

SELECTMEN'S MEETING AGENDA\*

Regular Meeting 6:30 P.M.

Monday, March 1, 2021

**REMOTE PARTICIPATION ONLY**

1. First, send an email to: [comment@town.harwich.ma.us](mailto:comment@town.harwich.ma.us) (send emails at any time after the meeting agenda has been officially posted)
    - a. In the subject line enter "request to speak, your name"
    - b. In the body of the email please indicate which specific agenda item you wish to speak on.  
No further detail is necessary.
  2. The meeting will close to new attendees promptly at the scheduled start time for the meeting, generally 6:30pm. It will remain closed to new attendees until agenda items with scheduled speakers are reached. This is to minimize interruptions. You may join prior to (6:30) or when the meeting has been opened up. You may participate using your computer and the GoToMeeting interface or simply using your phone. Connection information can be found below.
  3. After the Chairman has opened the floor to those wishing to speak callers will be taken in the order the emails are received.  
**Use \*6 to mute and unmute your phone**
- When you join the meeting by phone you should turn off Channel 18 or your computer if streaming the meeting.

**Board of Selectmen Meeting**

**Mon, Mar 1, 2021 6:30 PM (EST)**

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

<https://global.gotomeeting.com/join/744216213>

**You can also dial in using your phone.**

United States: [+1 \(408\) 650-3123](tel:+14086503123)

**Access Code: 744-216-213**

- I. **CALL TO ORDER**
- II. **PLEDGE OF ALLEGIANCE**
- III. **WEEKLY BRIEFING**
  - A. COVID-19 Updates
  - B. Update on ongoing efforts by the Town in support of the business community
- IV. **PUBLIC COMMENTS/ANNOUNCEMENTS**
- V. **PUBLIC HEARING/PRESENTATIONS**
  - A. Public Hearing -Discussion and possible vote on M.G.L Chapter 138 section 12 Annual All Alcohol Liquor License – WFS Restaurant Group DBA L'Alouette – 787 Route 28
  - B. Cape Cod Commission update with Kristy Senatori, Executive Director, Cape Cod Commission
- VI. **CONSENT AGENDA**
  - A. Vote to approve Daniel Pelletier's nomination to the Pleasant Bay Alliance Technical Resource Committee - term indefinite
- VII. **NEW BUSINESS**
  - A. Discussion – Draft warrant for 2021 Annual Meeting
  - B. Discussion and possible vote –Referral to Planning Board to amend the Code of the Town of Harwich – Zoning Article XXIV West Harwich Special District by adding new §325-160
  - C. Discussion and possible vote –Referral to Planning Board to amend the Code of the Town of Harwich – Zoning by amending §325-42.L Parking in the MRL and MRL-1 Zoning Districts
  - D. Discussion and possible vote – Proposed draft article to amend the current rooms tax rate from 4% to 6%
  - E. Discussion and possible vote – Proposed draft article to establish a Community Impact Fee for professionally managed short term rentals (MGL, c64G, Sec. 3D (a)) of 3%
  - F. Discussion and Possible vote – Proposed article to establish a wastewater special purpose stabilization fund
  - G. Discussion and possible vote – Proposed article to allow a permanent easement to Cellco Partnership (d/b/a Verizon Wireless) on the Town-owned property located on Harbor Road, Assessor's Parcel 15-U23
  - H. Discussion and possible vote – 2021 Annual Entertainment License renewal – Morningstar Restaurant Inc. DBA Villa Roma – 278 Route 28 – Weekday 4:30PM – 10PM inside only
  - I. Discussion and possible vote – 2021 Annual Common Victualler License renewal – Ruggies Breakfast and Lunch – 707 Main Street
  - J. Discussion and possible vote – 2021 Annual Innholders License renewal – Harwich Port Seafarer DBA Mooncussers Tavern – 86 Sisson Road
- VIII. **OLD BUSINESS**
  - A. Discussion and possible vote – To accept the proposed job description for the Director of Planning and Community Development relative to the Planning Department and Community Development organizational structure
  - B. Ongoing discussion – Comprehensive Wastewater Management Plan (CWMP) Revision Strategy
- IX. **CONTRACTS**
  - A. Discussion and possible vote for the Board of Selectmen to execute contract with Bucher Municipal North America, Inc. for the purchase of Sweeper Body and Pony Motor for the Department of Public Works for \$125,000.00.
  - B. Discussion and possible vote for the Board of Selectmen to execute contract with Scoreboard Enterprises Inc. for the purchase of a scoreboard at Whitehouse Field for \$62,095.00.
- X. **TOWN ADMINISTRATOR'S REPORT**
- XI. **SELECTMEN'S REPORT**
- XII. **ADJOURNMENT**

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

**Authorized Posting Officer:**

**Posted by:** \_\_\_\_\_

Town Clerk

\_\_\_\_\_  
Patricia A. Macura, Admin Secretary

**Date:** \_\_\_\_\_

February 25, 2021

# **WEEKLY BRIEFING**



## Town of Harwich Board of Health

732 Main Street Harwich, MA 02645  
508-430-7509 – Fax 508-430-7531  
E-mail: health@town.harwich.ma.us

February 26, 2021

Weekly COVID-19 Case Update

### CASES AND STATISTICS

To date there have been a total of 574 cases of COVID-19 in the Town of Harwich. As of today, we are following 6 active cases of COVID-19 in Harwich residents (Yay!!) Our positivity rate has decreased again this week, 3.45% which is determined by the number of tests administered. There were 953 tests administered and 33 tests were positive in the last 2 weeks. Our numbers are once again heading in the right direction.



Massachusetts Department of Public Health COVID-19 Dashboard – Thursday, February 25, 2021

#### Count and Rate of Confirmed COVID-19 Cases and Tests Performed in MA by City/Town, January 1, 2020 – February 23, 2021

City/Town	Total Case Count	Case Count (Last 14 Days)	Average Daily Incidence Rate per 100,000 (Last 14 days) <sup>1</sup>	Relative Change in Case Counts <sup>2</sup>	Total Tests	Total Tests (Last 14 days)	Total Positive Tests (Last 14 days)	Percent Positivity (Last 14 days)	Change in Percent Positivity <sup>3</sup>
Hampden	355	18	26.3	Lower	8521	519	23	4.43%	Lower
Hancock	16	0	0	Lower	229	8	0	0%	Lower
Hanover	1106	55	27.3	Lower	21362	1898	61	3.21%	Lower
Hanson	715	23	15.3	Lower	13963	911	29	3.18%	Lower
Hardwick	72	5	10.7	Lower	3019	179	7	3.91%	Lower
Harvard	107	<5	1.0	Lower	7475	514	1	0.19%	Lower
Harwich	574	30	17.0	Lower	15489	953	33	3.46%	Lower

### REOPENING PLAN

Since the beginning of this year, key public health data, such as new cases and hospitalizations, have been closely monitored and a significant decline has been documented, allowing for a return to Step 2 of Phase III, **effective March 1 for all cities and towns**. This includes the following updates to businesses, activities and capacities:

- Indoor performance venues such as concert halls, theaters, and other indoor performance spaces will be allowed to reopen at 50% capacity with no more than 500 persons
- Indoor recreational activities with greater potential for contact (laser tag, roller skating, trampolines, obstacle courses) will be allowed to reopen at 50% capacity
- Capacity limits across all sectors with capacity limits will be raised to 50% and exclude employees
- Restaurants will no longer have a percent capacity limit and will be permitted to host musical performances; six-foot social distancing, limits of six people per table and 90 minute limits remain in place

Residents must continue to wear masks to prevent the spread of COVID-19, and are encouraged to avoid contact outside of their immediate households. The Travel Advisory and other public health orders remain in effect.

### **Gathering Changes and Phase IV Start**

Provided public health metrics continue to improve, effective on March 22, all communities in Massachusetts will move into Step 1 of Phase IV of the state’s reopening plan. This will open a range of previously closed business sectors under tight capacity restrictions that are expected to be adjusted over time if favorable trends in the public health data continue. Effective on the planned advancement to Step 1 of Phase IV, the following industries will be permitted to operate at a strict 12% capacity limit after submitting a plan to the Department of Public Health (DPH):

- Indoor and outdoor stadiums
- Arenas
- Ballparks

Also effective on March 22, gathering limits for event venues and in public settings will increase to 100 people indoors and 150 people outdoors. Outdoor gatherings at private residences and in private backyards will remain at a maximum of 25 people, with indoor house gatherings remaining at 10 people.

Additionally, dance floors will be permitted at weddings and other events only, and overnight summer camps will be allowed to operate this coming summer. Exhibition and convention halls may also begin to operate, following gatherings limits and event protocols. Other Phase IV sectors must continue to remain closed.

### **VACCINE UPDATE**

We are in Phase 2 of the Vaccination Plan which includes these priority groups:

These Phase 1 and Phase 2 groups can now get the vaccine:

PEOPLE AGE 75 AND OLDER	PEOPLE AGE 65-74	PEOPLE WITH 2+ CERTAIN MEDICAL CONDITIONS
LOW INCOME AND AFFORDABLE SENIOR HOUSING RESIDENTS & STAFF	HEALTH CARE WORKERS	LONG TERM CARE SETTINGS
FIRST RESPONDERS	CONGREGATE CARE SETTINGS	

Seventy eight percent of all doses shipped to Massachusetts have been administered.

	Feb 19 <sup>th</sup>	Feb 20 <sup>th</sup>	Feb 21 <sup>st</sup>	Feb 22 <sup>nd</sup>	Feb 23 <sup>rd</sup>	Feb 24 <sup>th</sup>	Feb 25 <sup>th</sup>
<b>Doses shipped to MA providers (MIIS)*</b>	1,158,050	1,293,075	1,293,075	1,293,075	1,302,395	1,502,375	1,502,475
<b>Doses shipped to Pharmacies directly by the federal government - including FPPP providers (Tiberius)</b>	390,745	390,745	393,085	395,285	427,155	471,525	489,335
<b>Grand Total Shipped to MA</b>	<b>1,548,795</b>	<b>1,683,820</b>	<b>1,686,160</b>	<b>1,688,360</b>	<b>1,729,550</b>	<b>1,973,900</b>	<b>1,991,810</b>
<b>1st doses Administered (MIIS)*</b> # of people with at least one dose	976,033	1,000,734	1,024,802	1,044,210	1,061,335	1,084,888	1,111,829
<b>2nd doses Administered (MIIS)*</b> # of people fully vaccinated	347,623	372,172	389,087	399,638	414,941	433,593	454,472
<b>Grand Total Doses Administered (MIIS)*</b>	<b>1,323,656</b>	<b>1,372,906</b>	<b>1,413,889</b>	<b>1,443,848</b>	<b>1,476,276</b>	<b>1,518,481</b>	<b>1,566,301</b>
<b>% of total doses shipped that have been reported to MIIS as administered</b>	<b>85.5%</b>	<b>81.5%</b>	<b>83.9%</b>	<b>85.5%</b>	<b>85.4%</b>	<b>76.9%</b>	<b>78.6%</b>

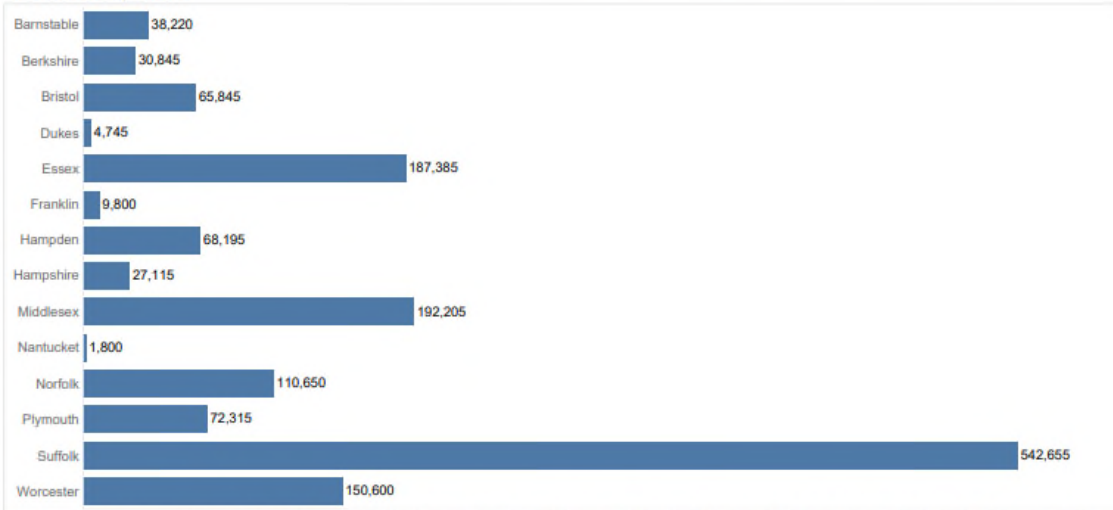
\*Data from the Massachusetts Immunization Information System (MIIS) are as of midnight the night before.

Barnstable County has been shipped 38,220 doses of vaccine to date.

Massachusetts Department of Public Health COVID-19 Dashboard - Thursday, February 25, 2021

## Cumulative COVID-19 Vaccine Doses Shipped to Massachusetts Providers by County of Provider

Data as of February 23, 2021



Note: Due to inputting and processing, it may take 24-48 hours or more for shipping or administration data to appear in MIIS. MIIS data are available for analysis one calendar day after they are reported to the MIIS. Providers shown are initial recipients; doses shipped to providers may be redistributed to other providers who may be in other counties. Some federal facilities in MA receive vaccine from a separate federal distribution system and would not be included here. Data on doses shipped does not include shipment data from the Federal Pharmacy Partnership for Long-term Care Program and jurisdictional transfers to retail pharmacies shipments.

For those who received a shot at a regional clinic on Cape and are ready for their second dose, make sure to check your email frequently for the link from Banstable County. This link will take you to a clinic specifically for second doses.

Clinics are frequently added to the [www.maimmunization.org](http://www.maimmunization.org) site. Barnstable County is expecting to add daily testing sites in the next week. If you haven't signed up for alerts from banstablecounty.org it is a great resource. An email alert will be sent out 24 hours before a clinic is posted.

We continue to be frustrated by the vaccine supply provided by the state. Letters venting our frustrations have been sent up to the Governor's office by our delegation as well as other public organizations. Patience is required to get through this rush on getting a shot.

### TESTING

FREE asymptomatic testing for COVID-19 is still available at Outer Cape Health Service through February 28, 2021. This is the rapid antigen test and is not valid for Travel Order compliance. PCR testing is also available here. For testing options at Outer Cape Health, please call 508-905-2888 in advance to make a testing appointment.

Testing is available in other locations 7 days per week through Cape Cod Healthcare. Call the Community Testing Line at 508-534-7103 to make an appointment.

Hang in there!

Meggan Eldredge

Assistant Town Administrator/Interim Health Director

**PUBLIC HEARINGS**

**PRESENTATIONS**

NOTICE OF PUBLIC HEARING  
TOWN OF HARWICH  
BOARD OF SELECTMEN  
APPLICATION FOR LIQUOR LICENSE

Notice is hereby given under Chapter 138 of the General Laws as amended that application has been made to this Board for an Annual, Restaurant, All Alcohol Liquor License for WFS Restaurant Group Inc. d/b/a L'Alouette, Christian Schultz, Manager, on the following described premises located at 787 Route 28, Harwich Port, MA 02646. A restaurant that consists of one floor, two rooms, limited outdoor seating as allowed by the town and 1,000 square feet. The Board of Selectmen will hold a hearing on the application on Monday, March 1, 2021 no earlier than 6:30 P.M via Go To Meeting, at which time all interested parties are cordially invited to dial in. See below for dial in information:

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

<https://global.gotomeeting.com/join/744216213>

**You can also dial in using your phone.**

United States: +1 (408) 650-3123

**Access Code: 744-216-213**

BOARD OF SELECTMEN  
LOCAL LICENSING AUTHORITY

Cape Cod Times  
February 19, 2021



Check Your Knowledge

- 1. In football, if a ball is fumbled and rolls out of bounds, is it put back into play where it was fumbled or where it rolled out of bounds?
2. Which is the correct spelling: "notable" or "noteable"?
3. In 1861, Moldavia and Walachia merged to form what country?
4. Cambodia was once part of French Indo-China. True or false?
5. Does the chicken, goose or duck ordinarily need the most cooking time?

Answers appear further into this Classified Section

Legals

NOTICE OF PUBLIC HEARING
BARNSTABLE, SS.
COMMISSIONERS OF PUBLIC HEARING
BARNSTABLE COUNTY

Public Hearing to be held on the 23rd day of February, 2011 at 7:00 PM in the Town Office, 100 State Street, Barnstable, MA 02536.

BARNSTABLE TOWN COUNCIL
PUBLIC HEARING NOTICE

The Barnstable Town Council will hold a Public Hearing to take action on a Special Order of the Board of Health regarding the proposed location of a new building at 100 State Street, Barnstable, MA 02536.

2011-476 Supplemental Appropriation Order in the amount of \$20,000 for the purchase of building materials and wages for the fiscal year 2011.

2011-477 Supplemental Appropriation Order in the amount of \$5,000 for the fiscal year 2011.

2011-478 Supplemental Appropriation Order in the amount of \$20,000 for the fiscal year 2011.

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Legals

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF REVENUE
STATE TAX COLLECTOR

Notice is hereby given that the State Tax Collector has received a notice from the State Tax Authority regarding the proposed location of a new building at 100 State Street, Barnstable, MA 02536.

2011-496 Supplemental Appropriation Order in the amount of \$20,000 for the fiscal year 2011.

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Legals

TOWN OF ORLEANS
CAPITAL IMPROVEMENT PLAN
PUBLIC HEARING

On Thursday, February 24, 2011 at 6:45 PM, the Select Board and Finance Committee will hold a public hearing to discuss the proposed Capital Improvement Plan for the Town of Orleans, Massachusetts.

2011-525 Supplemental Appropriation Order in the amount of \$20,000 for the fiscal year 2011.

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Concepts Suoku

Grid for Concepts Suoku puzzle with numbers 1-9 in various positions.

Difficulty Level ★★★★★

Legals
Commonwealth of Massachusetts
Probate and Family Court
Barnstable District

2011-554 Supplemental Appropriation Order in the amount of \$20,000 for the fiscal year 2011.

