request permission to continue deliberating and voting on those other matters before the CPC.
	FINANCIAL INTEREST IN THE PARTICULAR MATTER
Write an X by all that apply.	<input checked="" type="checkbox"/> I have a financial interest in the matter. <input type="checkbox"/> My immediate family member has a financial interest in the matter. <input type="checkbox"/> My business partner has a financial interest in the matter. <input type="checkbox"/> I am an officer, director, trustee, partner or employee of a business organization, and the business organization has a financial interest in the matter. <input type="checkbox"/> I am negotiating or have made an arrangement concerning future employment with a person or organization, and the person or organization has a financial interest in the matter.
Financial interest in the matter	Please explain the financial interest and include a dollar amount if you know it. I have a professional agreement with HCT for \$7,000 for services unrelated to the matter before the CPC.

Employee signature:	<i>Carole Ridley</i>
Date:	1/23/23

DETERMINATION BY APPOINTING OFFICIAL

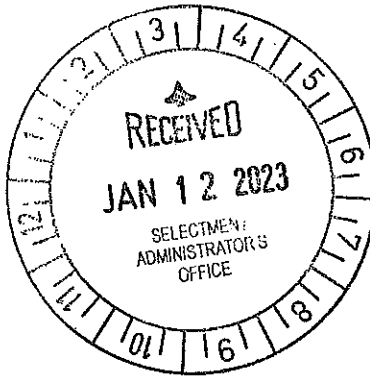
APPOINTING AUTHORITY INFORMATION	
Name of Appointing Authority:	
Title or Position:	
Agency/Department:	
Agency Address:	
Office Phone:	
Office E-mail	
DETERMINATION	
Determination by appointing authority:	As appointing official, as required by G.L. c. 268A, § 19, I have reviewed the particular matter and the financial interest identified above by a municipal employee. I have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee.
Appointing Authority signature:	
Date:	
Comment:	

Attach additional pages if necessary.

The appointing authority shall keep this Disclosure and Determination as a public record.

OLD BUSINESS

January 12, 2023



Michael MacAskill
Chair, Harwich Select Board
Town Hall
732 Main Street
Harwich, MA 02645

Dear Mr. MacAskill;

I am attaching a Section 19 Financial Interest Disclosure form. I am requesting that the Select Board consider and act on this matter at a future public meeting, prior to the February 9, 2023 meeting of the Harwich Community Preservation Committee.

My submission of this form arises from my membership on the Harwich Community Preservation Committee, which is considering an application from the Town of Harwich for FY2024 funding for treatment of Skinequit Pond with Alum to address ongoing, long-standing, issues with eutrophication and related algae blooms. My wife and I live on property with frontage on Skinequit Pond, and our ownership of the property implies a financial interest in any work that may improve the health of the pond.

I plan to abstain from any deliberations or voting on the Skinequit Pond application, including any actions that may be taken in the future by the Community Preservation Committee relating to this application. I feel that I can deliberate and vote on the other applications before the committee for FY2024 funding in an unbiased manner. I would like to continue to participate in evaluating and voting on the remaining applications, including any actions that the committee may take in the future that relate to these other applications.

In addition, I would like to continue to work with Town officials on any future actions involved in addressing the health of Skinequit Pond, including actions resulting from funding that may be provided by the Town through CPA funding mechanisms.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John Ketchum".

John Ketchum

cc: David Nixon

**DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE OF FINANCIAL INTEREST
AND DETERMINATION BY APPOINTING AUTHORITY
AS REQUIRED BY G. L. c. 268A, § 19**

MUNICIPAL EMPLOYEE INFORMATION	
Name:	John Ketchum
Title or Position:	Member of Harwich Community Preservation Committee, representing the Harwich Conservation Commission. Also chair of the Harwich Conservation Commission
Municipal Agency:	Harwich Community Preservation Committee Harwich Conservation Commission
Agency Address:	Town Hall 732 Main Street Harwich, MA 02645 United States
Office Phone:	
Office E-mail:	
	My duties require me to participate in a particular matter, and I may not participate because of a financial interest that I am disclosing here. I request a determination from my appointing authority about how I should proceed.
PARTICULAR MATTER	
Particular matter E.g., a judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, or finding.	Please describe the particular matter. The Harwich Natural Resources Director, Heinz Proft, has submitted an application to the Harwich Community Preservation Committee, for the current, FY2024, funding cycle, requesting funds to treat eutrophication in Skinequit Pond with Alum. The application was prepared in coordination with the Watershed Association of South Harwich (WASH), a 501(c)(3) organization whose membership consists primarily of Skinequit Pond abutters. I am an abutter to Skinequit Pond, and am also a member of WASH. I have had detailed discussions with the Harwich Natural Resources Director and the Harwich Conservation Agent about alternatives to address long-standing eutrophication and resulting algae blooms on Skinequit Pond. I worked closely with the limnologist, Ken Wagner, who WASH ultimately retained to provide recommendations for managing the Pond. His report considered several alternatives for action, and recommended Alum treatment. This led to the application to the Harwich CPC. The Skinequit Pond application can be found at: https://www.harwich-ma.gov/community-preservation-committee/files/r14-skinequit-pond-remediation
Your required participation in the particular matter: E.g., approval, disapproval, decision, recommendation, rendering advice, investigation, other.	Please describe the task you are required to perform with respect to the particular matter. As a member of CPC, I would be deliberating and voting on all of the applications before the committee this year, and potentially considering further future actions of the committee with respect to any of the projects with applications before the committee during this funding cycle. My intention is to abstain completely from any deliberation or voting by the Community Preservation Committee on the Skinequit Pond application and any future actions pertaining to the Skinequit Pond application. I feel that I can deliberate and vote on the remaining applications before the committee this year and consider and vote on any future actions concerning this year's applications without bias due to the Skinequit Pond application. I also would like to continue to work with Town officials on any future actions involved in addressing the health of Skinequit Pond, including actions resulting from funding provided by the Town through CPA funding mechanisms.

