

SELECTMEN'S MEETING AGENDA*

Executive Session 5:45 P.M.

Regular Meeting 6:30 P.M.

Monday, May 3, 2021

REMOTE PARTICIPATION ONLY
OPEN PUBLIC FORUM – PLEASE READ

1. First, send an email to: 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, May 3, 2021 6:30 PM (EDT)

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

<https://global.gotomeeting.com/join/423763157>

You can also dial in using your phone.

United States: [+1 \(571\) 317-3112](tel:+15713173112)

Access Code: 423-763-157

I. **CALL TO ORDER**

II. **EXECUTIVE SESSION**

- A. Pursuant to MGL,c.30A section 21 (a) paragraph 3 to discuss with respect to collective bargaining for all town unions if an open session would have a detrimental effect on the town's bargaining position and the chair so declares;
- B. Pursuant to MGL c.30A, §21(6) to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body;

III. **PLEDGE OF ALLEGIANCE**

IV. **WEEKLY BRIEFING**

- A. COVID-19 Updates
- B. Update on ongoing efforts by the Town in support of the business community

V. **PUBLIC COMMENTS/ANNOUNCEMENTS**

VI. **PUBLIC HEARINGS/PRESENTATIONS**

- A. Discussion and possible vote to approve the application for a New Annual, Wine and Malt, On Premise Liquor License for Cape Roots Market and Café, LLC DBA Cape Roots Market and Café – 557 Route 28, Unit 101, Harwich Port
- B. Discussion and possible vote to approve the transfer of the Seasonal, All Alcohol, On Premise Liquor License from Phoenix Park, LLC DBA The Cape Cod Irish Pub to Chase Escape Cape Cod, LLC DBA The Summer House Cafe– 126 Route 28

VII. **OLD BUSINESS**

- A. Ongoing discussion – Comprehensive Wastewater Management Plan (CWMP)
 - a. CWMP Revision - Update Discussion
- B. GHD SewerCAD Modeling Update
 - a. Pump Station Discussion

VIII. **CONSENT AGENDA**

- A. Discussion and possible vote to approve a Caleb Chase request in the amount of \$1,000

IX. NEW BUSINESS

- A. Discussion and possible vote to approve the Assistant Town Administrator's recommendation to grant permission to install one (1) JO pole 66/27.5, on the northeasterly side of Route 137 SE of the intersection with Auston Road. New location being approximately 311' southeast of the centerline of Auston Road; is 103' southeasterly of exiting pole 66/28; and is 106' northwesterly of existing pole 66/27 and subject to conditions from staff.
- B. Discussion and possible vote to approve the Assistant Town Administrator's recommendation the request to installing approximately 31' of 1-3" conduit and cable and 1 handhold #69/H12A in town road to provide electrical service to customer at 83 Miles Street, Harwich
- C. Discussion and possible vote to approve Board of Selectmen meeting minutes for:
 - a. February 1, 2021
 - b. April 5, 2021
 - c. April 12, 2021
- D. Discussion and possible vote to establish the Harwich Climate Action Committee
- E. Discussion and possible vote to approve the following establishments to continue use of their Expanded Outdoor Table Service which was previously approved in 2020
 - 1. Lalouette – 787 Route 28
 - 2. Jake Rooney's – 119 Brooks Road
 - 3. Lighthouse Café – 216 Route 28
- F. Discussion and possible vote – 2021 Seasonal Common Victuallers License Renewal
 - 1. Lucky Labrador Inc. DBA Perks Coffee Shop & Beer Garden – 545 Route 28
- G. Discussion and possible vote – 2021 Seasonal Entertainment License Renewals
 - 1. Lucky Labrador Inc. DBA Perks Coffee Shop & Beer Garden – 545 Route 28 – Weekday 10AM – 10PM Outside and Sunday 1PM – 10PM Outside. Recorded and or live music with amplification and dancing
 - 2. Sundae School Inc. DBA Sundae School Ice Cream – 606 Route 28 – Weekday 11AM – 10:30PM and Sunday 11AM – 10:30PM – Recorded music and antique nickelodeon inside
- H. Discussion and possible vote to authorize the Town Administrator to sign Federal Emergency Management Agency (FEMA) documents relating to COVID-19 reimbursements
- I. Vote to accept a donation in the amount of \$20,000 for the purpose of purchasing and installing four (4) water bottle fillings stations in the Town of Harwich
- J. Vote to accept a donation in the amount of \$3,800.00 from Wychmere Harbor Real Estate LLC for the purpose of staking right-of-way lines along Route 28, Snow Inn Road and Freeman Street

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:

 Patricia Macura, Executive Assistant

Posted by: _____
 Town Clerk

Date: _____
 April 29, 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

April 29, 2021

WEEKLY COVID-19 UPDATE

CASES & STATISTICS

To date, Harwich has seen a cumulative total of 746 cases of COVID-19. We are currently following 16 active cases. The positivity rate has dropped to 4.79%, which moves us to the “Yellow” designation. Over the last two weeks the Town has seen 41 positive tests out of total 856 tests.

VACCINE

To date, 6,243 of our 12,589 full time residents are fully vaccinated, and 7,855 have received at least one dose.

| Age Group | Population Size | Individuals with at least one dose | Fully vaccinated individuals |
|--------------|-----------------|------------------------------------|------------------------------|
| 0-19 Years | 1,993 | 195 | 50 |
| 20-29 Years | 1,055 | 486 | 240 |
| 30-49 Years | 2,146 | 1,413 | 828 |
| 50-64 Years | 3,012 | 2,251 | 1,515 |
| 65-74 Years | 2,551 | 2,202 | 1,986 |
| 75+ Years | 1,833 | 1,824 | 1,624 |
| Total | 12,589 | 8,381 | 6,243 |

A private vaccination clinic was held on Wednesday April 28th at the Harwich Community Center. Approximately 80 individuals were vaccinated with the Moderna vaccine. Thank you to Outer Cape Health, Harwich Fire, MRC, CERT, and Jen for all the hard work!

Barnstable County has transitioned to the new, state-run vaccine pre-registration system, called “Color”. In order to get a first-dose vaccine appointment you must pre-register at <https://www.mass.gov/info-details/preregister-for-a-covid-19-vaccine-appointment>. Over the coming weeks, vaccine availability at select pharmacy location is also expected to increase substantially.

UPDATES

The Baker-Polito Administration announced on Tuesday that Massachusetts will reopen some outdoor Phase 4, Step 2 industries effective May 10th and put plans in place for further reopening on May 29th and August 1st. The Administration continues to take steps to reopen the Commonwealth's economy with public health metrics continuing to trend in a positive direction. This includes drops in average daily COVID cases and hospitalizations. Massachusetts remains first in the nation for first vaccine doses and total doses administered per capita, among states with more than 5 million people. The Administration will also relax the Face Coverings Order for some outdoor settings, effective April 30th.

Phase IV, Step 2 Industries and Gathering Changes:

On March 22, Massachusetts loosened capacity restrictions and advanced to Step 1 of Phase IV of the reopening plan. Since then, case rates dropped by 20%. The positivity rate has dropped to the lowest levels recorded since last summer.

Effective Monday, May 10th:

Large venues such as indoor and outdoor stadiums, arenas and ballparks currently open as part of Phase 4, Step 1 at 12% will be permitted to increase capacity to 25%.

The Commonwealth will reopen some outdoor Phase 4, Step 2 industries including amusement parks, theme parks and outdoor water parks that will be permitted to operate at a 50% capacity after submitting safety plans to the Department of Public Health.

Road races and other large, outdoor organized amateur or professional group athletic events will be permitted to take place with staggered starts after submitting safety plans to a local board of health or the DPH. Youth and adult amateur sports tournaments will be allowed for moderate and high risk sports. Singing will also be permitted indoors with strict distancing requirements at performance venues, restaurants, event venues and other businesses.

Effective May 29th:

Subject to public health and vaccination data, gathering limits will increase to 200 people indoors and 250 people outdoors for event venues, public settings and private settings.

Subject to public health and vaccination data, additional Phase 4, Step 2 industries will be permitted to open including:

- Street festivals, parades and agricultural festivals, at 50% of their previous capacity and after submitting safety plans to the local board of health.
- Bars, beer gardens, breweries, wineries and distilleries, will be subject to restaurant rules with seated service only, a 90 minute limit and no dance floors.
- Subject to public health and vaccination data, the restaurant guidance will be updated to eliminate the requirement that food be served with alcohol and to increase the maximum table size to 10.

Effective August 1st:

Subject to public health and vaccination data, remaining industries will be permitted to

open including:

- Dance clubs, and nightclubs
- Saunas, hot-tubs, steam rooms at fitness centers, health clubs and other facilities
- Indoor water parks
- Ball pits

All industry restrictions will be lifted at that time, and capacity will increase to 100% for all industries, with businesses encouraged to continue following best practices. The gathering limit will be rescinded.

Depending on vaccine distribution and public health data, the Administration may consider re-evaluating the August 1st date. The Department of Public Health will also continue to issue guidance as needed, including guidance to still require masks indoors.

Face Coverings Order:

Effective April 30th, the Face Coverings Order will be relaxed for some outdoor settings.

Face coverings will only be required outside in public when it is not possible to socially distance, and at other times required by sector-specific guidance.

Face coverings will still be required at all times in indoor public places. Face coverings will also continue to be required at all times at events, whether held indoors or outdoors and whether held in a public space or private home, except for when eating or drinking.

At smaller gatherings in private homes, face coverings are recommended but not required. The \$300 fine as an enforcement mechanism will be eliminated.

For more information, visit mass.gov/reopening.

****** NOTE: Any member of the public utilizing Route 28, between Lower County Road and Bank Street between 9 am and 10 pm, still must wear a face covering at all times over their nose and mouth and must exercise social distancing, regardless of the Face Covering Order being lifted by the State. This order will remain in effect until notice is given, pursuant to the Board of Health's judgment that the Order is no longer necessary.******

Sector Specific Safety Standards:

As of April 30th, 2021, many of the Sector Specific Safety Standards have been rescinded. Some of the Standards that have been rescinded are: Golf, Library, and Construction. These sectors would now need to follow the Safety Standards for "Sectors Not Otherwise Addressed" which can be found at: <https://www.mass.gov/info-details/safety-standards-and-checklist-sectors-not-otherwise-addressed>.

TESTING

For free testing at Outer Cape Health, please call [508-905-2888](tel:508-905-2888) to make an appointment.

Barnstable County offers FREE COVID-19 testing at the Barnstable County Fairgrounds Tuesdays 10:00 AM – 12:00 PM and Fridays 10:00 AM – 12:00 PM. Call to make an appointment 774-330-3002 – or take 1 minute and schedule online at <https://bit.ly/3doeaH5>

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

REMINDER

Please continue to maintain social distancing, mask use, and good hand hygiene. We need to work together as a community to minimize the spread!

Stay Safe!

~Dr. O'Neill

Health Director

4/29/2021: Barnstable County Regional COVID-19 Update

New Cases: DPH new cases reported Wednesday:

Barnstable County: 20 new cases
Martha's Vineyard: 6 new cases
Nantucket: 9 new cases

Test Positivity Rates (14-day average, as of **4/28/21**):

Barnstable County: **3.40%** (vs. 4.34%) (**lower** vs. previous fortnight)

Dukes County: **Pending** (vs. 7.24%) (**Pending**)

Nantucket County: **Pending** (vs. 6.69%) (**Pending**)

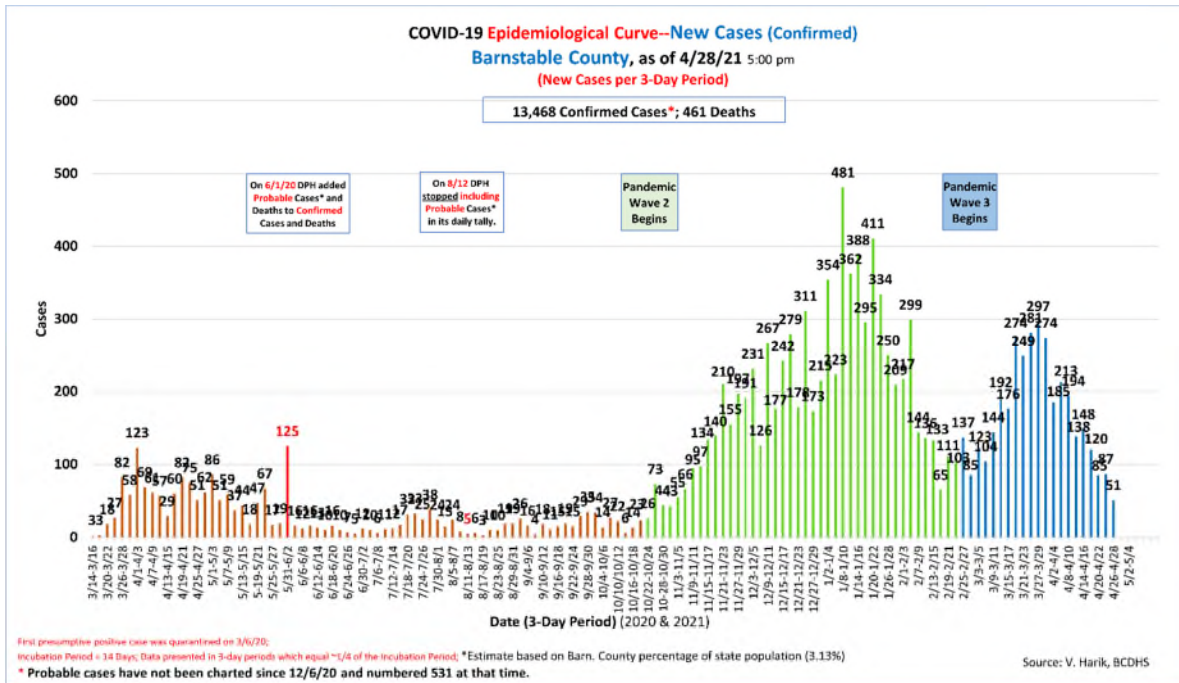
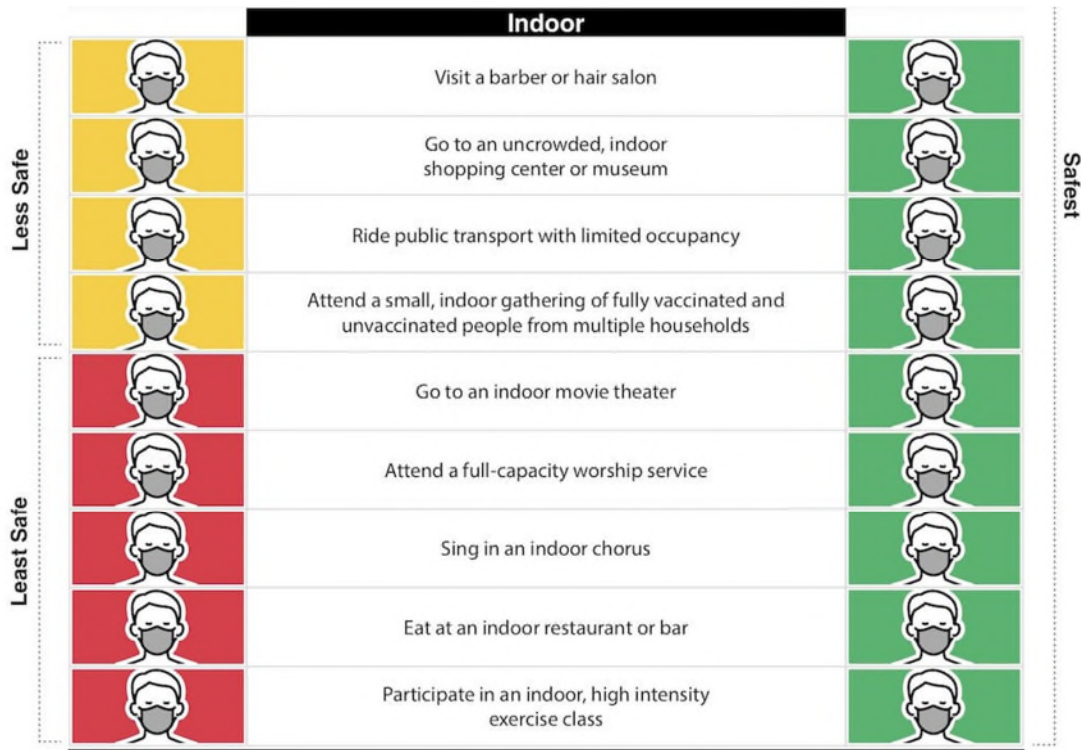
Dukes & Nantucket Counties **6.61%** (vs. 7.03%) (**lower**)

A test percent positivity rate below 5% suggests that an outbreak is on the way to **containment**.

The CDC has released guidance on Safer Activities for Fully Vaccinated Persons:

Choosing Safer Activities

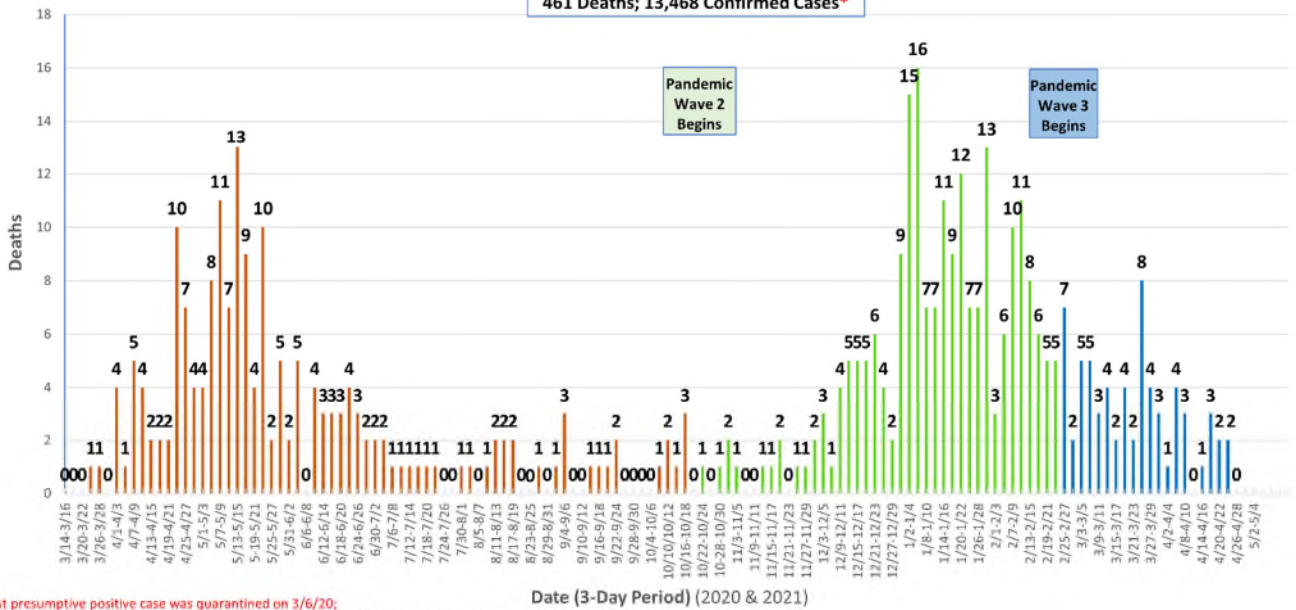
| | Unvaccinated People | Your Activity | Fully Vaccinated People |
|------------|---|---|---|
| Safest |  | Outdoor Walk, run, or bike outdoors with members of your household |  |
| |  | Attend a small, outdoor gathering with fully vaccinated family and friends |  |
| |  | Attend a small, outdoor gathering with fully vaccinated and unvaccinated people |  |
| Less Safe |  | Dine at an outdoor restaurant with friends from multiple households |  |
| Least Safe |  | Attend a crowded, outdoor event, like a live performance, parade, or sports event |  |



| Hospitalizations, Last Report: | | Not Cumulative | | Cumulative | | 3-Day Avg. of Persons in Hosp. (Med/Surg + ICU) | ICU Percent of Beds Occupied |
|--------------------------------|-------------------|--------------------------------------|---------------------------------|-------------------------------------|--------------------------|---|------------------------------|
| | | Hospital Beds Occupied (Last Report) | ICU Beds Occupied (Last Report) | Barnstable County Cases (Confirmed) | Barnstable County Deaths | | |
| 4/28/2021 | Cape Cod Hospital | 7 | 0 | | | | |
| (3pm) | Falmouth Hospital | 3 | 2 | | | | |
| | | 10 | 2 | 13,448 | 461 | 10.0 | 17% |

COVID-19 Epidemiological Curve--New Deaths (Confirmed + Probable)
Barnstable County, as of 4/28/21 5:00 pm
(New Deaths per 3-Day Period)

461 Deaths; 13,468 Confirmed Cases*



First presumptive positive case was quarantined on 3/6/20;

Incubation Period = 14 Days; Data presented in 3-day periods which equal ~1/4 of the Incubation Period

* Probable cases have not been charted since 12/6/20 and numbered 531 at that time.

Source: V. Harik, BCDHS; Using data provided by the MA Department of Public Health

Individuals with at Least One Dose Administered by County and Age Group, as of 4/22/21

Source: Data, MA DPH, 4/22/21; Analysis, V. Harik, Barnstable County Dept. of Human Services

| Barnstable County | 0-19 Years | 20-29 Years | 30-49 Years | 50-64 Years | 65-74 Years | 75+ Years | Total |
|--|---------------|---------------|---------------|---------------|---------------|---------------|----------------|
| Total Population by Age Bracket | 36,252 | 22,041 | 38,725 | 51,716 | 38,964 | 28,931 | 216,629 |
| Age Bracket % of County Population | 17% | 10% | 18% | 24% | 18% | 13% | |
| Persons in Age Group with at Least One Dose | 2,212 | 7,817 | 21,142 | 36,323 | 33,486 | 27,382 | 128,362 |
| Percent of Age Group with at Least One Dose | 6% | 35% | 55% | 70% | 86% | 95% | 59.3% |
| Persons in Age Group Not Yet Vaccinated. | 34,040 | 14,224 | 17,583 | 15,393 | 5,478 | 1,549 | 88,267 |
| Percent of Age Group Not Yet Vaccinated | 94% | 65% | 45% | 30% | 14% | 5% | 40.7% |

* Due to privacy concerns, vaccination figures are suppressed where less than 30 persons are vaccinated.

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 Massachusetts General Laws as amended that application has been made to this Board for an Annual, On Premise, Wine and Malt Liquor License for Cape Roots Market and Café, LLC d/b/a Cape Roots Market and Cafe, Gabriel Leidner, Manager, on the following described premises located at 557 Route 28, Harwich Port, MA 02646. Building consists of two floors with the market on the first floor, four condos on second floor, two bathrooms, prep room, walk in cooler and office.

The Board of Selectmen will hold a public hearing on the application on Monday, May 3, 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/737195829>

You can also dial in using your phone.

United States: +1 (872) 240-3311

Access Code: 737-195-829

BOARD OF SELECTMEN
LOCAL LICENSING AUTHORITY

Cape Cod Times
April 14, 2021



HARWICHPolice

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

DATE: April 8, 2021

SUBJECT: Application for on premise Wines and Malt Beverages for Cape Roots Market and Café, LLC DBA Cape Roots Market and Café 557 Route 28 Harwich Port, MA Gabriel Leidner Owner / Manager and Brooke Leidner Owner / Manager.

The Harwich Police Department has conducted a background investigation that has revealed no disqualifying events or previous liquor code violations by the applicants.