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By Dave Green
King Features Syndicate, Inc.
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2/19

Legals
Commonwealth of Massachusetts
Probate and Family Court
Barnstable District

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IN NEED OF SOME VOLUNTEERS? You can be a HERO for 3 days - FOR FREE! Call 888-254-3666

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Be Aware of International Fraud. Deal Only with Reputable Sources.

Watch for buyers who offer more than your asking price and who do not have money wired or ready to cash.

Be wary of international fraud. Deal only with reputable sources.

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# **HARWICH**Police

DEPARTMENT

183 Sisson Road, Harwich, MA 02645

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



DAVID J. GUILLEMETTE  
Chief of Police

KEVIN M. CONSIDINE  
Deputy Chief

## **Memorandum**

**TO:** Board of Selectmen

Joseph Powers  
Town Administrator

**FROM:** David J. Guillemette  
Chief of Police

A handwritten signature in blue ink, appearing to be "DJG", written over the printed name of David J. Guillemette.

**DATE:** February 18, 2021

**SUBJECT:** Application for an annual all alcoholic beverages license for WFS  
Restaurant Group Inc. d/b/a L'Alouette, 787 Rt. 28 Harwich Port, MA  
02646.

The Police Department has no objections regarding the application for an annual all alcoholic beverages license for L'Alouette restaurant. A background investigation of the proposed individual(s) indicates no disqualifying history.

If you have any questions or need further clarification, please feel free to contact me at your earliest convenience.



The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358  
 www.mass.gov/abcc

**APPLICATION FOR A NEW LICENSE**

Municipality

**1. LICENSE CLASSIFICATION INFORMATION**

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
<input type="text" value="On-Premises-12"/>	<input type="text" value="\$12 Restaurant"/>	<input type="text" value="All Alcoholic Beverages"/>	<input type="text" value="Annual"/>

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

Is this license application pursuant to special legislation?  Yes  No Chapter  Acts of

**2. BUSINESS ENTITY INFORMATION**

The entity that will be issued the license and have operational control of the premises.

Entity Name  FEIN

DBA  Manager of Record

Street Address

Phone  Email

Alternative Phone  Website

**3. DESCRIPTION OF PREMISES**

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

Total Square Footage: <input type="text" value="1000"/>	Number of Entrances: <input type="text" value="3"/>	Seating Capacity: <input type="text" value="75"/>
Number of Floors: <input type="text" value="1"/>	Number of Exits: <input type="text" value="3"/>	Occupancy Number: <input type="text" value="75"/>

**4. APPLICATION CONTACT**

The application contact is the person whom the licensing authorities should contact regarding this application.

Name:  Phone:

Title:  Email:

**APPLICATION FOR A NEW LICENSE**

**5. CORPORATE STRUCTURE**

Entity Legal Structure	Corporation	Date of Incorporation	03/07/2014
State of Incorporation	Massachusetts	Is the Corporation publicly traded?	<input type="radio"/> Yes <input checked="" type="radio"/> No

**6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST**

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:  
**On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers** - At least 50% must be US citizens;  
**Off Premises (Liquor Store) Directors or LLC Managers** - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB
<b>Walter F. Schultz</b>			

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
President	75	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<b>Christian Schultz</b>			

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Treasurer, Secretary, Director	25	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Additional pages attached?  Yes  No

**CRIMINAL HISTORY**

Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions.  Yes  No

## APPLICATION FOR A NEW LICENSE

### 6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

### 6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes  No   
If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality
Christian Schultz	full liquor	Christian's	Chatham
Christian Schultz	full liquor	Academy Ocean Grille	Orleans
Christian Schultz	full liquor	L'Alouette	Harwich Port

### 6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled? Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation
12/31/20	Liquor license	Harwich Port	Renewal not filed in a timely manner
1997	Liquor license	Chatham	Sold business
2008	Liquor license	Orleans	Sold business

## 7. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises.

- If the applicant entity owns the premises, a deed is required.
- If leasing or renting the premises, a signed copy of the lease is required.
- If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.
- If the real estate and business are owned by the same individuals listed in question 6, either individually or through separate business entities, a signed copy of a lease between the two entities is required.

Please indicate by what means the applicant will occupy the premises

Lease

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales?

Yes  No

**APPLICATION FOR A NEW LICENSE**

**8. FINANCIAL DISCLOSURE**

A. Purchase Price for Real Estate	<input type="text"/>
B. Purchase Price for Business Assets	<input type="text"/>
C. Other * (Please specify below)	<input type="text"/>
D. Total Cost	<input type="text"/>

\*Other Cost(s): (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):"

**SOURCE OF CASH CONTRIBUTION**

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
Walter F. Schultz	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
Total:	<input type="text"/>

**SOURCE OF FINANCING**

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No

**FINANCIAL INFORMATION**

Provide a detailed explanation of the form(s) and source(s) of funding for the cost identified above.

**9. PLEDGE INFORMATION**

Please provide signed pledge documentation.

Are you seeking approval for a pledge?  Yes  No

Please indicate what you are seeking to pledge (check all that apply)  License  Stock  Inventory

To whom is the pledge being made?

# 10. MANAGER APPLICATION

## A. MANAGER INFORMATION

The individual that has been appointed to manage and control the licensed business and premises.

Proposed Manager Name  Date of Birth  SSN

Residential Address

Email  Phone

Please indicate how many hours per week you intend to be on the licensed premises

## B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?\*  Yes  No \*Manager must be a U.S. Citizen

If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime?  Yes  No

If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

## C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
09/2013	03/2014	Chef	Prova Brasil	self
07/2013	09/2013	Chef	Chillingsworth	self
09/2008	07/2013	Chef	Barley Neck Inn	self

## D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action?  Yes  No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature  Date

**11. MANAGEMENT AGREEMENT**

Are you requesting approval to utilize a management company through a management agreement?  
 If yes, please fill out section 11.

Yes  No

Please provide a narrative overview of the Management Agreement. Attach additional pages, if necessary.

**IMPORTANT NOTE:** A management agreement is where a licensee authorizes a third party to control the daily operations of the license premises, while retaining ultimate control over the license, through a written contract. *This does not pertain to a liquor license manager that is employed directly by the entity.*

**11A. MANAGEMENT ENTITY**

List all proposed individuals or entities that will have a direct or indirect, beneficial or financial interest in the management Entity (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.).

Entity Name  Address  Phone

Name of Principal  Residential Address  SSN  DOB

Title and or Position  Percentage of Ownership  Director  Yes  No  
 US Citizen  Yes  No MA Resident  Yes  No

Name of Principal  Residential Address  SSN  DOB

Title and or Position  Percentage of Ownership  Director  Yes  No  
 US Citizen  Yes  No MA Resident  Yes  No

Name of Principal  Residential Address  SSN  DOB

Title and or Position  Percentage of Ownership  Director  Yes  No  
 US Citizen  Yes  No MA Resident  Yes  No

Name of Principal  Residential Address  SSN  DOB

Title and or Position  Percentage of Ownership  Director  Yes  No  
 US Citizen  Yes  No MA Resident  Yes  No

**CRIMINAL HISTORY**

Has any individual identified above ever been convicted of a State, Federal or Military Crime?  
 If yes, attach an affidavit providing the details of any and all convictions.

Yes  No

**11B. EXISTING MANAGEMENT AGREEMENTS AND INTEREST IN AN ALCOHOLIC BEVERAGES**

**LICENSE**

Does any individual or entity identified in question 11A, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages; and or have an active management agreement with any other licensees?

Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality



**11C. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE**

Has any individual or entity identified in question 11A, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held?

Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality
WFS Restaurant Group	Liquor	Common Victualer License	Harwich
Academy Ocean Grill	Liquor	Common Victualer	Orleans

**11D. PREVIOUSLY HELD MANAGEMENT AGREEMENT**

Has any individual or entity identified in question 11A, and applicable attachments, ever held a management agreement with any other Massachusetts licensee?

Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Licensee Name	License Type	Municipality	Date(s) of Agreement

**11E. DISCLOSURE OF LICENSE DISCIPLINARY ACTION**

Has any of the disclosed licenses listed in questions in section 11B, 11C, 11D ever been suspended, revoked or cancelled?

Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation
12/31/20	Liquor License	Harwich	Failure to file in a timely manner

**11F. TERMS OF AGREEMENT**

a. Does the agreement provide for termination by the licensee? Yes  No

b. Will the licensee retain control of the business finances? Yes  No

c. Does the management entity handle the payroll for the business? Yes  No

d. Management Term Begin Date

e. Management Term End Date

f. How will the management company be compensated by the licensee? (check all that apply)

\$ per month/year (indicate amount)

% of alcohol sales (indicate percentage)

% of overall sales (indicate percentage)

other (please explain)

**ABCC Licensee Officer/LLC Manager**

Signature:

Title:

Date:

**Management Agreement Entity Officer/LLC Manager**

Signature:

Title:

Date:

**ADDITIONAL INFORMATION**

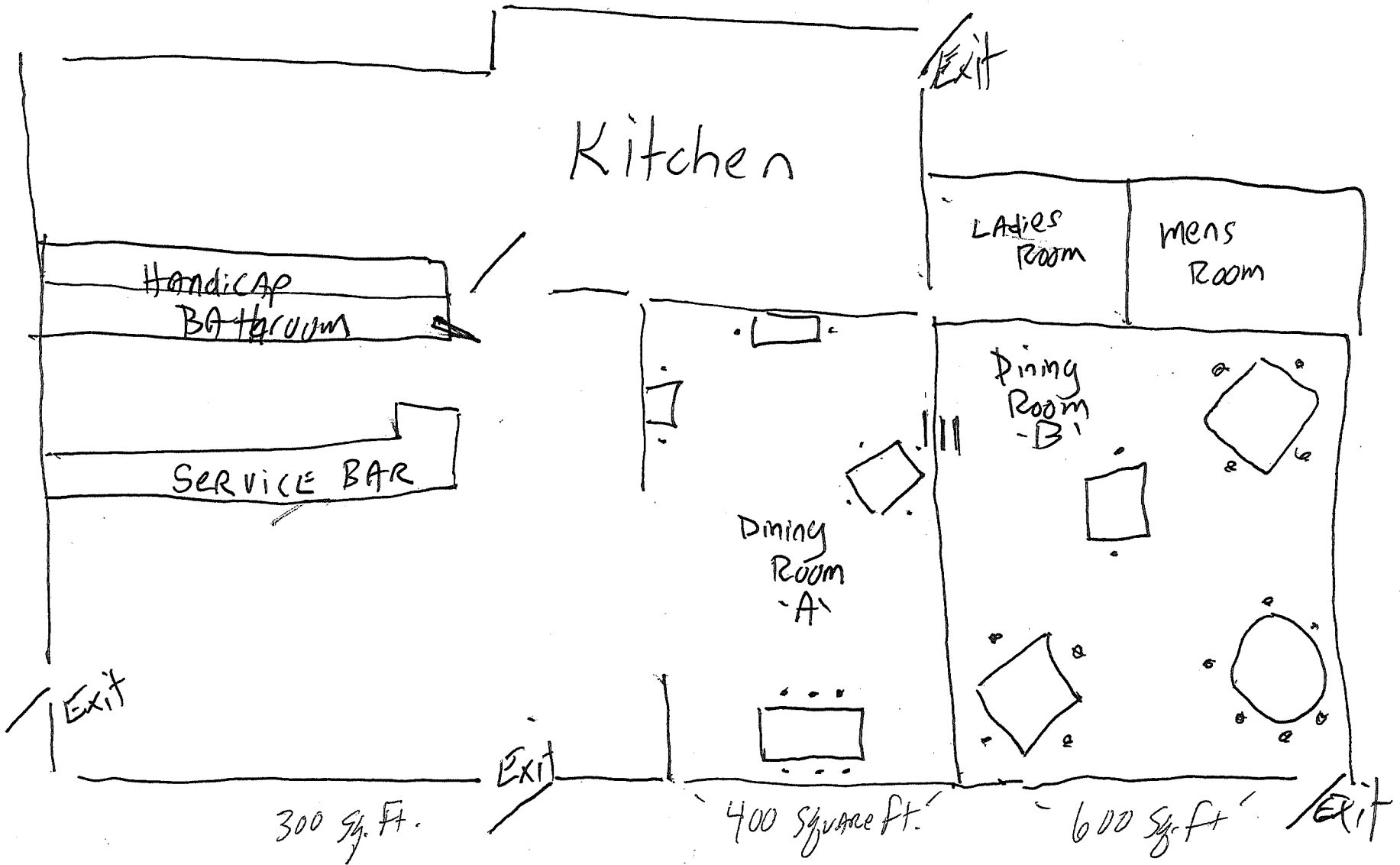
Please utilize this space to provide any additional information that will support your application or to clarify any answers provided above.

A large, empty rectangular box with a thin black border, occupying the majority of the page below the text. It is intended for the applicant to provide additional information or clarify previous answers.



# Floor Plan

L'Alouette restaurant



**APPLICANT'S STATEMENT**

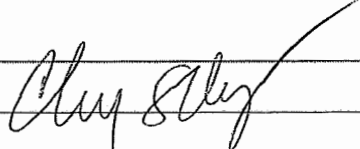
I, Christian Schultz the:  sole proprietor;  partner;  corporate principal;  LLC/LLP manager  
Authorized Signatory

of WFS Restaurant Group, Inc.  
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature: 

Date: 1-15-2021

Title: Partner / Treasurer / Secretary



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# 2020 YEAR IN REVIEW

CAPE COD COMMISSION



CAPE COD  
COMMISSION



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## From the Desk of the Executive Director



Kristy Senatori  
Executive Director

2020 was a year that brought us numerable new and difficult challenges.

As we navigated a global pandemic, together we adapted to new health and safety regulations, learned new ways of engaging with the community, and transitioned successfully to conducting work in the virtual space. We continued to promote meaningful economic progress balanced with the environmental protections our region needs. We have been resilient through unexpected change.

The Commission was pleased to assist the region during these challenging times, developing a community alert heatmap system using the best available tools and information, a data dashboard with key statistics relative to pandemic recovery, and a municipal planning

strategies toolkit with resources for planners and staff to help support the needs of local businesses. Using data collected through a series of business impact surveys, we are currently working to develop a regional Economic Resilience Plan that will help support the Cape Cod now and into the future.

We initiated development of the first ever Cape Cod Climate Action Plan – a plan that is being created through significant data collection and analysis, meaningful stakeholder engagement, and mitigation and adaptation strategy development. Discussions throughout the process have been robust and thoughtful and we look forward to sharing the plan in the coming months.

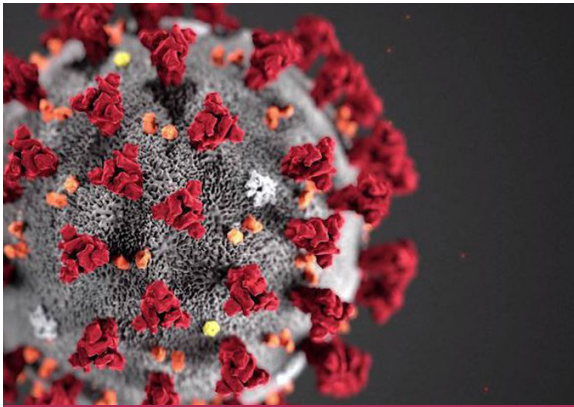
This year the Commission had its 30th anniversary. The Cape Cod Commission Act was signed into law in 1990 and continues to be relevant and effective in protecting the unique values and quality of life on Cape Cod. We look forward to bringing the community together in 2021 to celebrate this milestone and to collaborate on solutions to the key issues facing our region.

The support and dedication of community leaders, Commission staff and members, and the residents of Cape Cod are vital to the success of our agency and mission of keeping a special place special.

I look forward to sharing brighter days with the people of Cape Cod in 2021.







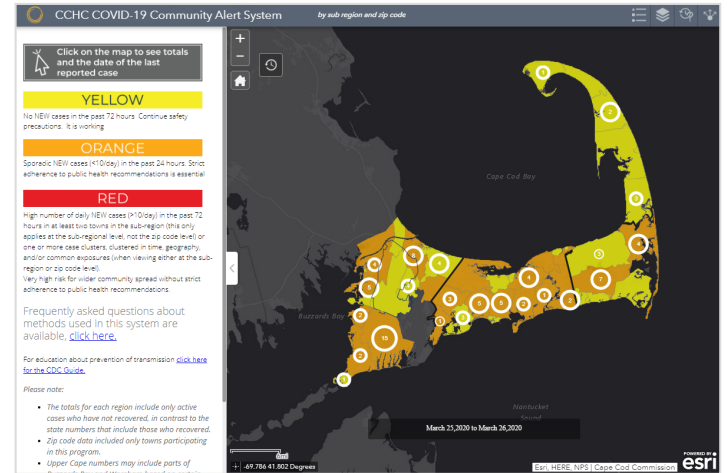
## COVID-19 Pandemic Response

To help support the region during the COVID-19 pandemic, the Cape Cod Commission developed a number of new tools, resources, and strategies to assist residents, business owners, non-profit organizations, and municipalities. The Commission also received significant grant funds that will help the local and regional economy recover from the devastating impacts of the pandemic.

## COVID-19 Heatmap Provides Online Resource for Pandemic Planning and Response

In early April, the Cape Cod Commission partnered with Cape Cod Healthcare and Barnstable County Department of Health and Environment to create an online COVID-19 community alert heatmap system showing numbers of confirmed cases of COVID-19 within Barnstable County. The application is intended to empower residents on Cape Cod to make informed choices about public health safety precautions to minimize the risk of infection and transmission of COVID-19 within the County.

Developing this application provided an opportunity to bring the strengths of different disciplines together in one place for the betterment of the region. Commission staff worked closely with Cape Cod Healthcare to design the



View and explore the map: [capecodcommission.org/our-work/cape-cod-covid19](https://capecodcommission.org/our-work/cape-cod-covid19)

user interface, which displays dynamic data sets on both desktop and mobile platforms. The map includes COVID-19 patient case data managed by the Visiting Nurse Association (VNA) of Cape Cod. The data represents running totals for every zip code summa-

rized at the subregional level across Cape Cod and is classified using three color codes that represent infection risk potential. Individual zip code level data is available for participating towns. The data continues to be updated on a regular basis.