FINANCIAL INTEREST IN THE PARTICULAR MATTER	
Write an X by all that apply.	<input checked="" type="checkbox"/> I have a financial interest in the matter. <input checked="" type="checkbox"/> My immediate family member has a financial interest in the matter. <input type="checkbox"/> My business partner has a financial interest in the matter. <input type="checkbox"/> I am an officer, director, trustee, partner or employee of a business organization, and the business organization has a financial interest in the matter. <input type="checkbox"/> I am negotiating or have made an arrangement concerning future employment with a person or organization, and the person or organization has a financial interest in the matter.
Financial interest in the matter	Please explain the financial interest and include a dollar amount if you know it. I am an abutter to Skinequit Pond. The property is held in a trust belonging to my wife. I do not know what effect any work on Skinequit Pond might have on the value of the property.
Employee signature:	
Date:	

DETERMINATION BY APPOINTING OFFICIAL

APPOINTING AUTHORITY INFORMATION	
Name of Appointing Authority:	
Title or Position:	
Agency/Department:	
Agency Address:	
Office Phone:	
Office E-mail	
DETERMINATION	
Determination by appointing authority:	As appointing official, as required by G.L. c. 268A, § 19, I have reviewed the particular matter and the financial interest identified above by a municipal employee. I have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee.
Appointing Authority signature:	
Date:	
Comment:	

CONTRACTS

Golf Facility Use Agreement
First Tee of Massachusetts — Cranberry Valley
January, 2023

THIS USE AGREEMENT is made as of January 30, 2023, by and between the **NEW WADING RIVER COUNTRY CLUB, LLC**, a Massachusetts limited liability company (hereinafter the "Chapter"), and **TOWN OF HARWICH, MASSACHUSETTS**, a political subdivision of the Commonwealth of Massachusetts (hereinafter the "Owner").

WHEREAS, the Owner is the owner and operator of that certain existing golf course facility described in Exhibit A attached hereto and incorporated herein by reference (the "Golf Facility"), under a long-term operating agreement with the Town of Harwich as land owner.

WHEREAS, the Chapter is a Massachusetts limited liability company with its sole member being the Massachusetts Golf Association, Inc. ("Mass Golf"), whose purpose includes being a licensed Chapter of First Tee (as defined below) to establish learning facilities and deliver the First Tee Life Skills Education brand of curriculum to young people in the State of Massachusetts ("the First Tee Program"); and

WHEREAS, the Chapter desires to deliver its First Tee Program at the Owner's Golf Facility, and the Owner is willing to provide the Chapter access to and use of its Golf Facility for the First Tee Program in accordance with the terms and provisions of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein below, the Owner and the Chapter agree and covenant as follows:

1. Owner agrees to provide to the Chapter a limited non-exclusive license to enter on and use of the Golf Facility for Chapter participants in accordance with the minimum access and program use requirements of this Facility Agreement. The Chapter's use of the Golf Facility shall include, but not be limited to: (a) Owner will provide up to sixteen (16) rounds of golf at no cost for each qualified Chapter participant wishing to obtain certification under the First Tee Program; (b) greens fees for non-certification rounds played by Chapter participants at an appropriate discounted price as agreed by Owner and the Chapter; and (c) range balls at an appropriate discounted price as agreed by Owner and the Chapter. Greens fees and range ball fees will be paid by the participants before play or otherwise subsidized by the Chapter or a third party. Such greens fees and range ball fees shall be the property of the Owner and not the Chapter. The parties expect that the foregoing minimum criteria will likely be exceeded as the parties work together to impact the lives of young people through the game of golf and its values.

2. In cooperation with the Owner, Chapter will provide and administer golf instruction and/or classroom instruction incorporating the First Tee Program for a minimum of one hundred fifty (150) hours per calendar year at the Golf Facility. Chapter and Owner will specify and agree upon any and all golf instructors employed by the Chapter, with the Owner's agreement not to be unreasonably withheld, conditioned, or delayed. Instruction costs will be funded by the Massachusetts Golf Association, and any additional secured funding through outside sources will be the responsibility of the Chapter, Owner, and Advisory Board. Discounted golf equipment will be made available to the Chapter through the First Tee network to be used at the Golf Facility.

3. Proposed Program

- Participants will engage in a curriculum of golf & life skills under qualified instructors
- The program will continue as currently constituted. The Spring and Fall Sessions will be restricted to participants from the Monomoy Middle School golf program. The Summer sessions are open to the public.
- Summer sessions will be offered for registered First Tee participants aged 7-17. Groups will be sorted and scheduled according to the First Tee Life Skills Experience curriculum requirements, with additional consideration to age when appropriate.
- Program fee for all participants will be \$100 per session. Full financial aid will be made available to any participant who requests it through the Chapter.
- Enrollment into the program will be made available via the First Tee of Massachusetts website and will be managed by the Chapter.
- The program will utilize instructors who are mutually agreed upon by the Chapter and Owner.
- All program instructors and volunteers must clear a Chapter-ordered background check prior to any contact with participants, regardless of length of time or scope of activity, with no exceptions. Appearances by professional golfers or other such special guests will be handled on an individual case-by-case basis.

4. The Chapter and Owner will specify and agree upon the hours of operation in which the above-described access and use criteria are to be satisfied, and cooperate on all other program and operating matters under this Agreement. In determining reasonable access and use, the parties will adhere to the First Tee's access guidelines of fully integrating Chapter participants' use into the rhythm of play of the other patrons at the Golf Facility, which means balancing the need for Owner to exclude "peak times" with reasonably convenient times for young people. The Chapter and the owner agree that there will be an annual facility use fee of \$1.00.