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 General On-Premises"/> | <input type="text" value="Wines and Malt 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.

We have an established Market and Cafe. We want to offer one or two draft beers and a small variety of wine by the glass.

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 | <input type="text" value="CapeRoots Market and Cafe, LLC"/> | FEIN | <input type="text"/> |
| DBA | <input type="text" value="Cape Roots Market and Cafe"/> | Manager of Record | <input type="text" value="Gabriel Leidner"/> |
| Street Address | <input type="text" value="557 RT 28, Unit 101 Harwich Port, MA 02646"/> | | |
| Phone | <input type="text"/> | Email | <input type="text" value="caperootsmarket@gmail.com"/> |
| Alternative Phone | <input type="text"/> | Website | <input type="text"/> |

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.

The building has 2 floors, the market is on the first floor. There are 4 condos on the top floor. There are 2 bathrooms, one for customers and one for the staff, a prep room, walk in cooler, and an office.

| | | | | | |
|-----------------------|-----------------------------------|----------------------|--------------------------------|-------------------|---------------------------------|
| Total Square Footage: | <input type="text" value="4858"/> | Number of Entrances: | <input type="text" value="4"/> | Seating Capacity: | <input type="text" value="24"/> |
| Number of Floors | <input type="text" value="1"/> | Number of Exits: | <input type="text" value="4"/> | Occupancy Number: | <input type="text" value="73"/> |

4. APPLICATION CONTACT

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

| | | | |
|--------|--|--------|----------------------|
| Name: | <input type="text" value="Gabriel Leidner"/> | Phone: | <input type="text"/> |
| Title: | <input type="text" value="Owner"/> | Email: | <input type="text"/> |

APPLICATION FOR A NEW LICENSE

5. CORPORATE STRUCTURE

| | | | |
|------------------------|---------------|---|---------|
| Entity Legal Structure | LLC | Date of Incorporation | 3/30/20 |
| 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 |
| Gabriel Leidner | | | |

| | | | | |
|-----------------------|-------------------------|---|---|---|
| Title and or Position | Percentage of Ownership | Director/ LLC Manager | US Citizen | MA Resident |
| Owner- Manager | | <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 |
| Brooke Leidner | | | |

| | | | | |
|-----------------------|-------------------------|---|---|---|
| Title and or Position | Percentage of Ownership | Director/ LLC Manager | US Citizen | MA Resident |
| Owner- Manager | | <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 |
|-----------------------------------|--------------|----------------|--------------|
| Gabriel Leidner- Hot Stove Saloon | Fullo Liquor | Hot Stove Inc. | Harwich |
| | | | |
| | | | |

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 |
|------|--------------|--------------|--------------|
| | | | |
| | | | |
| | | | |

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 |
|----------------|-----------------|------|---|
| | | | |
| | | | |
| | | | |

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?

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 |
|------------|----------|-------------------------|-------------------------|-----------------|
| 05/05 | Present | Owner- Manager | Hot Stove Saloon | Gabriel Leidner |
| 01/00 | 04/04 | Bartender | Brax Landing Restaurant | Ron Leidner |
| 01/95 | 01/99 | Military Police Officer | United States Air Force | USAF |
| | | | | |

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?

Yes No

If yes, please fill out section 11.

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 |
| Cape Roots Market and C | 557 Route 28 Unit 101, Harwich I | |

| | | | |
|-----------------------|-------------------------|---|---|
| Name of Principal | Residential Address | SSN | DOB |
| Gabriel Leidner | | | |
| Title and or Position | Percentage of Ownership | Director | US Citizen |
| Owner- Manager | | <input checked="" type="radio"/> Yes <input type="radio"/> No | <input checked="" type="radio"/> Yes <input type="radio"/> No |
| | | | MA Resident |
| | | | <input checked="" type="radio"/> Yes <input type="radio"/> No |

| | | | |
|-----------------------|-------------------------|---|---|
| Name of Principal | Residential Address | SSN | DOB |
| Brooke Leidner | | | |
| Title and or Position | Percentage of Ownership | Director | US Citizen |
| Owner | | <input checked="" type="radio"/> Yes <input type="radio"/> No | <input checked="" type="radio"/> Yes <input type="radio"/> No |
| | | | MA Resident |
| | | | <input checked="" type="radio"/> Yes <input type="radio"/> No |

| | | | |
|-----------------------|-------------------------|--|--|
| Name of Principal | Residential Address | SSN | DOB |
| | | | |
| Title and or Position | Percentage of Ownership | Director | US Citizen |
| | | <input type="radio"/> Yes <input type="radio"/> No | <input type="radio"/> Yes <input type="radio"/> No |
| | | | MA Resident |
| | | | <input type="radio"/> Yes <input type="radio"/> No |

| | | | |
|-----------------------|-------------------------|--|--|
| Name of Principal | Residential Address | SSN | DOB |
| | | | |
| Title and or Position | Percentage of Ownership | Director | US Citizen |
| | | <input type="radio"/> Yes <input type="radio"/> No | <input type="radio"/> Yes <input type="radio"/> No |
| | | | MA Resident |
| | | | <input type="radio"/> Yes <input type="radio"/> No |

CRIMINAL HISTORY

Has any individual identified above ever been convicted of a State, Federal or Military Crime?

Yes No

If yes, attach an affidavit providing the details of any and all convictions.

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 |
|-----------------|--------------|------------------------|--------------|
| Gabriel Leidner | Full Liquor | Hot Stove Saloon, Inc. | Harwich |
| | | | |
| | | | |

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 |
|------|--------------|--------------|--------------|
| | | | |
| | | | |
| | | | |

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 |
|---|--------------|--------------|----------------------|
| Gabriel Leidner, Hot Stove Saloon, Inc. | Full Liquor | Harwich | 05/05- Present |
| | | | |
| | | | |

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 |
|----------------|-----------------|------|---|
| | | | |
| | | | |
| | | | |

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.

We are establishing a new small business. We plan to open up this market in early to mid-August. We will offer a coffee corner and bakery. We will also include a small market that will include a deli, meat counter, seafood, produce, and dry pantry goods. We would like this license in order to sell beer and wine to our customers as well. We are hoping to offer local beer and wine options. We would like to incorporate other local products whenever possible.

APPLICANT'S STATEMENT

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

of Cape Roots Market and Cafe, LLC
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: 07/12/20

Title: Owner- Manager

ADDENDUM A

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST (Continued...)

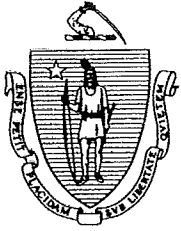
List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.).

| | | | | |
|-----------------------|-------------------------|---|--|--|
| Entity Name | | Percentage of Ownership in Entity being Licensed (Write "NA" if this is the entity being licensed) | | |
| <input type="text"/> | | <input type="text"/> | | |
| Name of Principal | Residential Address | SSN | DOB | |
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | |
| Title and or Position | Percentage of Ownership | Director/ LLC Manager | US Citizen | MA Resident |
| <input type="text"/> | <input type="text"/> | <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 | |
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | |
| Title and or Position | Percentage of Ownership | Director/ LLC Manager | US Citizen | MA Resident |
| <input type="text"/> | <input type="text"/> | <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 | |
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | |
| Title and or Position | Percentage of Ownership | Director/ LLC Manager | US Citizen | MA Resident |
| <input type="text"/> | <input type="text"/> | <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 | |
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | |
| Title and or Position | Percentage of Ownership | Director/ LLC Manager | US Citizen | MA Resident |
| <input type="text"/> | <input type="text"/> | <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 | |
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | |
| Title and or Position | Percentage of Ownership | Director/ LLC Manager | US Citizen | MA Resident |
| <input type="text"/> | <input type="text"/> | <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 | |
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | |
| Title and or Position | Percentage of Ownership | Director/ LLC Manager | US Citizen | MA Resident |
| <input type="text"/> | <input type="text"/> | <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 | |
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | |
| Title and or Position | Percentage of Ownership | Director/ LLC Manager | US Citizen | MA Resident |
| <input type="text"/> | <input type="text"/> | <input type="radio"/> Yes <input type="radio"/> No | <input type="radio"/> Yes <input type="radio"/> No | <input type="radio"/> Yes <input type="radio"/> 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



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

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
 MONETARY TRANSMITTAL FORM

APPLICATION FOR A NEW LICENSE

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

ECRT CODE: RETA

Please make \$200.00 payment here: [ABCC PAYMENT WEBSITE](#)

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE PAYMENT RECEIPT

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

ENTITY/ LICENSEE NAME

ADDRESS

CITY/TOWN

STATE

ZIP CODE

For the following transactions (Check all that apply):

- | | | | |
|--|---|---|---|
| <input checked="" type="checkbox"/> New License | <input type="checkbox"/> Change of Location | <input type="checkbox"/> Change of Class (i.e. Annual / Seasonal) | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input type="checkbox"/> Transfer of License | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Change of License Type (i.e. club / restaurant) | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock) |
| <input type="checkbox"/> Change of Manager | <input type="checkbox"/> Change Corporate Name | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Management/Operating Agreement |
| <input type="checkbox"/> Change of Officers/ Directors/LLC Managers | <input type="checkbox"/> Change of Ownership Interest (LLC Members/ LLP Partners, Trustees) | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder | <input type="checkbox"/> Change of Hours |
| | <input type="checkbox"/> Other <input type="text"/> | | <input type="checkbox"/> Change of DBA |

THE LOCAL LICENSING AUTHORITY MUST MAIL THIS
 TRANSMITTAL FORM ALONG WITH
 COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:

Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3
 Chelsea, MA 02150-2358

Payment Confirmation

YOUR PAYMENT HAS PROCESSED AND THIS IS YOUR RECEIPT

Your account has been billed for the following transaction. You will receive a receipt via email and via text message.



Transaction Processed Successfully.

INVOICE #: 77971833-56/d-4ae0-baec-220c7f3feaat

| Description | Applicant, License or Registration Number | Amount |
|--------------------|---|-----------------|
| FILING FEES-RETAIL | Cape Roots Market and Cafe | \$200.00 |
| | | \$200.00 |

Total Convenience Fee: \$4.70

Date Paid: 5/4/2020 3:21:20 PM EDT

Total Amount Paid: \$204.70

Payment On Behalf Of
License Number or Business Name:
 Cape Roots Market and Cafe

Fee Type:
 FILING FEES-RETAIL

Billing Information

First Name:
 Brooke

Last Name:
 Leidner

Address:
 206 Setucket Road

City:
 South Dennis

State:
 MA

Zip Code:
 02660

Email Address:
 brooke.leidner@gmail.com

CORPORATE VOTE

The Board of Directors or LLC Managers of Cape Roots Market and Cafe
Entity Name

duly voted to apply to the Licensing Authority of Harwich and the
City/Town

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on _____
Date of Meeting

For the following transactions (Check all that apply):

- New License
- Change of Location
- Change of Class (i.e. Annual / Seasonal)
- Change Corporate Structure (i.e. Corp / LLC)
- Transfer of License
- Alteration of Licensed Premises
- Change of License Type (i.e. club / restaurant)
- Pledge of Collateral (i.e. License/Stock)
- Change of Manager
- Change Corporate Name
- Change of Category (i.e. All Alcohol/Wine, Malt)
- Management/Operating Agreement
- Change of Officers/
Directors/LLC Managers
- Change of Ownership Interest
(LLC Members/LLP Partners,
Trustees)
- Issuance/Transfer of Stock/New Stockholder
- Change of Hours
- Other _____
- Change of DBA

"VOTED: To authorize Gabriel Leidner
Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

"VOTED: To appoint Gabriel Leidner
Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

A true copy attest, For Corporations ONLY
A true copy attest,

[Signature]
Corporate Officer /LLC Manager Signature

Corporation Clerk's Signature

Gabriel Leidner
(Print Name)

(Print Name)

| | | |
|---|--------|---------|
| 5 | EQUIP. | 4-14-20 |
| 4 | EQUIP. | 4-14-20 |
| 3 | EQUIP. | 4-13-20 |
| 2 | EQUIP. | 4-10-20 |
| 1 | DIM. | 3-18-20 |

| NO | DESCRIPTION | DATE |
|----|-------------|------|
|----|-------------|------|

REVISIONS

FLOOR PLANS



SCALE
1/8" = 1'-0"
0 5 10

DATE 2-11-20

DWN BY JDB

CHECKED BY RJFR

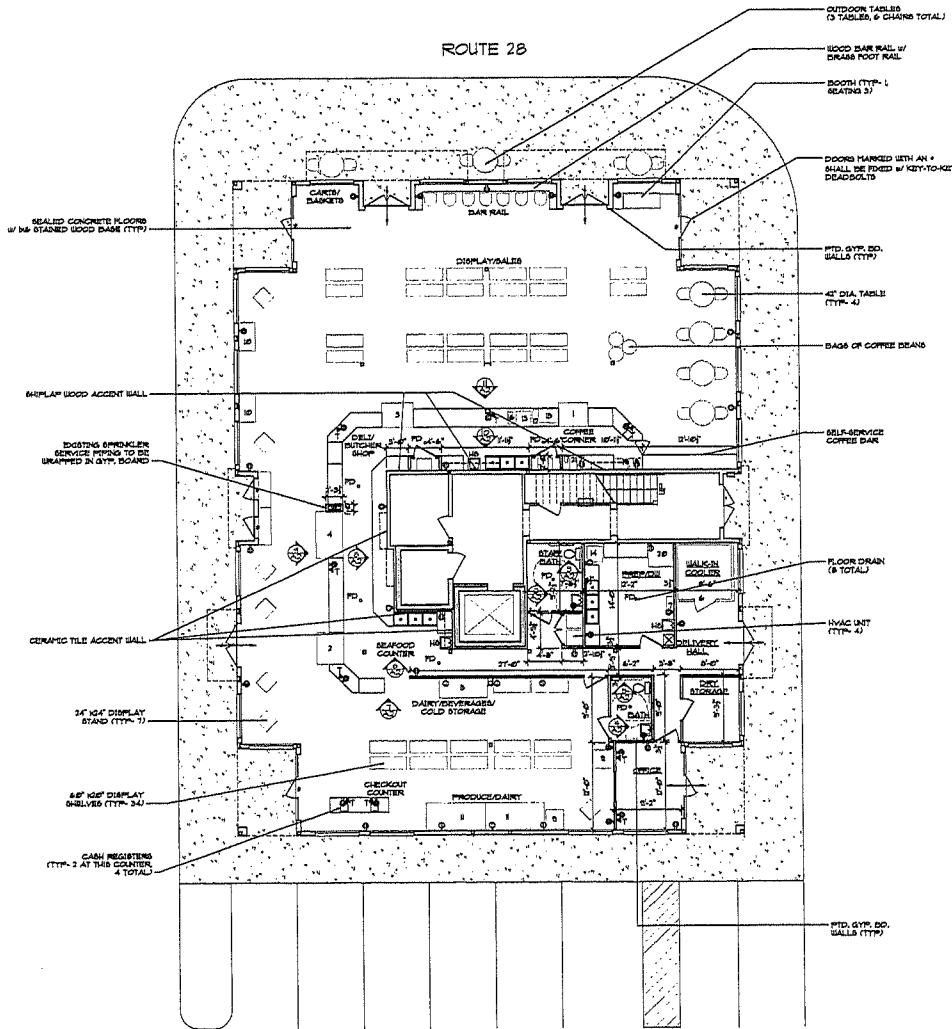
PROJECT NO

V1925

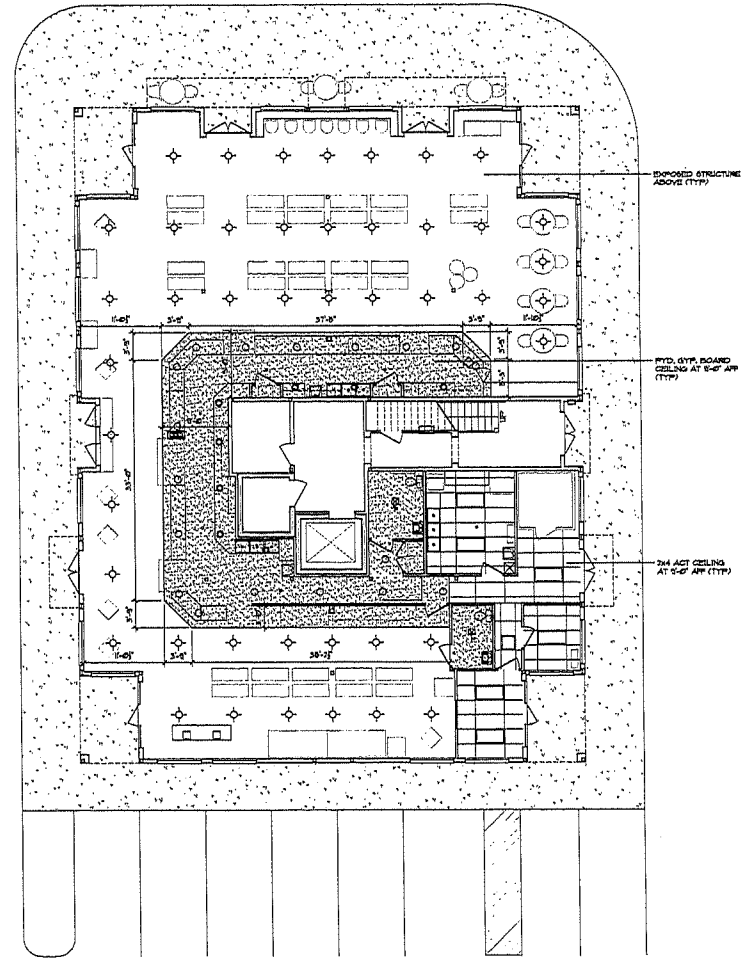
DRAWING NO

A1

OF 2



1 MAIN FLOOR PLAN
3734 GROSS SF.



2 REFLECTED CEILING PLAN

| # | EQUIPMENT | MODEL # |
|----|---|--|
| 1 | DISPLAY CASE REFRIGERATED BAKERY (HARRIS-BARNER) | TRUE MANUFACTURING CO TD036-BA-ACC-DC-SH |
| 2 | DISPLAY CASE DELI SEAFOOD/POLITRY (HARRIS-BARNER) | HYV GROUP LLC HFN-SC-96-0 |
| 3 | DISPLAY CASE DELI SEAFOOD/POLITRY (HARRIS-BARNER) | HOLLAND-MCCRAY PC-CP-AGE-ACDS-LED |
| 4 | DISPLAY CASE REEF HEAT DELI (HARRIS-BARNER) | HYV GROUP LLC HFN-CG-86-0 |
| 5 | REFRIGERATED MERCHANDISER (HARRIS-BARNER) | TURBO AIR TGH-128D-N |
| 6 | BWF BULK IN COOLER, MODULAR, REFRIG (HARRIS-BARNER) | UA COOLER CUE00P-PAIS |
| 7 | NESTLE ICE MAKER (HARRIS-BARNER) | ROBESZAK PS-560PLJ-C |
| 8 | | |
| 9 | GLASS DOOR FREEZER | KITCHEN HEAVY KPFD-0-0 |
| 10 | AHT GLASS DOOR MERCHANDISER | AHT GD XLS |

| # | PRODUCE UNIT | RYSON WARREN CHALK |
|----|----------------------------------|--|
| 12 | UNDERCOUNTER REFRIGERATOR | TRUE MANUFACTURING Co TD074-UC-80-DC-LED |
| 13 | GLASSWASHER (COFFEE/BAKERY AREA) | CHA PL-C |
| 14 | DISHWASHER (FRESH ROOM) | CHA DISH-MACHINES EST-MH |
| 15 | SAPPHIRE MACHINE (ON COUNTER) | NOVA GEMELLI ALPHA II 3 |
| 16 | COFFEE GRINDER (ON COUNTER) | PIYTHOS |
| 17 | COFFEE GRINDER (ON COUNTER) | PIYTHOS |
| 18 | REFRIGERATOR | EDGESTAR K2000S66 |
| 19 | UNDERCOUNTER ICE BIN | RESINITY #4000B24 |
| 20 | ELECTRIC CONVECTION OVEN | KAUFSBERG #88M19C |
| 21 | COFFEE MAKERS (2) | RETGO # C20-314 XTB |

ELECTRICAL LEGEND

- ☐ 2x4 LED LIGHTING FIXTURE
- ☐ 2x4 LED LIGHTING FIXTURE
- WALL MOUNTED LED FIXTURE
- LED PENDANT FIXTURE
- LED RECESSED BALL-SLASHER CAN LIGHT
- LED RECESSED CAN LIGHT
- GENERAL PURPOSE DUPLEX RECEPTACLE
- GFI OUTLET
- TELEPHONE AND/OR DATA
- EXHAUST FAN

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 0264

MEMO

TO: Board of Selectmen

FROM: Joseph F. Powers,  Town Administrator

CC: Meggan M. Eldredge, Assistant Town Administrator

RE: Liquor License Transfer Application

DATE: May 3, 2021

After reviewing the Liquor License Transfer Application for Phoenix Park, LLC DBA The Cape Cod Irish Pub to Chase Escape Cape Cod, LLC DBA The Summer House Café located at 126 Route 28, West Harwich I recommend that the Board of Selectmen continue this hearing to a future date.

At this time I consider this application to be incomplete due to reports from the Health and Building Department that indicate pending actions from the applicant.

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

Notice is hereby given under Chapter 138 of the Massachusetts General Laws as amended that application has been made to this Board for a transfer of the Seasonal, On Premise, All Alcoholic Beverages License now held by Phoenix Park, LLC DBA The Cape Cod Irish Pub, 126 Route 28, West Harwich, MA, Brandan O'Reilly – Manager, to Chase Escape Cape Cod LLC DBA The Summer House Cafe, 126 Route 28, West Harwich, MA, Thomas Paulini – Manager, on the following described premises located at 126 Route 28, West Harwich, MA: Two story wood framed structure with 9 rooms on first floor, including dining room and lounge, 5 rooms on the upper floor, cellar for storage; with rear entrances and exits on easterly side of building and one entrance and exit in rear and existing outdoor deck.

The Board of Selectmen will hold a public hearing on the application on Monday, May 3, 2021, no earlier than 6:30 P.M., remotely via Go to Meeting, at which time all interested parties are cordially invited to dial in.

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

<https://global.gotomeeting.com/join/737195829>

You can also dial in using your phone.

United States: +1 (872) 240-3311

Access Code: 737-195-829

Board of Selectmen
Local Licensing Authority

Cape Cod Times
April 15, 2021



HARWICHPolice

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

DATE: April 8, 2021

SUBJECT: Application for transfer of on premise all alcoholic beverages license from Phoenix Park LLC, DBA Cape Cod Irish Pub to Chase Escape Cape Cod LLC DBA The Summer House Café 126 Route 28 West Harwich MA - Thomas Paulini Manager and Nicholas Fiorillo Manager.

The criminal background investigation revealed no disqualifying events. However, I am concerned about the previous violations of the liquor code listed on the application. One violation dated 2003 for an over served patron and another violation dated 2016 for serving an under age patron.

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



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

April 26, 2021

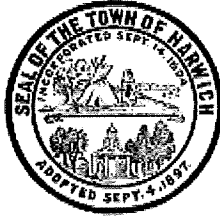
Dear Board of Selectmen,

As of April 26, 2021, the Health Department has not yet received a Food Permit Application to operate the establishment Summer House Café, formerly known as The Irish Pub. Until a permit has been issued, we cannot sign off on a liquor license request. I met remotely with Mr. Paulini on March 26, 2021 to review all of the requirements for the application. Once the Food Permit has been approved, the Health Department has no concerns with the issuance of a liquor license.