*“Cape Cod is facing serious challenges due to the pandemic,” said Kristy Senatori, Executive Director of the Cape Cod Commission. “We look forward to supporting our communities and helping to strengthen our local economy as we respond to and address the economic impacts of the COVID-19 pandemic.”*



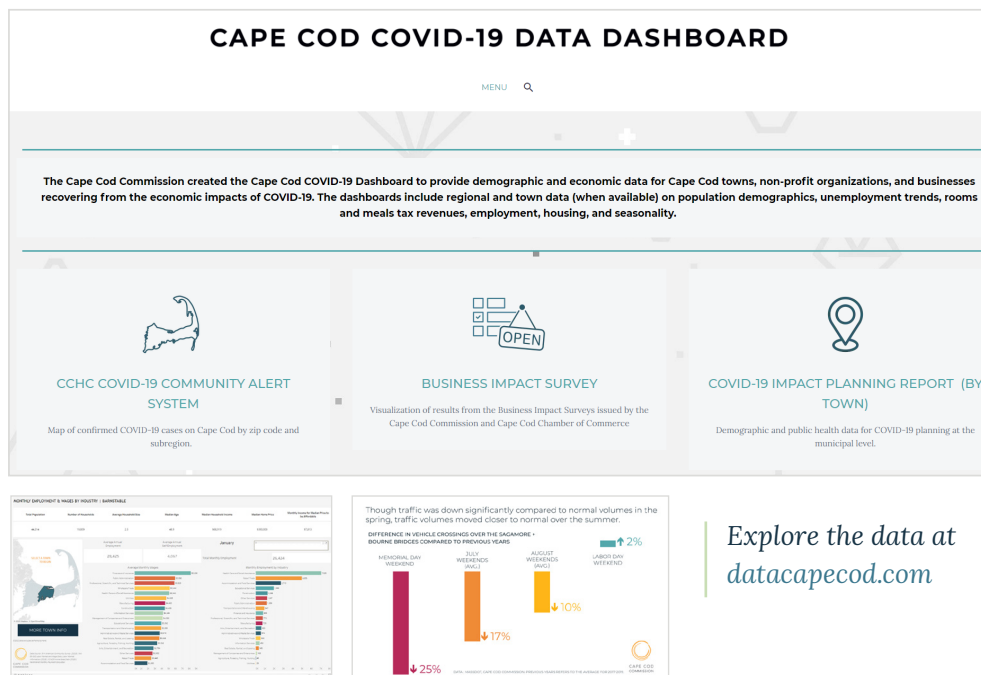
## COVID-19 Municipal Planning Strategies Toolkit

Cape Cod's local businesses and communities faced new and significant challenges opening and operating during the pandemic. To support municipal planners and staff, the Cape Cod Commission created resources related to COVID-19 and responding to community and business impacts.

The COVID-19 Municipal Planning Strategies Toolkit provides information for Cape Cod towns on how they can support the needs

of local businesses as they operate during this period of social distancing requirements. It contains strategies to accommodate the new operational standards and includes examples from other municipalities that have expanded opportunities for businesses to offer their goods and services during the COVID-19 pandemic.

View the toolkit and explore other resources: [capecodcommission.org/our-work/covid-planning-resources](https://capecodcommission.org/our-work/covid-planning-resources)



Explore the data at [datacapecod.com](https://datacapecod.com)

### CAPE COD COVID-19 DATA DASHBOARD

The Cape Cod Covid-19 Data Dashboard provides demographic and economic data for Cape Cod towns, non-profit organizations, and businesses recovering from the economic impacts of COVID-19. The dashboards include regional and town data (when available) on population demographics, unemployment trends, rooms and meals tax revenues, employment, housing, and seasonality.



## \$400,000 GRANT TO SUPPORT PANDEMIC RECOVERY AND RESILIENCY EFFORTS

The Cape Cod Commission received a \$400,000 Coronavirus Aid, Relief, and Economic Security (CARES) Act Recovery Assistance Grant from the US Department of Commerce's Economic Development Administration to support efforts to respond and recover from the devastating economic impacts caused by the COVID-19 pandemic and develop strategies to improve resilience in the future.

Funding will be used to provide technical assistance to Cape Cod communities and regional partners and engage stakeholders in developing plans and strategies to diversify and strengthen the regional economy.

## New Study Shows Economic Impact of Cape Cod's Harbors

In Spring 2020, the Cape Cod Commission and the Urban Harbors Institute set out to better understand the economic importance of maintaining the functionality of Cape Cod's harbors. Results of the study indicate that maintaining and/or enhancing harbor functionality should be a priority for coastal communities in order to secure and improve the economic benefits, including employment, of these indus-

tries. The towns that will be most successful in maintaining long-term functionality will also integrate planning for sea level rise, coastal flooding, and increasingly intense storms as climate change continues to impact the region's fragile coastline.

The report concludes with a set of recommendations for towns, including maintaining functionality to support economic benefits of employ-



ment; integrating sea level rise impacts into planning efforts to minimize disruption to those benefits into the future; improving region-wide data collection on climate impacts and capital expenditures; and continuing to research other harbors to better articulate regional benefits.

*The harbor survey focused on six harbors in four towns: Provincetown Harbor, Sesuit Harbor in Dennis, Stage Harbor and Aunt Lydia's Cove (Fish Pier) in Chatham, and Great Harbor and Inner Harbor in Falmouth. It was directed towards owners of businesses located along the coast or otherwise reliant on access to the harbors.*

*The final report and survey results are available at: [capecodcommission.org/our-work/harbor-study/](https://capecodcommission.org/our-work/harbor-study/)*



## Census 2020: Striving for a Complete Count

Understanding that our community must work collaboratively to ensure all residents are correctly counted in the 2020 US Census, the Cape Cod Commission, the Town of Barnstable, and Barnstable County partnered to establish the Cape Cod Complete Count Committee. The Complete Count Committee is a volunteer advisory committee representing a broad cross-section of Cape residents, leaders and organizations, bringing together those best suited to reach traditionally hard-to-count populations.

Supported by US Census Bureau staff and the Massachusetts Secretary of State's office, the Commission facilitated meetings with community leaders, working to connect with various sectors of the hard-to-count population.

With the Census response extended through October, due to the effects of the pandemic, the Commission developed a public relations campaign, including radio ads, social media posts, print advertisements and direct mail to connect with citi-

zens across Cape Cod to ensure a complete count. Resources were widely distributed over the summer and included local voices with a Cape focus.

Data collected through the Census determines the distribution of more than \$675 billion in federal funds every year to state and local governments. Government, businesses, and non-profit organizations also rely on the data that the census questions produce to make important decisions.

## License Plate Grant Funds Awarded for COVID-19 Recovery and Resiliency Projects



The Barnstable County License Plate Grant Program, funded by proceeds from the sale of Cape Cod and Islands specialty license plates, supports regional priorities for economic development and achievement of long-term economic diversity and sustainability.

A special round of funding was made available to local or regional governmental or nonprofit agencies for projects that support recovery from the COVID-19 pandemic and resiliency to such impacts in the future. Projects selected for funding address a documented impact of the pandemic and align with and support implementation of the region's Comprehensive Economic Development Strategy (CEDS).

\$136,347 in license plate grant funds were awarded to six recipients: Sustainable Cape, Love Live Local for the Cape Cod Resilience Fund, Cape Cod Community College, Arts Foundation of Cape Cod, Cape Cod Young Professionals, and Lower Cape Community Development Corporation.

Economic Impacts of COVID-19 on Cape Cod Businesses

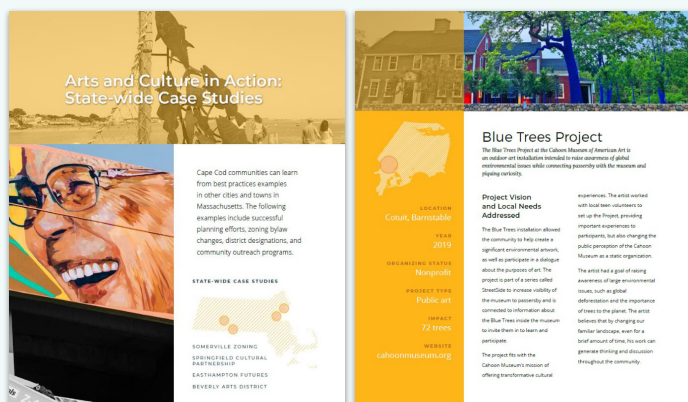


## ECONOMIC IMPACTS OF COVID-19: CAPE COD BUSINESS SURVEY

The Cape Cod Commission and the Cape Cod Chamber of Commerce issued a series of online surveys to Cape Cod business owners to better understand the current and anticipated economic impacts of COVID-19. Data collected through the surveys support economic recovery and can be leveraged by businesses, towns, and other organizations in grant applications and reports.

Business owners were asked to share their experiences and answer specific questions on topics including business closure, revenue loss, seasonality, employment impacts, and the need for assistance.

Visualizations and a report on the survey results are available online at the Cape Cod COVID-19 Data Dashboard: [datacapecod.com/second-business-impact-survey](https://datacapecod.com/second-business-impact-survey).



The guide highlights sector challenges and opportunities for growth, providing case studies on Cape Cod and beyond.

## UPDATED ARTS AND CULTURE GUIDE

The Cape Cod Commission's updated arts and culture guide, "Leveraging Cultural Assets in Economic Development on Cape Cod," is intended to share best practices and lessons learned, inspire collaboration, support strategic planning, and build stronger ties between creativity and commerce. The updated guide provides an overview of the economic impact of the arts and culture sector, including information on employment and wages. It includes ways that arts are currently integrated into local and regional planning efforts, identifies resources for those working in the sector, and provides recommendations to support and expand impact over the next ten years.

See the updated guide at: [cccom.link/arts-and-culture](https://cccom.link/arts-and-culture)

## Helping Towns Adapt to New COVID-19 Health and Safety Standards

The Cape Cod Commission provided technical assistance and guidance on grant opportunities allowing communities to adapt their transportation system to provide more space for pedestrian and bicyclists.

Commission staff helped towns improve infrastructure for cyclists with free bicycle racks and other related equipment through the Cape Cod Bike Rack Program. Staff also helped develop projects

and prepare applications for grant funds available through the Massachusetts Department of Transportation’s (MassDOT) Shared Streets and Spaces Grant Program.

The grant program provided assistance to help cities and towns engage residents and businesses to conceive, design, and execute shared streets and spaces that help comply with new health and safety regulations due to the COVID-19 pandemic.

Provincetown, Dennis, and Barnstable were each awarded funding that allowed them to support health and distancing with improvements like enhanced pedestrian spaces, additional public seating, and improved parking measures.

The Shared Winter Streets and Spaces program was announced in November, and several Cape towns applied for funding in this phase.



Enhanced pedestrian spaces along a new walkway in downtown Hyannis.

### \$200 MILLION FOR TRANSPORTATION PROJECTS OVER THE NEXT FIVE YEARS

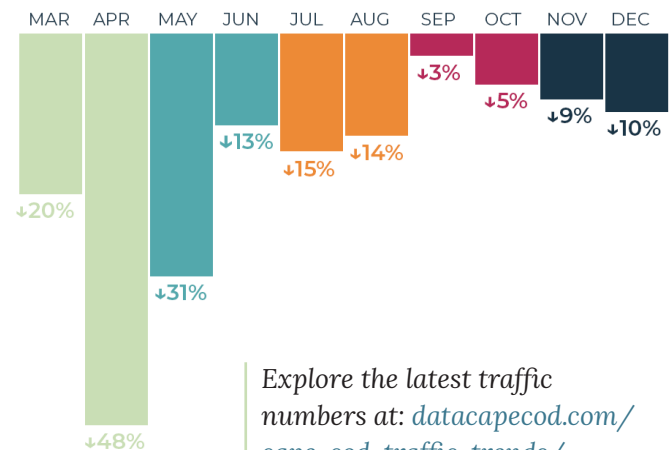
The 2021-2025 Transportation Improvement Program, adopted in May by the Cape Cod Metropolitan Planning Organization, includes over \$200 million in funded projects that will be implemented in the next five years. Highlights of the program include improvements to the Mashpee Rotary and Route 151; construction of a shared use path along Bearses Way in Barnstable; installation of a median along the Scenic Highway in Bourne; enhancement to Cape Cod Regional Transit Authority services; funding for Phase 1 of the Bourne Rail Trail; and Route 28 reconstruction in Dennis and Harwich.

## Pandemic Impacts Cape Traffic Trends

In addition to normal traffic tracking work, this year Commission staff has been examining impacts to traffic related to the pandemic.

Traffic counts show that once schools and businesses began to close in March, volume over the Bourne and Sagamore bridges dropped significantly. Labor Day weekend saw an uptick in travel, with volume up over both bridges. Bike path traffic along the Cape Cod Rail Trail continues to be higher than in 2019.

DIFFERENCE IN VEHICLE CROSSINGS OVER THE SAGAMORE + BOURNE BRIDGES AS COMPARED TO 2019



Explore the latest traffic numbers at: [datacapecod.com/cape-cod-traffic-trends/](https://datacapecod.com/cape-cod-traffic-trends/)

## Cape Cod Commission and The Canal Bridges: Role in Reconstruction

In April, the U.S. Army Corps of Engineers announced support of a recommendation to replace the aging Bourne and Sagamore Bridges. Instead of major rehabilitations that would require extensive bridge and lane closures, the recommendation is to replace the nearly 80-year-old structures with new bridges, at an estimated cost of over \$1 billion with associated approach improvements.

The next phase of the project includes evaluation of bridge type, design, and location as well as funding strategies for the two new bridges.

Cape Cod Commission staff shared its regional planning work, contributed data on population and visitation to the Army Corps' initial studies, and has served as technical advisors. The Commission also works closely with MassDOT, which will be leading efforts to connect the new bridges to existing roadways.



Public outreach and engagement with local towns and citizens is paramount as the project moves forward. The Commission will assist the Army Corps and MassDOT with connecting citizens and key stakeholders with critical information. The Cape Cod Metropolitan Planning Organization anticipates updates from the Army Corps and MassDOT as the project progresses.

Links to the studies and further information are available at: [capecodcommission.org/canal](https://capecodcommission.org/canal)



### CAPE RAIL STUDY PROCESS BEGINS

A new study that will examine options to extend passenger rail service to Cape Cod with connections to the communities of Middleborough and Wareham began in November. The Cape Rail Study, led by MassDOT and assisted by a consultant team, will also provide the region with critical data and information. The first advisory group meeting for the Cape Rail Study was hosted by the Cape Cod Metropolitan Planning Organization (MPO) on November 19, 2020. The advisory group will be the driving force in the development of the study. It comprises a wide range of community representatives, including regional elected officials, municipal staff, and leaders from the transportation, business, tourism, and education sectors.

See more about the study at: [capecodcommission.org/our-work/cape-rail-study/](https://capecodcommission.org/our-work/cape-rail-study/)



### CREATING COMPLETE STREETS

*With funding provided by the Massachusetts Department of Transportation, the Cape Cod Commission provides technical services to Cape Cod towns wishing to develop a Complete Streets plan. A Complete Street is one that provides safe and accessible options for all travel modes – walking, biking, transit and vehicles – for people of all ages and abilities.*

*This year, the Cape Cod Commission completed a draft plan for Orleans and began work with the towns of Bourne, Falmouth, and Brewster. A Complete Streets prioritization plan helps towns gain access to state and federal funding.*

## Cape Cod Commission Collaborates to Create a Cape Cod Climate Action Plan

The Cape Cod Commission is in the process of creating Cape Cod's first-ever climate action plan, a strategic framework that details the policies and actions necessary to reduce greenhouse gas emissions, adapt to existing climate hazards, and track progress.

Our region is vulnerable to sea level rise, storm surge and flooding, erosion, and damaging winds. The hazards we face can cause loss of life, damage buildings and infrastructure, impair coastal environments, all impacting our community's economic, social, and environmental well-being.

A climate action plan for the region will set forward a clear path and framework for adapting to and mitigating the causes of climate change through development of specific and measurable actions and recommendations at a variety of scales.

The process began in October 2019 with a series of sub-regional community meetings.

# Climate Action Plan

*Through collaborations with stakeholders and partners, the Commission is developing an action plan to address the critical challenges posed by climate change.*

Staff worked with 150 stakeholders from across Cape Cod to better understand actions taken to date, structure a stakeholder process, and identify priorities for development of a climate action plan. The Commission hired the Consensus Building Institute to facilitate stakeholder discussions.

Beginning in October 2020, subregional municipal working groups and stakeholder

working groups met in multiple sessions to discuss Cape-specific greenhouse gas emissions and climate impacts, identify strategies and actions, and contribute to development of the climate action plan. Stakeholder working groups convened on the topics of energy, transportation, housing and development, and natural resources and working lands. The Commission also worked with eight non-profit organizations in the region to gather additional input through focus groups, and better understand the intersections between their organizational priorities and climate action.

In addition to the stakeholder process, the Commission worked with consultants to complete a fiscal and economic impact analysis, as well as a legal and jurisdictional analysis, and collect data through a public survey, among other efforts that will contribute to the climate action plan. A draft plan will be complete in early 2021.



### SERIES HIGHLIGHTS LOCAL CLIMATE ACTION

The Commission's first podcast series highlights the work of the agency and its community partners to build resiliency to climate change in our region.

*Listen: [capecodcommission.org/our-work/cape-cod-climate-action-podcast/](https://capecodcommission.org/our-work/cape-cod-climate-action-podcast/)*



### CLIMATE ACTION TIMELINE

A compilation of organizations, reports, and events that have helped shape and advance the recognition and understanding of climate change.

*Explore: [capecodcommission.org/our-work/climate-change-action-timeline/](https://capecodcommission.org/our-work/climate-change-action-timeline/)*

## Regional Greenhouse Gas Inventory Complete

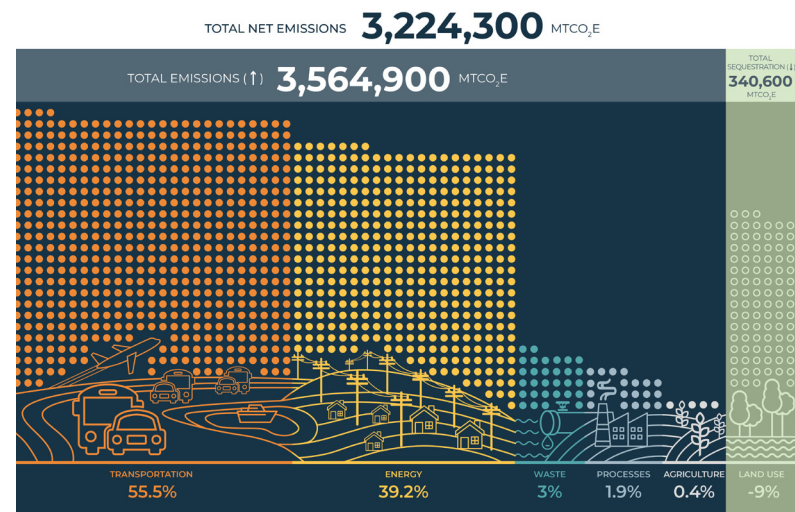
Cape Cod Commission staff compiled a greenhouse gas (GHG) emissions inventory for a baseline year of 2017, following the Intergovernmental Panel on Climate Change (IPCC) Guidelines for National Greenhouse Gas Inventories, which focuses on GHG emissions and removals from man-made sources and activities.