5. The Chapter and the Owner shall work together to obtain and provide funds for any capital improvements to the Golf Facility and for operational expenses of the Chapter, as mutually agreed by the parties. Discounted materials will be made available to the Golf Facility through the First Tee network, but it will be the responsibility of the Owner and Golf Facility to cover all costs associated with these materials (i.e. driving range mats, netting on existing range, course improvements, etc.).

6. The term of this Agreement shall begin effective upon full execution and delivery of the Facility Agreement and shall continue until December 31, 2025. Either party may terminate this Agreement (a) for cause upon written notice of default to the other party and the defaulting party's failure to cure such default within thirty (30) days of such notice, or (b) in the event that Owner assigns, transfers or conveys its interest in the Golf Facility to an independent third party. In addition, the Owner shall have the right to terminate this Agreement for any reason or no reason upon Thirty (30) days' notice.

7. To the extent allowed by law, the Chapter (the "Indemnifying Party") agrees to protect, indemnify and hold the Owner, its elected and appointed officers, and employees (the "Indemnified Party") harmless from and against any and all expenses, damages, claims, suits, actions, judgments, and cost including reasonable attorney's fees, arising out of or in any way connected with the negligent, grossly negligent, reckless, or intentional acts or omissions of the Chapter.

8. Chapter shall, at Chapter's expense, obtain and keep in force during the term of this Agreement a policy of combined single limit, public liability, bodily injury and property damages insurance insuring Chapter against any liability arising out of the use of the Golf Facility by the Chapter and all Chapter participants, instructors, employees, officers, agents, contractors, representatives, and invitees. Such insurance shall be a combined single limit policy in an amount no less than One Million (\$1,000,000) Dollars. The limits of said insurance shall not, however, limit the liability of Chapter hereunder. The Chapter shall provide a certificate of insurance showing Owner as an additional insured under such policies.

9. Neither party may assign its rights under the Agreement without the express written consent of the other party. This Agreement shall be governed by Massachusetts law and binding upon and inure to the benefit of the Chapter, Owner and their duly authorized successors and assigns. This Agreement shall not be modified or amended except by a writing signed by all parties. This Agreement constitutes the entire agreement of the parties and supersedes all prior written and oral agreements and understandings related to the subject matter herein.

IN WITNESS WHEREOF, the parties hereby execute and deliver this Agreement as of the day and year first above written.
NEW WADING RIVER COUNTRY CLUB, LLC

By: _____
Kyle Harris
Director of Operations, First Tee of Massachusetts

TOWN OF HARWICH, MASSACHUSETTS

By:

Michael D. MacAskill, Chairman

Mary E. Anderson, Vice Chair

Donald F. Howell, Clerk

Larry G. Ballantine

Julie E. Kavanagh

HARWICH BOARD OF SELECTMEN

Exhibit A
Golf Facility

Cranberry Valley Golf Course
183 Oak Street
Harwich, Massachusetts 02645

18-hole golf course, driving range, practice facility, and indoor space

MEMORANDUM



Harwich Water & Wastewater
Department

196 Chatham Road
Harwich MA 02645
P: 508-432-0304
F: 888-774-3557

www.harwichwater.com

To: Joe Powers, Town Administrator
From: Dan Pelletier, Water/Wastewater Superintendent
CC: Meggan Eldredge, Assistant Town Administrator
Ann Marie Ellis, Finance Director
Date: January 23, 2023
RE: Phase 3 Collections System Design – Change Order #1

Included herein for Board of Selectmen approval please find proposed Change Order #1 for the Phase 3 Collections System Design contract between the Town of Harwich and GHD. The proposed change order seeks to reduce the contract value in the amount of \$25,000 and extend the completion date to October 15th, 2023. The purpose for the proposed change order is as follows:

Contract adjustment for Police Details for Soil Borings. Project Team and Town determined that police detail costs are lower billed directly through town than through GHD's subcontractor and GHD. GHD to reduce current "time and materials" contract. Credit = -\$25,000.

Time extension. Current contract period was for completion within 365 days from authorization. Due to a delayed start in work and a change in the timing approach with submitting to DEP for SRF funding, GHD is proposing extending the contract dates without an increase in project budget. New completion date: October 15, 2023.

Where the proposed change order results in a credit to the Town and supports the continue progress of the Phase 3 design work, I recommend the Board approve Change Order #1.



Q1403

Amendment/Change Form

This Amendment/Change is effective this 19 day of January 2023, (the "Effective Date") between GHD Inc (hereinafter "GHD") and Town of Harwich, MA (hereinafter "Client"). In consideration of the mutual promises set forth herein, GHD and Client agree to modify the project details for the Original Agreement between GHD and Client referenced herein.

Project details

Project name:	Harwich Phase 3 Sewer Design	Project number:	12577255
Effective Date of Original Agreement:	January 18, 2022	Project Manager:	J. Jefferson Gregg, P.E., BCEE

Description of proposed change:

Contract adjustment for Police Details for Soil Borings. Project Team and Town determined that police detail costs are lower billed directly through town than through GHD's subcontractor and GHD. GHD to reduce current "time and materials" contract. Credit = -\$25,000.

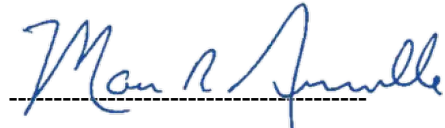
Time extension. Current contract period was for completion within 365 days from authorization. Due to a delayed start in work and a change in the timing approach with submitting to DEP for SRF funding, GHD is proposing extending the contract dates without an increase in project budget. New completion date: October 15, 2023.

Current budgeted effort	\$2,100,000	Current completion date:	January 19, 2023
This change (variation)	\$-25,000		
Revised budgeted effort total	\$2,075,000	Revised completion date:	15 October 2023

In witness whereof, GHD and Client have caused the Agreement to be executed by their duly authorized representatives as of the Effective Date.

GHD

GHD Inc.