Please let me know if you have any further questions.

Regards,

Katie O'Neill, Sc.D., R.S.
Health Director



Town of Harwich · Building Department · 508.430.7506

MEMO

DATE : April 27, 2021

TO: ✓ Danielle Delaney – Licensing
Meggan Eldredge – Assistant Town Administrator

CC: Shelagh Delaney- Executive Assistant

FROM: Ray Chesley – Building Commissioner

RE: Irish Pub License Transfer – 126 Route 28, Parcel 11- B5

Please be advised a building permit application to replace cedar siding and windows on the side and rear Guest Houses at this property was received on February 4, 2021 and subsequently withdrawn by the contractor on February 16, 2021. Work was then begun to reside and install windows in the Guest houses without a permit. The building department issued a notice to stop all construction work at the premises on February 26, 2021 which remains in place.

The building department then received a building permit application for the rear Guest House and repairs to the Restaurant building on April 15, 2021 which required further clarification. On April 26, 2021 the building department received three building permit applications. One for the rear Guest House interior renovations, siding and windows, one for the side Guest House interior renovations and one for repairs to the Restaurant building which we are starting to review.

This property is subject to Historic Commission review, Conservation Commission jurisdiction and is located in a FEMA High Risk Flood Zone. The building department cannot at this time recommend a license transfer, considering the current permitting history of this property, until all permit issues are resolved.



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

APPLICATION FOR A TRANSFER OF LICENSE

Municipality

1. TRANSACTION INFORMATION

- Transfer of License
- Alteration of Premises
- Change of Location
- Management/Operating Agreement
- Pledge of Inventory
- Pledge of License
- Pledge of Stock
- Other
- Change of Class
- Change of Category
- Change of License Type (S12 ONLY, e.g. "club" to "restaurant")

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.

Applicant requests transfer to Chase Escape Cape Cod LLC "CECC" to continue the ongoing operation of the Alibi CC Irish Pub at 126 Main St "Captain Chase Hurst Inn" we will offer patrons a Cape Cod casual themed dining experience (restaurant, Pub, Inn) experience along the Herring River. This historic property will provide local & seasonal guests a unique dining to enjoy Cape Cod experience with the historical influence of the river and its estuaries.

2. LICENSE CLASSIFICATION INFORMATION

| ON/OFF-PREMISES | TYPE | CATEGORY | CLASS |
|---|---|--|---------------------------------------|
| <input type="text" value="On Premise"/> | <input type="text" value="Hotel/Inn 12"/> | <input type="text" value="All Alcoholic Beverages"/> | <input type="text" value="Seasonal"/> |

3. BUSINESS ENTITY INFORMATION

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

Current or Seller's License Number FEIN

Entity Name

DBA Manager of Record

Street Address

Phone Email

Add'l Phone Website

4. 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. If this application alters the current premises, provide the specific changes from the last approved description. You must also submit a floor plan.

Two-story wood framed structure with nine (9) rooms on first floor, including dining room and lounge. Five (5) Rooms on upper floor, cellar for storage; with rear entrances and exits on easterly side of building and one entrance and exit in rear and existing outdoor deck.

| | | | | | |
|---------------------|-----------------------------------|------------------|----------------------------------|------------------|----------------------------------|
| Total Sq. Footage | <input type="text" value="5500"/> | Seating Capacity | <input type="text" value="162"/> | Occupancy Number | <input type="text" value="375"/> |
| Number of Entrances | <input type="text" value="3"/> | Number of Exits | <input type="text" value="4"/> | Number of Floors | <input type="text" value="2"/> |

APPLICATION FOR A TRANSFER OF LICENSE

5. CURRENT OFFICERS, STOCK OR OWNERSHIP INTEREST

| | |
|---|---|
| Transferor Entity Name Phoneix Park LLC, DBA The Cape Cod Irish Pub | By what means is the license being transferred? Other (Attach Explanation) ▼ |
|---|---|

List the individuals and entities of the current ownership. Attach additional pages if necessary utilizing the format below.

| Name of Principal | Title/Position | Percentage of Ownership |
|--|--|--|
| Daniel O'Neil | Manager/Member | |
| Brandan O'Reilly | Member | |
| | | |
| | | |
| | | |

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, LLC Members, 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.

| | | | |
|---|--|---|---|
| Thomas Paulini | | | |
| Manager/Member | | <input checked="" type="radio"/> Yes <input type="radio"/> No | <input checked="" type="radio"/> Yes <input type="radio"/> No |
| Nicholas Fiorillo | 3 Kales Way Harwichport MA 02645 | | |
| Manager/Member | | <input checked="" type="radio"/> Yes <input type="radio"/> No | <input checked="" type="radio"/> Yes <input type="radio"/> No |
| | | | |
| | | <input type="radio"/> Yes <input type="radio"/> No | <input type="radio"/> Yes <input type="radio"/> No |
| | | <input type="radio"/> Yes <input type="radio"/> No | <input type="radio"/> Yes <input type="radio"/> No |

APPLICATION FOR A TRANSFER OF LICENSE

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST (Continued...)

| | | | |
|--|--|--|--|
| Name of Principal | Residential Address | SSN | DOB |
| <input style="width:100%;" type="text"/> | <input style="width:100%;" type="text"/> | <input style="width:100%;" type="text"/> | <input style="width:100%;" type="text"/> |
| Title and or Position | Percentage of Ownership | Director/ LLC Manager | US Citizen |
| <input style="width:100%;" type="text"/> | <input style="width:100%;" type="text"/> | <input type="radio"/> Yes <input type="radio"/> No | <input type="radio"/> Yes <input type="radio"/> No |
| | | | MA Resident |
| | | | <input type="radio"/> Yes <input type="radio"/> No |

| | | | |
|--|--|--|--|
| Name of Principal | Residential Address | SSN | DOB |
| <input style="width:100%;" type="text"/> | <input style="width:100%;" type="text"/> | <input style="width:100%;" type="text"/> | <input style="width:100%;" type="text"/> |
| Title and or Position | Percentage of Ownership | Director/ LLC Manager | US Citizen |
| <input style="width:100%;" type="text"/> | <input style="width:100%;" type="text"/> | <input type="radio"/> Yes <input type="radio"/> No | <input type="radio"/> Yes <input type="radio"/> No |
| | | | MA Resident |
| | | | <input type="radio"/> Yes <input type="radio"/> No |

| | | | |
|--|--|--|--|
| Name of Principal | Residential Address | SSN | DOB |
| <input style="width:100%;" type="text"/> | <input style="width:100%;" type="text"/> | <input style="width:100%;" type="text"/> | <input style="width:100%;" type="text"/> |
| Title and or Position | Percentage of Ownership | Director/ LLC Manager | US Citizen |
| <input style="width:100%;" type="text"/> | <input style="width:100%;" type="text"/> | <input type="radio"/> Yes <input type="radio"/> No | <input type="radio"/> Yes <input type="radio"/> No |
| | | | MA Resident |
| | | | <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

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 |
|-------------------|--------------|--------------------------------------|--------------|
| Nicholas Fiorillo | On Premise | Crudo North End LLC, Crudo | Boston |
| Nicholas Fiorillo | On Premise | Broad Street Entertainment, LLC Tiki | Boston |

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 | |
|-------------------|--------------|------------------------------------|--|
| Nicholas Fiorillo | On Premise | Desert Sands Desmarket Inc, Worces | |
| Thomas Paulini | On Premise | Tony's Junior Villa, Newton | |
| Thomas Paulini | On Premise | Backrock Tuscan Grill, W.Yarmouth | |

Thomas Paulini *on premise* *Crudo North End - E. Yarmouth*

APPLICATION FOR A TRANSFER OF LICENSE

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 |
|----------------|-------------------------|---------------|---|
| 2003 | Black Rock Tuscan Grill | West Yarmouth | Over served Patron |
| 2016 | Crudo | Boston | Serving under aged dining patron |
| | | | |

7. CORPORATE STRUCTURE

Entity Legal Structure Date of Incorporation

State of Incorporation Is the Corporation publicly traded? Yes No

8. 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

9. APPLICATION CONTACT

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

Name:

Phone:

Title:

Email:

APPLICATION FOR A TRANSFER OF LICENSE

10. FINANCIAL DISCLOSURE

| | |
|---------------------------------------|---|
| A. Purchase Price for Real Estate | 0 |
| B. Purchase Price for Business Assets | 0 |
| C. Other* (Please specify) | |
| D. Total Cost | |

*Other: (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 |
|--|------------------------|
| Nicholas Fiorillo, 100% owner of Ocean Vacations LLC | |
| | |
| | |
| Total | 50,000.00 |

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="radio"/> Yes <input type="radio"/> No |
| | | | <input type="radio"/> Yes <input type="radio"/> No |
| | | | <input type="radio"/> Yes <input type="radio"/> No |
| | | | <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.

Nicholas Fiorillo, personally, through his real estate company Ocean Vacations LLC has provided the funding to re-open business. fund the operation of Cape Escape Cape Cod, LLC and has attached hereto a copy of current bank information.

11. 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?

Nicholas Fiorillo, Ocean Vacations, LLC

12. 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 |
|------------|----------|--------------|---------------------------|-----------------|
| 4/2014 | 11/2019 | Manager G.M. | Sea View Holdings LLC | Chris Grimaldi |
| 2/2007 | 3/2014 | G-M | C25100 Wharf (FR MESSMAC) | Ron Cibotti |
| 1/2001 | 12/2006 | G-M/owner | Black Rock Tuscan Grill | |

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 |
|----------------|------------------------|-------|------------|---|
| 2003 | Blackrock Tuscan Grill | MA | W.Yarnouth | over served patron |
| | | | | |
| | | | | |

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

ADDENDUM A

6. PROPOSED OFFICER, STOCK OR OWNERSHIP INTEREST (Continued...)

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.).

Entity Name

Chase Escape Cape Cod, LLC

Percentage of Ownership in Entity being Licensed
(Write "NA" if this is the entity being licensed)

100%

Name of Principal: **Thomas Paulini** Residential Address: [] SSN: [] DOB: []

Title and or Position: Mamanger/Member Percentage of Ownership: [] Director/ LLC Manager: Yes No US Citizen: Yes No MA Resident: Yes No

Name of Principal: **Nicholas Fiorillo** Residential Address: [] SSN: [] DOB: []

Title and or Position: Manager/Member Percentage of Ownership: [] Director/ LLC Manager: 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/ LLC Manager: 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/ LLC Manager: 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/ LLC Manager: 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/ LLC Manager: 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/ LLC Manager: 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

CORPORATE VOTE

The Board of Directors or LLC Managers of
Entity Name

duly voted to apply to the Licensing Authority of
City/Town and the
Commonwealth of Massachusetts Alcoholic Beverages Control Commission on
Date of Meeting

For the following transactions (Check all that apply):

- New License
- Transfer of License
- Change of Manager
- Change of Officers/
Directors/LLC Managers
- Change of Location
- Alteration of Licensed Premises
- Change Corporate Name
- Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees)
- Change of Class (i.e. Annual / Seasonal)
- Change of License Type (i.e. club / restaurant)
- Change of Category (i.e. All Alcohol/Wine, Malt)
- Issuance/Transfer of Stock/New Stockholder
- Other
- Change Corporate Structure (i.e. Corp / LLC)
- Pledge of Collateral (i.e. License/Stock)
- Management/Operating Agreement
- Change of Hours
- Change of DBA

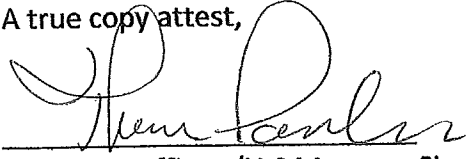
"VOTED: To authorize
Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

"VOTED: To appoint
Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

A true copy attest,



Corporate Officer /LLC Manager Signature

Thomas Paulini

(Print Name)

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

(Print Name)

ADDITIONAL INFORMATION

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

^{Chase}
Cape Escape Cape Cod, LLC d/b/a The Summer House Cafe & Inn intends to operate a multi-facted sea fairing themed resturaunt, cafe, pub, unique event & entertainment and lodging establishment along the famous Herring River in the township of West Harwhich, MA. "The Captain Chase House" property and its unique history and location will be the main inspiration for the establishment. The Villages/Township of Harwhich and their proud and long history with the sea, The Captains Row Historical area and the Herring River, will all play a intrical part in the future of The Summer House Cafe & Inn. As we plan on hosting many social and community events at our unique property throughout the season. We also plan on continuing on with some of the many beneficial the charitable causes that have been hosted of the years, such as the Annual 5k Marathon, and other charitable events and fundraisers, that the former stewards of "The Captain Chase House "d/b/a Cape Cod Irish Pub have done for almost 37 years. We intend on offering a "Cape Cod Casual" experience at the Summer House Cafe , where families can patronize Captain Chase's House and enjoy the riverside activities, our grounds and special events, throughout the day and into the evening along the banks of Herring River. The Summer House Inn will be offering our overnight guest the oppertunity to stay the night, or the week, or the summer, on The Captain Chase House grounds, offering our sea fairing travler's, a place to call home for a little while, as they look to explore the Herring River, our great beaches and recreational acitivites and of course our other small businesses and lodging hosts, unique shops , galleries, and all the other wonderful dining, entertaining and summer vacation offerings, our special "Summer time Fun things to do" that has made the Township of Harwhich, and its villages, a must see place to see, sea, stay and enjoy, for all of our year round Cape Cod residence and our Summer Time friends .

APPLICANT'S STATEMENT

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

of Chase Escape Cape Cod, LLC
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:

2 / 16 / 2021

Title:

Manager/Member

| Payment On Behalf Of | | |
|------------------------|--------------------|------------|
| First Name: Thomas | Last Name: Paulini | |
| Address 1: PO BOX 1645 | | |
| Address 2: | | |
| City: Harwich | State: MA | Zip: 02645 |

| Description | ID | Service Fee | Amount |
|--------------------|---------------------------|-------------|----------|
| FILING FEES-RETAIL | Chase escape Cape Cod LLC | \$4.70 | \$200.00 |

Receipt Date: 3/25/2021 3:56:04 PM EDT

Total Amount Paid: \$204.70

Invoice Number: fecc9d82-8526-4163-9c2b-790be673f092

| Billing Information | Credit/Debit Card Information |
|--|---|
| First Name Thomas Last Name Paulini Email thomasjpaulini@gmail.com Street PO BOX 1645 City Harwich State/Territory MA Zip 02645 Phone Number (508) 725-5045 | Card Type MasterCard Card Number *****1832 |

IMPORTANT INFORMATION >>

Please verify the information shown above. Your payment has been submitted to the location listed above.

- If this is not the correct organization, your payment will be rejected/refunded/transferred and you will not have satisfied your obligation
- If you pay less than the required amount due you will not have satisfied your obligation.
- Once you have made your payment, you will receive a status notification (via email) of the acceptance OR rejection of your submission.

Payment On Behalf Of

First Name: Thomas Last Name: Paulini
Address 1: PO BOX 1645
Address 2:
City: Harwich State: MA Zip: 02645

| Description | ID | Service Fee | Amount |
|--------------------|---------------------------|-------------|----------|
| FILING FEES-RETAIL | Chase escape Cape Cod LLC | \$4.70 | \$200.00 |

Receipt Date: 3/25/2021 3:56:04 PM EDT
Invoice Number: fecc9d82-8526-4163-9c2b-790be673f092

Total Amount Paid:\$204.70

| Billing Information | Credit / Debit Card Information |
|--|---|
| First Name Thomas Last Name Paulini Email thomasjpaulini@gmail.com Street PO BOX 1645 City Harwich State/Territory MA Zip 02645 Phone Number (508) 725-5045 | Card Type MasterCard Card Number *****1832 |

IMPORTANT INFORMATION >>

Please verify the information shown above. Your payment has been submitted to the location listed above.

- If this is not the correct organization, your payment will be rejected/refunded/transferred and you will not have satisfied your obligation
- If you pay less than the required amount due you will not have satisfied your obligation.
- Once you have made your payment, you will receive a status notification (via email) of the acceptance OR rejection of your submission.

OLD BUSINESS

CONSENT AGENDA

NEW 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



MEMO

TO: Board of Selectmen

FROM: Meggan Eldredge, Assistant Town Administrator 

RE: Utility Hearing April 28, 2021
Verizon New England and NSTAR Electric dba Eversource Electric
Long Pond Road

DATE: May 3, 2021

A Utility Hearing was held on Wednesday, April 28, 2021 at 10:00 AM via teleconference, at the request of Verizon New England, Inc. and NSTAR Electric Company D/B/A Eversource to install one (1) JO pole 66/27.5, on the northeasterly side of Route 137 SE of the intersection with Auston Road. New location being approximately 311' southeast of the centerline of Auston Road; is 103' southeasterly of exiting pole 66/28; and is 106' northwesterly of existing pole 66/27.

Legal ads were published in the Cape Cod Chronicle and notifications were given. There were no abutters present. Ms. Eldredge read into the hearing two statements from staff and one from David Guillemette, Chief of Police:

Chris Nickerson, Department of Public Works "There are 2 drainage systems in that area, both of which need to be protected for damage during the installation process"

Griffin Ryder, Town Engineer "The new pole should be set behind the sidewalk so pedestrian travel will not be impacted"

David Guillemette, Chief of Police "A detail is required is work crew is in travel lane of Rte. 137"

Verizon agreed upon all concerns.

After a brief discussion, there were no objections to installing one (1) JO pole 66/27.5, on the northeasterly side of Route 137 SE of the intersection with Auston Road.

After careful review, I recommend that the Board approve Verizon New England Plan No. MA2021-07, Dated March 23, 2021.



Phone (508) 430-7513

Fax (508) 432-5039

TOWN OF HARWICH

732 MAIN STREET, HARWICH, MA 02645

MINUTES Pole Hearing Wednesday, April 28, 2021

THOSE IN ATTENDANCE: Meggan Eldredge, Assistant Town Administrator, Patti Macura, Administrative Secretary, Representatives from Verizon New England, Donald Voner. There were no abutters.

The Assistant Town Administrator called the hearing to order at 10:00 A.M. and read the Utility Hearing Notice.

Donald Voner confirmed the work to be performed. Which is to install one (1) JO pole 66/27.5, on the northeasterly side of Route 137 SE of the intersection with Auston Road. New location being approximately 311' southeast of the centerline of Auston Road; is 103' southeasterly of existing pole 66/28; and is 106' northwesterly of existing pole 66/27.

Ms. Eldredge read into the hearing two statements from Harwich staff and one from David Guillemette, Chief of Police:

Chris Nickerson, Department of Public Works "There are 2 drainage systems in that area, both of which need to be protected for damage during the installation process"

Griffin Ryder, Town Engineer "The new pole should be set behind the sidewalk so pedestrian travel will not be impacted"

David Guillemette, Chief of Police "A detail is required is work crew is in travel lane of Rte. 137"

There were no other comments or objections to the work to be performed as noted above.

Ms. Eldredge will recommend to the Board of Selectmen to approval Verizon's request to install one pole per Verizon New England Plan No. MA2021-07, Dated March 23, 2021.

The hearing was adjourned at 10:06 A.M.

Submitted by:
Patricia Macura
Administrative Secretary

Attachments



385 Myles Standish Blvd
Taunton, MA 02780

April 5, 2021

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



Dear Honorable Board of Selectmen:

Enclosed you will find a petition# MA2021-07 from Verizon New England Inc. and NSTAR Electric Company dba Eversource Energy, proposing to place new facilities, Pole 66/27.5 on Route 137. Please present at your next Selectmen's Meeting for usual course of action relative to granting.

This petition does require a hearing and notice to the abutters.

Your assistance is greatly appreciated.

Sincerely,

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

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

TOWN OF HARWICH
NOTICE OF PUBLIC HEARING
April 28, 2021

Pursuant to M.G.L. Ch. 166, § 22, the Town Administrator will hold a Public Hearing at 10:00 AM, April 28, 2021 - **Teleconference** in reference to the following matter:

A petition by VERIZON NEW ENGLAND, INC. and NSTAR ELECTRIC COMPANY D/B/A EVERSOURCE ENERGY requesting permission to locate poles, wires, cables and fixtures including the necessary anchors, guys and other such sustaining and protecting fixtures to be owned and used in common by your petitioners, along and across the following public way or ways:

Route 137 – New Pole

PROPOSED: To install one (1) JO pole 66/27.5, on the northeasterly side of Route 137 SE of the intersection with Auston Road. New location being approximately 311' southeast of the centerline of Auston Road; is 103' southeasterly of exiting pole 66/28; and is 106' northwesterly of existing pole 66/27.

This pole installation is being requested by Eversource.

All abutters and other interested persons are invited to dial in

TELECONFERENCE ACCESS INSTRUCTIONS

Utility Pole Hearing
Wed, Apr 28, 2021 10:00 AM (EDT)

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

<https://global.gotomeeting.com/join/124517125>

You can also dial in using your phone.