A GHG inventory is a comprehensive accounting of total greenhouse gas emissions for all man-made sources. The Cape Cod inventory provides a complete

picture of GHG emissions from the region, identifies high emissions sectors, and establishes an accounting method that is comparable and reproducible so emissions can be measured going forward.

Using local, state, and federal data, the inventory calculated emissions of carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride from six sectors: stationary energy (building energy use), transportation, industrial processes and product use, agriculture, waste, and land use.

This baseline can provide communities with the information to understand the contributing factors to Cape Cod's GHG emissions. The inventory has pro-



vided the Commission with the baseline necessary to support development of the Cape Cod Climate Action Plan. Data was integrated into the planning process to help identify measures and strategies to reduce GHG emissions and mitigate the impacts of

climate change on the region.

Learn more at: [capecodcommission.org/our-work/climate-action-plan/greenhouse-gas-emissions-inventory/](https://capecodcommission.org/our-work/climate-action-plan/greenhouse-gas-emissions-inventory/)

## ALL 15 CAPE COD TOWNS ACHIEVE MVP STATUS

The state's Municipal Vulnerability Preparedness (MVP) Program provides support for cities and towns to plan for climate change resiliency and implement priority projects. As of June 2020, all 15 Cape Cod towns are designated MVP communities.

The Cape Cod Commission, in cooperation with the Cape Cod Cooperative Extension, assisted several Cape Cod towns with the MVP planning process to understand the impacts of natural hazards and a changing cli-

mate, and to develop priority actions to improve the community's resilience to these threats.

Workshops were attended by town staff representing a wide variety of departments, public safety officials, appointed committee members, concerned citizens, and other community stakeholders. Through these workshops, towns identified hazards such as flooding, winter storms, erosion, sea level rise, and temperature changes that have the

potential to threaten infrastructure, human health, and the environment. Initiatives such as vulnerability assessments, feasibility studies, infrastructure improvements, and better communication were also identified through the workshop process.

These community strengths, vulnerabilities, and priority actions were compiled into reports that were approved by each community and certified by the state.



All Cape Cod towns are now designated MVP communities and eligible for MVP Action Grants and other funding opportunities



## Developing a Solar Screening Tool for the Region

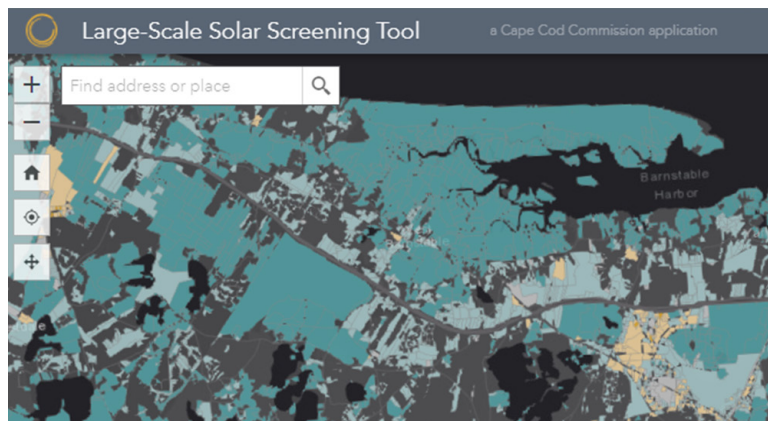
Created by Commission staff and reviewed by a group of external stakeholders and potential users, the Large Scale Solar Screening Tool is designed to help guide projects toward appropriate areas and away from important conservation areas.

The tool considers both built and natural environments to identify areas more or less appropriate for solar development. It is designed for use by anyone interested in

developing or reviewing large-scale solar facilities.

Within the map tool, parcels are color-coded based on their built and natural features. While parcels with more natural features may be less appropriate for large-scale ground-mounted solar arrays, sizable built features present on these parcels may be appropriate for solar photovoltaic (PV) installations. Built and natural feature layers are provided as well as contextual features, all for use in helping inform the siting of solar PV projects on Cape Cod.

The tool, created using ESRI's ArcGIS software suite, was pre-



An application designed to assist in appropriate siting of large-scale solar photovoltaic projects. Watch the explainer video: [youtu.be/\\_96H3\\_tyvek](https://youtu.be/_96H3_tyvek)

viewed during the Northeast Arc Users Group (NEARC) conference held virtually on November 16. It won recognition at NEARC for

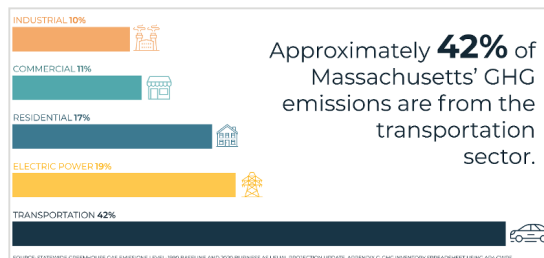
most impressive use of GIS for analysis or to solve a problem.

View the app: [arcg.is/1rvj5v](https://arcg.is/1rvj5v)

## Siting Electric Vehicle Charging Stations

The transportation sector accounts for the largest portion of greenhouse gas emissions (GHG) in Massachusetts. One way to reduce GHG emissions and slow the rate of climate change is to support the increased adoption of electric vehicles (EV) and the infrastructure necessary for their use, such as publicly available EV charging stations. Because their fuel source is electricity, rather than fossil-fuel based gasoline, EVs do not directly produce tailpipe emissions of GHGs.

The 2018 Regional Policy Plan recommended the Commission complete a GIS screening analysis of potential EV charging station locations. Commission staff have completed this analysis. This analysis includes information on the current state of electric vehicle charging stations on the Cape,



such as the types of locations that currently host charging stations, an interactive map representing the distribution of the network across Cape Cod, and identification of areas suitable for future infrastructure.

Additional information can be found at: [story-maps.arcgis.com/stories/ed59c9714aff4b1298d31d77fdd0d915](https://story-maps.arcgis.com/stories/ed59c9714aff4b1298d31d77fdd0d915)

## REGIONAL POLICY PLAN CLIMATE CHANGE ACTIONS

The Regional Policy Plan (RPP) identifies climate change as one of the key challenges facing the region. It includes a section on climate change response, readiness, and mitigation and planning actions that support creation of the Solar Screening Tool, development of the EV Charging Station Siting Analysis, advance Green Community designations, and develop a baseline of greenhouse gas emissions that will help communities better understand opportunities for mitigation.

## Cape Cod Commission Receives \$1 Million Federal Grant to Support Resiliency Efforts on Cape Cod

In April, the Cape Cod Commission was awarded a \$1 million grant through the United States Department of Commerce's Economic Development Administration (EDA) to develop and implement a multi-pronged planning initiative to help address Barnstable County's vulnerability to storm induced impacts.

This major investment from the EDA will help the region devise and implement long-term economic recovery strategies and identify and plan for future economic challenges.

The project aims to provide data and information that allows communities to better prepare for and respond to impacts, develop a framework for improving resiliency, and create tools

*“Our administration is dedicated to working with municipalities to build resilience and protect people and property, and this grant from the U.S. Department of Commerce will build on those efforts to ensure Barnstable County communities are prepared for future impacts of extreme weather.”*

*– Massachusetts Governor Charlie Baker –*

to promote better local decisions regarding critical vulnerable assets.

Enhancing and developing digital map layers and decision support tools will facilitate high-impact, targeted implementation projects and improve planning efforts for all 15 towns on Cape Cod. The work proposed will help communities determine effective approaches to

address the risks faced today and implement initiatives to reduce impacts moving forward.

Proposed work will build on the priorities identified by many Cape Cod towns through the Municipal Vulnerability Preparedness (MVP) planning process by supporting assessments, feasibility studies, and solutions for low-lying roads.

The Commission engaged Eastern Research Group, Inc. and Synapse Energy Economics, Inc. to assess the economic impacts of coastal hazards, such as sea level rise and storm surge on Cape Cod. This analysis will address a wide range of impacts on jobs, tax revenues, infrastructure, public health, tourism, and ecosystem services provided by our salt marshes and eelgrass.

The funds will also provide an opportunity to develop regional design guidelines for buildings in flood hazard areas, which will highlight appropriate ways to reduce or eliminate hazards while also protecting the region's distinctive character and historic resources.

## Model Coastal Resiliency Bylaw Underway

A model coastal resiliency bylaw designed to help Cape Cod towns better manage the impacts of climate change is under development.

This is a key component of the Cape Cod Commission's climate work, and a critical follow-up to the MVP Program planning the agency has done with many towns in the region. This



project provides a unique opportunity to consider and advance the use of existing zoning to promote more resilient practices.

To create the model bylaw, the Cape Cod Commission is working with four partner towns - Bourne, Sandwich, Eastham, and

Brewster - and has contracted with the Urban Harbors Institute (UHI). UHI has assembled a team of experts comprised of coastal floodplain and erosion specialists, those with expertise in preserving historic character and the elements of historic structures, and legal and policy specialists with expertise in coastal resiliency issues.

The work is funded through grants received from the state Office of Energy and Environmental Affairs and through the federal Economic Development Administration.



## Updating the Downtown Hyannis Design and Infrastructure Plan

Cape Cod Commission staff developed a report that identifies potential design guidelines, zoning changes, and infrastructure improvements for neighborhoods within the downtown Hyannis Growth Incentive Zone (GIZ). This is the first step towards an updated Downtown Hyannis Design and Infrastructure Plan.

This report identifies different neighborhoods within the GIZ, design features that define each area, and challenges to maintaining each neighborhood's desired character. It recommends zoning or design review standards to enhance each neighborhood's character and address its key challenges. The report also acknowledges the importance of historic resources within the GIZ and incorporates

lessons learned from recent developments into recommendations to improve design regulations and address infrastructure constraints in each of the neighborhoods.

The recommendations and considerations will ultimately be reflected in a new Design and Infrastructure Plan that outlines a clear design review and permitting process, with coordination between zoning and dimensional regulations, historic district review, and public and private investments in infrastructure. The report also includes a one-page Development Checklist that town board members, staff, and developers can use to evaluate the design of development proposals and help ensure they enhance and support the character of downtown Hyannis.

## DEVELOPING A WAYFINDING PLAN FOR DOWNTOWN ORLEANS

The Cape Cod Commission worked with the Orleans Planning Board in 2020 to develop a wayfinding plan for key destinations in and around downtown Orleans.

Wayfinding is a system of visual cues such as signs, landscaping, pavement markings, or other objects that help people orient themselves in physical space and navigate from place to place.

The project will produce recommendations for wayfinding signage or pavement treatments, as well as possible technological options that could help facilitate improved movement for motorists, pedestrians, and bicyclists downtown, while highlighting Orleans' special character and features.

*The Orleans wayfinding plan aims to provide better navigation for drivers, pedestrians, and bicyclists*





## Cape Cod Commission Assists in Creating New Guide to Floodplain Regulations and Historic Structures

The Cape Cod Commission, Cape Cod Cooperative Extension, and Woods Hole Sea Grant created a new guide to floodplain regulations and historic structures in Massachusetts that aims to clarify common questions and help identify when structures are eligible for exemption from the Substantial Improvement and Substantial Damage floodplain requirements.

Currently, Commission staff are working to develop design guidelines that can be used by local towns to help ensure consistency in flood hazard areas across the region. This new guide and the forthcoming guidelines will help communities and property owners plan for the future and make educated decisions about what is best for their community.

## Reducing Solid Waste Costs on Cape Cod

Towns across the Cape are seeing municipal solid waste (MSW) disposal costs rise due to diminishing regional disposal options, and recycling capacity decrease due to the lack of available markets that process these materials. The Cape Cod Commission, working with Barnstable County and the Cape Cod Cooperative Extension, solicited two studies to help towns plan for future MSW management.

One study examines options and costs to divert household recyclables and hard to dispose materials, like mattresses and textiles, for reuse and recycling, so that they are diverted from landfill

*On-Cape opportunities to collect, process, and recycle materials at Joint Base Cape Cod UCRTS, Bourne Integrated Solid Waste Management facility, and Yarmouth Transfer Station will be examined as part of the study*

or incinerator disposal. The study will examine on-Cape options to collect and process materials for eventual reuse and recycling and will identify potential markets for processed materials.

Another study will provide a cost /benefit analysis for transportation and disposal options of remaining solid waste that cannot be reduced, reused, recycled or repurposed and must be transported to a disposal facility such as a traditional landfill or waste incinerator. The analysis will examine innovative disposal options on Cape Cod and traditional disposal options for out-of-state disposal.



### FORM BASED CODE WORKSHOP

Nearly 50 municipal officials and staff from 12 Cape Cod towns came together on February 10 for a workshop organized by the Housing Assistance Corporation on using form-based code. Form-based code is a tool to enable communities to create zoning that encourages the development of the types of housing that could help ease the region's housing crisis. Commission Executive Director Kristy Senatori and Chief Planner Chloe Schaefer kicked off the workshop with presentations on the housing challenge facing the region and some of the work the Commission has done to address it, including the Community Resiliency by Design project.

See more about the project at: [capecodcommission.org/crbd](http://capecodcommission.org/crbd)

## Cape Cod and Islands Water Protection Fund



From July 2019 through August 2020, the Cape Cod and Islands Water Protection Fund (CCI-WPF) generated \$10.9 million to help Cape Cod and the Islands pay for necessary wastewater infrastructure and water quality remediation projects.

Established by the Massachusetts Legislature in 2018, the CCIWPF is a dedicated fund within the state's Clean Water Trust, set up to benefit communities in Barnstable, Dukes, and Nantucket Counties. Creation of the CCIWPF was the result of efforts by a diverse set of stakeholders who recognized the need for new financial tools to address the region's degrading water quality and lack of wastewater infrastructure.

Its source of revenue is a 2.75% excise tax on traditional lodging and short-term rentals.

The fund is administered by the existing Clean Water Trust and overseen by a management board comprised of representation from every member town, executive directors of the Cape Cod Commission and Martha's Vineyard Commission, and the Nantucket Town Manager. Currently, the 15 Cape Cod communities are members of the fund.

New regulations governing fund distribution were approved in October. These regulations guide the way in which funds are awarded to eligible member communities working to develop

and implement wastewater and water quality projects.

Projects eligible for funding include innovative strategies and alternative septic system technologies, the completion and update of water quality and wastewater management plans, the construction of sewer collection systems and wastewater treatment plants, and the implementation of drainage improvements and water treatment programs to improve water quality in freshwater ponds and marine resources. Member communities must go through the State Revolving Fund, or SRF, program to receive CCIWPF funds.

## STORMWATER UPDATES TO THE TECHNOLOGIES MATRIX

The Cape Cod Commission's Technologies Matrix is a single source of the most up to date information on nutrient management technologies. It serves as a planning and evaluation tool for town staff, consultants, and experts; and an informational tool for interested stakeholders and the public.

The Matrix was originally published in 2015 after two years of research by Commission

staff and private consultants, review by a panel of experts, and vetting by State, Federal, and other stakeholders.

The 2020 update to the Technologies Matrix incorporates new information regarding the performance of stormwater technologies. These updates will help practitioners choose stormwater control measures by providing information on the expected range of nitrogen

and/or phosphorus removal. Design choices are included to help optimize stormwater management approaches already selected for other reasons or purposes.

The Technologies Matrix summarizes information that can help Cape Cod communities evaluate various nutrient mitigation strategies to address their water quality issues and inform adaptive management.



## Regional Water Quality Monitoring Database Takes Shape

In 2018 the Cape Cod Commission and partners were awarded a Southeast New England Program (SNEP) Watershed Grant to improve the recording, management and translation of water quality monitoring data on Cape Cod. This work builds on the Commission's efforts to establish a regional database that makes monitoring data easily accessible from a single location.

Over the past year Commission and partner staff have worked

with an End User Group through a series of virtual meetings to establish a framework for the monitoring database and web interface. The feedback provided has informed the development team as they build out the water quality database, establish data protocols, and create analysis scripts. The regional water quality monitoring database will include new methods for data analysis, evaluation, reporting, and translation to improve understanding of water



*The water quality database includes new methods for analysis, evaluation, and reporting to improve understanding of water quality trends*

quality trends and better integrate results into local planning and policy development, creating a path forward for the pro-

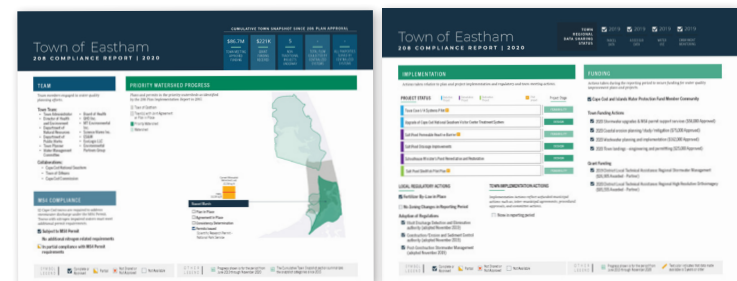
vision of data and information that will serve the 15 Cape Cod communities and the region well into the future.

## SNEP NETWORK MAKES PROGRESS IN FIRST YEAR

The Southeast New England Network (SNEP Network) is a grant-funded partnership among 15 environmental organizations, academic institutions, regional planners, and consultants (including the Cape Cod Commission) who work collaboratively to provide stormwater planning and technical expertise within the watersheds of Southeastern Massachusetts and Rhode Island.

In Spring 2020, the Town of Bourne and the four Pleasant Bay Alliance communities received technical assistance awards from

the SNEP Network. The Pleasant Bay Alliance will receive assistance with a review of land use regulations and stormwater bylaws in its four member towns. Bourne will receive assistance with the development of a coastal resilience action strategy and sustainable and scalable financing options. Other work includes a review of local ordinances and bylaws pertaining to stormwater, a stormwater resource inventory, and development of a regional runoff and pollutant load mapping tool.