Marc R. Drainville, P.E., BCEE, LEED AP
Vice President

Client

Town of Harwich, MA

Name:

Title:

Name:

Title:

Name:

Title:

Name:

Title:

Name:

Title:

TOWN
ADMINISTRATOR'S
REPORT

Cost Analysis for Municipal Operations at 204 Sisson Road



November 21, 2022

Town of Harwich

Written by Joseph F. Powers

Town Administrator

Purpose

The purpose of this report is to outline the anticipated annual costs of continuing operating the building at 204 Sisson Road (the former middle school) for municipal government operations including cultural affairs programming and recreation programming throughout the building and in certain outdoor or open air areas.

For the purposes of this report, the building will be referred to as the former middle school which is understood to be for “municipal use” as defined in the town’s Zoning Bylaw as “A use, whether in a structure and/or on a parcel of land, owned and/or operated by the Town of Harwich.”¹ “Municipal Use” is permitted by right throughout every zoning use without exception.

Comparison

This report will rely upon comparisons to the Community Center located at 100 Oak Street which provides municipal programming in the areas of recreation, social, educational and other similar activities.

Facts	Community Center 100 Oak Street	Former Middle School 204 Sisson Road
Constructed	1999	1937
Renovated	N/A	1990
Open for municipal use	2000	2014 – returned to town 2016 – programming began
Square footage	32,000	78,800
Rental spaces	6 rooms 1 multi-purpose room 1 gymnasium	19 rooms 1 multi-purpose room 1 open-air courtyard 1 Auditorium 1 Gymnasium Athletic Fields

Operational Cost Comparison

The table below outlines the operational costs for services (repairs, services, maintenance) and utilities for both the Community Center and the former Middle School in Fiscal Year 2022. These costs do not reflect custodial costs or other personnel-related costs.

Generally speaking, it has been assumed that the estimated operational costs for the former middle school generally run about \$150,000 to \$180,000 a year in previous years.

¹ Town of Harwich, MA; The Code, Part II: Zoning Bylaw; Article II Definitions, §325-2 Word Usage and definitions.

Table 1 Operational Cost Comparison

	Location	Community Center	Former Middle School
TOTAL		100 Oak Street	204 Sisson Rd FY22*
Service Expenses		\$50,850	\$40,772
Utility Expenses		\$94,884	\$76,719
TOTAL		\$145,734	\$117,491

By further comparison, the same expenses for operational costs for Town Hall (732 Main Street) were \$90,500 in Fiscal Year 2022.

The town assumes that the operational costs for the former middle school will increase in the areas of utility expenses if programming is expanded throughout the building in future years. However, the total operational costs may not necessarily increase beyond the past assumption of \$150,000 to \$180,000 (excluding personnel costs).

Capital Investment

The Capital Outlay Plan for the ensuing five (5) fiscal years (FY 2024 to FY 2028) breaks out the facilities maintenance proposals for twelve (12) town properties/buildings throughout the community. The former middle school is included in that list of facilities.

It is important to note that most of the capital requests for the former middle school in Fiscal Year 2024 are items that the town described back in 2011 in a report titled as “*Harwich Middle School Information Packet November 2011*”.² Specifically, that report noted the following items from a list of sixteen (16) bullet points which are accounted for in the FY 2024 Capital Outlay Plan for the former middle school:

- HVAC: Boilers;
- Windows; and
- Auditorium (specifically the “bi-fold” wall)

The proposed capital expenditures in FY 2024 for the former middle school total \$1,982,427 and are broken out in the table below (Table 2) as mechanical work (\$1,510,000) and building upgrades (\$472,427).

The capital outlay requests are the result of joint efforts and discussions by and with Sean Libby, Facilities Maintenance Manager and Kara Mewhinney, Director of Cultural Affairs.

Ms. Mewhinney has developed a comprehensive action plan for cultural affairs programming (assumed to be predominately held at the former middle school) which is presently under review and discussion.

² *Harwich Middle School Information Packet November 2011, Pg. 34*

The section on estimated revenues at the former middle school later in this document is predicated on the successful adoption and execution of the FY 2024 capital plan for 204 Sisson Road.

Table 2 FY 2024 Capital Request for 204 Sisson Road

Mechanical work includes:	\$1,510,000
Boiler	
Water Heater	
Generator and switch	
Partial window replacement	
Fire systems	
Building upgrades include:	\$472,427
Auditorium bi-fold wall replacement	\$187,152
Auditorium sound system	\$150,000
Auditorium seating	\$85,275
Auditorium lighting	\$50,000

Building Components

As part of the ongoing effort to analyze and recommend programming at the former middle school, the Director of Cultural Affairs and the Recreation and Youth Director were tasked with developing program concepts and related estimated revenue at that location.

Their results were predicated on the assumption that both “wings” of the building could be utilized with limitations on certain locations.

The building has been previously described in the 2011 report as consisting of two (2) distinct wings with one wing having two (2) floors (assuming the basement level is not used for programming purposes). For the purposes of this report, the building is understood to be comprised of three (3) distinct components:

- **Classroom Wing** (front, right and rear);
- **Activity Wing** (front and left); and
- **Athletic Fields** (rear of the property).

The table below identifies the available space for use by wing.