United States: [+1 \(571\) 317-3122](tel:+15713173122)

Access Code: 124-517-125

For further information, please call the Town Administrator's Office at (508) 430-7513 x 3319

Joseph F. Powers
Town Administrator

Cape Cod Chronicle
April 22, 2021

VZ N.E. INC. No. MA2021-07 MUNICIPALITY HARWICH

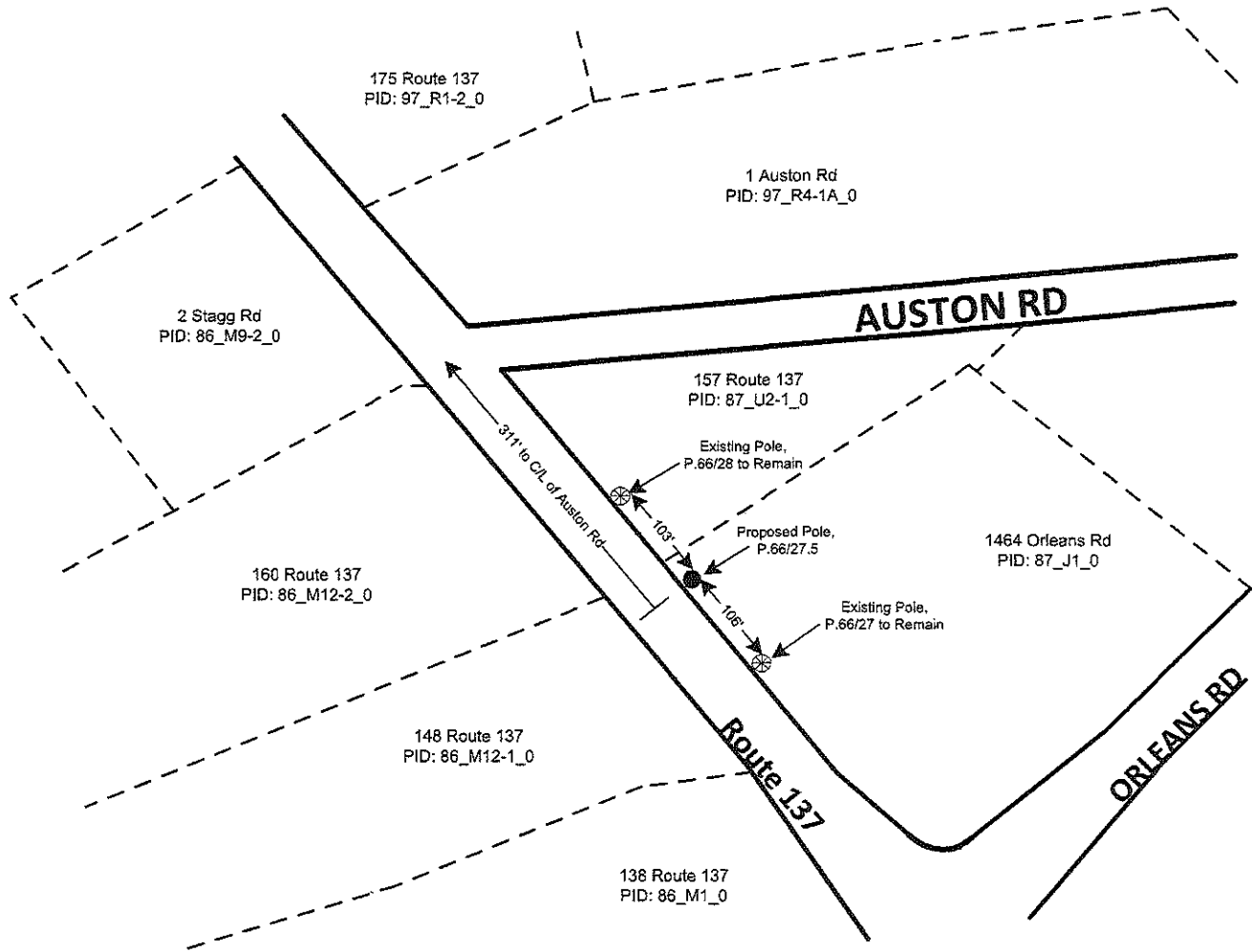
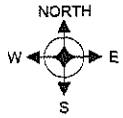
DATED 3/23/2021 NOT TO SCALE

PLAN FOR PLACEMENT OF NEW POLE 66/27.5 ON ROUTE 137

TO ACCOMPANY PETITION OF
VERIZON NEW ENGLAND INC. AND
NSTAR ELECTRIC COMPANY DBA EVERSOURCE ENERGY

LEGEND:

- PROPERTY LINE
- - - - - EDGE OF PAVEMENT
- ==== EDGE OF ROADWAY
- - - - - C/L - - - - - CENTERLINE OF ROADWAY
- ⊗ EXISTING POLE
- PROPOSED POLE



PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

April 5, 2021

To the Board of Selectmen

in **HARWICH**, Massachusetts

VERIZON NEW ENGLAND, INC. and **NSTAR ELECTRIC COMPANY D/B/A EVERSOURCE ENERGY** request permission to locate poles, wires, cables and fixtures including the necessary anchors, guys and other such sustaining and protecting fixtures to be owned and used in common by your petitioners, along and across the following public way or ways:

Route 137:

Install one (1) JO pole 66/27.5, on the northeasterly side of Route 137 SE of the intersection with Auston Rd. New location being approximately 311' southeast of the centerline of Auston Rd; is 103' southeasterly of existing pole 66/28; and is 106' northwesterly of existing pole 66/27.

This pole installation is being requested by Eversource.

Wherefore they pray that after due notice and hearing as provided by law, they be granted joint or identical locations for and permission to erect and maintain poles, wires and cables, together with anchors, guys and other such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked-VZ N.E. Inc. Plan No. **MA2021-07** Dated **March 23, 2021.**

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree that space shall be reserved and maintained for the limited purpose of attaching one-way low voltage fire and police signaling wires owned by the municipality or governmental entity for public safety purposes only.

VERIZON NEW ENGLAND INC.

By *Daryl Crossman*
Daryl Crossman - Manager - Rights of Way

Dated this 5 day of APRIL, 2021

NSTAR ELECTRIC COMPANY D/B/A EVERSOURCE ENERGY

By *Melissa Jackson*
Right of Way Representative

Dated this 8 day of April, 2021

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

By the Board of Selectmen of HARWICH, Massachusetts.

Notice having been given and a public hearing held, as provided by law,
IT IS HEREBY ORDERED:

that VERIZON NEW ENGLAND INC. and NSTAR ELECTRIC COMPANY D/B/A EVERSOURCE ENERGY be, and they are hereby granted joint or identical locations for and permission to erect and maintain poles and their respective wires and cables to be placed thereon, together with anchors, guys and other such sustaining and protecting fixtures as said Companies may deem necessary, in public way or ways hereinafter referred to, as requested in petition of said Companies dated the 5th day of April, 2021.

Route 137:

Install one (1) JO pole 66/27.5, on the northeasterly side of Route 137 SE of the intersection with Auston Rd. New location being approximately 311' southeast of the centerline of Auston Rd; is 103' southeasterly of existing pole 66/28; and is 106' northwesterly of existing pole 66/27.

This pole installation is being requested by Eversource.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonably straight and shall be set substantially at the points indicated upon the plan marked-VZ N. E. Inc. No. **MA2021-07** in a package Dated **March 23, 2021** - filed with said petition.

The following are the public ways or parts of ways along which the poles above referred to may be erected, and the number of poles, which may be erected thereon under this order:

Route 137
One Jointly-Owned pole to be placed

Also that permission be and hereby is granted to each of said Companies to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the Town of HARWICH, Massachusetts held on the _____ day of _____ 2021.

Selectmen's Clerk

We hereby certify that on _____ 2021, at _____ o'clock _____ m., at the _____ a public hearing was held on the petition of the VERIZON NEW ENGLAND INC. and NSTAR ELECTRIC COMPANY D/B/A EVERSOURCE ENERGY for permission to erect the poles, wires, cables, fixtures and connections described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Companies are permitted to erect poles, wires, cables, fixtures and connections under said order. And that thereupon said order was duly adopted.

Board of Selectmen of the Town of HARWICH, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice adopted by the Board of Selectmen of the Town of HARWICH, Massachusetts, on the _____ day of _____ 2021, and recorded with the records of location orders of said Town, Book _____, Page _____. This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

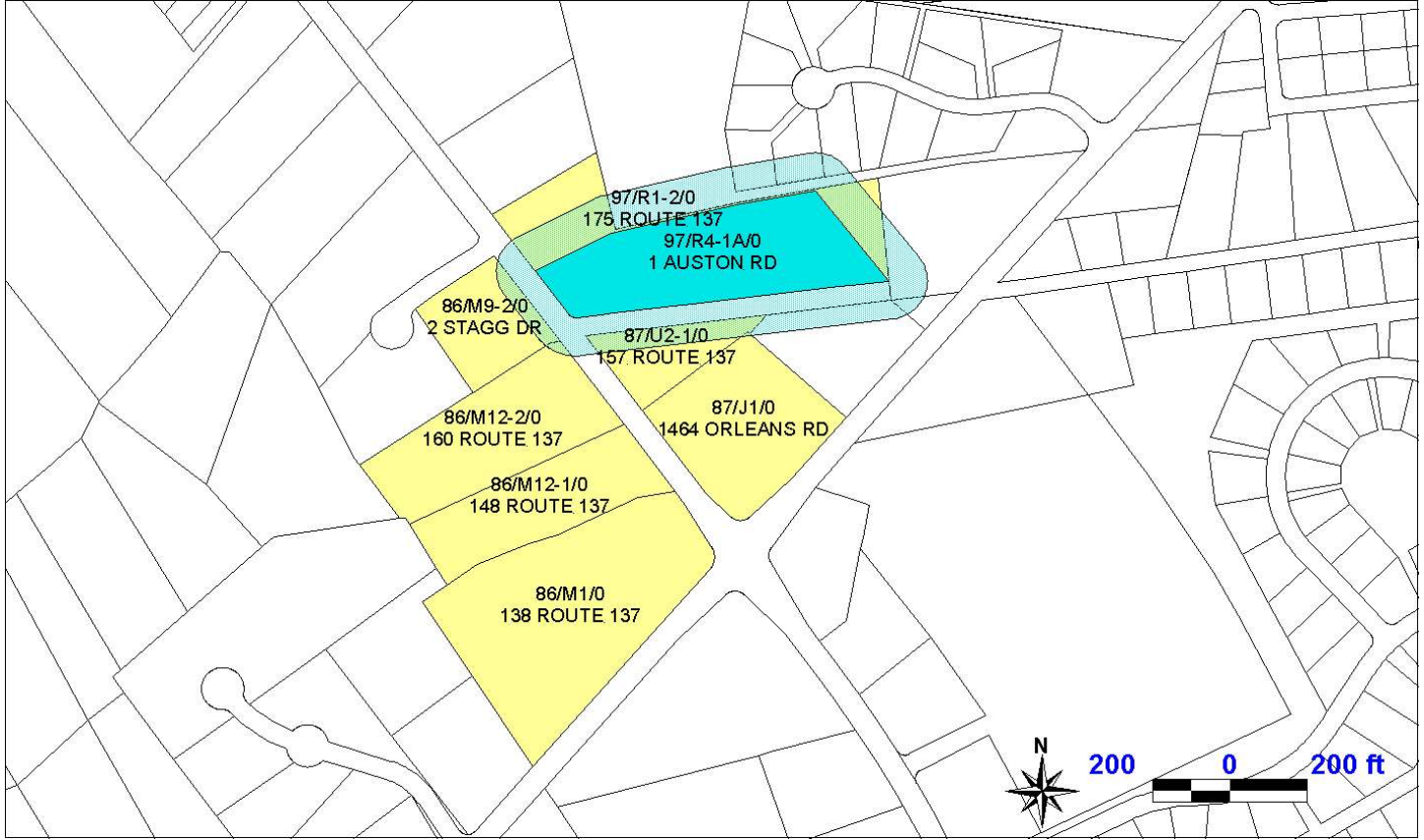
Attest:

Town Clerk



TOWN OF HARWICH, MA
 BOARD OF ASSESSORS
 732 Main Street, Harwich, MA 02645

Abutters List Within 100 feet of Parcel 97/R4-1A/0



| Key | Parcel ID | Owner | Location | Mailing Street | Mailing City | ST | ZipCd/Country |
|-------|--------------|--|-----------------|---|--------------|----|---------------|
| 6758 | 86-M1-0-R | WANSIEWICZ JAMES C TR ITC REALTY TRUST | 138 ROUTE 137 | PO BOX 1819 | HARWICH | MA | 02645 |
| 26248 | 86-M9-2-0-R | CAROLINE HARWICH LLC C/O RETAIL BUSINESS SERVICES | 2 STAGG DR | ATTN: DENISE FRANCIS PO BOX 6500 | CARLISLE | PA | 17013 |
| 21495 | 86-M12-1-0-R | HARWICH DEVELOPERS LLC | 148 ROUTE 137 | C/O THE GREENWOOD COMPANIES PO BOX 1967 | MASHPEE | MA | 02649 |
| 21494 | 86-M12-2-0-R | WEST NEWBURY DEVELOPMENT CORP | 160 ROUTE 137 | 252 HIGH RD | NEWBURY | MA | 01951 |
| 10774 | 87-J1-0-E | HARWICH TOWN OF - FIRE DEPT | 1464 ORLEANS RD | 732 MAIN ST | HARWICH | MA | 02645 |
| 23816 | 87-J1-0-R | SBA 2012 TC ASSETS LLC | 149 ROUTE 137 | ATTN: TAX DEPT MA46695-A 8051 CONGRESS AVE | BOCA RATON | FL | 33487-1307 |
| 6847 | 87-U2-1-0-R | 157 ROUTE 137 LLC | 157 ROUTE 137 | 157 ROUTE 137 | HARWICH | MA | 02645 |
| 7236 | 97-R1-2-0-R | TRAILRIDE LLC | 175 ROUTE 137 | 155 CROWELL RD | CHATHAM | MA | 02633 |
| 16281 | 97-R4-1A-0-R | EAST HARWICH EQUITY RT | 1 AUSTON RD | 155 CROWELL RD | CHATHAM | MA | 02633 |

ABUTTERS LIST

PARCEL ID: 86_M9-2_0
2 Stagg Road

Caroline Harwich LLC
ATTN: Denise Francis
PO Box 6500
Carlisle, PA 17013

PARCEL ID: 97_R4-1A_0
1 Auston Road

East Harwich Equity RT
155 Crowell Road
Chatham, MA 02633

PARCEL ID: 86_M12-2_0
160 Route 137

West Newbury Development Corp
252 High Road
Newbury, MA 01951

PARCEL ID: 87_U2-1_0
157 Route 137

157 Route 137 LLC
157 Route 137
Harwich, MA 02645

PARCEL ID: 86_M12-1_0
148 Route 137

Harwich Developers LLC
c/o The Greenwood Companies
PO Box 1967
Mashpee, MA 02649

PARCEL ID: 87_J1_0
1464 Orleans Road

Town of Harwich – Fire Dept
732 Main Street
Harwich, MA 02645

PARCEL ID: 86_M1_0
138 Route 137

James C Wansiewicz Trust
ITC Realty Trust
PO Box 1819
Harwich, MA 02645

PARCEL ID: 97_R1-2_0
175 Route 137

Trailride LLC
155 Crowell Road
Chatham, MA 02633

**TOWN OF HARWICH
NOTICE OF PUBLIC HEARING
APRIL 28, 2021**

Pursuant to M.G.L. Ch. 166, § 22, the Town Administrator will hold a Public Hearing at **10:00 AM, April 28, 2021 - Teleconference** in reference to the following matter:

A petition by VERIZON NEW ENGLAND, INC. and NSTAR ELECTRIC COMPANY D/B/A EVERSOURCE ENERGY requesting permission to locate poles, wires, cables and fixtures including the necessary anchors, guys and other such sustaining and protecting fixtures to be owned and used in common by your petitioners, along and across the following public way or ways:

Route 137 – New Pole

PROPOSED: To install one (1) JO pole 66/27.5, on the northeasterly side of Route 137 SE of the intersection with Auston Road. New location being approximately 311' southeast of the centerline of Auston Road; is 103' southeasterly of existing pole 66/28; and is 106' northwesterly of existing pole 66/27.

This pole installation is being requested by Eversource.

All abutters and other interested persons are invited to dial in

TELECONFERENCE ACCESS INSTRUCTIONS

Utility Pole Hearing
Wed, Apr 28, 2021 10:00 AM (EDT)

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

<https://global.gotomeeting.com/join/124517125>

You can also dial in using your phone.

United States: +1 (571) 317-3122

Access Code: 124-517-125

For further information, please call the Town Administrator's Office at (508) 430-7513 x 3319

Joseph F. Powers
Town Administrator

The Cape Cod Chronicle
April 22, 2021

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



MEMO

TO: Board of Selectmen

FROM: Meggan M. Eldredge, Assistant Town Administrator 

RE: Utility Hearing April 28, 2021
NSTAR Electric dba Eversource Electric
83 Miles Street

DATE: May 3, 2021

A Utility Hearing was held on Wednesday, April 28, 2021 at 1:30 PM via teleconference, at the request of NSTAR/Eversource for the purpose of the installing approximately 31' of 1-3" conduit and cable and 1 handhold #69/H12A in town road to provide electrical service to customer at 83 Miles Street, Harwich.

Legal ads were published and notifications were given. There were no abutters present. There were no objections to installing approximately 31' of 1-3" conduit and cable and 1 handhold #69/H12A in town road.

There were no other questions, concerns or objections and the Hearing was adjourned at 1:32 PM. After careful review, I recommend that the Board approve Eversource Plan No. 4477194 Dated March 24, 2021 – WO#4477194



Phone (508) 430-7513

Fax (508) 432-5039

TOWN OF HARWICH

732 MAIN STREET, HARWICH, MA 02645

MINUTES Utility Hearing – 83 Miles Street Wednesday, April 28, 2021

THOSE IN ATTENDANCE: Meggan Eldredge, Assistant Town Administrator, Patti Macura, Administrative Secretary, Representative from Eversource; Marissa Jackson. There were no abutters.

The Assistant Town Administrator called the hearing to order at 1:30 PM and read the Utility Hearing Notice.

Marissa Jackson confirmed the work to be performed. Which is proposed to install approximately 31' of 1-3" conduit and cable and 1 handhold #69/H12A in town road per Eversource Plan No. 4477194 Dated March 24, 2021 – WO#4477194. This request is to provide electrical service to customer at 83 Miles Street, Harwich.

There were no other comments or objections to the work to be performed as noted above.

Ms. Eldredge will recommend to the Board of Selectmen to approve the request from Eversource to install approximately 31' of 1-3" conduit and cable and 1 handhold #69/H12A in town road per Eversource Plan No. 4477194 Dated March 24, 2021

The hearing was adjourned at 1:32 PM.

Submitted by:
Patricia Macura
Administrative Secretary

Attachments



484 Willow Street, West Yarmouth, MA 02673

April 15, 2021

*Town Administrators
732 Main Street
Harwich, MA 02653*

Dear Select Board,

Enclosed you will find one (1) petition covering the installation of 1-3" PVC Conduit and One Handhole and underground cable location on Miles Street, Harwichport, MA. This construction is necessary to provide service to the 83 Miles Street.

The notice to abutters and hearing will be required.

Favorable action on the part of the Select Board will be greatly appreciated.

Very truly yours,

*Marissa Jackson
Right of Way Agent
508-269-5632*

enc.

TOWN OF HARWICH
NOTICE OF PUBLIC HEARING
April 28, 2021

Pursuant to M.G.L. Ch. 166, § 22, the Town Administrator will hold a Public Hearing at **1:30 PM on Wednesday, April 28, 2021 via Teleconference** in reference to the following matter:

A petition by NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY requesting permission to locate underground cables, conduits and manholes, including the necessary sustaining and protecting fixtures, in, under, along and across the following public way or ways:

MILES STREET, HARWICH

PROPOSED: To install APPROXIMATELY 31' of 1-3" conduit and cable and 1 handhold #69/H12A in town road to provide electrical service to customer at 83 Miles Street, Harwich

All abutters and other interested persons are invited to dial in

TELECONFERENCE ACCESS INSTRUCTIONS

**Utility Hearing - 83 Miles Street Harwich
Wed, Apr 28, 2021 1:30 PM - 2:30 PM (EDT)**

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

<https://global.gotomeeting.com/join/345195981>

You can also dial in using your phone.

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

Access Code: 345-195-981

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

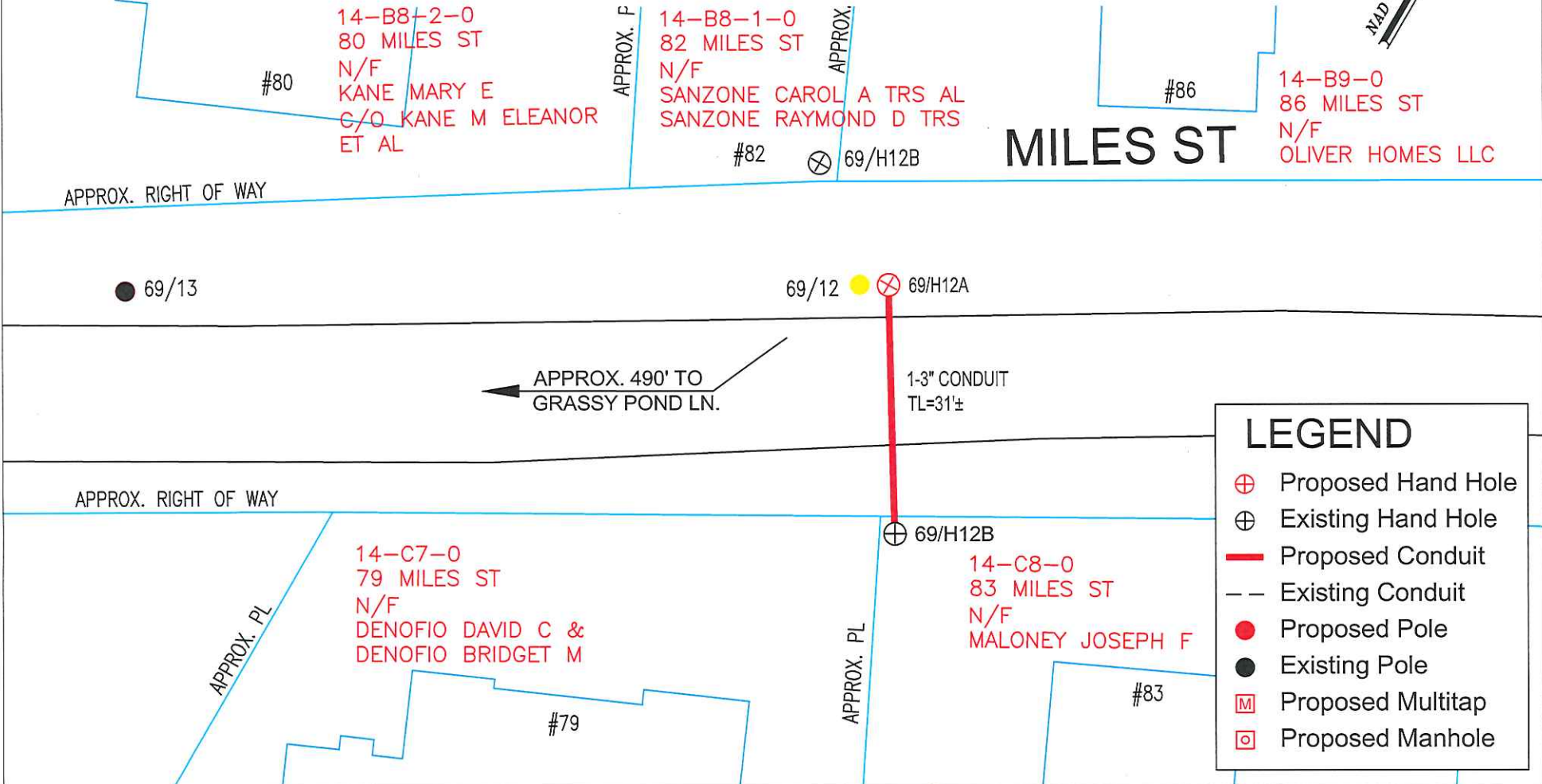
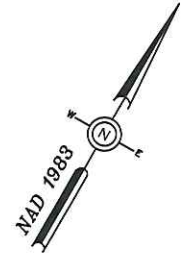
<https://global.gotomeeting.com/install/345195981>

For further information, please call the Town Administrator's Office at (508) 430-7513 x 3319

Joseph F. Powers
Town Administrator

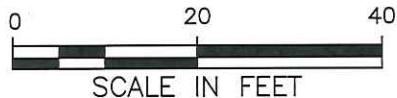
Cape Cod Chronicle
April 22, 2021

Plan to accompany petition of EVERSOURCE ENERGY to install handhole 69/H12A @ 69/12 and approximately 31'± of 1-3" conduit under public road to handhole 69/H12B for electric service relocation for customer at #83 Miles St.



LEGEND

- ⊕ Proposed Hand Hole
- ⊗ Existing Hand Hole
- Proposed Conduit
- - Existing Conduit
- Proposed Pole
- Existing Pole
- Ⓜ Proposed Multitap
- Ⓚ Proposed Manhole



BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PARENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION OR IN RELIANCE UPON IT, TO THE MAXIMUM EXTENT ALLOWED BY LAW, YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

THE INFORMATION MAY NOT REPRESENT A SURVEY, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION, EITHER EXPRESSED OR IMPLIED. UNAUTHORIZED ATTEMPTS TO MODIFY THE INFORMATION OR USE THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED.