## COMPLIANCE REPORTS ISSUED

*As the Commission tracks implementation of the 208 Plan Update, it has committed to developing annual compliance reports that document local progress. 2020 compliance reports were issued in December with criteria that was refined through feedback from the Cape Cod Water Protection Collaborative, MassDEP, and US EPA. The reports document water quality funding, intermunicipal agreements and permits in priority watersheds, status of water quality projects, and all town actions on wastewater and water quality.*

## Herring River Restoration - Phase One Approved

A project to restore habitat and re-establish tidal flow within the Herring River estuary and floodplain system in Truro and Wellfleet is moving forward. On June 11, 2020, the Cape Cod Commission granted Development of Regional Impact approval to Phase One of the project.

Approximately 570 acres will be restored during Phase One, located mostly within the Cape Cod National Seashore. Tidal flow will be restored through the installation of various new tide control structures, and a new Chequessett Neck bridge. The project aims



to restore the area and create a healthy, productive salt marsh, which is a vital component of a healthy ecosystem.



*Salt marshes can help prevent flooding by absorbing excess rainwater. They also act as a buffer, protecting our shorelines from erosion. Additionally, salt marshes filter stormwater runoff and excess nutrients, helping to promote clean water.*

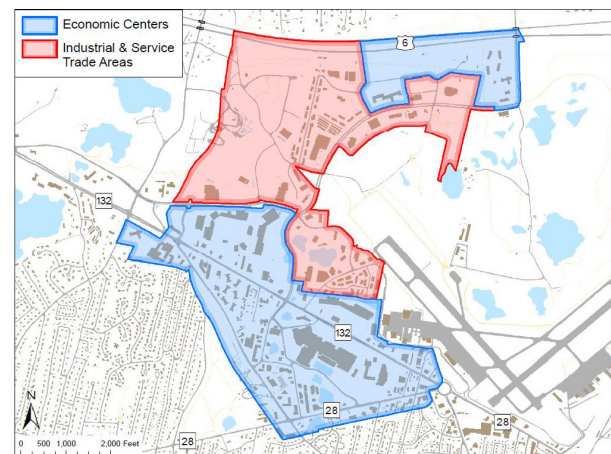


### MASHPEE COMMONS BEGINS DEVELOPMENT AGREEMENT PROCESS

Mashpee Commons plans to develop nearly 187 acres of its land over the next seven years, adding more retail and housing. The project moved forward in March 2020, when the Cape Cod Commission approved a Development Agreement that includes the Town of Mashpee, Mashpee Commons, and the Cape Cod Commission and streamlines future negotiations.

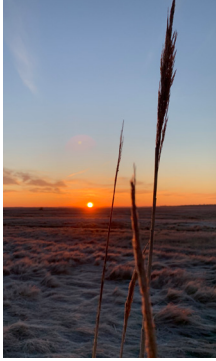
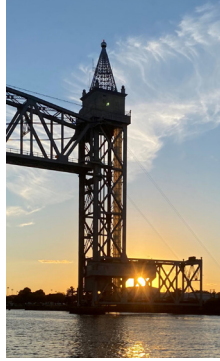
## Expanding the Economic and Industrial Trade Center in Barnstable

In order to facilitate the growth of year-round living wage jobs on Cape Cod and to promote economic sustainability, the Town of Barnstable applied to the Cape Cod Commission to modify its 2019 "Chapter H" decision that designated the Greater Hyannis Economic Center and Industrial Trade Center.



The amendment sought to add wholesale uses to the research and development and light manufacturing uses included in the zone. Prior to coming before the Commission, local public hearings were held, followed by

unanimous, respective votes of the Barnstable Planning Board and Town Council. The Commission approved the amendment during its meeting on June 11, 2020.



## Commission Staff

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Kristy Senatori, Executive Director

*Abigail Bliss*

*Tara Lewis*

Meghan Boudreau

Lev Malakhoff

*Madden Bremer*

Maria McCauley

*Chelsea Bruck*

Heather McElroy

*Mario Carloni*

Colleen Medeiros

Siobhan Cavacco

David Nolan

Jennifer Clinton

Timothy Pasakarnis

*Kristen Clothier*

Erin Perry

Sarah Colvin

Gary Prahm

Gail Coyne

Jessica Rempel

Patty Daley

Anne Reynolds

Philip Detjens

*Jeffrey Ribeiro*

Lisa Dillon

Chloe Schaefer

Danielle Donahue

David Still

Martha Hevenor

*David Sullivan*

Jonathan Idman

Steven Tupper

*Elizabeth Kellam*

Jordan Velozo

Mallory Kender

Michele White

Sarah Korjeff

Jessica Wielgus

*2020 new hire* *2020 departure*

## Cape Cod Commission Members

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Harold Mitchell | Sandwich, *Chair*

Dr. Cheryl Andrews | Provincetown

Ron Bergstrom | County Commissioner

Joyce Brookshire | Eastham

Fred Chirigotis | Barnstable

Richard Elkin | Wellfleet

Jacqueline Etsten | Harwich

Douglas Fromm | Orleans (April - Present)

Kevin Grunwald | Truro

John D. Harris | Minority Rep.

Michael Maxim | Governor's Appointee

Charles McCaffrey | Falmouth

John H. McCormack, Jr. | Yarmouth

Stephen Mealy | Bourne

Richard Roy | Dennis

Leonard Short | Orleans (Jan - April)

Elizabeth Taylor | Brewster

Ernest Virgilio | Mashpee

David Weeden | Native American Rep.

Tom Wilson | Chatham





CAPE COD  
COMMISSION

**CAPE COD COMMISSION**

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Phone: 508-362-3828 • Fax: 508-362-3136

[www.capecodcommission.org](http://www.capecodcommission.org)

# **CONSENT AGENDA**



**CITIZEN'S COMMITTEE VACANCY FORM  
VOLUNTEER NOW -- SERVE YOUR COMMUNITY**

Town government needs citizens who are willing to give time in the service of their community. This form was adopted by the Selectmen as a means of compiling names of interested citizens to serve, on a voluntary basis, on Boards and Committees and Commissions

Vacancy Forms are updated to include categories consistent with the changing needs of the Town. Indicate your order of preference and return this form to:

**CITIZEN'S COMMITTEE VACANCY FORM  
BOARD OF SELECTMEN  
732 Main Street, Harwich, MA 02645**

Name Dan Pelletier Street/P.O. Box 196 Chatham Rd. Town Harwich Zip 02645  
Occupation Water/Wastewater Superintendent Email Dpelletier@harwichwater.com Telephone 774-722-7963

*(LIST IN ORDER OF PREFERENCE)*

**PLANNING AND PRESERVATION**

- Agricultural Commission
- \***Board of Appeals**
- Brooks Academy Museum Commission
- Building Code Board of Appeals
- By-law/Charter Review Committee
- Community Preservation Committee
- \***Conservation Commission**
- Cultural Council
- Historical/Historic District Commission
- \***Planning Board**
- Real Estate, Open Space Committee
- Town Forest Committee
- Traffic Safety Committee
- Trail Committee
- Harwich Energy Committee
- OTHER **Pleasant Bay Alliance Technical Resource Committee**

**RECREATION**

- Bikeways Committee
- Golf Committee
- Recreation & Youth Commission
- Waterways Committee

**OTHER**

- \***Board of Assessors**
- \***Board of Health**
- Capital Outlay Committee
- Cemetery Commission
- Community Center Facilities Committee
- Constable
- Council on Aging
- Disability Rights Committee
- Finance Committee
- Harwich Housing Committee
- Herring Supervisor (Voluntary)
- Saquatucket Development Committee
- Shellfish Constable (Voluntary)
- Treasure Chest Committee
- Wastewater Support Committee
- Youth Services Committee
- Voter Information Committee

\* **Please include a resume with form**

**EDUCATIONAL BACKGROUND:**

**Bachelor of Science in Civil Engineering Technology - Wentworth Institute of Technology**

**RELEVANT SKILLS:**

Water/Wastewater Planning

**REASONS FOR INTEREST IN COMMITTEE/COMMISSION/BOARD:**

The Pleasant Bay Alliance Technical Resource Committee is comprised of town staff from each of the PBA member communities. As the name implies, the Committee often engages in technical discussion and analysis regarding the Targeted Watershed Management Plan, water use data and nitrogen mitigation. As Water/Wastewater Superintendent I am uniquely suited to provide the alliance with the most up-to-date technical information relative to wastewater planning in Harwich and also facilitate the return of information/findings back from the Alliance.

# **NEW BUSINESS**

**PLANNING BOARD • 732 Main Street, Harwich, MA 02645**

*ph: 508-430-7511 • fax: 508-430-4703*



February 24, 2021

To: Board of Selectmen  
From: Planning Board  
Re: Proposed Zoning Bylaw Amendments –  
West Harwich Special District Design Guidelines; and  
Parking Setbacks within the MRL and MRL-1 Zoning District



At the duly posted Planning Board meeting held February 23, 2021, the Board Members present voted 7-0-0 (Messrs Stoltz, Chadwick, Berry, Harris, Peterson and Rouse and Ms. Maslowski) to refer the attached zoning bylaw amendments to the Board of Selectmen so that the required public hearing process can begin and so that these articles are included in the Annual Town Meeting Warrant.

The proposed zoning bylaw amendments are relative to:

1. West Harwich Special District Design Guidelines
2. Parking setback changes within the MRL and MRL-1 zoning districts

At this time the Planning Board requests that the Board of Selectmen vote to refer these proposed zoning amendments back to the Planning Board so that the Planning Board can begin the required public hearing process pursuant to M.G.L. c.40A §5. Attached please find this provision.

**Please note**, that pursuant to MGL c.40A §5, the Board of Selectmen has 14-day to refer the proposed bylaw amendment to the Planning Board.

If you have any questions, please do not hesitate to contact the Planning Board Chair, Duncan Berry

**Recommended Motion:**

Move that the Board of Selectmen refer the zoning amendments relative to the West Harwich Special District Design Guideline and Parking Setback changes within the MRL and MRL-1 zoning districts to the Planning Board for the required public hearings.

Enc. (2)

Article \_\_\_: To see if the Town will vote to amend the Code of the Town of Harwich – Zoning Article XXIV West Harwich Special District by adding a new §325-160 as follows:

§325-160 Design Guidelines

For the purpose of this section the Harwich Planning Board shall adopt “*West Harwich Special District Site and Architectural Design Guidelines*” which shall constitute rules and regulations guiding historic structures and new construction within the WHSD.

***Explanation:*** *The new section 325-160 references design guidelines for the West Harwich Special District, which will be created and adopted by the Harwich Planning Board through a separate public hearing process. These guidelines will assist property owners and applicants with the development and redevelopment of properties within the West Harwich Special District (aka the West Harwich DCPC).*

**Article \_\_\_:** To see if the Town will vote to amend the Code of the Town of Harwich – Zoning by amending §325-42.L by making the following changing (new text shown in **bold underline** and deleted language shown in ~~strike-out~~):

Parking and loading zone setbacks for all uses except single-family, two-family and single-family with accessory apartment shall be as follows. For commercial structures, wheel stops for parking spaces perpendicular to or at an angle to a structure shall be located so as to provide a clear area of three feet between the end of a vehicle parked in the space and the nearest structure.

Zone	Parking Setbacks <sup>1</sup> (feet)		
	Street	Side Line	Rear
RR, RM, RL, RH-1, RH-2 and RH-3	20	10	10
CV, CH-1 and CH-2	20	10	10
IL	15	5	5
MRL and MRL-1	50	50	50
	<b><u>Note 2</u></b>	<b><u>Note 2</u></b>	<b><u>Note 2</u></b>

**Notes:**

<sup>1</sup> No parking area containing more than four spaces or loading area shall be located within a required front yard, except that those buildings utilizing the provisions of §325-51L (Village Commercial Overlay District) shall not locate any parking within the front yard.

**<sup>2</sup>(1) On already improved properties, the setbacks for parking shall be established at the time of the site plan review.**

**(2) For vacant lands to be developed for any purpose (other than single-family, two-family and single-family with accessory apartment) the minimum setbacks for parking shall be 25 feet from the street and rear property line and 20 feet from the side property line.**

**Explanation:** *These changes would allow for creativity and flexibility for parking within the MRL and MRL-1 zoning district, particularly for already improved properties.*



AMEND ROOMS TAX RATE PER M.G.L., CHAPTER 64G, §3A – Increase  
Hotel/Motel/Short Term Rental Rooms Tax from 4% to 6%

Article ##: To see if the Town will vote to accept the provisions of M.G.L., Chapter 64G, §3A to amend the local option rooms excise tax from 4% to 6%; or to act fully thereon. By request of the Board of Selectmen.

ADOPT M.G.L., CHAPTER 64G, §3D (a) – Establish a Community Impact Fee on  
Professionally Managed Lodgings

Article ##: To see if the Town will vote to accept the provisions of G.L. c.64G, §3D(a), authorizing the imposition of a community impact fee of 3 percent on the transfer of occupancy of a short term rental in a “professionally-managed unit”, which term is defined as 1 of 2 or more short-term rental units that are located in the same city or town, operated by the same operator and are not located within a single-family, two-family, or three family dwelling that includes the operator’s primary residence; or act fully thereon. By request of the Board of Selectmen.

*Explanation: 100% of the fees collected will be used to offset costs related to the implementation of the Comprehensive Wastewater Management Plan (CWMP); specifically to offset costs related to construction of wastewater infrastructures.*

ADOPT M.G.L. CHAPTER 40, §5B PARAGRAPH 4

Create a Wastewater Special Purpose Stabilization Fund and Dedicate Certain Revenue to Said Fund

Article ##: To see if the Town will vote to accept M. G. L. Chapter 40, Section 5B, Paragraph 4, thereby creating a Wastewater Special Purpose Stabilization Fund, with monies in said Fund to be used, subject to appropriation, to implement the Town’s Comprehensive Wastewater Management Plan, including the development of wastewater infrastructure; provided that one hundred (100) percent of the Community Impact Fee assessed in accordance with M.G.L. Chapter 64G, §3D(a), and 33 and 1/3 percent of the rooms excise tax collected by the Town in accordance with M.G.L., Chapter 64G, §3A, be dedicated to the Wastewater Special Purpose Stabilization Fund, without further appropriation; or to act fully thereon. By request of the Board of Selectmen.

*Two-Thirds Vote Required.*

**OFFICE OF THE TOWN ADMINISTRATOR**

Phone (508) 430-7513

Fax (508) 432-5039

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

732 MAIN STREET, HARWICH, MA 02645



# MEMO

TO: Joseph F. Powers, Town Administrator

FROM: Danielle Delaney, Executive Assistant – Licensing

CC: Board of Selectmen  
Meggan M. Eldredge, Assistant Town Administrator

RE: 2021 Annual Entertainment License Renewals

DATE: March 1, 2021

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The licensee below was contacted via email to outline the times and location (inside or outside) of where they are requesting to have entertainment.  
All information below was emailed directly to staff. Included below is what the Board of Selectmen approved in 2020.

Villa Roma  
278 Route 28, West Harwich

Requesting: Weekday 4:30PM – 10PM inside only  
Recorded or Live Music

**Approved in 2020**  
***Weekday: 4:30PM – 1AM***



*Background Music only*

OFFICE OF THE SELECTMEN  
732 MAIN STREET  
HARWICH, MA 02645  
508-430-7513

**APPLICATION FOR ENTERTAINMENT LICENSE**

- Weekday Entertainment (\$75) \_\_\_\_\_ 1 day (\$25) \_\_\_\_\_
- Batters Box (\$50) \_\_\_\_\_
- Go Carts (\$50) \_\_\_\_\_
- Miniature Golf (\$50) \_\_\_\_\_
- Trampolines (\$25) \_\_\_\_\_
- Theater (\$150 per cinema) \_\_\_\_\_
- Automatic Amusement:
  - Juke Box (\$100 each) \_\_\_\_\_
  - Video Games (\$100 each) \_\_\_\_\_
- Other \_\_\_\_\_

- New application \_\_\_\_\_
- Renewal  \_\_\_\_\_
- Annual  \_\_\_\_\_
- Seasonal \_\_\_\_\_
- Opening Date \_\_\_\_\_

Business Name Villa Roma Phone 508 432-6868

Business Address 278 RTE 28 W. HARWICH MA 02671

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

Owners Name & Address LEE ANNE FRAYCO  
DODGELAS R MORRISSEY

Email Address VILLAROMA@YAHOO.COM

Managers Name & Address DODGELAS R MORRISSEY

**TIMES AND DAYS OF WEEK FOR ENTERTAINMENT (Please note this application does not cover Sundays. You can obtain a Sunday license application at the Selectmen's Office):**

**ENTERTAINMENT TYPE: (Check all appropriate boxes)**

- Concert  Dance  Exhibition  Cabaret  Public Show  Other
- Dancing by Patrons
- Dancing by Entertainers or Performers
- Recorded or Live Music
- Use of Amplification System
- Theatrical Exhibit, Play or Moving Picture Show
- A Floor Show of Any Description
- A Light Show of Any Description
- Any Other Dynamic Audio or Visual Show, Whether Live or Recorded

At any time during this concert, dance exhibition, cabaret or public show, will any person(s) be permitted to appear on the premises in any manner or attire as to expose to the public view any portion of the body as described in Mass. General Laws Chapter 140, Section 183A, Para. 3.

\_\_\_ Yes      X No      *recorded music only*

If Yes, answer questions 1 through 4 below. Attach a separate sheet and/or exhibits if necessary:

1. Describe in complete detail the extent of exposure during the performance and the nature of the entertainment: \_\_\_\_\_  
\_\_\_\_\_
2. Furnish additional information concerning the condition of the premises and how they are suitable for the proposed entertainment: \_\_\_\_\_  
\_\_\_\_\_
3. Fully describe the actions you will take to prevent any adverse effects on public safety, health, or order: \_\_\_\_\_  
\_\_\_\_\_
4. Identify whether and how you will regulate access by minors to the premises: \_\_\_\_\_  
\_\_\_\_\_

Days/Hours of Business Operation Monday to Sunday 9:30 PM - 10 PM

Pursuant to MGL, Chapter 62C, Section 49A, I certify under the penalties of perjury that I, to the best of my knowledge and belief, have filed all State tax returns, and have paid all State taxes under the law.