Table 3 Available space

Wing	Available space
Classroom Wing	
First Floor	<ul style="list-style-type: none"> • Approximately 22,400 square feet; • 14 classrooms; • Open Courtyard (80' x 120')
Second Floor	<ul style="list-style-type: none"> • Approximately 22,400 square feet; • 14 classrooms; • Library (75' x 42')
Activity Wing	
First Floor	<ul style="list-style-type: none"> • Approximately 19,600 square feet; • Lobby (20' x 34'); • Former cafeteria (60' x 62') (now known as multi-purpose room); • Food Service Area (30' x 70') (kitchen); • Auditorium (60' x 62'); • Former music room (34' x 38') (now known as the green room); • Locker rooms (34' x 90'); • Gymnasium (60' x 100')

Municipal Operations and Programming

The following information on estimated revenue derived from programming is based on the following assumptions:

1. The front and right side of the Classroom Wing on the first floor will be reserved for municipal government purposes only (namely department head office space) and should be not be used for programming purposes;
2. The rear of the Classroom Wing on the first floor will be reserved for possible municipal government use or subleasing for non-profit purposes;

3. The second floor of the Classroom Wing (front, right and rear of the building) **excluding the library** (which will be reserved for municipal government meeting space with some potential for meeting rental space in the future) will be used for cultural affairs programming;
4. The Activity Wing of the building (front and left side) will be used for cultural affairs and recreation programming; and
5. The fields behind the building will be used for recreational programming.

These assumptions along with the previously referenced assumption that the capital requests for Fiscal Year 2024 will be approved. Further, it is assumed that the upgrades to the Auditorium (described in Table 2) are completed in the first quarter of Fiscal Year 2024.

Estimated Total Revenue

Both the Director of Cultural Affairs and the Recreation Director provided narratives supporting and describing the programming that would bring in the estimated revenues. Those narratives will be made available separate from this report.

Table 4 Estimated Programming Revenue

Location	Usage		
Activity Wing, 1st Floor	Auditorium/Multi-purpose	\$45,000	
	Green Room	\$4,500	
	Courtyard	\$12,500	\$62,000
Classroom Wing, 2nd Floor	Cultural Arts programs	\$67,000	\$67,000
Gymnasium and Fields	Gymnasium	\$75,000	
	Fields	\$10,000	\$85,000
		Total Estimated Revenue	\$214,000

Other Considerations

This report has been compiled after lengthy discussions and efforts with staff. Eric Beebe, Sean Libby and Kara Mewhinney were instrumental in providing data, narratives and insight that support the overall effort of this report and deserve acknowledgement for their efforts.

This report does not delve (with the exception of the reference to the 2011 report) into prior actions, debates or discussions regarding the use of former middle school.

Nor does this report revisit the creation of and resultant votes on the non-binding referendum presented to the voters at the 2016 Annual Town Election.

This report is based on the vote of the Board of Selectmen on April 23, 2018 to extend by six (6) years the so-called "2-year trial" initiated by the Town in 2016.

Lastly, this report is the formal response to the Board of Selectmen's directive arising out of the Fiscal Year 2023 budget discussion for the Town Administrator to provide a cost analysis of the operation of the former middle school at 204 Sisson Road.

Conclusion

This report is presented to the Board of Selectmen for review and discussion at your regular meeting on Monday, November 21, 2022. This report is presented with the knowledge that a broader discussion on capital needs will occur at joint meeting of the Board of Selectmen, Finance Committee and Capital Outlay Committee on Monday, December 5, 2022.

I look forward to presenting this report, its findings and participating in the Board's discussion of the same.

Thank you for your time and effort in reviewing this report.

Respectfully submitted.



Joseph F. Powers

Town Administrator

204 Sisson Road- Cultural Affairs Financial Narrative

The Harwich Cultural Affairs Department currently is using the Classroom wing both first and second floors, Activity wing, and other open spaces such as the Library, Multipurpose Room (former Cafeteria) and Creative suite to provide a variety of programming efforts. Currently 36 rooms are rented. There is a waitlist for when rooms become available. Since July 1, 2022 the 204 has had multiple short term rentals including the Harwich Cranberry Festival with their CranFest in the Courtyard series, Cape Sands Ballroom utilizing the gym for their Dance Parties and future planned classes, private birthday party rentals, along with other private event rentals. We have successfully launched Three Art Galleries utilizing the Library and old Administration Hallway.

The current fee structure for short term rentals is \$100/3 hours, the studio lease rentals are on a variable starting at \$100 and upwards to \$750 these vary on size and amenities in the studio space. A market analysis was conducted in many stages, Studio Space, Auditorium Rental, Multipurpose Room Rental, and Gallery/Exhibit opportunities. Each of these were various in size that offer a variety of services and amenities to justify their rental rates. Notable comparable locations are below

Long Term Studio Rental- The 204 has shared studio and single use. The square footage ranges from 70' to upwards of 850'

- Provincetown-The Commons, 100 sq. ft average \$300/month
- Yarmouth- Cape Cod Cultural Center, 100 sq/ ft average \$350-\$450/month
- Hyannis-Variable options available- \$150-\$500/month
- Artists Gallery Space- \$200-\$600
- Falmouth-Newly Established-\$300-550/month

Auditorium/Theatre Style Venues- The 204 has 220 fixed seats with a flexible floor plan of additional 100 seats if moving wall is replaced. With any of these base costs below additional fees apply.

- Cotuit Center for the Arts seating capacity 168, Lights and Sounds capabilities, rents for \$2,000+
- Cape Cinema seating capacity 300. Lights, Sound, Projection capabilities, Non Profit/For Profit range \$500-\$2,500
- Provincetown Town Hall seating capacity 700 flexible floor plan, Non Profit/For Profit range \$500-\$5,000
- Tilden Arts Center capacity over 1,000 variable floor plans, Non Profit/For Profit range \$1,200-\$10,000
- South Harwich Meeting House
- Spire Center 250 seating capacity, Light, Sound capabilities rent starts at \$1,200
- Eastham Music Hall seating capacity 200-500 varied by floor plan rents \$1,000-\$3,000

Multipurpose rooms

- Locations that are same in size rent starting at \$75/hr upwards to \$150/hour. This is particular area of interest would be packaged on pricing depending on the type of event and the use. Meeting Space is considered an hourly rate, other events are considered a short term rental and fall into a bundled price structure.