MASS. LAW

REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7233

| | | |
|-------------------------|---|---------------------|
| P# 4477194 | 1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125 | |
| Ward # | | |
| Work Order # 4477194 | Plan of MILES ST, HARWICH (HARWICHPORT) | |
| Surveyed by: N/A | Showing PROPOSED CONUIT LOCATION | |
| Research by: SC/JC | | |
| Plotted by: GC | | |
| Proposed Structures: GC | | |
| Approved: T THIBAUT | Scale 1"=20' | Date MARCH 24, 2021 |
| P# | SHEET | 1 of 1 |

**PETITION FOR
UNDERGROUND CABLE AND CONDUIT LOCATIONS**

Harwich (Harwichport), Massachusetts, April 15, 2021
TO SELECT BOARD FOR THE TOWN OF HARWICH, MASSACHUSETTS

NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) and

W/O# 4477194

requests permission to locate underground cables, conduits, manholes, including the necessary sustaining and protecting fixtures, in, under, along and across the following public way or ways:

Miles Street

**Underground Cable and Conduit
location – Install 31' +/- of 1-3"
Conduit & 1 Handhole 69/H12A**

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to install and maintain underground cables, conduits, and manholes, together with such sustaining and protecting fixtures as it may find necessary, said underground cables, conduits, and manholes to be installed substantially in accordance with the plan filed herewith marked **Plan No. 4477194, dated March 24, 2021.**

NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy)

By Marissa Jackson

Marissa Jackson -Right of Way, Agent

FORM OF ORDER FOR UNDERGROUND CABLE AND CONDUIT LOCATIONS

IN SELECT BOARD FOR THE TOWN OF Harwich, MASSACHUSETTS

Notice having been given and a public hearing held, as provided by law, IT IS HEREBY ORDERED THAT THE:

NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy) and

W/O# 4477194

be and they are hereby granted a location for and permission to install and maintain underground cables, Conduits and manholes, together with such sustaining or protecting fixtures as said company may deem necessary, in, under, along and across the public way or ways hereinafter referred to, as requested in petition of said companies.

All construction under this order shall be in accordance with the following conditions:

Cables, conduits, and manholes shall be installed substantially at the point indicated upon the plan marked -- **Plan No. 4477194, dated March 24, 2021** filed with said petition. The following are the public ways or parts of ways under, along and across which the cables above referred to may be installed under this order.

Miles Street

Underground Cable and Conduit location – Install 31' +/- of 1-3" Conduit & 1 Handhole 69/H12A

I hereby certify that the foregoing order was adopted at a meeting of the Select Board of the Town of Harwich, Massachusetts held on the _____ day of _____ 2021.

Clerk of Select Board

Massachusetts

2021.

Received and entered in the records of location orders of the Town of _____
Book _____ Page _____.

Attest:

Town Clerk

We hereby certify that on _____ 2021, at _____ o'clock, _____ M,

at _____ a public hearing was held on the petition of the
NSTAR ELECTRIC COMPANY (d/b/a Eversource Energy)

for permission to install and maintain the underground cables, conduits, manholes and fixtures described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Companies are permitted to install underground cables, conduits, manholes and fixtures under said order. And that thereupon said order was duly adopted.

Harwich, Massachusetts.

CERTIFICATE

I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the Select Board of the Town of Harwich, Massachusetts, on the _____ day of _____ 2021, and recorded with the records of location orders of said Town, Book _____, Page _____.

This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

Town Clerk

WO# 4477194
MILES STREET
HARWICH, MA 02645

14-C7-0
79 MILES ST
N/F
DENOFIO DAVID C &
DENOFIO BRIDGET M
1317 REGENT ST
SCHENECTADY, NY 12309

14-B8-1-0
82 MILES ST
N/F
SANZONE CAROL A TRS ET AL
SANZONE RAYMOND D TRS
11 ELIZABETH DR
NORTHBOROUGH, MA 01532

14-C8-0
83 MILES ST
N/F
MALONEY JOSEPH F
11 HOBBS RD
WALTHAM, MA 02452

14-B8-2-0
80 MILES ST
N/F
KANE MARY E
C/O KANE M ELEANOR ET AL
20 FORREST VIEW DR
VERNON, CT 06066

14-B9-0
86 MILES ST
N/F
OLIVER HOMES LLC
39 OLD COUNTY RD
HARWICH PORT, MA 02646

MINUTES
SELECTMEN'S MEETING
REMOTE PARTICIPATION ONLY
Monday, February 1, 2021
6:30 P.M.

SELECTMEN PARTICIPATING: Larry Ballantine, Stephen Ford, Donald Howell, Michael MacAskill, Edward McManus.

ALSO PARTICIPATING: Town Administrator Joseph Powers.

CALL TO ORDER

Mr. Ballantine opened the meeting at 6:32 pm, and called to order the Board of Selectmen. He explained that he first called the meeting to order at 5:45 pm for Executive Session, where they discussed two articles. The first was pursuant to MGL c.30A, §21(6) to consider the purchase, exchange, lease or value of real property if the chair so declares and the second was to discuss strategy relating to pending litigation known as, Watkins et al. v. Town of Harwich. They discussed both of those items and they are both ongoing and they will have further discussions.

WEEKLY BRIEFING

A. COVID-19 Updates

Ms. Meggan Eldredge, Health Director, said that there was some good news, and the current active cases have gone down to 27. She said that this is lower than they have had in the past several weeks, and they are heading in the right direction. They have had a total of 481 cases of COVID-19, since the beginning of the pandemic, which is going on a year now. Harwich remains in the “red” which designates us as a high risk community. They have a positivity rate of 6.22%, which is lower than the 7.5% from last week. They continue to trend in the right direction. She believes that they will be on track for the start of Stage 3, of the reopening plan. Ms. Eldredge said that the Governor should roll back his temporary measures and the 25% restrictions should be lifted on Monday. That means that it will go back to 50% occupancy for places like gyms, offices, restaurants, and entertainment venues.

Ms. Eldredge then provided a vaccine update. She said that Barnstable County represents 15 towns on the Cape, with the restrictions and allocations for vaccine distribution. She said that each provider will be getting 975 doses of the Pfizer vaccine per week, and they will be going to regional clinics that will be set up. They have the Fairgrounds, the Melody Tent, and they are working on setting up another one, possibly in Orleans or Eastham. The tough part of the vaccine is that once it is removed from the freezer, there is a limited time to use it. She said that it is a pretty intense process, for both the Moderna and Pfizer vaccine. It cannot be transported, if not in a frozen state, which has made mobile clinics or homebound visits difficult. The Johnson & Johnson vaccine might make it possible. Also, people have the options of going to CVS, Walgreens and Stop & Shop, who are providers. To find appointments for the vaccine, people should go to the State website on the vaccine finder map, www.mass.gov/COVIDVaccineMap. She said that appointments will be hard to find because of the high demand and short supply. Ms. Eldredge said she has gone on it herself, and there have not been appointments within a 50 mile radius. However, she said that Massachusetts residents can go to three Mass vaccination sites, Gillette, Fenway and another outside of Boston. Ms. Eldredge also wanted to remind everyone that being vaccinated does not mean that people can go without a mask, or to visit family. It is a step towards that, but not a free for all once they have been vaccinated.

Ms. Eldredge said that Phase 2, of the vaccine distribution plan, started today. That means that anyone 75 years or older, are now eligible. She said that the next group will include those 65 years or older, or anyone with two or more qualifying medical conditions. They are moving along. She also explained that there is not a wait list, in Harwich or the county. If people are able to get on the vaccine map and enter their information, it will be stored and they could get called, if there are cancellations. It is more like a standby list. Ms. Eldredge said that they are working on an update to the Town of Harwich website, which will have a button on the home page, for the COVID-19 information.

Mr. Ballantine asked if the vaccines that the pharmacies have, are part of the 975 number? Ms. Eldredge confirmed that they are not part of the 975. She said that they do not get the vaccines from the Department of Public Health, but straight from the CDC, and it is a different allotment. However, she said that they seem to be having the same shortage problems, but people should try to get one where ever they can.

B. Update on ongoing efforts by the Town in support of the business community

Ms. Cyndi Williams, Executive Director, Harwich Chamber of Commerce, said that she was going to share some information on the annual Harwich Magazine, which reflects the Town and the businesses. She said that this year's theme is *Harwich Life, live, work, play, and grow*. They are going to take everyone on a journey. She said that they did not want it to screen pandemic, but everyone has been through so much this year and so much has changed. The cover will have a photo of the campground, taken by a local resident.

Ms. Williams said that they are also, they are partnering with the Cape Cod Chamber to do video spotlights, which will reach 1.7 million unique website viewers, 85,000 Instagram, Facebook, TikTok and Twitter followers, and 38,000 email subscribers. They have also joined a group called Grant Watch and will be searching for grants that come out and will keep everyone updated. She concluded and asked everyone to continue to support the local restaurants and businesses.

ANNUAL COMMITTEE PRESENTATIONS

A. Harwich Housing Committee

Mr. Arthur Bodin, Chair, Harwich Housing Committee, said that during the past year, the Housing Committee has focused on its mission, which is to be an advocate for housing. He said that they have supported their representative, to the Community Preservation Committee, by supporting funding for Affordable Housing Initiatives, and the Rental Assistance Program, which is administered by the Harwich Housing Authority. When called upon the Housing Committee has offered voice and written comments supporting affordable housing projects.

Mr. Bodin said that earlier in the year, the Committee participated in a joint meeting with the Affordable Housing Trust Committee, to form a partnership for a more singular approach in solving housing issues. The Chair supports the Affordable Housing Trust, by attending meetings and adding input on agenda items, and recommendations of direction. He said that the Committee is committed to being a partner with the Affordable Housing Trust.

Mr. Bodin said that the Committee visited other towns, and witnessed firsthand the progress those towns are achieving in building affordable housing. One of these projects is a recently finished project in Hyannis, sponsored by the Housing Assistance Corporation, which is called The Ridge Road Apartment Complex. This project demonstrates what can be achieved with a small parcel of land and a design, which complemented the area. The Committee has maintained its representation on the County Home Consortium Advisory Council, participating in their monthly meetings and playing a role in determining the allocation of housing funds that the County Home Program administers.

He said that the Committee also supports the Real Estate & Open Space Committee by attending their meetings and advocating for housing. He said that the Real Estate & Open Space Committee plays a pivotal role in the determination of the use of land that becomes available to the Town.

Mr. Bodin said that during 2020, Habitat for Humanity started work on six homes on Murray Lane, West Harwich. He said that they are thankful that Habitat for Humanity is back in Harwich, and building owner occupied homes. It is important that they support this great organization, now and in the future.

In closing, he thanked the Interim Town Administrator, Joe Powers and the Board of Selectmen, for their support of housing initiatives, and the Town Planner, Charleen Greenhalgh for her support in all requests.

Mr. Howell said that he is in pretty frequent contact with Mr. Bodin, and they are looking forward to having another joint meeting. He said that he has had conversations with Community Development Partnership, relative to Ms. Andrea Aldana and Ms. Pelinda Deegan, being made available, because they are not being utilized to the fullest. He said that the role of the Housing Committee is different from the Housing Trust, and that they are really relying on them being more of the outreach, to discuss why affordable housing is important. He would like to make sure they can continue doing the outreach.

Mr. Ballantine asked about rental assistance and what type of outreach they do for it. Mr. Bodin said he would have to refer that to the Housing Authority, for rental assistance questions. Mr. Howell said that Ms. Aldana is probably a better person for that, because they do have a contact mechanism. However,

they don't do it, but HECH and CDP, does some rental assistance if people are in need. Mr. Howell said it would be great to have someone inside Town Hall for this purpose.

B. Harwich Housing Authority

Ms. Tracy Cannon, Executive Director, Harwich Housing Authority (HHA), said that first, she will speak to the rental assistance. She said that they have the rental assistance and would be happy to help people at any time. They do receive a lot of calls from people looking for help, and information. They also send people up to Homeless Prevention, and they have a lot of resources.

Ms. Cannon read the report and said that the Harwich Housing Authority shares office space with the Chatham Housing Authority, and is located to 240 Crowell Road in Chatham. The office is currently closed to the public due to COVID-19, however, they are scheduling appointments, when needed. They have five board members, and currently have one vacancy.

She said that the mission of the Harwich Housing Authority, is to provide affordable, decent, safe and sanitary housing through the maintenance of their existing units and the development of new units. This is done to create an environment, which enables residents to live responsibly and with dignity; to support residents in their effort to achieve self-sufficiency; to honor public commitments in a fiscally and ethically responsible manner; to create and maintain public confidence in the Authority's operations and staff; to ensure that the facilities owned and managed by the HHA are marketable to the community and are appealing to residents; to enable the HHA staff to improve their performance through appropriate vision, training, and career development; to establish performance goals that meet or exceed industry standards and that optimize the use of available resources to achieve their performance objectives; and to assist the Town, State and National governments in identifying and addressing housing needs. Ms. Cannon said that eligibility for housing is subsidized through the Harwich Housing Authority, and is governed by the rules and regulations promulgated by the Commonwealth of Massachusetts Department of Housing, Community Development, and the United States Department of Housing and Urban Development.

Ms. Cannon said that the Harwich Housing Authority operates a total of 41 units of State subsidized housing, under three different subsidy programs.

These programs include; The Massachusetts Rental Voucher Program, which currently has 21 scattered site family and elderly vouchers. The vouchers amounts are based on income and pay for any portion of rent that exceeds 30% - 40% of household income. The State has opened it up to a wider income base for eligibility. The next one is the Massachusetts 705 Family Housing Program which consists of (12) family units, (2) two-bedroom units and (10) three-bedroom units, and includes one which is wheelchair assessable. The rent for these units are based on 27% of household income, after deductions. And lastly, there is the Massachusetts 167 Program, which is through the Department of Mental Health. This program has a total of (8) special needs units, in a single building, which is currently leased to VINFIN.

Ms. Cannon said that the projects being funded with Community Preservation Act funds, which were approved by Harwich Town Meetings, include; The Rental Assistance Program, which is still going strong. She said that they had requested \$150,000 in additional funds from the CPC, to continue the program, and received \$200,000. They have been updating their waiting list and preparing to accept their newest recipients. She said that with these funds they will be able to assist a minimum of 18 households and have assisted over 100 households, since the program started. Ms. Cannon said that under this program they offer assistance to qualified families by paying a portion of their rent each month (not to exceed \$350 per month) for a maximum of three years. This program is designed to help people as they work towards becoming self-sufficient and they are recertified each year.

Ms. Cannon said that they continue to contract with the Chatham Housing Authority for management of the HHA. She said that Ms. Kayta Koehler-Rice and herself handle the daily activities of the HHA and Mr. David Chausse is the Maintenance Mechanic, and works a part-time schedule with the HHA. She said that the Harwich Housing Authority wishes to express its gratitude and thanks to the Town and the citizens of Harwich for a successful 2020 and they are looking forward to a productive 2021. Ms. Cannon said that their biggest thing right now, is to get the housing assistance out. The 12 units are full and they rarely get vacancies. They have allocated some funds for landscaping to get things neatened up and all in all, they are in good shape.

Mr. Howell made mention of Ms. Elizabeth Harder being on the call, and commented on her passion for housing. Ms. Harder expressed their need for more housing.

C. Historic District and Historical Commission

No report.

PUBLIC HEARING/PRESENTATIONS

A. Presentation by Jeff Locantore on potential reuse of the former Bank Street Fire Station/Harbormaster office

Mr. Powers said that Mr. Jeff Locantore and Jonathan O’Callaghan have been meeting with him regularly, and they have a proposal that Mr. Locantore would like to present this evening about the reuse of the property at 203 Bank Street.

Mr. Locantore thanked the Board for the opportunity to be there to discuss this and explained that himself and Mr. O’Callaghan are working with an attorney to form a 501c3, which would be called Adult Share Living Harwich, Inc. The mission statement would be to obtain housing for adults 22+ who are disabled in any way that can live independently who would not be able to afford a place of their own on Cape Cod. They also would like to live in a shared house with adults their own age and share the same or similar interests.

Mr. Lacantore said that Mr. O’Callaghan is working tonight, and was not able to attend the meeting, but he wanted to share a brief overview of who they are. Mr. Locantore said that he is 35 years old, and has Cerebral Palsy and two different types of seizure disorders. He has lived in Harwich since 1990, and graduated from Cape Cod Regional Technical High School in 2004 with a High School Diploma and a Business Certificate from the Business Management Program. He was on the honor society during his junior and senior year in High School. Mr. Lacantore said that since high school, he has been a volunteer within many different departments for Harwich, and wants to be able to do some affordable housing, for disabled adults in town.

Mr. Lacantore said that Mr. O’Callaghan is 36 years old, and has cognitive and physical disabilities. He moved to Harwich permanently in 2017, but had summered here with his parents, and grandparents, since he was young. He graduated from Whitman Hanson Regional High School in 2003, and works

for Windsor Skilled Care Nursing & Rehabilitation in South Yarmouth, as a dietary aide and in the summer for Cranberry Valley Golf Course in Harwich. Mr. O'Callaghan likes to golf, kayak, garden, and work on nonprofit projects, such as housing for the disabled and the Cranberry Festival Committee, as a volunteer to help the community of Harwich.

Mr. Lacantore said that they are hoping the Board of Selectmen would consider allowing Adult Shared Living Harwich, the ability use the old fire station property as a place to put a prefabricated house, which will have a total of 4-bedrooms and 4.5-bathrooms, and will be completed in phases. He said that they are looking for support from the Board of Selectmen. He said that they already have a treasurer, secretary, photographer and an advertising person, and once they are established as a nonprofit, they will be getting into the media outlets. Mr. Lacantore said that the reason they are doing this, is to try and be with adults their own age. He has worked diligently with Mr. Powers, who has been a great supporter, and has helped them with a lot of information. He has also worked with Mr. Bodin, and he would like to thank them for their support.

Mr. Ballantine asked if Mr. Powers could review the process and issues that surround this.

Mr. Powers said that Mr. Locantore had reached out to him about using the property at 203 Bank Street, for a different use, and they have been in touch regularly since. He said that there are currently Town Meeting votes in place, and some of what he is suggesting would require secondary actions by the Town, either through the Board or at Town Meeting. He said that they had agreed that Mr. Lacantore would do the presentation tonight, to get some questions answered.

Mr. MacAskill said he knows Mr. Lacantore has been at this for a long time and commended the great job, level of communication and his fundraising efforts for the plan he has. He asked Mr. Powers where things are at, with the RFP process for the property.

Mr. Powers said that the RFP is in preparation. He said that they also received information from Engineering, regarding a wetland designation to the property. Mr. Powers said that he is not sure, at this point, what impact that may have on the process.

Mr. MacAskill discussed the request to use some of the property for parking for the walking trails. Mr. Powers said there are two acres of land in play, but he is not sure what the issue of the wetland designation could be. He said that there was also some discussion of possibly keeping the building, therefore, before it is torn down, he wanted to have this presented.

Mr. MacAskill said that he thinks this would be a great statement for the Town of Harwich.

He said that there may also be some other options for locations, and reviewed some options that Affordable Housing Trust may have, or other Town owned properties. He said that he supports this.

Mr. Ford said that it was great presentation, and that it is certainly a need, and something that they should consider.

Mr. Howell said that he echoes what Mr. MacAskill said. He is not sure if that property is the best choice, but it is a commendable goal, and it is something they should be looking at doing.

Mr. Ballantine said there are some steps and competition on that property, and they will have to work through the process.

CONSENT AGENDA

- A. Vote to approve Caleb Chase Fund request in the amount of \$1,000

Mr. MacAskill moved that they approve the Caleb Chase Fund request in the amount of \$1,000. Seconded by Mr. Howell.

Roll Call Vote: Mr. Howell - Aye, Mr. McManus - Aye, Mr. Ford - Aye, Mr. MacAskill - Aye, Mr. Ballantine - Aye. Motion carried by unanimous vote.

NEW BUSINESS

- A. Discussion and possible vote to approve 2021 Entertainment licenses

Mr. MacAskill asked if any of these are subject to hearings, or anything that they should be aware of before voting tonight? Mr. Powers responded that the only one would be Ember Pizza, which has a pending matter. He said that he is hopeful to finalize the report on that tomorrow, and to work with the Chair on the hearing coming up. Otherwise, he is not aware of any other issues. Mr. Powers confirmed that they could approve tonight, and there would be no harm rendered pending a future discussion.

Mr. MacAskill also asked to confirm if there have been any changes to the hours requested for entertainment, or are they all renewals from last year? Mr. Powers said that he believes they are all renewals.

Mr. Ballantine asked about the amplification of the music, and if that is something that they need to consider with outdoor entertainment? He added that this past year, with moving more music outside, it seemed to cause more difficulties.

Mr. MacAskill said that he is the liaison to the Noise Containment Committee, and they have some recommendations. However, they are at a standstill on the definition of audible noise, and the 150' mark. He said that he looks at this a little differently, of the minority of the committee. The minority still holds strong that they need to better clarify audible noise, and it cannot be a lyrics test. He does think they owe the public, and the Noise Containment Committee, that spent a year of their lives working on this, some answers. They have not voted on an action plan yet and when it comes before the Board, they had discussed the need for much swifter action and punishments. He said, in voting these tonight, it would be his statement that they bring it back to discuss what the plan, policies, and procedures are going to be. They are still going to have COVID this summer, and they need to discuss it.

Mr. Howell asked about the Harwich Inn and Tavern and if the times are the same? Mr. Powers said that he would have to confirm that.

Mr. Howell said that he would also like to have added into the motion, some language about, "other such terms and conditions that have been associated with these licenses", so that they do not lose anything. Mr. MacAskill said he would modify his motion to include that.

1. Harwich Inn and Tavern – 77 Route 28 – Weekday: 12PM-12AM inside & 4PM-8PM outside. Sunday: 1PM-12AM inside

Mr. MacAskill moved to approve the 2021 entertainment license for Harwich Inn and Tavern – 77 Route 28 – Weekday: 12PM-12AM inside & 4PM-8PM outside. Sunday: 1PM-12AM inside, with any other terms and conditions previously assigned. Seconded by Mr. Howell.

Roll Call Vote: Mr. Ballantine - Aye, Mr. MacAskill - Aye, Mr. Howell - Aye, Mr. McManus - Aye, Mr. Ford - Aye. Motion carried by unanimous vote.

2. Jake Rooney’s – 119 Brooks Road – Weekday: 5PM-12PM inside & 5PM-10PM outside. Sunday: 5PM-9PM inside

Mr. MacAskill moved to approve the 2021 entertainment license for Jake Rooney’s – 119 Brooks Road – Weekday: 5PM-12PM inside & 5PM-10PM outside. Sunday: 5PM-9PM inside, with any other terms and conditions previously assigned. Seconded by Mr. Howell.

Roll Call Vote: Mr. McManus - Aye, Mr. Ford - Aye, Mr. MacAskill - Aye, Mr. Howell - Aye, Mr. Ballantine - Aye. Motion carried by unanimous vote.

3. 400 East – 1421 Orleans Road – Weekday: 5PM-12AM inside

Mr. MacAskill moved to approve the 2021 entertainment license for 400 East – 1421 Orleans Road – Weekday: 5PM-12AM inside, with any other terms and conditions previously assigned. Seconded by Mr. Howell.

Roll Call Vote: Mr. MacAskill - Aye, Mr. Ballantine - Aye, Mr. Howell - Aye, Mr. Ford - Aye, Mr. McManus - Aye. Motion carried by unanimous vote.

4. Cape Sea Grille – 31 Sea Street – Weekday: 11AM-12AM inside

Mr. MacAskill moved to approve the 2021 entertainment license for Cape Sea Grille – 31 Sea Street – Weekday: 11AM-12AM inside, with

any other terms and conditions previously assigned. Seconded by Mr. Howell.