\_\_\_\_\_  
Signature of applicant & title

\_\_\_\_\_  
Federal I.D. #

\_\_\_\_\_  
Signature of individual or corporate name

\_\_\_\_\_  
Federal I.D. #

\_\_\_\_\_  
Signature of Manager

\_\_\_\_\_  
Federal I.D. #

\_\_\_\_\_  
Signature of Partner

\_\_\_\_\_  
Federal I.D. #

**REGULATORY COMPLIANCE FORM**

The premises to be licensed as described herein have been inspected and found to be in compliance with applicable local codes & regulations, including zoning ordinances, health regulations & building & fire codes.

[Signature]  
Building Commissioner

[Signature]  
Board of Health

[Signature]  
Fire Department

[Signature]  
Police Department

comments:

*Required signatures to be obtained by the applicant prior to submission of new applications.*



OFFICE OF THE SELECTMEN  
 732 MAIN STREET  
 HARWICH, MA 02645  
 508-430-7513

**APPLICATION FOR COMMON VICTUALLERS LICENSE**

Fee: \$50    New application     Annual     # of seats 42  
 Renewal     Seasonal     Opening date 4/1/2010

In accordance with the provisions of the Statutes relating thereto, application for a Common Victuallers license is hereby made by:

Business Name Ruggies, Inc    Phone 508 432 0628

Doing Business As (d/b/a) Ruggies Breakfast and Lunch

Business Address 707 MAIN STREET HARWICH, MA 02645

Mailing Address PO BOX 365 WEST HARWICH, MA 02671

Email Address ruggies707@gmail.com

Name of Owner Peter N. Morey

(If corporation or partnership, list name, title and address of officers)

Peter N. Morey president  
 Signature of applicant & title

\_\_\_\_\_  
 Federal I.D. #

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.

Ruggies, Inc  
 Signature of individual or corporate name

By Peter N. Morey  
 Corporate officer (if applicable)

**REGULATORY COMPLIANCE FORM**

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.

NOT APPLICABLE - RC  
 Building Commissioner

Megan Eldy  
 Board of Health

BH  
 Fire Department

Required signatures to be obtained by the applicant prior to submission of new applications.



OFFICE OF THE SELECTMEN  
732 MAIN ST., HARWICH, MA 02645  
508-430-7513

**APPLICATION FOR LODGING HOUSE OR INNOLDERS LICENSE**

LICENSE APPLIED FOR: Lodging House \_\_\_\_\_ Innholders

Fee: \$50 New application \_\_\_\_\_ Annual  # of rooms 5  
Renewal  Seasonal \_\_\_\_\_ Opening date 04/01/2021

Business Name HARWICH PORT SATELIER Phone 508 430 1230

Doing Business As (d/b/a) MOONCROSSERS TAVERN

Business Address 86 SUTTON RD HARWICH PORT, MA 02646

Mailing Address SAME

Winter Address & Phone SAME

Email Address \_\_\_\_\_

Name of Owner PATRICK & ANNIE WISEMAN

(If corporation or partnership, list name, title and address of officers)

PATRICK WISEMAN PRESIDENT ANNIE WISEMAN TREASURER  
ANNIE WISEMAN PRESIDENT  
PATRICK WISEMAN TREASURER  
Signature of applicant & title Federal I.D. #

INNOLDERS ONLY – List total number of seats in dining/lounge area. 137

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.

H Signature of individual or corporate name By \_\_\_\_\_ Corporate officer (if applicable)

**REGULATORY COMPLIANCE FORM**

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] Building Commissioner [Signature] Board of Health [Signature] Fire Department

Required signatures to be obtained by the applicant prior to submission of new applications.

# **OLD BUSINESS**

**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: Board of Selectmen

Cc: Joseph F. Powers, Town Administrator

From: Meggan M. Eldredge, Assistant Town Administrator 

RE: Proposed Reorganization Plan for the Planning Department and Community Development Organizational Structure

Date: March 1, 2021

---

Attached for your consideration is a draft job description for the Director of Planning and Community Development. This draft includes revisions suggested by Selectmen McManus and has been approved by the respective collective bargaining unit, SEIU.

This position acts as the primary advocate for the various departmental needs within the community development organizational structure and acts as coordinator in the work of departments to develop technical solutions to shared problems.

Thank you for your consideration on this matter.



## **DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT**

### **DEFINITION**

The Director of Planning and Community Development serving as the Town Planner performs technical and administrative work evaluating information, preparing reports, managing the operations of the Planning Department and oversight of the Community Development organizational structure, and assisting the Planning Board with making land use related decisions; other related work, as required.

### **ESSENTIAL DUTIES AND RESPONSIBILITIES**

*The essential functions or duties listed below are illustrations of the type of work performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.*

Provides information and assistance to the general public regarding planning matters; provides assistance to the Planning Board, as requested; provides assistance to town boards, such as Real Estate and Open Space and Harwich Center Initiative.

Works with the Planning Board to maintain the comprehensive plan and updates plan; helps facilitate and promote implementation of the Local Comprehensive Plan; in conjunction with the Planning Board and other town boards, develops new zoning bylaws and amendments to the zoning bylaw and regulations.

Coordinates department activities with other departments as needed. Acts as the primary advocate for the various departmental needs within the community development organizational structure and acts as coordinator in the work of departments to develop technical solutions to shared problems.

Works with local and regional planning agencies to undertake studies to better understand local and regional trends and develop approaches to addressing local and regional concerns; works with the regional planning agency on the review of Developments of Regional Impact.

Represents the town on regional committees; provides assistance to the Zoning Board of Appeals; reviews applications, discusses applications with applicants, and prepares staff reports for the Planning Board; conducts site work to review areas of proposed development.

Performs special projects as directed by the Town Administrator and/or the Assistant Town Administrator

Prepare maps using the GIS system; works with town departments to develop methods to streamline the permit process and share information.

Performs similar or related work as required, or as situation dictates.

### **SUPERVISION**

Works under the administrative direction of the Town Administrator and/or Assistant Town

Administrator; the employee functions independently, consulting with the Planning Board and the Town Administrator when clarification or interpretation of policies or procedures is required.

### **SUPERVISORY RESPONSIBILITIES**

Supervises one employee.

### **WORK ENVIRONMENT**

Work is generally performed in office conditions; some field work is required to perform inspections; the employee is required to attend frequent evening meetings.

The employee operates standard office equipment.

The employee has regular contact with town departments, such as, Building, Engineering, Conservation, Health, and Assessors, as well as state, regional and local agencies; also has frequent contact with the general public and applicants.

The employee has access to department-related legal proceedings.

Errors could result in monetary loss or legal repercussions.

### **RECOMMENDED MINIMUM QUALIFICATIONS**

#### **EDUCATION AND EXPERIENCE**

Bachelor's Degree required, Master's Degree in planning preferred; five years of professional planning experience, preferably in local or regional government; or an equivalent combination of education and experience.

#### **KNOWLEDGE, ABILITY, SKILL**

Knowledge of Massachusetts zoning law and local zoning practices; knowledge of planning and environmental issues; working knowledge of GIS.

Ability to work independently, conduct independent research and analyze and interpret results; ability to read plans, prepare reports and formulate recommendations; ability to draft bylaw amendments and regulations; ability to establish and maintain effective working relationships with local officials and the general public.

Ability to read and interpret engineering and survey plans (site, subdivision and building.)

Written and oral communication skills; oral presentation skills; planning and organizational skills.

Experience implementing and/or evaluating technology solutions pertaining to planning as well as community development applications including but not limited electronic permitting and/or workflow management software systems.

### **PHYSICAL REQUIREMENTS**

Minimal physical effort is generally required to perform administrative duties; moderate physical effort is required to perform field work. The employee is frequently required to speak and hear and use hands to operate equipment. Vision requirements include the ability to read routine and complex documents, use a computer and operate a motor vehicle.

*This job description does not constitute an employment agreement between the employer and employee, and is subject to change by the employer, as the needs of the employer and requirements of the job change.*

PROPOSED

# CWMP Revision Strategy

March 1<sup>st</sup>, 2021



TOWN OF  
**HARWICH** MASSACHUSETTS

# Targeted Revision Strategy

## Overview



The targeted revision strategy is intended to provide an open and transparent process for the purpose of identifying components of the CWMP the Town is considering for revision, gain input from community stakeholders, and provide draft recommendations consistent with stakeholder input.



# Targeted Revision Strategy

Identify



**Purpose – To provide an opportunity for inclusive stakeholder input regarding topics for revision**

- Identify lead consultant to support town staff through the revision process
- Identify general topics or areas of concern within the CWMP that warrant review, investigation, and/or revision
  - Items discussed to date:
    - Construction Phasing & Cost Models
    - Zoning & Buildout Assumptions
    - East Harwich Sub-watershed N Attenuation Thresholds (2021)
    - I/A Systems
- Identify and consolidate relevant sections of the CWMP and source data used in the development of the CWMP



# Targeted Revision Strategy

## Sequence & Gather



**Purpose – To ensure revisions occur in proper order, as efficiently as possible, and with the most up-to-date information**

1. Using information derived in the “identify” step, town staff will work to sequence the proposed revision topics into the appropriate order in which they should be addressed
2. Gather available new data relative to proposed revision topics for consideration and incorporation into draft revisions



# Targeted Revision Strategy

## Review



**Purpose – Summarize data collection findings and establish an understanding of the current CWMP language**

1. Review relevant CWMP components and figures to establish an understanding of the current language and inform potential future revisions
2. Review relevant new data and evaluate against current CWMP language





# Targeted Revision Strategy

Input



**Purpose – Solicit input from stakeholders to inform revision narrative**

The “Input” phase is intended to gain a consensus of stakeholder interest through public meeting to be considered in preparation for draft revisions. Upon conclusion of the “input” phase, town staff will look to the BOS for final direction to begin preparing draft language for inclusion in to the CWMP.



TOWN OF  
**HARWICH** MASSACHUSETTS

# Targeted Revision Strategy

Draft & Submit



**Purpose – Incorporate stakeholder interest into draft CWMP revisions and submit for approval from regulatory agencies**

1. Develop draft language consistent with stakeholder interests
2. Present draft language to the Board for consideration
3. Engage regulatory agencies for preliminary review and comment
4. Assemble draft Notice of Project Change submission and present to stakeholders
5. Submit Notice of Project Change to begin MEPA review process



TOWN OF  
**HARWICH** MASSACHUSETTS

# **CONTRACTS**

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

From: Meggan Eldredge, Assistant Town Administrator   
Griffin Ryder, Town Engineer

RE: Contract with Bucher Municipal North America, Inc. for the purchase of Sweeper Body and Pony Motor for the Department of Public Works in the amount of \$125,000.00.

Date: March 1, 2021

---

This memorandum corresponds to *Contracts Agenda Item A. Discussion and possible vote for the Board of Selectmen to execute contract with Bucher Municipal North America, Inc. for the purchase of Sweeper Body and Pony Motor for the Department of Public Works for \$125,000.00.*

As you will see from the attached materials, this item was procured through a cooperative purchase via Sourcewell Vendor #122017-JTM Bucher Municipal under MGL, c.30B. Funds for this procurement were approved during the FY19 ATM.

I recommend the Board's approval and execution of this contract.

# PROCUREMENT CHECKLIST & APPROVAL FORM

STAFF LEAD: Kyle Edson

DEPARTMENT: Highway

FUNDING SOURCE: Article 19 FY2020

Appropriated amount: \$125,000.00

Estimated cost: \$ 124,953.74 Actual cost: \_\_\_\_\_

PROCUREMENT METHOD: Cooperative Purchase c.30B Section 22

Sourcewell Vendor#122017-JTN Bucher Municipal

## PURCHASE DESCRIPTION:

Purchase descriptions should contain the following components (see document on purchase descriptions):  
*Description of supplies or services required; quantities required; schedule for performance and delivery terms.*

Replacement/Repair of the 2007 street sweeper body and pony motor per the DPW Vehicle Replacement Plan. Specifications and pricing attached.

PROCUREMENT DocuSigned by: **MAY PROCEED ONLY IF SIGNATURES PROVIDED BELOW**

Funds Available: Finance Director: *Carol Coppola* Account # \_\_\_\_\_  
48632699033D434...

Approved to proceed: Town Administrator or Designee: *Joseph F. Powers*  
0623C0C5799644E...



## Article 19 FY2019

# Johnston Sweeper Body Pony Motor Repair/Replacement

2007 Freightliner FC80

Johnston VT650 / 35252 / 06 / 1797

John Deere 4045TF270 Serial # CD4045G085522

### Body

- Removal of old floor and weld OEM sections
- Sand blast water tank
- Replace stainless steel Hi-top cowling
- Prepare body for paint
- Paint Johnston white
- Replace water pump assy.
- Replace water valve manifold
- Hydraulic hoses as needed
- Replace valve island and shuttle valve

- Replace all Johnston wiring harnesses including main cab
- Overhaul channel brushes
- Replace air regulator and tubes
- Replace trunking
- Replace wheels (4)
- Replace all filters, seals, and hardware

### **Pony motor**

- Replace John Deere engine 4045TF270
- Replace radiator (customer supplied) and seals
- Replace hydraulic Motor
- Replace fancase and cover
- Replace engine wiring harnesses
- Replace gearbox fan drive
- Replace fan impeller assy
- Replace transition ring
- Replace fluid coupling

## **AGREEMENT FOR TOWN OF HARWICH**

The following provisions shall constitute an Agreement between the Town of Harwich, acting by and through its Board of Selectmen, hereinafter referred to as "Town," and Bucher Municipal North America, Inc., with an address of 105 Motorsports Road, Mooresville, NC 28115, hereinafter referred to as "Contractor", effective as of the \_\_\_\_\_ day of \_\_\_\_\_, 2021. In consideration of the mutual covenants contained herein, the parties agree as follows:

### **ARTICLE 1: SCOPE OF WORK:**

The Contractor shall perform all work and furnish all supplies necessary to provide the Town with a Johnston Sweeper Body & Pony Motor for the Department of Public Works, including the scope of supplies set forth in Attachment A.

### **ARTICLE 2: TIME OF PERFORMANCE:**

The Contractor shall complete all work and supplies required hereunder commencing upon contract execution through May 30, 2021.

### **ARTICLE 3: COMPENSATION:**

The Town shall pay the Contractor for the performance of the work outlined in Article 1 above the contract sum of \$125,000.00. The Contractor shall submit monthly invoices to the Town for supplies rendered, which will be due 30 days following receipt by the Town.

### **ARTICLE 4: CONTRACT DOCUMENTS:**

The following documents form the Contract and all are as fully a part of the Contract as if attached to this Agreement or repeated herein:

1. This Agreement.
2. Amendments, or other changes mutually agreed upon between the parties.



3. All attachments to the Agreement.
4. Sourcewell Contract #122017-JTN Bucher Municipal, Sewer Vacuum, Hydro-Excavation, and Street Sweeper Equipment, with Related Accessories and Supplies.

In the event of conflicting provisions, those provisions most favorable to the Town shall govern.

**ARTICLE 5: CONTRACT TERMINATION:**

The Town may suspend or terminate this Agreement by providing the Contractor with ten (10) days written notice for the reasons outlined as follows:

1. Failure of the Contractor, for any reason, to fulfill in a timely and proper manner its obligations under this Agreement.
2. Violation of any of the provisions of this Agreement by the Contractor.
3. A determination by the Town that the Contractor has engaged in fraud, waste, mismanagement, misuse of funds, or criminal activity with any funds provided by this Agreement.

Either party may terminate this Agreement at any time for convenience by providing the other party written notice specifying therein the termination date which shall be no sooner than thirty (30) days from the issuance of said notice. Upon receipt of a notice of termination from the Town, the Contractor shall cease to incur additional expenses in connection with the Agreement. Upon such termination, the Contractor shall be entitled to compensation for all satisfactory work completed prior to the termination date as determined by the Town. Such payment shall not exceed the fair value of the supplies provided hereunder.

**ARTICLE 6: INDEMNIFICATION:**

The Contractor shall defend, indemnify and hold harmless the Town and its officers, agents, and all employees from and against claims arising directly or indirectly from the contract. Contractor shall be solely responsible for all local taxes or contributions imposed or required under the Social Security, Workers' Compensation, and income tax laws. Further, the Contractor

shall defend, indemnify and hold harmless the Town with respect to any damages, expenses, or claims arising from or in connection with any of the work performed or to be performed under this Agreement. This shall not be construed as a limitation of the Contractor's liability under the Agreement or as otherwise provided by law.

**ARTICLE 7: AVAILABILITY OF FUNDS:**

The compensation provided by this Agreement is subject to the availability and appropriation of funds.

**ARTICLE 8: APPLICABLE LAW:**

The Contractor agrees to comply with all applicable local, state and federal laws, regulations and orders relating to the completion of this Agreement. This Agreement shall be governed by and construed in accordance with the law of the Commonwealth of Massachusetts.

**ARTICLE 9: ASSIGNMENT:**

The Contractor shall not make any assignment of this Agreement without the prior written approval of the Town.

**ARTICLE 10: AMENDMENTS:**

All amendments or any changes to the provisions specified in this Contract can only occur when mutually agreed upon by the Town and Contractor. Further, such amendments or changes shall be in writing and signed by officials with authority to bind the Town. No amendment or change to the contract provisions shall be made until after the written execution of the amendment or change to the Contract by both parties.

**ARTICLE 11: INDEPENDENT CONTRACTOR:**

The Contractor acknowledges and agrees that it is acting as an independent contractor for all work and supplies rendered pursuant to this Agreement and shall not be considered an employee or agent of the Town for any purpose.

**ARTICLE 12: INSURANCE:**

The Contractor shall be responsible to the Town or any third party for any property damage or bodily injury caused by it, any of its subcontractors, employees or agents in the performance of, or as a result of, the work under this Agreement. The Contractor and any subcontractors used hereby certify that they are insured for workers' compensation, property damage, personal and product liability. The Contractor and any subcontractor it uses shall purchase, furnish copies of, and maintain in full force and effect insurance policies in the amounts here indicated.

- 1) General Liability of at least \$1,500,000 Occurrence/\$3,000,000 General Aggregate. The Municipality should be named as an "Additional Insured". Products and Completed Operations should be maintained for up to 3 years after the completion of the project.
- 2) Automobile Liability (applicable for any contractor who has an automobile operating exposure) of at least \$1,000,000 Bodily Injury and Property Damage per accident. The Municipality should be named as an "Additional Insured".
- 3) Workers' Compensation Insurance as required by law. Include Employers Liability Part B with a limit of \$1,000,000
- 4) Property Coverage for materials and supplies being transported by the contractor, as the Town's Property Contract provides coverage for personal property within 1000 feet of the premises.