The bones at 204 Sisson Road are in good condition, there are moderate upgrades in each area to get them online such as painting, technological systems, and furnishings to make them more appealing and marketable. The Auditorium/Cafeteria remains our largest asset and requires the most repairs to maximize the rental opportunity for program purposes. The moving wall prohibits maximum seating capacity, the lack of proper lighting systems is a disadvantage to the room, in addition to the end of useful life sound system does not warrant the space to be as attainable as it can be for rental opportunities. Most of the major equipment in these spaces are at the end of their useful life. The current seating in place is not ADA compliant and lacks essential seating functions for the space. Each of these projects when completed would maximize our rental opportunity and create a more viable space for organizations, groups, and businesses to use. This will make the space more attainable and attractive for performances and other events to take place.

On the assumption that all essential repairs are complete and the technical and mechanical systems are repaired the rental structure would look like this:

- Long Term Studio : \$200-\$850/month
 - 2nd Floor only rental estimate \$67,200/year
 - 1st Floor only rental estimate \$78,000/year
 - Long Term Studio Rental Total: \$145,200
- Auditorium:
 - \$1,200 For profit
 - \$900 Non profit
 - \$500 Resident/Local Business
 - Projected bookings year one 35 occurrences \$42,000 estimated
- Multipurpose Room #2-Library
 - \$750 For Profit
 - \$500 Non Profit
 - \$300 Resident/Local Business
 - Projected bookings year one 20 occurrences \$15,000 estimated
- Multipurpose Room #1-Cafeteria
 - \$150-\$500/day
 - Projected bookings year one 20 occurrences \$10,000 estimated
- Meeting Room #1-Green Room
 - \$150/hr
 - Projected bookings year one 20 occurrences \$5,000 estimated

With all studios rented at capacity and full cultural programming total revenue estimated is \$220,000+/-

****All figures are based on hypothetical situations assuming all mechanical, technical, and other facility related repairs and maintenance is complete in addition to full capacity rental of all areas****

Program analysis is conducted on the bases of at least one to three occurrences each month

Respectfully Submitted, Kara Mewhinney, Director of Cultural Affairs

MUNICIPAL BUILDING COST COMPARISON

Service	FY22				FY23 Budget
	Community Center 100 Oak Street	Town Hall 732 Main Street	Former Middle School 204 Sisson Rd	Former Middle School 204 Sisson Rd	Former Middle School 204 Sisson Rd
Fire Sprinklers	\$ 1,000	\$ 1,000	\$ -	\$ 2,000	\$ 2,000
Alarms	\$ 1,500	\$ 1,500	\$ 2,479	\$ 3,500	\$ 3,500
Elevators	\$ 5,000	\$ 5,000	\$ 3,882	\$ 5,000	\$ 5,000
Pest Control	\$ 690	\$ 700	\$ 450	\$ 1,000	\$ 1,000
Fire Extinguishers	\$ 655	\$ 500	\$ 1,613	\$ 1,750	\$ 1,750
HVAC	\$ 18,000	\$ 10,000	\$ 966	\$ 1,000	\$ 1,000
Septic	\$ 2,000	\$ 600	\$ 31,866	\$ 35,000	\$ 35,000
Generator	\$ 1,500	\$ 1,000			
Access Doors	\$ 2,200	\$ 2,200			
General Repairs	\$ 13,000	\$ 8,500	\$ 601	\$ 2,000	\$ 2,000
Trash Disposal	\$ 2,494	\$ 300	\$ 360	\$ 360	\$ 360
Locksmith	\$ 3,000		\$ 526	\$ 800	\$ 800
Total Service Expense	\$ 51,039	\$ 31,300	\$ 42,743	\$ 52,410	\$ 52,410

These numbers came from Carolyn

Estimated - bills were paid by multiple people and I was unable to distinguish what was for "the 204"

Utilities	FY22				FY23 Budget
	Community Center 100 Oak Street	Town Hall 732 Main Street	Former Middle School 204 Sisson Rd	Former Middle School 204 Sisson Rd	Former Middle School 204 Sisson Rd
Electric Utility	\$ 57,056	\$ 40,000	\$ 25,820	\$ 38,730	\$ 38,730
Gas Utility	\$ 30,058	\$ 15,000	\$ 43,162	\$ 64,743	\$ 64,743
Water Utility	\$ 1,920	\$ 1,700	\$ 741	\$ 815	\$ 815
Other Maint/Repair	\$ 5,850	\$ 2,500			
Other Purchased Services	\$ 6,350				
Total Utility Expense	\$ 101,234	\$ 59,200	\$ 69,723	\$ 104,288	\$ 104,288

The news is reporting potentially large (50%) increases in electricity and natural gas

MUNICIPAL BUILDING COST COMPARISON

Custodial Supplies	Community Center 100 Oak Street	Town Hall 732 Main Street	FY22 Former Middle School 204 Sisson Rd	FY23 Budget Former Middle School 204 Sisson Rd
Custodial (5450)	\$ 7,385	\$ 3,165	\$ 3,182	\$ 4,500
	\$ 7,385	\$ 3,165	\$ 3,182	\$ 4,500

TOTAL	Community Center 100 Oak Street	Town Hall 732 Main Street	FY22 Former Middle School 204 Sisson Rd	FY23 Budget Former Middle School 204 Sisson Rd
Service Expenses	\$ 51,039	\$ 31,300	\$ 42,743	\$ 52,410
Utility Expenses	\$ 101,234	\$ 59,200	\$ 69,723	\$ 104,288
Custodial Expenses	\$ 7,385	\$ 3,165	\$ 3,182	\$ 4,500
	\$ 159,658	\$ 93,665	\$ 115,648	\$ 161,198