Roll Call Vote: Mr. MacAskill - Aye, Mr. Howell - Aye, Mr. Ford - Aye, Mr. McManus - Aye, Mr. Ballantine - Aye. Motion carried by unanimous vote.

5. The Lanyard – 429 Main Street – Weekday: 12PM-12AM inside. Sunday: 1PM-9PM inside and outside.

Mr. MacAskill moved to approve the 2021 entertainment license for The Lanyard – 429 Main Street – Weekday: 12PM-12AM inside. Sunday: 1PM-9PM inside and outside, with any other terms and conditions previously assigned. Seconded by Mr. Howell.

Roll Call Vote: Mr. Ford - Aye, Mr. McManus - Aye, Mr. Howell - Aye, Mr. MacAskill - Aye, Mr. Ballantine - Aye. Motion carried by unanimous vote.

6. Ember Pizza – 600 Route 28 – Weekday: 10AM-12AM inside & 10AM-10PM outside. Sunday: 10AM-12AM inside & 10AM-10PM outside

Mr. MacAskill said that he would not be able to make a positive motion on this at this time, due to the pending issues.

Mr. Powers said that there is a memo in the packet from staff with an explanation of what they requested last year, and this year, which is an expansion. He said that the hearing has been completed, and they are finalizing the report.

Mr. Ballantine said he would be more comfortable holding this, pending the hearing.

OLD BUSINESS

- A. Ongoing discussion – Comprehensive Wastewater Management Plan including topics related to Pleasant Bay/East Harwich Sewer Service Area

Phase 2 Contracts 1 & 2 and proposed DHY Clean Water Community Partnership

Mr. Powers explained that this is the first time they have seen this under *Old Business*, and the reason is that there is nothing significant to report on this. He said that he just has some updates, with an expectation that they will have actual topics and material for the February 8th meeting. He said that they will have Mr. George Heufelder, from the Massachusetts Alternative Septic System Test Center, on the agenda on February 8th, to discuss innovative alternatives, IA Technology. He said that there was a presentation on Thursday, January 28th to the Pleasant Bay Water Shed Work Group, and it was talking about the update on the nitrogen removal. Once they have the presentation material he will share it with the Board, and the general public. Mr. Powers said that the next meeting of the DHY Working Group, will be Friday, February 5th at 9:00 am. He has reached out to Yarmouth, with updates, and will be reaching out to Dennis this week as well.

Mr. Ballantine said that they will also have Mr. Brian Dudley, MassDEP, joining in on the meeting on February 8th, at 8:00 pm. They should have good discussion on IA performance, and regulatory issues. He said that if anyone has specific questions, it would be good to get them ahead of time.

Mr. Howell said that he wanted to confirm that the vote they took, for DHY, was to allow it to be placed on the warrant, but they did not, in any way, endorse what was going on.

Mr. Sandy McLardy, East Harwich Resident, wanted to add as a side note, that the link for the email for public comment, the blue highlighted area includes the word “to” and that should not be included. He said that he has been thinking about DHY, and as a hypothetical question; if CDM Smith had come to them and said that phases 2 and 3 would sewer over 145 homes, but will not improve Pleasant Bay, and will have cost estimates that may end up 30%, 50%, or 60% higher, and they did not take land use seriously, but let’s go ahead with the next phases, what would their reaction be? Mr. McLardy said that he feels strongly that they need to take a close look at the foundation of the project.

TOWN ADMINISTRATOR’S REPORT

Mr. Powers said that it is time that they receive the notice of the Division of State Ethics and that they have to do their conflict of interest law information, and receipts. He said that he will be working with staff and information will be going out tomorrow. He said that a form will need to be signed by Board of Selectmen, and the training can be done online.

Mr. Powers said that they received notice last week, from the Cape Cod Commission, on the District Local Technical Assistance (DLTA) funds, and he will be meeting with staff to determine what opportunities there may be with the DLTA Grant Program for 2022.

SELECTMEN'S REPORT

Mr. Ford asked if the other Selectmen had received copies from the Subcommittee and School Administration presentation, regarding the budget, and how the alternative assessment method might work?

Mr. Powers said not yet, and that he is working with the Finance Director on a slight change to the assessment, and then he will distribute it. He also announced that the joint meeting has been scheduled, with the Town of Harwich, Town of Chatham and Monomoy Regional School Committee, for Wednesday, February 10th at 6:30 pm. He said that more information will come out from the School Committee.

Mr. Ford said that it is important to get the information out, as soon as possible, for the board members to review and comment. He also said that the way the school budget was presented, shows the State has come through with numbers that show a pretty substantial bump to the Town of Harwich. He said that he thinks this is something that they will all be very keenly focused on.

Mr. Powers said, as a reminder, that he will be transmitting his comprehensive budget report on Monday, February 8th, which will incorporate the money that Mr. Ford just mentioned.

ADJOURNMENT

Mr. MacAskill moved that they adjourn at 7:51 pm. Seconded by Mr. Ford.

Roll Call Vote: Mr. MacAskill - Aye, Mr. Howell - Aye, Mr. Ford - Aye, Mr. McManus - Aye. Mr. Ballantine - Aye. Motion carried by unanimous vote.

Respectfully submitted,

Lisa Schwab
Board Secretary

MINUTES
SELECTMEN'S MEETING
REMOTE PARTICIPATION ONLY
Monday, April 5, 2021
6:30 P.M.

SELECTMEN PARTICIPATING: Larry Ballantine, Donald Howell, Michael MacAskill, Edward McManus. Absent: Stephen Ford

ALSO PARTICIPATING: Town Administrator Joseph Powers, Assistant Town Administrator Meggan Eldredge

CALL TO ORDER

Mr. Ballantine opened the meeting at 6:39 pm, and called to order the Board of Selectmen. He explained that he first called the meeting to order at 6:00 pm for Executive Session, where they discussed two items. The first was regarding contract negotiations for Cranberry Valley Golf Course and the Hot Stove Saloon, they had a detailed discussion on how to retain the Hot Stove at Cranberry Valley, and they are taking steps to move forward. The second was to discuss general strategy to address the various union contracts coming forward. He said that those conversations will continue.

Mr. Ballantine took a moment to recognize Ms. Peg Rose, who passed away suddenly on April 3, 2021. He said she was a great lady and he does not think there was anything in Harwich that she was not involved in. He said that Ms. Rose was involved as a past president of Friends of Harwich Town Band, president of the Harwich Historical Society, Harwich Conservation Trust, Cape Cod Baseball League, and the Harwich Chamber of Commerce, among so many other things. Mr. Ballantine said that if anyone wished to send a remembrance or cards, they can send them to her children, Kristin Rose and Tim Rose, at her address 87 Grey Neck Road, Harwich. She will be sorely missed.

Ms. Emily Milan, Voter Information Committee, said that Mr. Ballantine did a great job with the list of things that Ms. Rose was involved in. She had the opportunity to serve two terms with her on the committee, and it was an honor. Ms. Milan said that Ms. Rose's volunteer efforts were vast and her dedication and commitment to serving this community were a text book example of what it meant to be civically engaged. She was an equal opportunity supporter of everything and the world needs

more people like Ms. Rose. She will be missed and Ms. Milan was thankful for the opportunity to remember her.

Mr. McManus shared his thoughts on Ms. Rose and said that the town will be sadder with her passing.

Mr. Howell said how integral she was with the Town of Yarmouth as well, and her loss will be missed throughout many towns. He also added that everything Ms. Rose did, she did cheerfully and with a smile.

Mr. MacAskill agreed with the other members and said that her humor and fun will be remembered always.

WEEKLY BRIEFING

A. COVID-19 Updates

Dr. Katie O’Neill, Health Director, said that to date Harwich has seen a total of 665 cases of COVID-19. They have 56 active cases, and a positivity rate of 5.63%, which still leaves them in the “Red” designation. Many other Cape towns are also currently in the red. She said that they have started to see a much younger population test positive. The current average age across all of the red towns, is 38 years old, and Harwich is not far off with an average 42 years old. The good news is that a total of 3,755 residents have been fully vaccinated, and 5,925 individuals have received at least one dose. They are moving in the right direction.

Dr. O’Neill said that last Tuesday, the Harwich Fire Department was able to vaccinate 42 individuals in Senior Housing, and on Monday, April 5th, they vaccinated an additional 55 individuals in their homes. She expressed a special thank you to Outer Cape Health, Emily Mitchell, Sue Jusell, Jen Clarke, Chief LeBlanc, Deputy Chief Thornton, Paul Finn, and all of Harwich EMS for assisting in this collaborative effort. She said that if anyone knows of a homebound individual that is still in need of vaccination, please contact either the Harwich Health Department at (508)-430-7509, or the Council on Aging at (508)-430-7550. She said that this will be a continued effort, to ensure that all who need to be vaccinated will be.

Starting Monday April 5th, people who are 55 and older, will be eligible to receive the vaccine, as well as people with one certain medical condition.

People can pre-register to receive a vaccination at <https://www.mass.gov/info-details/preregister-for-acovid-19-vaccine-appointment>. Currently eligible participants can sign up for a vaccine at <https://vaxfinder.mass.gov/>. Dr. O'Neill said that testing is still available at Outer Cape Health and Cape Cod Healthcare. She said she just wanted to remind everyone to please keep up with the mask use, social distancing and good hand hygiene. These are still really needed along with vaccines to get the numbers under control.

B. Update on ongoing efforts by the Town in support of the business community

Ms. Cyndi Williams, Harwich Chamber of Commerce, said that she had no new updates on the business sector. However, she wanted to touch on what everyone has said about Ms. Rose. She said that she knew Ms. Rose for over 20 years, and worked with her on so many things. She was a member of their Board of the Charitable Foundation and they would like to give back to some of the wonderful organizations that held a special place to Ms. Rose. Ms. Williams said that they will be donating \$1,000 to each of the following in Ms. Rose's name: Brooks Academy, Cape Cod Theater Company, Home of the Harwich Junior Theater, Harwich Town Band, Harwich Mariners and the Children's Center. Ms. Williams said that they will also be starting a yearly scholarship of \$500 to the Cape Cod Theater Company, Home of the Harwich Junior Theater.

PUBLIC COMMENTS/ANNOUNCEMENTS

A. Town Administrator's update on Notice of Disclosures

Mr. Powers said that he will be filing a disclosure by nonelected municipal employee of financial interest in determination. Determination needs to be made this evening by his appointed authority, as required by Massachusetts general law chapter 268A, section 19. It would require the Board to vote, to authorize the Chair to sign, and make a determination on the section 19 form.

Mr. MacAskill moved to authorize and chair to sign. Seconded by Mr. Howell

Roll Call Vote: Mr. Howell - Aye, Mr. McManus - Aye, Mr. MacAskill - Aye, Mr. Ballantine - Aye. Motion carried by unanimous vote.

B. Update from Emily Milan, Assistant Director, Brooks Free Library – Know Your Town Podcast and New Electronic Wall Street Journal subscription

Ms. Emily Milan, Assistant Director, Brooks Free Library, provided an update on the latest Voter Information Committee program, called “Know Your Town”. She said that they had started the program last year, which was in person, prior to the pandemic, and Department Heads were invited to do a presentation at the library to community members. The pandemic caused it to end. Ms. Milan said that they are now going to bring it back with a new format, and will be doing it as a podcast. She said that all of the episodes of “Know Your Town” will be online and can be listed to at any time. People can go to the library’s website, Brooksfreelibrary.Org/Bfl-Podcast, and you can find all of the episodes there.

Ms. Milan explained that they had invited representatives from each town department, and asked them to answer four basic questions; 1. What is your department’s mission or role, and how was it impacted over the course of the last year by COVID? 2. How does your department interact or collaborate with other town departments? 3. What is your department’s overview of revenue and expenditures and any special funds? 4. How can residents stay informed or get involved with your department? She said that they had about 70% to 75% of town departments participate, and they have 15 episodes, which is roughly about six or seven hours of content. They decided at their last meeting to publish a wrap up, which is a *call of action*, so that people can learn about the current vacancies and how to apply.

Ms. Milan said that they will also be doing additional programs this month that are standard Voter Committee programs, which they do every year. The first is the Financial State of Harwich Program, which will be recorded on April 8th. They will also be doing a review of the Annual Town Meeting Warrant, which will be on April 20th. She said that both of those will be available through Channel 18. Ms. Milan said that the final program, before the May election, will be the Candidates Forum, which will take place in early May.

She also wanted to let people know that the library recently subscribed to a virtual Wall Street Journal subscription. She said that any library card holder can go to www.brooksfreelibrary.org/elibrary and scroll till you see Wall

Street Journal, then you can sign up, and be able to log in to the Wall Street Journal.

PUBLIC HEARINGS/PRESENTATIONS

- A. Discussion and possible vote to continue until Monday, April 12, 2021 at 5:30 P.M. - Ember Pizza, 600 Rt. 28 – Public hearing on applications for renewal of the Seasonal All Alcoholic Beverages License and the Annual Entertainment License; discussion and vote and public hearing on reconsideration of January 24, 2021 decision to renew the Annual Wine and Malt Beverage License for said premises; discussion and possible vote to order discipline based on Town Administrator’s February 8, 2021 findings and recommendations.

Mr. MacAskill moved that they open the public hearing for Ember Pizza. Seconded by Mr. Howell.

Roll Call Vote: Mr. MacAskill - Aye, Mr. McManus - Aye, Mr. Howell - Aye, Mr. Ballantine - Aye. Motion carried by unanimous vote.

Mr. Powers explained that the purpose for reopening the public hearing is for the Board to consider his recommendation, that the hearing be continued to Monday, April 12, 2021 at 5:30 pm.

Mr. MacAskill moved that they continue the public hearing for Ember Pizza until Monday, April 12, 2021 at 5:30 pm. Seconded by Mr. Howell.

Council for Ember Pizza requested to be heard. Mr. Powers said that it was advised that they just vote on the matter to continue and not engage in any discussions or deliberations.

Roll Call Vote: Mr. Howell - Aye, Mr. McManus - Aye, Mr. MacAskill - Aye, Mr. Ballantine - Aye. Motion carried by unanimous vote.

- B. Discussion and possible vote to continue until Monday, April 12, 2021 at 5:35 P.M. - Port Restaurant and Bar, 541 Rt. 28 - Public hearing on applications for renewal of the Seasonal All Alcoholic Beverages License and the Seasonal Entertainment License; discussion and possible vote to order discipline based on Town Administrator’s February 8, 2021 findings and recommendations.

Mr. MacAskill moved that they open the public hearing for Port Restaurant and Bar. Seconded by Mr. McManus.

Roll Call Vote: Mr. Howell - Aye, Mr. McManus - Aye, Mr. MacAskill - Aye, Mr. Ballantine - Aye. Motion carried by unanimous vote.

Mr. MacAskill moved that they continue the public hearing Port Restaurant and Bar until Monday, April 12, 2021, no earlier than 5:35 pm. Seconded by Mr. Howell.

Roll Call Vote: Mr. MacAskill - Aye, Mr. McManus - Aye, Mr. Howell - Aye, Mr. Ballantine - Aye. Motion carried by unanimous vote.

- C. Discussion and possible vote to approve the transfer of the Annual, All Alcohol, Package Store Liquor License from Lepinay, INC. DBA Cranberry Liquors to Cranberry Liquors at Harwich Port, LLC DBA Cranberry Liquors – 555 Route 28

Mr. Powers explained that this is a request to transfer, which is a public hearing.

Mr. MacAskill moved that they open the public hearing and read the hearing notification. “Notice is hereby given under Chapter 138 of the General Laws as amended that application has been made to this Board for a transfer of the Annual, Package Store, All Alcoholic Beverages License now held by Lepinay, Inc. DBA Cranberry Liquors, 555 Route 28, Harwich, MA, Joseph V. Della Morte, Manager, to Cranberry Liquors at Harwich Port, LLC DBA Cranberry Liquors, 555 Route 28, Harwich Port, MA, Joseph V. Della Morte, Manager, on the following described premises located at 555 Route 28, Harwich Port, MA: Large room with walk-in cooler, small office, bathroom entrances at front and rear of building and a full basement downstairs. The Board of Selectmen will hold a hearing on the application on Monday, April 5, 2021, no earlier than 6:30 P.M., remotely via Go to Meeting, at which time all interested parties are cordially invited to dial in. Dial in information will be posted on the Board of Selectmen's agenda, and as advertised in the Cape Cod Times, March 16, 2021.” Seconded by Mr. Howell.

Roll Call Vote: Mr. McManus - Aye, Mr. Ballantine - Aye, Mr. Howell - Aye, Mr. MacAskill - Aye. Motion carried by unanimous vote.

Mr. Powers said they will go through their standard procedure, and that staff has reviewed the application and materials that have been presented. He said that staff has no issues or concerns with the transfer. Mr. Powers said, as they have done in the past, they have this evening, on behalf of the applicant, Jon D. Aieta, Esq., Attorney for Cranberry Liquors, they also have Joseph V. Della Morte, Manager of Record, Mark Blaze LLC Manager, and Mr. Kyle Silva, Paralegal for Mr. Aieta, is also on the call.

Mr. Aieta introduced himself and said he is with McDermott, Quilty & Miller, located at 28 State Street, Boston. He is here on behalf of Cranberry Liquors at Harwich Port, LLC, and that is the new entity purchasing the existing store. He said that Mr. Della Morte is the current owner, and has been involved in this location since 2006, and will be staying on as the proposed manager of record under the new ownership. He said that also on the call is Mark Blaze, he is the LLC Manager, and also a resident of Harwich. Mr. Aieta said that Mr. Della Morte is staying on as Manager Of Record, and has run a successful business with no history of violations and will make the transition of ownership seamless and smooth. There will not be any change to the operations, and Mr. Della Morte will continue to be the point of contact for the Board.

Mr. Ballantine said that he is pleased that Mr. Della Morte is staying on as the manager, and commented how active he has been with the Chamber of Commerce, and other activities in town.

Mr. MacAskill moved that they close the public hearing. Seconded by Mr. Howell.

Roll Call Vote: Mr. MacAskill - Aye, Mr. Howell - Aye, Mr. McManus - Aye, Mr. Ballantine - Aye. Motion carried by unanimous vote.

Mr. MacAskill moved that they approve the transfer of the Annual, Package Store, All Alcoholic Beverages License, now held by Lepinay, Inc. DBA Cranberry Liquors, 555 Route 28, Harwich, MA, Joseph V. Della Morte, Manager, to Cranberry Liquors at Harwich Port, LLC DBA Cranberry Liquors, 555 Route 28, as presented. Seconded by Mr. McManus.

Mr. Howell said that he had hoped to have on the record the Police Chief's report. Chief David Guillemette stated that his memo is in the packet, and they have no issue with this transfer.

Roll Call Vote: Mr. Howell - Aye, Mr. McManus - Aye, Mr. MacAskill - Aye, Mr. Ballantine - Aye. Motion carried by unanimous vote.

NEW BUSINESS

- A. Discussion and possible vote – One Day Entertainment License for Harwich Inn and Tavern – 77 Route 28 – Saturday, June 12, 2021 12:00 P.M. – 4:00 P.M. Outside

Mr. Powers said that the Harwich Inn and Tavern is requesting a one-day entertainment license, because their current entertainment license does not cover the date and times that they are requesting.

Mr. MacAskill moved that they approve the one-day Entertainment License for Harwich Inn and Tavern, at 77 Route 28, for Saturday, June 12, 2021 from 12:00 P.M. – 4:00 P.M., Outside Seconded by Mr. Howell.

Mr. Powers said it has been reviewed by staff and there are no objections.

Roll Call Vote: Mr. Howell - Aye, Mr. McManus - Aye, Mr. MacAskill - Aye, Mr. Ballantine - Aye. Motion carried by unanimous vote.

- B. Discussion and possible vote – 2021 Seasonal Common Victuallers License Renewals

1. West Harwich Enterprise, Inc. DBA A&W – 297 Route 28
2. AJG Corporation DBA The Weatherdeck Restaurant – 168 Route 28
3. Port Restaurant and Bar DBA The Port – 541 Route 28 – Pending Health Department approval
4. 30 Earle Road LLC DBA The Commodore Inn – 30 Earle Road – Pending Building Department approval
5. Scribano's Inc. DBA Scribano's Italian Market & Deli – 302 Route 28 – Pending Building Department approval

6. School House Ice Cream & Yogurt LLC – 749 Route 28 – Pending Building Department approval
7. Wequassett Inn LLP DBA Wequassett Resort and Golf Club – 2173 Route 28 – Pending Building Department approval
8. Wychmere Harbor Functions LP DBA Wychmere Beach Club – 23 Snow Inn Road – Pending Building Department approval

Mr. MacAskill moved that they approve the 2021 Seasonal Common Victuallers License Renewals for items 1 through 8, as stated above. Seconded by Mr. Howell.

Mr. MacAskill asked about why there were so many pending Building Department approval? Ms. Eldredge spoke about Wequassett, and said that they had needed to reschedule. Mr. Powers said that administration staff were working with the building commissioner to schedule these and that it is just a matter of prioritizing them, as they come in.

Roll Call Vote: Mr. MacAskill - Aye, Mr. Howell - Aye, Mr. McManus - Aye, Mr. Ballantine - Aye. Motion carried by unanimous vote.

- C. Discussion and possible vote – 2021 Seasonal Weekday and Sunday Entertainment License Renewal for Go Carts – Hall Karts, Inc. – 9 Sisson Road

Mr. MacAskill moved that they approve the 2021 Seasonal Weekday and Sunday Entertainment License Renewal for Go Carts, Hall Karts, Inc., 9 Sisson Road, with any previous conditions. Seconded by Mr. Howell.

Roll Call Vote: Mr. Howell - Aye, Mr. MacAskill - Aye, Mr. McManus - Aye, Mr. Ballantine - Aye. Motion carried by unanimous vote.

- D. Discussion and possible vote – 2021 Weekday and Sunday Entertainment License renewal

1. Wequassett Inn LLP DBA Wequassett Resort and Golf Club – 2173 Route 28 – Weekday: 12PM-12AM inside, 12PM-10PM outside. Sunday: 12PM-12AM inside, 12PM-10PM outside. Pending Building Department approval

Mr. MacAskill asked Mr. Powers if there were any pending issues with this location, or reason they should not approve this. Mr. Powers confirmed there are no pending hearings or alleged violations, it is just pending Building Department approval.

Mr. MacAskill moved that they approve the Wequassett Inn LLP DBA Wequassett Resort and Golf Club, 2173 Route 28, Weekday: 12PM-12AM inside, 12PM-10PM outside. Sunday: 12PM-12AM inside, 12PM-10PM outside, pending Building Department approval and any previous restrictions. Seconded by Mr. Howell

Roll Call Vote: Mr. Ballantine - Aye, Mr. McManus - Aye, Mr. Howell - Aye, Mr. MacAskill - Aye. Motion carried by unanimous vote.

E. Discussion and possible vote – 2021 Seasonal Inholders License Renewal

1. Wequassett Inn LLP DBA Wequassett Resort and Golf Club – 2171 Route 28 – Pending Building Department approval

Mr. MacAskill moved that they approve the 2021 Seasonal Inholders License Renewal for Wequassett Inn LLP DBA Wequassett Resort and Golf Club, 2173 Route 28, pending Building Department approval and any previous restrictions. Seconded by Mr. McManus.

Roll Call Vote: Mr. MacAskill - Aye, Mr. Howell - Aye, Mr. McManus - Aye, Mr. Ballantine - Aye. Motion carried by unanimous vote.