- 5) Umbrella Liability of at least \$2,000,000/ occurrence, \$2,000,000/aggregate. The Municipality should be named as an Additional Insured.

Prior to commencement of any work under this Agreement, the Contractor shall provide the Town with Certificates of Insurance which include the Town as an additional named insured and which include a thirty day notice of cancellation to the Town.

**ARTICLE 13: SEVERABILITY:**

If any term or condition of this Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by the court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby unless one or both parties would be substantially or materially prejudiced.

**ARTICLE 14: ENTIRE AGREEMENT:**

This Agreement, including all documents incorporated herein by reference, constitutes the entire integrated agreement between the parties with respect to the matters described. This Agreement supersedes all prior agreements, negotiations and representations, either written or oral, and it shall not be modified or amended except by a written document executed by the parties hereto.

**ARTICLE 15: COUNTERPARTS:**

This Agreement may be executed in any number of counterparts, each of which shall be deemed to be a counterpart original.

**CERTIFICATION AS TO PAYMENT OF STATE TAXES**

Pursuant to Chapter 62C of the Massachusetts General Laws, Section 49A(b), I, \_\_\_\_\_, authorized signatory for the Contractor do hereby certify under the pains and penalties of perjury that said Contractor has complied with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

\_\_\_\_\_  
Social Security Number or  
Federal Identification Number

\_\_\_\_\_  
Signature of Individual or  
Corporate Name

Signature of Individual or  
Corporate Name

DocuSigned by:  
By: *Frank Ward*  
E0DB9A04D2BD4AA...  
Corporate Officer  
(if applicable)

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the \_\_\_\_\_ day and year first above written.

CONTRACTOR

TOWN OF HARWICH

By DocuSigned by:

by its Board of Selectmen Over \$50,000

*Frank Ward*  
E0DB9A04D2BD4AA...

\_\_\_\_\_  
Printed Name and Title

Printed Name and Title

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Approved as to Availability of Funds:

by its Town Administrator Up to \$50,000

DocuSigned by:

*Carol Coppola*  
48C32039D33D494...

Finance Director

(\$125,000.00)  
Contract Sum

\_\_\_\_\_  
Town Administrator



## Griffin Ryder

---

**From:** Kyle Edson  
**Sent:** Friday, February 19, 2021 11:52 AM  
Griffin Ryder  
**Subject:** Fwd: Town of Harwich VT652/ FC80 chassis remount  
**Attachments:** Estimate 651 from Bucher Municipal North America Inc

----- Forwarded message -----

From: "Ward, Frank" <frank.ward@buchermunicipal.com>  
Date: Feb 19, 2021 11:22 AM  
Subject: Town of Harwich VT652/ FC80 chassis remount  
To: Kyle Edson <kedson@town.harwich.ma.us>  
Cc: "Ruggieri, Christopher" <christopher.ruggieri@buchermunicipal.com>

Good morning Kyle ,

Please see the quote below and if all is good, please print and sign and scan back to both Chris and myself . Please also include your Sourcewell contract and a PO . once transportation has been arranged and an ETA , BMNA is ready to begin the transformation of your new street sweeper . thanks .

To Town of Harwich

BMNA will Re-body Harwich's existing FC80/ VT650/ 35252 with VT652/ 213595 for the sum of \$125,000 plus taxes. The Town of Harwich will be responsible for transportation to and from BMNA Mooresville. Any chassis modification or repair will be above the agreed amount and Town of Harwich will be billed accordingly. There will be a 12 month warranty starting at time of invoice. Work will start at time of purchase order and receiving the Sweeper

### Standard Options;

Stainless Steel Cowling with 11/4" Sound Proof Liner

Completely Covered & Sealed Auxiliary Engine  
Compartment

10" Inside Diameter Vacuum Hose with Straight Inlet  
Design

Electrical Over Hydraulic Hopper Lift System

L.E.D Indicators on All Solenoid Plugs

Step-Up Gear Box Driven Vacuum Fan via Fluid  
Coupler

Coolant/Oil Pressure Shutdown System

Maxigap: In-Cab Vacuum Nozzle Tilt System

Molded Composite 50 Gallon Auxiliary Engine Fuel Tank w/ Locking Cap	28" Diameter Trailing Arm Design Gutter Brooms with LED Work Lights
8.5 Cubic Yard Stainless Steel Hopper with Lifetime warranty	16" x 50" Wide sweep Broom
55 degree Dump Angle of hopper	"Unhanded" Suction Nozzle & Gutter Broom Assemblies
Two (2) Hopper Drain Ports on Rear Door:1- 3" Drain Hose and 1- 2" Ball Valve	In-Cab Dual Gutter Broom Speed Control
Two (2) Side Mounted Hopper Access Doors; LH & RH	In-Cab Gutter Broom Down Pressure Control
Two (2) Lockable Built-In Hopper Side Storage Lockers: LH	Master Sweep Control Switch to Start/Stop All Sweeping Functions
415 Gallon Stainless Steel Water Tank w/ Lifetime Warranty	20 Gallon Hydraulic Oil Tank
Remote Ground Level Drains: Engine, Hydraulic, Gearbox Oil & Coolant	125 Micron Suction & 25 Micron Return Hydraulic Filters
Four (4) Gutter Broom Water Spray Jets Per Side	Hopper and Water Tank Interconnect
Bumper Mounted Wide sweep Water Spray Bar with Four (4) Spray Jets	Automatic Safety Body Prop with Hands Free Release
Four (4) Internal Water Spray Jets at each Vacuum Nozzle	Turbo III Precleaner for Auxiliary Engine
Remote Grease Zerk for Wide Sweep Pivot	25' Hydrant Hose with Coupling & Wrench
Handheld Pendant Wide Sweep Broom Down Pressure Control	Centralized Weatherproof Systems Locker with Strip LED Light
Inside or Outside Cab Handheld Pendant Dump Controls	25 ft. Wash-down Hose
Electrical Wiring Color and Number Coded	Two (2) Rear Mounted LED Strobes with Limb Guards
Dust Proof Electrical Wiring - IP65 Standards	Body Paint Two Part Epoxy Factory White
Water Proof Electrical Wiring - IP67 Standards	Engine Pack & Sweep Gear Powder Coated Gray
In Cab integrated sweeper controls with data capture and to monitor performance	1 each Sweeper Ops Manual & Parts & Service CD - English
Stainless Steel Hopper Screens	

**Additional Options;**

JCB Ecomax Tier 4 Final 93kW @2200 RPM Requires EN690 (or equivalent) Ultra-low Sulphur fuels.  
 Gutter Broom In-Cab Tilt Control - Dual  
 Dual Gutter Brooms with Pneumatic Flaps  
 Gutter Broom Lateral In-Cab Control - (Dual) available on Dual Sweep VTs only



Simultaneous Sweep

Screen Vibrator - Pneumatic

EZ Clean - Hopper Body Flush Out (2 nozzles)

Catch Basin, Powaboom 8" Diameter includes two (2) Aluminum - 4 ft. Crown and 6 ft. flanged Extensions  
Supawash, 8 gpm, 1500 psi with Handlance, Wide Sweep Broom Spray Bar Rear Mounted & Suction Nozzle  
Spray Bar Rear Mounted.

Split Arrow Stick, LED

Camera Single Rear Vision Displayed on JVM

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**Frank Ward**

Regional Service & Technical Manager

**Bucher Municipal**

Bucher Municipal North America Inc., 105 Motorsports Road, 28115 Mooresville, NC, USA

M +1 704 658 8399

buchermunicipal.com

[LinkedIn](#) [Twitter](#) [YouTube](#) [Facebook](#) [Instagram](#)

This e-mail may contain confidential and/or privileged information. If you are not the intended recipient (or have received this e-mail by error), please notify the sender immediately and destroy this e-mail and any attachments and do not copy, disclose or distribute the contents to any other person.

[Privacy policy](#)

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This e-mail may contain confidential and/or privileged information. If you are not the intended recipient (or have received this e-mail by error) please notify the sender immediately and destroy this e-mail and any attachments and do not copy, disclose or distribute the contents to any other person.  
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Project Name: Johnston Sweeper Body TM Year and Article #: 2019 Appropriation: \$ 125,000.00  
*Pony motor*  
 Low Bidder: Bucher Municipal Article 19 Bid Price: \$ 125,000.00  
*Sourcewell Buying Cooperative*

**12/13/18 Revised Procurement Checklist**

Please complete checklist below for contracts requiring Selectmen\* signature **before Wednesday morning\*\*** in order to get sign-off approval from the Town Administrator or the Assistant Town Administrator.

\*Note: contracts (not grants) **below \$25,000** can be signed by Town Administrator.

- 1. Please provide a **separate page titled "Summary of Project"** which includes:
  - a. Provide how many bidders there were, the range of bids, and apparent low bidder. *N/A*
  - b. Identify the funding source, such as article number and amount approved.
  - c. Include what you feel is pertinent, but keep this section to **4 sentences or less.**
- 2. Finance Director has signed that funds are available: Carol Coppola Account # \_\_\_\_\_
- 3. Please provide a single **copy of the bid packet** along with all supporting documents.
- 4. Please use K-P Law provided standardized contracts.

<b>Buildings and Public Works</b>	<b>Goods and Services</b>
<input type="checkbox"/> C1. Please show Prevailing Wage was used.	<input type="checkbox"/> GS1. If procured using the <b>State Bid List</b> :
<input type="checkbox"/> C2. If construction is <b>near \$10,000</b> you also need:	<input type="checkbox"/> a. Over \$25,000 please show project was on the Capital Plan.
<input type="checkbox"/> a. Written spec sheet.	<input type="checkbox"/> GS2. If project is <b>over \$5,000</b> :
<input type="checkbox"/> b. Advertised for two weeks on Central Register and COMMBUYS.	<input type="checkbox"/> a. Please provide written spec sheet used and who it was sent to.
<input type="checkbox"/> c. Apparent low bidder posted to Town website.	<input type="checkbox"/> b. Maximum contract length is three years.
<input type="checkbox"/> C3. If construction <b>over \$25,000</b> you need C1, C2, as well as:	<input type="checkbox"/> GS3. If project is <b>over \$50,000</b> :
<input type="checkbox"/> a. Show project was in the Capital Plan.	<input type="checkbox"/> a. Show project was advertised for two weeks in a newspaper and on COMMBUYS.
<input type="checkbox"/> b. Low bidder provides 50% payment bond after Selectmen's countersignature.	<input type="checkbox"/> b. Show project utilized sealed bids.
<input type="checkbox"/> C4. If construction <b>over \$50,000</b> you need C1, C2, C3, as well as:	<input type="checkbox"/> c. Apparent low bidder posted to Town website.
<input type="checkbox"/> a. Bid Bond of 5% of total value.	<input type="checkbox"/> GS4. If project is <b>over \$100,000</b> :
<input type="checkbox"/> b. Sealed Bids.	<input type="checkbox"/> a. Show project was advertised for two weeks in COMMBUYS and Goods and Services Bulletin.
<input type="checkbox"/> c. <b>End of Public Works construction requirements</b>	<input type="checkbox"/> b. Show project utilized sealed bids.
<input type="checkbox"/> C5. If <b>Building</b> estimated construction costs are over \$300,000 <b>and</b> estimated design costs are over \$30,000 you'll need to follow the Designer Selection RFQ process:	Note 1: If lowest bidder was found to be either not responsive or not responsible, the Town may begin negotiations with next lowest bidder.
<input type="checkbox"/> a. Advertise in Central Register and local newspaper for two weeks.	Note 2: Bids may be negotiated downwards but never higher than original quote.
<input type="checkbox"/> b. Set a designer fee or price ceiling.	Note 3: Municipalities shall not provide a down payment, deposit, or provide funding before possession of purchased item.
<input type="checkbox"/> c. Use Standard Designer Application Form	<i>Sourcewell Job Buying Cooperative</i>
<input type="checkbox"/> C6. If <b>Building</b> construction <b>over \$150,000</b> you'll need C1, C2, C3, C4, C5, as well as:	
<input type="checkbox"/> a. 100% payment bond was in bids.	
<input type="checkbox"/> b. 100% performance bond was in bids.	
<input type="checkbox"/> c. DCAMM certified bidders.	
<input type="checkbox"/> i. DCAMM certified sub-bids if over \$25,000.	
<input type="checkbox"/> C7. If <b>Building</b> construction <b>over \$10,000,000</b> you'll need C1, C2, C3, C4, C5, C6, as well as:	
<input type="checkbox"/> a. Solicit qualifications prior to sealed bids.	

Original for Accounting     Original for Procurement     Original for Vendor     Contract to Treasurer's

Signature of Town Administrator or Assistant Town Administrator: Joseph F. Powers

\*\*Note: Failure to gain sign-off **before Wednesday at noon** results in the contract being delayed to the next meeting.

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

From: Meggan Eldredge, Assistant Town Administrator *ME*  
Griffin Ryder, Town Engineer

RE: Contract with Scoreboard Enterprises, Inc. for the purchase of a scoreboard at Whitehouse Field

Date: March 1, 2021

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This memorandum corresponds to *Contracts Agenda Item B. Discussion and possible vote for the Board of Selectmen to execute contract with Scoreboard Enterprises Inc. for the purchase of a scoreboard at Whitehouse Field for \$62,095.00.*

As you will see from the attached materials, this item was procured through a cooperative bid via Mass Higher Education Consortium under MGL, C.30B. Funding for this purchase was approved at the 2019 Annual Town Meeting as a Community Preservation Article. Additional funding through a donation by the Harwich Mariners will also be utilized to fund this purchase.

I recommend the Board's approval and execution of this contract.

# PROCUREMENT CHECKLIST & APPROVAL FORM

STAFF LEAD: Eric Beebe DEPARTMENT: Recreation Department

FUNDING SOURCE: 2019 Annual Town Meeting Article 44 \$55,000 & Harwich Mariners Donation (\$75,000 on 2.16.2021)

Appropriated amount: \$55,000 Estimated cost: \$62,095.00 Actual cost: \_\_\_\_\_

## PROCUREMENT METHOD:

M.G.L. c.30B  Cooperative Purchase - Mass Higher Education Consortium (MHEC)

## PURCHASE DESCRIPTION:

Purchase descriptions should contain the following components (see document on purchase descriptions):  
*Description of supplies or services required; quantities required; schedule for performance and delivery terms.*

Procurement is for the new scoreboard at Whitehouse Field including materials, delivery and installation. This funding was approved as a Community Preservation Article at the May 2019 Town Meeting. Attached please find the Whitehouse Field Scoreboard quote from Scoreboard Enterprises Inc.

## PROCUREMENT MAY PROCEED ONLY IF SIGNATURES PROVIDED BELOW

Funds Available: Finance Director: Carol Coppola Account # \_\_\_\_\_  
48C32039D33D434...

Approved to proceed: Town Administrator or Designee: Joseph F. Powers \_\_\_\_\_  
0623C6C5799644E...

*Scoreboard Enterprises Inc.*

SALES - INSTALLATION - SERVICE

274 Fruit Street PERIOD Mansfield, MA 02048  
 508-339-8113 ST HOME Fax 508-339-0184  
 www.scoreboardenterprises.com

**QUOTE**

	<b>Site</b>	<b>Date</b>	274 Fruit St.
	Whitehouse Field	04 January 2021	Mansfield, MA 02048
		<b>Expiry Date</b>	mike@scoreboardenterprises.com
Town of Harwich		03 March 2021	Cell - 860.948.8112
		<b>Quote Number</b>	
		9869	
		<b>Tax Number</b>	
		042605006	

Description	Quantity	Amount
<b>Scoreboard Components</b>		
Daktronics BA-2028-Amber, 9ft.-4in.x 36ft., Baseball Scoreboard with PanaView Amber LED Digits	1	23,000.00
Team Name Message Center; Set of 2; Amber LED's SW 250	1	4,675.00
Daktronics All Sport 5010 R6 Control Console	1	1,275.00
Gen. VI Radio Receiver	1	425.00
Border Stripe for BA-2026, BA-2028, and BA-2029	1	275.00
Stripe around BSO digits for BA-2029, BA-2028, BA-2027, BA-2026, BA-2025, BA-2019	1	150.00
	Total	29,800.00
<b>Accent Pieces</b>		
Daktronics DA-1000-36 3' Tall x 36' Long Truss with 50% Lettering/Logo and screen backing	1	9,045.00
Outdoor Non-Backlit 2' 0" x 36	1	2,235.00
	Total	11,280.00
<b>Speed of Pitch Package</b>		
JUGS Radar Gun Package; gun, RS/232 cable, tripod	1	1,955.00
Radar Gun Interface - Wireless	1	1,475.00
Gen. VI Radio Receiver	1	425.00
2.4 GHz Radio Transmitter	1	425.00
	Total	4,280.00

**Shipping**

Shipping	1	5,750.00
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Total	5,750.00
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**Installation**

Existing Outdoor Installation	1	10,985.00
	Total	10,985.00

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Subtotal	62,095.00
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<b>Total USD</b>	<b>62,095.00</b>
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**Installation scope for the above estimate includes the following:**

- Crane Truck Rental
- Receive, inspect and transport Daktronics scoreboard equipment to install location.
- Remove and dispose existing scoring equipment.
- Uncrate new scoring equipment and mount hardware.
- Mount new Daktronics BA-2028 scoreboard + one (1) DA-1000 square truss + two (2) outdoor non-backlit 2' x 36' ad panels
- Install speed of pitch package
- Mount radio receiver, calibrate radio frequencies, and test radio receiver(s).
- Test all functions.
- Provide on-site owner training.

**Standard Exclusions to include:**

- SEI requires full access to the site for the duration of the installation to include but not limited to - Crane Truck, Van, Trailer, Lift, Concrete Truck and Excavation Equipment access
- SEI is not responsible for finish landscaping around excavated areas
- SEI is not responsible for repairs to finish landscaping as a result of required installation access, however we will work diligently and closely with the owner to limit any impact to the area.
- SEI requires power to the base of the structure by others
- SEI is not responsible for removing excavated material from site - SEI does not provide soil testing required by us to move off site
- SEI is not responsible for the integrity of the existing structure or existing power/date feeds.