EVERSOURCE kWh per month

204 SISSON ROAD UTILITIES

FY18		FY19		FY20		FY21		FY22		FY23 to date	
Jul 17	6,300	Jul 18	13,800	Jul 19	13,200	Jul 20	9,000	Jul 21	10,500	Jul 22	8,700
Aug 17	8,100	Aug 18	17,700	Aug 19	14,700	Aug 20	11,400	Aug 21	11,100	Aug 22	10,800
Sep 17	7,500	Sep 18	17,700	Sep 19	13,500	Sep 20	12,300	Sep 21	11,400	Sep 22	12,600
Oct 17	7,800	Oct 18	14,700	Oct 19	11,100	Oct 20	10,200	Oct 21	9,300	Oct 22	10,200
Nov 17	11,100	Nov 18	16,500	Nov 19	10,800	Nov 20	10,800	Nov 21	9,900	Nov 22	10,500
Dec 17	19,200	Dec 18	18,900	Dec 19	15,000	Dec 20	12,900	Dec 21	12,600	Dec 22	
Jan 18	24,000	Jan 19	20,400	Jan 20	18,000	Jan 21	15,900	Jan 22	14,700	Jan 23	
Feb 18	26,100	Feb 19	35,700	Feb 20	18,000	Feb 21	16,500	Feb 22	16,200	Feb 23	
Mar 18	22,800	Mar 19	33,300	Mar 20	18,000	Mar 21	15,300	Mar 22	13,500	Mar 23	
Apr 18	20,400	Apr 19	36,600	Apr 20	16,200	Apr 21	16,200	Apr 22	13,500	Apr 23	
May 18	19,200	May 19	31,200	May 20	13,500	May 21	13,500	May 22	11,100	May 23	
Jun 18	15,300	Jun 19	20,700	Jun 20	10,200	Jun 21	12,300	Jun 22	8,400	Jun 23	
TOTAL	187,800	TOTAL	277,200	TOTAL	172,200	TOTAL	156,300	TOTAL	142,200	TOTAL	52,800

NATIONAL GRID CCF (100 cubic feet) per month

FY18		FY19		FY20		FY21		FY22		FY23 to date	
Jul 17	120	Jul 18	366	Jul 19	150	Jul 20	70	Jul 21	2	Jul 22	130
Aug 17	120	Aug 18	0	Aug 19	150	Aug 20	0	Aug 21	15	Aug 22	120
Sep 17	120	Sep 18	0	Sep 19	150	Sep 20	0	Sep 21	20	Sep 22	131
Oct 17	131	Oct 18	81	Oct 19	633	Oct 20	401	Oct 21	90	Oct 22	1629
Nov 17	2932	Nov 18	3529	Nov 19	3033	Nov 20	2212	Nov 21	2838	Nov 22	
Dec 17	5195	Dec 18	5643	Dec 19	4924	Dec 20	4280	Dec 21	4044	Dec 22	
Jan 18	8032	Jan 19	5837	Jan 20	5351	Jan 21	6287	Jan 22	6632	Jan 23	
Feb 18	5591	Feb 19	5370	Feb 20	5446	Feb 21	6380	Feb 22	6004	Feb 23	
Mar 18	4444	Mar 19	5276	Mar 20	4381	Mar 21	5427	Mar 22	4853	Mar 23	
Apr 18	4353	Apr 19	3151	Apr 20	4077	Apr 21	4163	Apr 22	4337	Apr 23	
May 18	158	May 19	2029	May 20	881	May 21	1650	May 22	1799	May 23	
Jun 18	120	Jun 19	182	Jun 20	103	Jun 21	60	Jun 22	151	Jun 23	
TOTAL	31,316	TOTAL	31,464	TOTAL	29,279	TOTAL	30,930	TOTAL	30,785	TOTAL	2,010

EVERSOURCE

	FY18	FY19	FY20	FY21	FY22
kWh per year	187,800	277,200	172,200	156,300	142,200

NATIONAL GRID

	FY18	FY19	FY20	FY21	FY22
CCF per year	31,316	31,464	29,279	30,930	30,785

204 SISSON ROAD – GYMNASIUM FINANCIAL NARRATIVE

The Harwich Recreation and Youth Department currently uses the 204’s gymnasium for multiple recreation programs. This winter we are using it from 8am-12pm daily for the adult winter pickle ball program. There has also been a request put in by the pickle ball participants for two nights a week on Tuesdays and Fridays. The current pickle ball program as a recreation program brings in roughly \$3000 to the building’s revolving fund (\$20 of each registration). The rest of each registration fee goes to the Recreation Department revolving fund to cover expenses of a recreation staff monitor for the program. In the past, we have also used the gymnasium for a second after school program location and an alternate site for basketball practices.

The current fee structure for the gymnasium is \$100 for every 3 hours use. In polling other comparable gymnasiums for rent in the area, I would recommend a more appropriate fee of \$50 per hour at a minimum for gym rental. Some comparables are listed below:

Wixon School Gym	\$50 per hour
Church of Nazarene Gym	\$75 per hour
Cape Cod Academy Gym	\$65 per hour
Station Ave. Elem. Gym	\$50 per hour
Boys/Girls Club of Cape Cod	\$75 per hour
Challenger Club	\$50 per hour
Harwich Comm. Center	\$125/\$250 per use,

204 Sisson Gymnasium is currently in good shape. There is one full size court with ten foot hoops on each end. There are also two smaller courts crossing the main court with four more ten foot hoops. Four of the hoops are capable of being cranked up to the ceiling to allow for other sports. The only major repair needed in the gymnasium at this time for maximum rental opportunity is the repair of the gym floor where it is bubbled up as a result of summer humidity in the gym. With this repair the gymnasium will be fully capable of hosting a wide variety of sports and events including, but not limited to, pickle ball, indoor soccer, basketball, volleyball, baseball/softball training, field hockey, futsal etc.

The following is a potential annual revenue for 204 Sisson Gymnasium assuming gym floor repair and a full booking schedule. All events listed are hypothetical bookings for the gymnasium on a seasonal basis.