Mr. MacAskill requested a follow-up with the Building Department, to ensure that these approvals for the businesses are done in a timely manner. Mr. Powers agreed.

F. Discussion and possible vote – 2021 Annual Common Victuallers License Renewal

1. Cape Roots Market & Café LLC DBA Cape Roots Market & Café – 557 Route 28

Mr. MacAskill moved that they approve the 2021 Annual Common Victuallers License Renewal for Cape Roots Market & Café LLC DBA Cape Roots Market & Café, 557 Route 28, Harwich Port. Seconded by Mr. Howell.

Roll Call Vote: Mr. McManus - Aye, Mr. MacAskill - Aye, Mr. Ballantine - Aye, Mr. Howell - Aye. Motion carried by unanimous vote.

OLD BUSINESS

- A. Discussion and possible vote to approve vacation buyback for David LeBlanc, Fire Chief

Mr. Powers explained that Chief LeBlanc has requested vacation buyback, and he is entitled to that option. He has also indicated that there is funding for him to do so. Mr. Powers said that it is the Boards decision, but he has no objections.

Mr. McManus moved that they approve the vacation buyback for David LeBlanc, Fire Chief. Seconded by Mr. Howell, with discussion.

Mr. Howell said that this is in no way anything against the Fire Chief, but he is concerned about starting a precedent, in terms of usage with COVID. The only caution he has, is that it is a bad look when people are out of work to monetize time not taken. He would say in the future, that there should be a request for the leave. Mr. Howell said that he will not object to this, he thinks it would be better in the future to exercise the use of a leave by requesting it. If the leave cannot be approved, then go this route.

Mr. McManus said that throughout the employment agreements and contracts, it provides for employees to take leave, and it is important to do so, especially in the safety jobs. He said that every effort should be made to avail themselves of that time.

Mr. MacAskill said that he agreed with what Mr. Howell said, and it is contractual and he will vote for it, but it is something that should be looked at, and people should be taking their vacations.

Roll Call Vote: Mr. Howell - Aye, Mr. MacAskill - Aye, Mr. McManus - Aye, Mr. Ballantine - Aye. Motion carried by unanimous vote.

Chief LeBlanc said that he still does have some time to take, and will be taking some time off, but he appreciates the boards comments

B. Town Administrator's update on procurement status relative to the Shared Streets Grant

Mr. Powers said that Mr. McManus and Town Engineer, Griffin Ryder, have been diligently working on this, and what they are finding now is the unfortunate timing of road projects, where springtime is road repair time. They are entering an area to seek quotes, or potential bids, and they are finding that the market place is not responding. He said that he is putting it out there that they are finding limitations on getting more deeply into this, because they are not getting the response and the bid process will take them past the May 31st deadline.

Mr. Ballantine asked if there is any flexibility with the deadline? Mr. Powers said that his understanding is no, that it is understood that the funds are expended and the project is complete by the end of May this year.

Mr. Ballantine asked what the strategy is going forward?

Mr. Powers said, that is the conversation. There are some things they will be able to accomplish, and they have some information on a ramping quote for in and around Harwich Center and they may have a vendor lined up. However, the contract price would exceed the \$50,000, and would need to be reevaluated under the current procurement standards. He said that they also have identified three vendors under the quote process, but none of the three vendors are looking to be engaged. So, they are running up against the deadline, versus availability, versus procurement requirements.

Mr. MacAskill asked if there was money in the sidewalk fund that could pay the difference in this? Mr. McManus said it is not really about paying the difference, it is being able to get the work done. They will need to look at the scope of work, and the grant application, and what leeway they may have. The real problem area is getting the handicap ramping done. If they can bring that price down and go with the quote process, they may be able to move ahead more expeditiously, and make the deadline.

Mr. Howell said that they responded to a grant that was set out by the State, and it is really difficult to meet those parameters. They played by the rules and the grant was issued, but the conditions were completely implausible.

Mr. Ryder said that as soon as they received the money, they went through the county bid process to identify vendors, but the vendors on the county bid process are all booked up, and they have not received any responses. He explained that for public construction, anything between \$10,000 to \$50,000, requires advertisement, and the concern with this requirement is that they are stretched thin for time, to be able to get the work done.

Mr. Ballantine said these grants come up all the time, is there any option to apply again?

Mr. McManus said that these grants were a response to COVID, and with that falling into the past, he does not believe that they will continue with these grants next year. Mr. McManus said they have not given up entirely.

Mr. Ballantine added that it is unfortunate that the State would make it so difficult.

Ms. Eldredge said that Mr. Ryder has been working tirelessly to get this done and it is no fault of his or the procurement team.

Mr. McManus said that they needed to recognize Mr. Ryder and Mr. Chris Nickerson and Mr. Sean Libby who pulled together a lot of the cost information, they have been juggling and dealing with.

CONTRACTS

- A. Discussion and possible vote to authorize the Chairman of the Board of Selectmen to execute Change Order #1 with Bowditch Excavating, Inc. for the Cranberry Valley Golf Course Clubhouse Entrance Landscape Improvement Project for \$800.00

Mr. MacAskill moved that they authorize the Chairman of the Board of Selectmen to execute Change Order #1 with Bowditch Excavating, Inc. for the Cranberry Valley Golf Course Clubhouse Entrance Landscape Improvement Project for \$800.00. Seconded by Mr. Howell.

Roll Call Vote: Mr. McManus - Aye, Mr. Howell - Aye, Mr. MacAskill - Aye, Mr. Ballantine - Aye. Motion carried by unanimous vote.

TOWN ADMINISTRATOR'S REPORT

Mr. Powers said that he is pleased to announce that he has promoted Ms. Melyssa Millett, to fill the vacancy they had in the Assistant Conservation Agent role. He said that she is very well suited for this role, and has academic experience that ties with her professional experience in this area.

Mr. Powers also noted regarding the motions to continue, the Board will be meeting Monday, April 12, 2021, in public hearing on the licensing matters, therefore the Board's regularly scheduled meeting will be, Tuesday, April 13, 2021 at 6:30 pm.

SELECTMEN'S REPORT

Mr. Howell asked when they might have the signature pages for the lease extension for the Main Street bog that they voted? Mr. Powers said that he will follow-up with staff, and have those signature pages as soon as possible.

Mr. Howell requested that Mr. Ballantine put on for Executive Session, a status update on activities for the Affordable Housing Trust. To get an update on where they are with the planned purchase that they have had previous discussions about.

ADJOURNMENT

Mr. Howell moved that they adjourn at 7:47 pm. Seconded by Mr. MacAskill.

Roll Call Vote: Mr. Howell - Aye, Mr. MacAskill - Aye, Mr. McManus - Aye, Mr. Ballantine - Aye. Motion carried by unanimous vote.

Respectfully submitted,

Lisa Schwab
Board Secretary

MINUTES
SELECTMEN'S MEETING
REMOTE PARTICIPATION ONLY
Monday, April 12, 2021
6:30 P.M.

SELECTMEN PARTICIPATING: Larry Ballantine, Donald Howell, Michael MacAskill, Edward McManus.

ALSO PARTICIPATING: Town Administrator Joseph Powers, Assistant Town Administrator Meggan Eldredge

CALL TO ORDER

Mr. Ballantine opened the meeting at 6:38 pm, and called to order the Board of Selectmen. He explained that he first called the meeting to order at 5:30 pm for Executive Session, where they discussed litigation strategies regarding the Ember and the Port and the town of Harwich and also discussed with respect to the collective bargaining for all town unions. They are still proceeding on those discussions and more will come later as they go forward.

Mr. Ballantine said that they will go directly to Public Hearings.

PUBLIC HEARINGS

- A. Discussion and possible vote to continue until Monday, April 26, 2021 at 5:30 P.M. - Ember Pizza, 600 Rt. 28 – Public hearing on applications for renewal of the Seasonal All Alcoholic Beverages License and the Annual Entertainment License; discussion and vote and public hearing on reconsideration of January 24, 2021 decision to renew the Annual Wine and Malt Beverage License for said premises; discussion and possible vote to order discipline based on Town Administrator's February 8, 2021 findings and recommendations.

Mr. MacAskill moved that they open the continued hearing on Ember Pizza, 600 Rt. 28. Seconded by Mr. Howell.

Roll Call Vote: Mr. Howell - Aye, Mr. McManus - Aye, Mr. MacAskill - Aye, Mr. Ballantine - Aye. Motion carried by unanimous vote.

Mr. MacAskill moved that they continue the hearing on Ember Pizza, 600 Rt. 28, until Monday, April 26, 2021 at 5:30 pm. Seconded by Mr. Howell.

Roll Call Vote: Mr. Ballantine - Aye, Mr. McManus - Aye, Mr. Howell - Aye, Mr. MacAskill - Aye. Motion carried by unanimous vote.

- B. Discussion and possible vote to continue until Monday, April 26, 2021 at 5:35 P.M. - Port Restaurant and Bar, 541 Rt. 28 - Public hearing on applications for renewal of the Seasonal All Alcoholic Beverages License and the Seasonal Entertainment License; discussion and possible vote to order discipline based on Town Administrator's February 8, 2021 findings and recommendations.

Mr. MacAskill moved that they open the continued hearing on - Port Restaurant and Bar, 541 Rt. 28. Seconded by Mr. Howell.

Roll Call Vote: Mr. MacAskill - Aye, Mr. McManus - Aye, Mr. Howell - Aye, Mr. Ballantine - Aye. Motion carried by unanimous vote.

Mr. MacAskill moved that they continue hearing on - Port Restaurant and Bar, 541 Rt. 28, until Monday, April 26, 2021 no earlier than 5:35 P.M. Seconded by Mr. Howell.

Roll Call Vote: Mr. MacAskill - Aye, Mr. Howell - Aye, Mr. McManus - Aye. Mr. Ballantine - Aye. Motion carried by unanimous vote.

PUBLIC COMMENTS/ANNOUNCEMENTS

Mr. Ballantine announced that due to the sad passing of Selectmen Stephen Ford, on Friday, April 9th, they have decided to postpone the rest of the agenda. He will start with a brief comment and will ask each of the Selectmen to comment as well.

Mr. Ballantine said that he received a nice email from Ms. Shareen Davis, Chair, Chatham Select Board. She offered her condolences, and said that Mr. Ford will be very missed and the effects will be felt in Chatham as well. Mr. Ballantine commented on the statement from Mr. Ford's brother, Michael Ford, that stated that his brother's leadership abilities were evident from a young age, even as the youngest of five children. Mr. Ballantine said that Mr. Ford's leadership was obvious to them,

and as a first term Harwich Selectmen, he was a selectman that they all inspired to be. Mr. Ford spent time to learn about issues through discussions with residents, and did his homework, to be able to have reasonable and calm discussions at their board meetings.

Mr. Howell said he just has a heavy heart, and has lost a very good colleague and a good friend. The Town of Harwich has also lost a good friend. He is really going to miss him.

Mr. MacAskill said he had the same heavy heart. He offered his deepest condolences to Mr. Ford's entire family. Mr. MacAskill discussed their time as Board members, and how seriously Mr. Ford took his role as a Selectman. He has so much respect for him and for how dedicated he was, despite his illness. Mr. MacAskill said that Mr. Ford always showed up, and he was still playing an active role right up until the end. He really does admire him, said that Mr. Ford loved what he did and had said that it gave him more fight.

Mr. McManus said he agreed with everyone that he had become a good friend. He said that the entire Ford family really expresses those core values, of neighborliness and family. Mr. McManus said that it is a loss for their town, and he offered his condolences to the family.

Mr. Powers also echoed what has been said and also wanted to share some comments to Mr. Ford's family. He wanted to thank the family for sharing Mr. Ford. They will miss him, but wanted to convey their gratitude for his service to the Town, and the sacrifice that his family made for letting him be a part of it. Mr. Powers said that the Selectmen have long meetings, and difficult tasks, and that is born no greater than the families that support them while they do that.

Ms. Eldredge said that Mr. Ford will be greatly missed, with his steady hand and great attitude. She offered her condolences to his family

Mr. Ballantine said that there will be a wake on Wednesday, April 14th, from 3:00 pm to 7:00 pm at Doane, Beal and Ames Funeral Home in Harwich. The funeral will be held on Thursday, April 15 at 10:00 am, at Holy Trinity Church in Harwich.

ADJOURNMENT

Mr. McManus moved that they adjourn at 7:51 pm. Seconded by Mr. MacAskill. Mr. Ballantine said they do this in memory of Selectman Stephen Ford.

**Roll Call Vote: Mr. Howell - Aye, Mr. MacAskill - Aye, Mr. McManus - Aye,
Mr. Ballantine - Aye. Motion carried by unanimous vote.**

Respectfully submitted,

Lisa Schwab
Board Secretary

April 28, 2021

Fellow Selectmen,

At last year's Town Meeting, held in September on the ball field at Monomoy Regional High School, the meeting took up and passed Article 44 titled New Climate Policy Bylaw. The language proposed acknowledged that a climate emergency caused by human activity exists and is a threat to health, safety, and economic security to the residents of our Town. It goes on to propose adopting a policy of reducing net greenhouse gases, as is technically feasible, to zero and directs that all officers and departments of the town take such measures as are feasible to implement this reduction.

The Article was originally proposed as a by-law but was, by motion, passed and adopted in the form of a resolution and request the Board of Selectmen to convene a public forum for the purpose of discussing the resolution and determining whether a by-law is necessary to implement the as stated goal of a zero net carbon footprint.

One way to implement the spirit of the approved article would be to form a Climate Action Committee. A number of towns in the commonwealth and on Cape Cod, from Falmouth at one end to Truro at the other, have formed these types of committees. I feel that creation of a committee to take up this topic is much preferable to holding a public forum to determine whether a broad goal is implemented by policy, resolution or by-law. This is an immensely complex matter touching not only energy use but including study of the outcomes of development patterns, encouraging urban forests, water use, waste water implementation, coastal resiliency, and many other topics.

Adopting a policy statement without substantive work behind it to provide a base for making decisions on how to implement the broad goals provides the with little basis to do our part in reacting to the global climate emergency. There are a number of people in town that are interested in and concerned about this topic. They have been meeting informally for quite some time and I believe would be interested in volunteering for this effort to assist the town.

I have included a draft of a Climate Action Committee charge. Quite honestly this has been crafted by taking the parts of several committee charges which are applicable to Harwich. Also included is the copy of the U. S. Mayors Conference Climate Protection Agreement which is referenced in the proposed charge.

I would ask that this charge be adopted and the committee established to provide an action taken in to implement the request made at last years Town Meeting with the passage of Article 44. I also believe that this is an action that we, and all towns need to take to begin to make progress in rolling back the impacts of climate change. We can't take action for other towns but we can take action here, in cooperation with other cape towns, to begin to have an impact in our piece of the paradise that is our earth.

Ed McManus



The U.S. Mayors Climate Protection Agreement

(As presented to the 82nd Annual U.S. Conference of Mayors Meeting, Dallas, 2014)

- I. **National Action:** As leaders of the nation's cities, we continue to urge the federal and state governments to enact bipartisan legislation, policies and programs to assist mayors in their efforts to lead the nation toward energy independence, create American jobs that can't be shipped overseas, and protect our environment, eliminate waste, and fight climate change. Such efforts will help achieve the national target of reducing greenhouse gas emissions in the range of 17 percent by 2020 and urge the United States to adopt an ambitious post 2020 target. We urge congress to enact policies and programs that:
- a. Promote greater energy independence and reduce the United States' dependence on fossil fuels;
 - b. Accelerate energy efficiency and the development of clean, economical and renewable energy technologies such as cogeneration, LED/other energy-efficient lighting, methane recovery for energy generation, waste to energy, wind and solar energy, fuel cells, efficient motor vehicles, and biofuels; and
 - c. Adapt city buildings, homes, facilities and infrastructures to address changing climatic conditions.

We urge the federal government to reduce carbon pollution through existing authorities such as the Clean Air Act, Appliance Efficiency Standards, Federal Transportation Investments, and Renewable Energy and Energy Efficiency loan and grant programs, including refunding of energy block grant program, and by proposing new legislative initiatives.

II. **Local Action:**

- a. **Mitigation:** We will strive to establish and meet or exceed locally-established targets for reducing energy use, especially fossil fuels, by taking actions in our own operations and throughout our communities, placing particular emphasis on engaging the community – citizens, businesses, schools and organizations – in a concerted campaign to set and achieve such targets through actions such as:
 - i. Develop an energy plan that addresses and includes water, wastewater and stormwater runoff, heat island effects, preservation of open space and an inventory of emissions from fossil fuels for city operations and for the community using established metrics, set reduction targets and adopt elements that address how to harden and adapt city systems and infrastructures to climatic events;
 - ii. Adopt and enforce land-use policies that reduce sprawl, preserve open space, and create compact, walkable urban communities;
 - iii. Promote transportation options such as bicycle trails, commute trip reduction programs, incentives for car pooling and public transit;

- iv. Increase the use of clean, alternative energy by supporting the development of renewable energy resources, building the renewable energy technology manufacturing capacity of cities, recovering landfill methane for energy production, and supporting the use of waste to energy technology;
- v. Make energy efficiency and resilience a priority through building code improvements, retrofitting city facilities with energy efficient lighting, urging employees to conserve energy and save money and other actions to maximize the performance of the city buildings;
- vi. Increase the average fuel efficiency of municipal fleet vehicles, reduce the number of vehicles, launch an employee education program including anti-idling messages, and convert diesel vehicles to bio-diesel;
- vii. Evaluate opportunities to increase energy efficiency in water and wastewater systems, recover wastewater treatment methane for energy production, and harden these systems to respond to sea level rise and other climatic events threatening the delivery of these services;
- viii. Increase recycling rates in city operations and in the community;
- ix. Maintain healthy urban forests; promote tree planting to increase shading and to absorb CO₂; and
- x. Help educate the public, schools, other jurisdictions, professional associations, business and industry about the importance of energy efficiency and renewable energy development in reducing carbon and actions necessary to adapt buildings, systems, and infrastructures to respond to changing climate conditions.

b. Resilience: We support investment in climate preparedness strategies that implement the use of green infrastructure to increase resilience of city water systems, encourage preparedness policies that take into account a city's most vulnerable populations and disproportionately affected citizens, and work with state and federal officials to have disaster response systems in place to deal with acute stresses to a city or region. We pledge further to increase community preparedness by assessing and addressing projected impacts such as sea level rise, increased storm surge, extreme heat, drought, floods, and wildfires.

III. Advocacy: We pledge to support a grassroots movement, engaging young people especially, in support of conservation initiatives, such as Arbor Day, Earth Day, community events, locally-established conservation corps and other activities, and to recognize "conservationists" in our city as part of a systematic campaign over time to renew and reaffirm public commitments to long-established conservation values in our city, state and nation. We further pledge to work as global ambassadors to share best practices with mayors everywhere.

Climate Action Committee

The Climate Action Committee's primary focus will be to investigate, study, and make recommendations to the Board of Selectmen:

- The carbon footprint and impact of all Town-owned facilities and equipment.
- Methods for minimizing the Town's footprint.
- The Town's vulnerabilities to the consequences of climate change.
- Methods for minimizing the Town's vulnerabilities to the consequences of climate change.

The Climate Action Committee will also maintain communications with the Harwich Utility and Energy Conservation Committee and the Harwich Recycling Committee, as well as with other Climate Action Committees in Barnstable County, and with county and state commissions, to ensure that Harwich works effectively with the wider community in achieving the above Town goals.

The Climate Action Committee may also recommend to the Board of Selectmen whatever actions are necessary to implement the Town's commitment to the U.S. Mayors' Conference Cities Climate Protection Agreement, and, if approved, take such actions, including:

- To prepare a baseline study of the greenhouse gas emissions of the entire town of Harwich, including municipal, residential, institutional, and commercial sectors, in concert with the Harwich Utilities and Energy Conservation Committee.
- To prepare a baseline study of Harwich's vulnerabilities to the consequences of climate change that builds on work initiated by staff and regional efforts.
- To prepare recommendations outlining the specific policies necessary to achieve carbon reduction and vulnerability mitigation goals, for the approval of the Board of Selectmen, in concert with the Harwich Utilities and Energy Conservation Committee.
- To conduct public education and outreach to residents, homeowners, business, and other stakeholders about Harwich's carbon footprint and its climate vulnerabilities.
- To provide meaningful options for individuals to reduce carbon footprint, including options for groups and/or neighborhoods.
- To draft a community-wide climate action plan for Harwich that sets short and long-term goals for reducing Harwich's carbon footprint and its climate vulnerabilities to the maximum extent practical. (This plan should be developed in conjunction with, or part of, our Comprehensive Plan update.
- To provide an annual report for inclusion in the Annual Town Report describing its efforts and accomplishments.

Committee Structure and Term

The Climate Action Committee will include seven (7) citizen members-at large and one alternate member. The appointments will be for three years terms with the initial appointments made for one, two and three year terms to establish a staggered reappointment process. The committee may establish sub-committees to divide up the work of the committee and involve additional members of the community. Staff assistance will be assigned as deemed appropriate by the Town Administrator. The Committee is authorized to seek outside expert advice and grant funding to assist it in its work. If funding is deemed necessary for expert advice, or other expenses, an expense budget should be submitted in advance to the Town Administrator for possible inclusion in the Town's annual budget process.

This is to be considered a standing committee and will serve until such time as the Board of Selectmen determine that the need for the committee has been met. The committee will report annually to the Board of Selectmen and at such other times as they deem appropriate or necessary to inform or seek approval for a specific action or proposal.

Town of Harwich - Expansion of Outdoor Services

| Establishment Name | Establishment Address | Outdoor Table Service | Outdoor Liquor Service | A to-scale drawing | # of Seats Proposed | Right to Occupy | Alteration of Premises Request | Proposed Hours of Operation | Rely upon use of Sidewalks | Certificate of Insurance |
|----------------------------------|-------------------------------------|-----------------------|------------------------|--------------------|---------------------|-----------------|--------------------------------|-----------------------------|----------------------------|--------------------------|
| 400 East | 1421 Route 39, East Harwich | √ | √ | √ | X | √ | √ | √ | √ | √ |
| A & W Family Restaurant | 297 Route 28, Harwich | √ | N/A | √ | √ | √ | √ | √ | √ | √ |
| Cape Sea Grille | 31 Sea Street, Harwich Port | √ | √ | √ | √ | √ | √ | √ | √ | √ |
| Capeside Kitchen | 537 Route 28, Harwich Port | √ | √ | √ | √ | √ | √ | √ | √ | √ |
| Ember | 600 Route 28, Harwich Port | √ | √ | √ | √ | √ | √ | √ | √ | √ |
| Harwichport Seafarer/Mooncussers | 86 Sisson Road, Harwich Port | √ | √ | √ | √ | √ | √ | √ | √ | √ |
| Jake Rooney's | 119 Brooks Road, Harwich Port | √ | √ | √ | √ | √ | √ | √ | √ | √ |
| L'Alouette | 787 Route 28, Harwich Port | √ | √ | √ | √ | √ | √ | √ | √ | √ |
| Lanyard Bar and Grill | 429 Route 28, Harwich Port | √ | √ | √ | √ | √ | √ | √ | √ | √ |
| Mad Minnow | 554 Route 28, Harwich Port | √ | √ | √ | √ | √ | √ | √ | √ | √ |
| Seal Pub | 703 Main Street, Harwich Port | √ | √ | √ | √ | √ | √ | √ | √ | √ |
| Ten Yen/Three Monkeys Street Bar | 554 Route 28, Suite B, Harwich Port | √ | √ | √ | √ | √ | √ | √ | √ | √ |
| The Port Restaurant and Bar | 541 Route 28, Harwich Port | √ | √ | √ | √ | √ | √ | √ | √ | √ |
| Castaways | 986 Route 28, South Harwich | √ | √ | √ | √ | √ | √ | √ | √ | √ |
| Lighthouse Café | 216 Route 28, West Harwich | √ | N/A | √ | √ | √ | √ | √ | √ | √ |
| Cape Cod Irish Pub | 126 Route 28, West Harwich | √ | √ | √ | √ | √ | √ | √ | √ | √ |

Highlighted = Continuing Expanded Outdoor Table Service in 2021

Highlighted = Ended Expanded Outdoor Table Service

Not Highlighted = Have not heard back

2021

Request for continued Expansion of Outdoor Table Service

Establishment name: *Lalouette*

Establishment address: *787 Rt. 28*

If your establishment would like to continue expanded outdoor table service, please fill out below.