- SEI will pull through conduits provided by others

-Scoreboard Enterprises, Inc. is not responsible for unforeseen obstruction while excavating, i.e. rock, ledge, water, and pipe - additional cost may be incurred as a result of excavation obstructions to be invoiced separately

-Scoreboard Enterprises, Inc has based the above installation on normal soil conditions, if abnormal soil conditions are encountered, additional cost may be incurred as a result of additional footing design.

-The installation quote is based the scoreboards sizes provided on this quote, if larger scoreboards are selected it may result in increased installation costs due to footing & steel requirements.

-Scoreboard Enterprises, Inc has based the above installation price on our standard Certificate of Insurance, if additional coverage or wording is required, additional fees will be the responsibility of the requestor for additional coverage/wording.

Terms of Estimate:

All quotes are valid for 60 days. Expired quotes will require all pricing to be reviewed and updated.

## **AGREEMENT FOR TOWN OF HARWICH**

The following provisions shall constitute an Agreement between the Town of Harwich, acting by and through its Board of Selectmen, hereinafter referred to as "Town," and Scoreboard Enterprises Inc., with an address of 274 Fruit Street, Mansfield, MA 02048, hereinafter referred to as "Contractor", effective as of the \_\_\_\_\_ day of \_\_\_\_\_, 2021. In consideration of the mutual covenants contained herein, the parties agree as follows:

### **ARTICLE 1: SCOPE OF WORK:**

The Contractor shall perform all work and furnish all services necessary to provide the Town with a new scoreboard at Whitehouse Field, including the scope of services set forth in Attachment A.

### **ARTICLE 2: TIME OF PERFORMANCE:**

The Contractor shall complete all work and services required hereunder commencing upon execution of the contract through May 28, 2021.

### **ARTICLE 3: COMPENSATION:**

The Town shall pay the Contractor for the performance of the work outlined in Article 1 above the contract sum of \$62,095.00. The Contractor shall submit monthly invoices to the Town for services rendered, which will be due 30 days following receipt by the Town.

### **ARTICLE 4: CONTRACT DOCUMENTS:**

The following documents form the Contract and all are as fully a part of the Contract as if attached to this Agreement or repeated herein:

1. This Agreement.
2. Amendments, or other changes mutually agreed upon between the parties.
3. All attachments to the Agreement.
4. Massachusetts Higher Education Consortium (MHEC) Contract #MC15-B14.

In the event of conflicting provisions, those provisions most favorable to the Town shall govern.

### **ARTICLE 5: CONTRACT TERMINATION:**

The Town may suspend or terminate this Agreement by providing the Contractor with ten (10) days written notice for the reasons outlined as follows:



1. Failure of the Contractor, for any reason, to fulfill in a timely and proper manner its obligations under this Agreement.
2. Violation of any of the provisions of this Agreement by the Contractor.
3. A determination by the Town that the Contractor has engaged in fraud, waste, mismanagement, misuse of funds, or criminal activity with any funds provided by this Agreement.

Either party may terminate this Agreement at any time for convenience by providing the other party written notice specifying therein the termination date which shall be no sooner than thirty (30) days from the issuance of said notice. Upon receipt of a notice of termination from the Town, the Contractor shall cease to incur additional expenses in connection with the Agreement. Upon such termination, the Contractor shall be entitled to compensation for all satisfactory work completed prior to the termination date as determined by the Town. Such payment shall not exceed the fair value of the services provided hereunder.

**ARTICLE 6: INDEMNIFICATION:**

The Contractor shall defend, indemnify and hold harmless the Town and its officers, agents, and all employees from and against claims arising directly or indirectly from the contract. Contractor shall be solely responsible for all local taxes or contributions imposed or required under the Social Security, Workers' Compensation, and income tax laws. Further, the Contractor shall defend, indemnify and hold harmless the Town with respect to any damages, expenses, or claims arising from or in connection with any of the work performed or to be performed under this Agreement. This shall not be construed as a limitation of the Contractor's liability under the Agreement or as otherwise provided by law.

**ARTICLE 7: AVAILABILITY OF FUNDS:**

The compensation provided by this Agreement is subject to the availability and appropriation of funds.

**ARTICLE 8: APPLICABLE LAW:**

The Contractor agrees to comply with all applicable local, state and federal laws, regulations and orders relating to the completion of this Agreement. This Agreement shall be governed by and construed in accordance with the law of the Commonwealth of Massachusetts.

**ARTICLE 9: ASSIGNMENT:**

The Contractor shall not make any assignment of this Agreement without the prior written approval of the Town.

**ARTICLE 10: AMENDMENTS:**

All amendments or any changes to the provisions specified in this Contract can only occur when mutually agreed upon by the Town and Contractor. Further, such amendments or changes shall be in writing and signed by officials with authority to bind the Town. No amendment or change to the contract provisions shall be made until after the written execution of the amendment or change to the Contract by both parties.

**ARTICLE 11: INDEPENDENT CONTRACTOR:**

The Contractor acknowledges and agrees that it is acting as an independent contractor for all work and services rendered pursuant to this Agreement and shall not be considered an employee or agent of the Town for any purpose.

**ARTICLE 12: INSURANCE:**

The Contractor shall be responsible to the Town or any third party for any property damage or bodily injury caused by it, any of its subcontractors, employees or agents in the performance of, or as a result of, the work under this Agreement. The Contractor and any subcontractors used hereby certify that they are insured for workers' compensation, property damage, personal and product liability. The Contractor and any subcontractor it uses shall purchase, furnish copies of, and maintain in full force and effect insurance policies in the amounts here indicated.

- 1) General Liability of at least \$1,000,000 Occurrence/\$3,000,000 General Aggregate. The Municipality should be named as an "Additional Insured". Products and Completed Operations should be maintained for up to 3 years after the completion of the project.
- 2) Automobile Liability (applicable for any contractor who has an automobile operating exposure) of at least \$1,000,000 Bodily Injury and Property Damage per accident. The Municipality should be named as an "Additional Insured".

- 3) Workers' Compensation Insurance as required by law. Include Employers Liability Part B with a limit of \$1,000,000
- 4) Builders' Risk Property Coverage for the full insurable value. It should include "All Risk" insurance for physical loss or damage including theft.
- 5) Property Coverage for materials and supplies being transported by the contractor, as the Town's Property Contract provides coverage for personal property within 1000 feet of the premises.
- 6) Umbrella Liability of at least \$2,000,000/ occurrence, \$2,000,000/aggregate. The Municipality should be named as an Additional Insured.

Prior to commencement of any work under this Agreement, the Contractor shall provide the Town with Certificates of Insurance which include the Town as an additional named insured and which include a thirty day notice of cancellation to the Town.

**ARTICLE 13: SEVERABILITY:**

If any term or condition of this Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by the court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby unless one or both parties would be substantially or materially prejudiced.

**ARTICLE 14: ENTIRE AGREEMENT:**

This Agreement, including all documents incorporated herein by reference, constitutes the entire integrated agreement between the parties with respect to the matters described. This Agreement supersedes all prior agreements, negotiations and representations, either written or oral, and it shall not be modified or amended except by a written document executed by the parties hereto.

**ARTICLE 15: COUNTERPARTS:**

This Agreement may be executed in any number of counterparts, each of which shall be deemed to be a counterpart original.

**CERTIFICATION AS TO PAYMENT OF STATE TAXES**

Pursuant to Chapter 62C of the Massachusetts General Laws, Section 49A(b), I, Mike Renwick, authorized signatory for the Contractor do hereby certify under the pains and penalties of perjury that said Contractor has complied with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

04-2605006  
Social Security Number or  
Federal Identification Number

Scoreboard Enterprises  
Signature of Individual or  
Corporate Name  
DocuSigned by:  
By: Mike Renwick  
861D317246E34DE...  
Corporate Officer  
(if applicable)

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the day and year first above written.

**CONTRACTOR**

By DocuSigned by:  
Mike Renwick  
861D317246E34DE...

Mike Renwick  
Printed Name and Title  
Vice President of Business Development

**TOWN OF HARWICH**

by its Board of Selectmen Over \$50,000

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Approved as to Availability of Funds:**

DocuSigned by:  
Carol Coppola  
48C32039D33D434...  
Finance Director (\$62,095.00)  
Contract Sum  
80271292/619044 \$50,500  
15136302/558000 \$11,595

by its Town Administrator Up to \$50,000

\_\_\_\_\_  
Town Administrator

**ATTACHMENT A***Scoreboard Enterprises Inc.*

SALES - INSTALLATION - SERVICE

274 Fruit Street PERIOD Mansfield, MA 02048  
 508-339-8113 ST HOME Fax 508-339-0184  
 www.scoreboardenterprises.com

# QUOTE

	<b>Site</b>	<b>Date</b>	274 Fruit St.
	Whitehouse Field	04 January 2021	Mansfield, MA 02048
		<b>Expiry Date</b>	mike@scoreboardenterprises.com
Town of Harwich		03 March 2021	Cell - 860.948.8112
		<b>Quote Number</b>	
		9869	
		<b>Tax Number</b>	
		042605006	

Description	Quantity	Amount
<b>Scoreboard Components</b>		
Daktronics BA-2028-Amber, 9ft.-4in.x 36ft., Baseball Scoreboard with PanaView Amber LED Digits	1	23,000.00
Team Name Message Center; Set of 2; Amber LED's SW 250	1	4,675.00
Daktronics All Sport 5010 R6 Control Console	1	1,275.00
Gen. VI Radio Receiver	1	425.00
Border Stripe for BA-2026, BA-2028, and BA-2029	1	275.00
Stripe around BSO digits for BA-2029, BA-2028, BA-2027, BA-2026, BA-2025, BA-2019	1	150.00
	Total	29,800.00
<b>Accent Pieces</b>		
Daktronics DA-1000-36 3' Tall x 36' Long Truss with 50% Lettering/Logo and screen backing	1	9,045.00
Outdoor Non-Backlit 2' 0" x 36	1	2,235.00
	Total	11,280.00
<b>Speed of Pitch Package</b>		
JUGS Radar Gun Package; gun, RS/232 cable, tripod	1	1,955.00
Radar Gun Interface - Wireless	1	1,475.00
Gen. VI Radio Receiver	1	425.00
2.4 GHz Radio Transmitter	1	425.00
	Total	4,280.00

**Shipping**

Shipping	1	5,750.00
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	Total	5,750.00
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**Installation**

Existing Outdoor Installation	1	10,985.00
	Total	10,985.00

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	Subtotal	62,095.00
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	<b>Total USD</b>	<b>62,095.00</b>
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**As the Town of Harwich is a member of the MHEC purchasing consortium, a 10% discount has been applied per contract B14.**

**Installation scope for the above estimate includes the following:**

- Crane Truck Rental
- Receive, inspect and transport Daktronics scoreboard equipment to install location.
- Remove and dispose existing scoring equipment.
- Uncrate new scoring equipment and mount hardware.
- Mount new Daktronics BA-2028 scoreboard + one (1) DA-1000 square truss + two (2) outdoor non-backlit 2' x 36' ad panels
- Install speed of pitch package
- Mount radio receiver, calibrate radio frequencies, and test radio receiver(s).
- Test all functions.
- Provide on-site owner training.

**Standard Exclusions to include:**

- SEI requires full access to the site for the duration of the installation to include but not limited to - Crane Truck, Van, Trailer, Lift, Concrete Truck and Excavation Equipment access
- SEI is not responsible for finish landscaping around excavated areas
- SEI is not responsible for repairs to finish landscaping as a result of required installation access, however we will work diligently and closely with the owner to limit any impact to the area.
- SEI requires power to the base of the structure by others

- SEI is not responsible for removing excavated material from site - SEI does not provide soil testing required by us to move off site

- SEI is not responsible for the integrity of the existing structure or existing power/data feeds.

- SEI will pull through conduits provided by others

-Scoreboard Enterprises, Inc. is not responsible for unforeseen obstruction while excavating, i.e. rock, ledge, water, and pipe - additional cost may be incurred as a result of excavation obstructions to be invoiced separately

-Scoreboard Enterprises, Inc has based the above installation on normal soil conditions, if abnormal soil conditions are encountered, additional cost may be incurred as a result of additional footing design.

-The installation quote is based the scoreboards sizes provided on this quote, if larger scoreboards are selected it may result in increased installation costs due to footing & steel requirements.

-Scoreboard Enterprises, Inc has based the above installation price on our standard Certificate of Insurance, if additional coverage or wording is required, additional fees will be the responsibility of the requestor for additional coverage/wording.

Terms of Estimate:

All quotes are valid for 60 days. Expired quotes will require all pricing to be reviewed and updated.



# WHITEHOUSE FIELD

<b>MPH</b> 85	<b>BALL</b> 2	<b>STRIKE</b> 1	<b>OUT</b> 1	<b>AT BAT</b> 41									
DAKTRONICS													
	1	2	3	4	5	6	7	8	9	10	<b>RUNS</b>	<b>HITS</b>	<b>ERR</b>
<b>BEARS</b>	1	0	0	0	0	1	0	0	0	0	2	4	1
<b>HAWKS</b>	0	0	2	0	1	3	0	0	0	0	6	12	0
<b>HARWICH MARINERS</b>			<b>TOWN OF HARWICH</b>				<b>MONOMOY SHARKS</b>						

Ad Panel Text would be Approximately 11" tall.  
Maximum reading distance of approximately 500 feet.

ALL DIMENSIONS ARE APPROXIMATE



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## RENDERING DETAILS

**Scoreboard Model:**  
Daktronics BA-2028  
Amber LED digits  
Amber TNMC's

**Decorative Accents:**  
DA-1000-36 Truss  
2' x 36' Non-backlit Ad Panel

**Paint Color:**  
Scoreboard, Truss & Panels - Green 8750

**Caption Color:**  
White

**Border Striping Color:**  
White

**Total Equipment Height:**  
~16.5'

**Total Equipment Width:**  
36'

# SCOREBOARD

## ENTERPRISES

SALES - INSTALLATION - SERVICE

Low Bidder: SCOREBOARD ENTERPRISES INC.

Art. # 44

Bid Price: \$ 62,095

12/13/18 Revised Procurement Checklist (Difference - out of Mariners Donation) SEE SUMMARY

Please complete checklist below for contracts requiring Selectmen\* signature before Wednesday morning\*\* in order to get sign-off approval from the Town Administrator or the Assistant Town Administrator.

\*Note: contracts (not grants) below \$25,000 can be signed by Town Administrator.

- 1. Please provide a separate page titled "Summary of Project" which includes:
  - a. Provide how many bidders there were, the range of bids, and apparent low bidder.
  - b. Identify the funding source, such as article number and amount approved. 80271292/619044 \$50,500
  - c. Include what you feel is pertinent, but keep this section to 4 sentences or less. 15136302/558000 \$11,595
- 2. Finance Director has signed that funds are available: Carol Coppola Account # \_\_\_\_\_
- 3. Please provide a single copy of the bid packet along with all supporting documents.
- 4. Please use K-P Law provided standardized contracts.

**Buildings and Public Works**

- C1. Please show Prevailing Wage was used.
- C2. If construction is near \$10,000 you also need:
  - a. Written spec sheet.
  - b. Advertised for two weeks on Central Register and COMMBUYS.
  - c. Apparent low bidder posted to Town website.
- C3. If construction over \$25,000 you need C1, C2, as well as:
  - a. Show project was in the Capital Plan.
  - b. Low bidder provides 50% payment bond after Selectmen's countersignature.
- C4. If construction over \$50,000 you need C1, C2, C3, as well as:
  - a. Bid Bond of 5% of total value.
  - b. Sealed Bids.
  - c. End of Public Works construction requirements
- C5. If *Building* estimated construction costs are over \$300,000 and estimated design costs are over \$30,000 you'll need to follow the Designer Selection RFQ process:
  - a. Advertise in Central Register and local newspaper for two weeks.
  - b. Set a designer fee or price ceiling.
  - c. Use Standard Designer Application Form
- C6. If *Building* construction over \$150,000 you'll need C1, C2, C3, C4, C5, as well as:
  - a. 100% payment bond was in bids.
  - b. 100% performance bond was in bids.
  - c. DCAMM certified bidders.
    - i. DCAMM certified sub-bids if over \$25,000.
- C7. If *Building* construction over \$10,000,000 you'll need C1, C2, C3, C4, C5, C6, as well as:
  - a. Solicit qualifications prior to sealed bids.

**Goods and Services**

- GS1. If procured using the State Bid List:
  - a. Over \$25,000 please show project was on the Capital Plan.
- GS2. If project is over \$5,000:
  - a. Please provide written spec sheet used and who it was sent to.
  - b. Maximum contract length is three years.
- GS3. If project is over \$50,000:
  - a. Show project was advertised for two weeks in a newspaper and on COMMBUYS.
  - b. Show project utilized sealed bids.
  - c. Apparent low bidder posted to Town website.
- GS4. If project is over \$100,000:
  - a. Show project was advertised for two weeks in COMMBUYS and Goods and Services Bulletin.
  - b. Show project utilized sealed bids.

Note 1: If lowest bidder was found to be either not responsive or not responsible, the Town may begin negotiations with next lowest bidder.

Note 2: Bids may be negotiated downwards but never higher than original quote.

Note 3: Municipalities shall not provide a down payment, deposit, or provide funding before possession of purchased item.

Massachusetts Higher Education Consortium  
MGL 30B Cooperative Purchase

Original for Accounting     Original for Procurement     Original for Vendor     Contract to Treasurer's  
Signature of Town Administrator or Assistant Town Administrator: Joseph F. Powers

\*\*Note: Failure to gain sign-off before Wednesday at noon results in the contract being delayed to the next meeting.

## Whitehouse Field Improvements Project- Scoreboard Replacement

### Summary of Project- Post Procurement Checklist

At the 2019 Annual Town Meeting, Article 44- Whitehouse Field Improvements Project was passed by Town Meeting voters. Funding in the amount of \$55,000 was approved to install a new scoreboard at Whitehouse Field, Harwich. Funding for this project will also come out of the \$75,000 donation from the Harwich Mariners. This donation was made to go towards the Whitehouse Field Improvement Projects including scoreboard, scoreboard engineering design, new lighting system, and lighting system engineering design.

The current scoreboard system at Whitehouse Field is rapidly failing despite maintenance efforts over the last several years.

Attached please find the Agreement for Services and the quote from Scoreboard Enterprises Inc.

**TOWN**  
**ADMINISTRATOR'S**  
**REPORT**