Winter Season (16-18 weeks)

8am-12pm	pickle ball groups	\$13,000-\$15,000
2pm-5pm	private group after school programs/YMCA etc.	\$10,000-\$12,000
6pm-8pm	winter basketball leagues/aau/travel leagues	\$6,000-\$8,000
Winter Total Potential Revenue		\$29,000-\$35,000

Spring Season (10-12 weeks)

2pm-5pm private after school programs/YMCA etc. \$8,000-\$10,000

6pm-8pm indoor soccer leagues/baseball training-tryouts \$3,000-\$4,000
(2-3 nights per week)

Spring Potential Revenue \$11,000-\$14,000

Summer Season (10 weeks)

12pm-4pm pickle ball groups (indoor rental during hot part of day) \$5,000-\$7,000
(2-3 days per week)

6pm-8pm adult night basketball leagues/youth tournaments \$2,000-\$4,000
(2-3 nights per week)

Summer Potential Revenue \$7,000-\$11,000

Fall Season (10-12 weeks)

8am-11am late fall pickle ball/pickle lessons etc \$2,000-\$4,000
(last 4 weeks of fall)

2pm-5pm private after school programs/YMCA etc. \$8,000-\$10,000

6pm-8pm youth aau basketball practices/indoor soccer \$4,000-\$6,000

Fall Potential Revenue \$14,000-\$20,000

TOTAL ANNUAL POTENTIAL REVENUE – 204 SISSON GYMNASIUM \$61,000-\$80,000

****All figures based on hypothetical situation assuming gym floor repair and maintenance and full bookings for gymnasium as indicated above.**

Respectfully Submitted,

Eric Beebe

Harwich Recreation Director

11/14/22

204 SISSON PICKLE BALL INFORMATION

BACKGROUND

The Recreation Director and Commission had met with the Board of Selectmen in January of 2022 and the BOS voted to approve the addition of Tuesdays and Thursdays to the Monday, Wednesday, Friday schedule. At the time the message was conveyed that the fee was quite low for the amount of time the pickle ball players were getting in the gymnasium. It was also indicated that the fee contribution to 204 Sisson should be increased. At the time, \$10 per registration was contributed to 204 Sisson. It was suggested and approved that the contribution per registration should be \$20.

CURRENT PROGRAMMING

We are currently charging \$75 for a full indoor season for pickle ball players and \$90 for non-resident grandfathered pickle ball players. We have also increased the contribution to 204 Sisson to \$20 per registrant as requested at the January BOS meeting. While this is still a very affordable cost for pickle ball users, we have determined the fee based on our costs plus contribution to the building. Costs include our Recreation Revolving fund staff that is there for the duration of the program as well as any equipment needed for the program.

PROGRAM ENHANCEMENTS

We are currently looking into the addition of a 2 night per week pickle ball program for residents that would run at 204 Sisson. We are still working on staffing for this potential program and pricing fees for this potential program going forward.

FUTURE CONSIDERATIONS

We will continue to work with the Town Administrator and associated parties to determine a cost analysis for the gymnasium going forward, especially considering pickle ball, as it's primary user. Options could include: yearly memberships to pickle ball (indoor and outdoor); pickle ball use of gymnasium on a rental basis instead of Recreation sponsored programming etc.

Current Pickle Ball Revenue (as of 10/21/22)

Full Season Residents (\$75)-	112 registrants -	\$8400
	Funding towards 204 Sisson-	\$2240
Partial Season Residents (\$35)	19 registrants-	\$665
	Funding towards 204 Sisson-	\$380
Partial Season Residents (\$50)	12 registrants-	\$600
	Funding towards 204 Sisson-	\$240
Non-Resident Grandfathered (\$90)	27 registrants-	\$2430
	Funding towards 204 Sisson-	\$540
Total for Late Fall/Winter Season-	143 registrants	\$12,095 revenue
	Funding towards 204 Sisson	\$3400

204 Sisson Road- Property Field Complex Financial Narrative

The 204 currently has a large field complex behind the building that, with much work, can be used for programming and revenue for the Town of Harwich.

In order for the complex to be used to it’s highest revenue potential, it would need quite a bit of work done. This would include the reconstruction of ball field, maintenance of grassy area, and tear down and reconstruction of basketball paved area.

With these improvements, the fields could be booked for a wide variety of activities which would bring revenue to the town. Fees for this parcel would be consistent with the current Recreation Department fees for fields, parks, etc. The fees for fields and parks stand currently as:

Field, Park, Court Use	\$20 per use (2.5 hours)—cap of \$1000
Field Park Multi Day Use	\$150 per day
Field Park Special Event	\$150 per day

The following is potential annual revenue for the 204 field complex behind the building. These numbers are contingent upon reconstruction of complex and a maintenance plan.

Spring Season

Babe Ruth Baseball Leagues	\$800-\$1000
Little League Alternate Location	\$800-\$1000
Special Event Booking Location	\$1350-\$1500
(private soccer tournaments, outdoor basketball tournaments etc.)	
Spring Total Potential Revenue	\$2950-\$3500

Summer Season

Babe Ruth Baseball Leagues	\$800-\$1000
Baseball Clubs of Cape Cod Adult Leagues	\$500-\$700
Senior Softball Alternate practice site	\$300-\$500
Outdoor youth and adult basketball summer leagues	\$300-\$500
Special Event Booking Location	\$1500-\$1800
(lacrosse tournaments, cranberry festival, labor day soccer tournament etc.)	
Summer Total Potential Revenue	\$3400-\$4500

Fall Season

Private Soccer Leagues	\$600-\$800
(Monomoy Soccer, adult soccer league)	
Field Hockey Private Clinics	\$600-\$800
Fall Total Potential Revenue	\$1200-\$1600

TOTAL ANNUAL POTENTIAL REVENUE-204 SISSON FIELD COMPLEX \$7550-\$9600