Please note this form is only for establishments that have completed the Board of Selectmen's application process.

Indicate that you are requesting to continue with expanded outdoor table service. *Yes please*

Indicate that you are continuing with what was previously approved by the town. If you would like to further expand your outdoor seating area, please contact staff for an application. *NO FURTHER expansion desired*

Indicate if you will or will not be serving alcohol on the expanded outdoor premise. *Yes*

Indicate the dates from start to end of season when you will be utilizing the expanded outdoor area. *MAY 1 - Oct. 20*

Manager: *Christina Schultz*

Date: *4-22-21*

2021

Request for continued Expansion of Outdoor Table Service

Establishment name: Jake Rooney's Restaurant

Establishment address: 119 Brooks Rd. Harwichport 02646

If your establishment would like to continue expanded outdoor table service, please fill out below.

Please note this form is only for establishments that have completed the Board of Selectmen's application process.

- Indicate that you are requesting to continue with expanded outdoor table service.
- Indicate that you are continuing with what was previously approved by the town. If you would like to further expand your outdoor seating area, please contact staff for an application.
- Indicate if you will or will not be serving alcohol on the expanded outdoor premise.
*We plan on doing the same thing we did last year.
Tent with tables underneath it.*
- Indicate the dates from start to end of season when you will be utilizing the expanded outdoor area.
Year round, weather permitting

Manager: Kate Lomask

Date: 4/21/21

2021

Request for continued Expansion of Outdoor Table Service

Establishment name: *Marin Franchetta Inc.
d/b/a Light House Cafe*

Establishment address: *216 Rte 28 West Warwick*

If your establishment would like to continue expanded outdoor table service, please fill out below.

Please note this form is only for establishments that have completed the Board of Selectmen's application process.

Indicate that you are requesting to continue with expanded outdoor table service.

Indicate that you are continuing with what was previously approved by the town. If you would like to further expand your outdoor seating area, please contact staff for an application.

Indicate if you will or will not be serving alcohol on the expanded outdoor premise.

Indicate the dates from start to end of season when you will be utilizing the expanded outdoor area.

Manager: *Marin Marin*

Date: *April 26 2021*

We would like to start outdoor dining starting May 1-2021 and continue until November 1 2021. We will not be serving alcohol & have previously been approved for outdoor dining



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 39
Renewal Seasonal Opening date Memorial Day

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

Business Name Lucky Labrador Inc Phone 305-544-8864
Doing Business As (d/b/a) Perks Coffee Shop & Beer Garden
Business Address 545 Route 28 Harwich Port MA 02646
Mailing Address _____

Email Address PERKSCOFFEEandCAFE@gmail.com

Name of Owner Taylor Powell

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

TAYLOR POWELL - OWNER

Taylor Powell OWNER
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.

Taylor Powell
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] O'Neill
Board of Health

[Signature]
Fire Department

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

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: Board of Selectmen

FROM: Danielle Delaney, Executive Assistant – Licensing

CC: Joseph F. Powers, Town Administrator
Meggan M. Eldredge, Assistant Town Administrator

RE: 2021 Seasonal Entertainment License Renewals

DATE: May 3, 2021

Lucky Labrador Inc. DBA Perks Coffee Shop & Beer Garden
545 Route 28, Harwich Port

Requesting

Weekday: 10AM – 10PM Outside
Sunday: 1PM – 10PM Outside
Recorded and/or live music with amplification and dancing

2020 Entertainment License - Board of Selectmen Approved

Weekday: 11:30AM – 10PM
Sunday: 1PM – 12AM

Sundae School Inc. DBA Sundae School
606 Route 28, Harwich Port

Requesting

Weekday: 11AM – 10:30PM Inside
Sunday: 11AM – 10:30PM Inside
Recorded music and antique nickelodeon

2020 Entertainment License – Board of Selectmen

Weekday: 11AM – 10:30PM
Sunday: 1PM – 10:30PM
Recorded music and antique nickelodeon in seating area



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 PERKS COFFEE SHOP & BEER GARDEN Phone _____

Business Address 545 ROUTE 28 HARWICH PORT MA 02646

Mailing Address _____

Owners Name & Address Taylor Powell

Email Address perkscoffeeandcake@gmail.com

Managers Name & Address TAYLOR POWELL

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):

10am-10pm outdoor 10am-12am indoor

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 No

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 _____

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.

Taylor Pennell OWNER
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 Matthews O'Neill 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 SUNDAY ENTERTAINMENT LICENSE

- | | |
|--|-----------------------|
| <input checked="" type="checkbox"/> Music 1PM or After (Municipal Fee \$85/State \$50) | New application _____ |
| <input type="checkbox"/> Music prior to 1PM (Municipal Fee \$175/State \$100) | Renewal _____ |
| <input type="checkbox"/> Go Carts (\$50) | Annual _____ |
| <input type="checkbox"/> Miniature Golf (\$50) | Seasonal _____ |
| <input type="checkbox"/> Trampolines (\$25) | Opening Date _____ |
| <input type="checkbox"/> Theater (\$150 per cinema) | |
| <input type="checkbox"/> Automatic Amusement (\$100) | |
| <input type="checkbox"/> Juke Box (\$100 each) | |
| <input type="checkbox"/> Video Games (\$100 each) | Other _____ |

Business Name PERKS Coffee shop & Beer GARDEN Phone 305-546-8864

Business Address 545 ROUTE 28 Harwich Port MA 02646

Mailing Address _____

Owners Name & Address Taylor Powell

Email Address PERKSCOFFEE and CAFE @ gmail.com

Managers Name & Address TAYLOR POWELL 545 ROUTE 28 HARWICH PORT, MA 02646

TIMES OF ENTERTAINMENT (Please specify where music will be located on your property and what type of entertainment such as live, DJ, recorded)

1pm-10pm OUTSIDE 1pm-12am inside

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 No

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 _____

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.

Arthur Russell - owner
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

Matthew O'Neill
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 TOWN ADMINISTRATOR

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

Phone (508) 430-7513

Fax (508) 432-5039

732 MAIN STREET, HARWICH, MA 0264



MEMO

TO: Board of Selectmen

FROM: Danielle Delaney, Executive Assistant – Licensing

CC: Joseph F. Powers, Town Administrator
Meggan M. Eldredge, Assistant Town Administrator

RE: Sundae School – 2021 Entertainment License Renewal

DATE: May 3, 2021

As directed, I reached out to the licensee to confirm that they are requesting to have indoor entertainment only. Please accept this memorandum as confirmation.

Requesting hours are weekday 11AM to 10:30PM and Sunday 11AM to 10:30PM. Entertainment will consist of recorded music and antique nickelodeon.



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

APPLICATION FOR ENTERTAINMENT LICENSE

- Weekday Entertainment (\$75) _____ 1 day (\$25) _____ New application _____
 Batters Box (\$50) _____ Renewal _____
 Go Carts (\$50) _____ Annual _____
 Miniature Golf (\$50) _____ Seasonal _____
 Trampolines (\$25) _____ Opening Date Friday 5/28/21
 Theater (\$150 per cinema)
Automatic Amusement:
 Juke Box (\$100 each)
 Video Games (\$100 each) Other _____

Business Name Sundae School Inc Phone 508-430-2444

Business Address 606 Route 28 - Harwich Port, Ma

Mailing Address PO Box 1001, Dennisport. MA 02639

Owners Name & Address Paul & Andrea Endres

Email Address sundae@sundaeschool.com

Managers Name & Address Mike Endres
Paul Endres

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):
11am to 10:30pm

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~~ *Antique Nickelodeon Only*
 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 No

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 11am to 10:30pm

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.

| | | |
|---|-------|----------------|
| <u><i>Paul E. ...</i></u> Signature of applicant & title | _____ | Federal I.D. # |
| Sundae School Inc | _____ | |
| 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.

| | | |
|--|--|--|
| <u><i>[Signature]</i></u> Building Commissioner | <u><i>Matthew O'Neill</i></u> Board of Health | <u><i>[Signature]</i></u> Fire Department |
| <u><i>K. Adams</i></u> 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 SUNDAY ENTERTAINMENT LICENSE

- Music 1PM or After (Municipal Fee \$85/State \$50) New application _____
 Music prior to 1PM (Municipal Fee \$175/State \$100) Renewal _____
 Go Carts (\$50) Annual _____
 Miniature Golf (\$50) Seasonal _____
 Trampolines (\$25) Opening Date Friday 5/28/21
 Theater (\$150 per cinema)
 Automatic Amusement (\$100)
 Juke Box (\$100 each)
 Video Games (\$100 each) Other _____

Business Name Sundae School Inc Phone 508-430-2444

Business Address 606 Route 28 - Harwich Port, Ma

Mailing Address PO Box 1001, Dennisport. MA 02639

Owners Name & Address Paul & Andrea Endres -

Email Address sundae@sundaeschool.com

Managers Name & Address Mike Endres

TIMES OF ENTERTAINMENT (Please specify where music will be located on your property and what type of entertainment such as live, DJ, recorded)

Antique Nickelodeon Only Playing recorded music inside

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 No

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 11am to 10:30pm

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.

| | | |
|---|-------|----------------|
| <u><i>Paul E. ...</i></u> Signature of applicant & title | _____ | Federal I.D. # |
| <u>Sundae School Inc</u> 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.

| | | |
|--|--|--|
| <u><i>[Signature]</i></u> Building Commissioner | <u><i>Matthew O'Nelly</i></u> Board of Health | <u><i>[Signature]</i></u> Fire Department |
|--|--|--|

Police Department comments:

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

FEMA Environmental Planning and Historic Preservation Memo for Record for Review of Public Assistance Emergency Protective Measures Activities (Category B) for the COVID-19 Declarations

On April 3, 2020, the Director of the Office of Environmental Planning and Historic Preservation (OEHP) signed a memorandum and strategy to ensure consistent reviews of FEMA's Public Assistance-funded Emergency Protective Measures (EPM) projects for COVID-19 declarations across all ten (10) Regions and (4) Consolidated Resource Centers (CRCs). In this memo, OEHP also determined that activities related to administration, personnel, and the procurement of supplies, equipment, and commodities have no potential to affect EHP resources. Therefore, this memo for record (MFR) documents Environmental and Historic Preservation (EHP) decision-making of the COVID-19 EPM projects reviewed by EHP staff at the CRCs. OEHP has determined that these activities have no potential to affect EHP resources and are Statutorily Excluded from NEPA. For more information on specific response actions excluded from NEPA by the Stafford Act, see 42 U.S.C. § 5170.

Declaration Number/State: DR-4496-MA

Project Number: 167942

Project Description: In accordance with sections 403 and 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"), eligible emergency protective measures taken to respond to the COVID-19 emergency at the direction or guidance of public health officials may be reimbursed under Category B of FEMA's Public Assistance program. FEMA may provide assistance for emergency protective measures including, but not limited to, the following, if not funded by the HHS/CDC or other federal agency:

Management, control and reduction of immediate threats to public health and safety

- Emergency Operations Center (EOC) activities
- Training
- Facility disinfection, including the purchase of supplies (*Facility disinfection/decontamination activities, regardless of the status of project completion, where there is no potential for runoff - i.e. day-to-day cleaning of surfaces with common household cleaners, disinfecting wipes, etc.*)
- Technical assistance on emergency management
- Dissemination of information to the public to provide warnings and guidance
- Pre-positioning or movement of supplies, equipment, or other resources (*On existing developed sites only.*)
- Purchase and distribution of food, water, ice, or other commodities
- Purchase of medical supplies/PPE for a non-medical facility
- Security, law enforcement, barricading, and patrolling

Emergency Medical Care

- Purchase and distribution/use of medical supplies and equipment including in vitro diagnostic supplies; Personal Protective Equipment (PPE); Ventilators and products modified for use as ventilators; Therapeutics
- Decontamination systems in buildings constructed within the last 45 years and/or that do not require installation of equipment (*Does not include exterior shower systems, or use of tanker trucks, etc.—project may require project-specific conditions related to NMFS consultation and must go to Region for review.*)
- Provision of medical services, including disease testing; non-deferrable medical treatment (*This is care only - not the funding of a temporary medical facility. May also include limited “wraparound” services at an existing facility such as: additional client services, security, meals, 24-access, residential supervision, additional facility management, and/or Crisis Intervention and Conflict Resolution.*); emergency medical transport

Sheltering

- Isolation-related temporary lodging (*Hotel/executive suites/dormitory lodging*) *
- Quarantine-related temporary lodging (*Hotel/executive suites/dormitory lodging*) *
- High-risk population sheltering (*Hotel/executive suites/dormitory lodging*) *
- Healthcare worker and first responder temporary lodging (*Hotel rooms only*) *

**Temporary lodging and sheltering activities described above are only permissible when FEMA is only paying for hotel/executive suites/dormitory lodging and the facility is not functioning as a medical facility. May also include limited “wraparound” services such as: additional client services, security, meals, 24-access, residential supervision, additional facility management, and/or Crisis Intervention and Conflict Resolution. If any construction related activities associated with lodging, the project must go to Region for review.*

- Household pet or assistance animal or service animal sheltering or containment (*As long as it does not involve the construction or build out of a new facility.*)

Barrier and Small-Scale Installation Projects

- Plexiglass Installation - projects located in buildings constructed within the last 45 years and require physical installation of plexiglass (or similar material with the intent to provide a physical barrier a.k.a “sneeze guards”).
- Plexiglass Installation (freestanding) – projects located in buildings that do not require *any* physical alteration to a building to install plexiglass (or similar material or similar material with the intent to provide a physical barrier a.k.a “sneeze guards”).
- Wall-mounted hand sanitizers - projects located in buildings constructed within the last 45 years and require physical installation (e.g. affixed with bolts, in wall units, etc) of hand sanitizers, **OR** the hand sanitizer units are free-standing or are being affixed to a surface using only temporary, non-damaging adhesives.)

I. National Environmental Policy Act Determination

The above described health and safety activities are emergency in nature and are necessary for meeting immediate threats to life and property. In accordance with Section 316 of the Stafford Act, these activities shall not be deemed a major Federal action significantly affecting the quality of the human environment. This action is statutorily excluded from National Environmental Policy Act (NEPA) review. Individual project proposals for further action that may result after the initial emergency protective action or response is taken may be subject to future NEPA review.

II. Section 106 of the National Historic Preservation Act Determination

Pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations at 36 CFR Part 800, FEMA has determined that these activities do not have the potential to cause effects to historic properties and in accordance with 36 CFR Part 800.3(a)(1). FEMA has no further obligations under Section 106.

III. Endangered Species Act Determination

These activities have been evaluated by FEMA and found to have No Effect to federally listed species and/or designated critical habitat. Under Section 7 of the ESA, if an action does not have the potential to affect listed species and/or designated critical habitat, a No Effect determination is made. As such, a programmatic No Effect determination has been made for these activities. Per the Endangered Species Act (ESA) regulations, notification to, and consultation with, the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service are not required for activities with a No Effect determination. This memorandum functions as FEMA's internal compliance documentation and no additional review is required under Section 7 of the ESA.

IV. Compliance Review for Other Environmental Laws

FEMA has determined that these activities do not have the potential for effects under the following laws and Executive Orders (EO): Coastal Barrier Resources Act, Clean Water Act, Coastal Zone Management Act, Fish and Wildlife Coordination Act, Clean Air Act, Farmland Protection Policy Act, Migratory Bird Treaty Act, Magnuson-Stevens Fishery Conservation and Management Act, Wild and Scenic Rivers Act, EO 11988, EO 11990, and EO 12898.

V. Approvals

Name: **Blake Coleman**

Title: **EHP Senior Specialist**

Signature:

Date: **02/26/2021**

Document #2



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY



MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY

400 Worcester Road Framingham, MA 01702-5399

Tel: 508-820-2000 Fax: 508-820-2030

Website: www.mass.gov/mema

Samantha C. Phillips
Director

April 15, 2021

Christina Regan, Firefighter / Paramedic
Town of Harwich
732 Main St
Harwich, MA. 01031

RE: FEMA-4496-DR-MA-March 27, 2020 COVID-19

Dear Ms. Regan:

Enclosed please find the following forms for the federal share of reimbursement under FEMA-4496-DR-MA associated with the Federal Emergency Management Agency (FEMA) Public Assistance (PA) program:

- Contractor Authorized Signatory Listing (CASL) (if required)
- Standard Contract Package/Contract Amendment
 - Standard Contract Instructions
 - State Standard Contract Form
 - Attachment A
 - P2 – Project Application Grant Report & PW
 - Project Worksheet FEMA Form 90-91 Subgrant Application
- P4 – Project Completion & Certification Report
- Summary Sheet for Assurances & Certifications (if not already on file)
- Federal Funding Accounting and Transparency Act Form (FFATA)(if required)
- MEMA Sub-recipient Pre-Award Risk Assessment Questionnaire (if required)
- Certification of Compliance with Federal Procurement Standards
- Record of Environmental Consideration (REC), if applicable

Please review all information on these forms for accuracy and applicability. Once you have reviewed these documents, please complete and have the Authorized Signatory representing your community or organization sign in the appropriate spaces provided as outlined in the attached **INSTRUCTION SHEET**.

Region I
P.O. Box 116
365 East Street
Tewksbury, MA 01876
Tel: 978-328-1500 Fax: 978-851-8218

Region II
P.O. Box 54
12-I Rear Administration Road
Bridgewater, MA 02324-0054
Tel: 508-427-0400 Fax: 508-697-8869

Region III / IV
1002 Suffield Street
Agawam, MA 01001
Tel: 413-821-1500 Fax: 413-821-1599

For your records, please make copies of all documents you sign, as MEMA needs all originals from this Package returned.

In accordance with 44 CFR, Section 206.206 applicants to the FEMA PA program have the right to appeal any decision or determination regarding a PA application for federal assistance, including eligibility and the amount of assistance. The appeal must be in writing and contain documented justification supporting the appeal position, specify the monetary figure in dispute and the relevant provisions of federal law, regulation or policy which you believe was inconsistent with FEMA's determination. All appeals must be submitted through MEMA, to FEMA; you have sixty (60) days from the date of this letter in which to appeal this determination. Please contact the MEMA Disaster Recovery Unit with questions or issues related to the appeal process.

The State Standard Contract establishes the total obligation for your project based on state fiscal years, the start and end dates within which all work must take place, and the Contract's purpose (including Attachment A). Once signed by the Massachusetts Emergency Management Agency (MEMA), the contract will be executed and your community or organization will be responsible for all obligations and requirements included or referenced in the contract and its Attachment A.

Please mail original copies of all documents to:

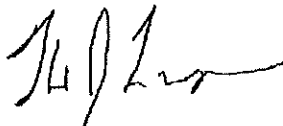
**Massachusetts Emergency Management Agency
Attention: Sherry Leung, Grants Support Coordinator
400 Worcester Road
Framingham, MA 01702-5399**

MEMA will send an electronic copy of all executed documents to you. When you receive this back, please retain and file them with your completed project applications - these should become part of your official records. All documents associated with this reimbursement must be retained for a period of seven (7) years (beginning from the first day after the final contract payment has been made) or such longer period as is necessary for the resolution of any litigation, claim, negotiation, audit or any inquiry involving the contract.

Please remember, no funds can be disbursed until all requested forms have been completed and the **originals** returned to MEMA. Fax copies or "stamped" signatures **will not** be accepted.

If you have any questions, please contact Sherry Leung at (508) 820-1436 or at Shirletta.leung@mass.gov.

Sincerely,



Thad Leugemors
Assistant Director, Mitigation and Recovery

Attachment: **INSTRUCTION SHEET**

Region I
P.O. Box 116
365 East Street
Tewksbury, MA 01876
Tel: 978-328-1500 Fax: 978-851-8218

Region II
P.O. Box 54
12-I Rear Administration Road
Bridgewater, MA 02324-0054
Tel: 508-427-0400 Fax: 508-697-8869

Region III / IV
1002 Suffield Street
Agawam, MA 01001
Tel: 413-821-1500 Fax: 413-821-1599

Instruction Sheet

Please use this form as a guide to help fill out your State Contract Package. All of the documents included are listed in the order in which they will appear in the contract package, along with directions on which forms need to be filled out and where they need to be signed.

Please keep a copy of all forms for your records.

All forms listed with an "X" marked in the box are included in your contract package and must be signed and returned to MEMA.

CASL - Contractor Authorized Signatory Listing

This form will only be included in the first Contract Package you receive for this disaster.

- The CASL designates who from your municipality/organization is authorized to sign contract documents. Their name should be listed in the box on the first page.
- An Authorizing Officer (such as a town administrator, CEO, Controller, legal counsel, etc.) signs on the first page for all Authorized Signatories allowed to sign contract documents..

Return signed and completed form to MEMA.

Standard State Contract/Contract Amendment – Commonwealth of Massachusetts

- This is the actual State contract, along with related information, where you are signing to receive the dollar amount listed.
- The Authorized Signatory completes the bottom left hand corner of the first page.

Return signed and completed form to MEMA

Attachment A

- The Attachment A outlines disaster related information, the FEMA Public Assistance Program, contractual and programmatic obligations, requirements of the PA program under the Stafford Act and 2 CFR 200, and additional sub-recipient related requirements .
- The Authorized Signatory signs on the last page.

Return signed and completed form to MEMA

FFATA – Federal Funding Accountability and Transparency Act form

- The FFATA certifies that you, as the applicant, are receiving federal funds that are subject to public record.
- Only check off and complete table on Part 2 if your municipality/organization meets the criteria listed.
- The Authorized Signatory signs at the bottom of the form.
- Required on single or aggregate contract amounts over \$24,999.99.

Return signed and completed form to MEMA

MEMA Sub-recipient Pre-Award Risk Assessment Questionnaire

- This form is asking the sub-recipient (applicant) to report any federal funding you received and any changes in your grant management procedures in the previous two fiscal years. Please have Town Accountant/Fiscal complete this form.
- Please complete the corresponding sections on the second page if you answer "yes" to any of the questions.
- Authorized Signatory signs at the bottom of the form.

Return signed and completed form to MEMA

Summary Sheet for Assurances and Certifications

This form will only be included in the first Contract Package you receive for this disaster.

- This is a FEMA form that outlines the assurances and certifications of receiving federal funds that you are agreeing to comply with.
- After completing the top section on pg.1, you will either certify to Part I (non-construction) or Part II (construction), depending on the nature of work completed in your project.
- You will certify to Parts III and/or IV, if applicable.
- The Authorized Signatory signs on the first page.

Return signed and completed form to MEMA

Certification of Compliance with Federal Procurement Standards

- This form must be signed by the person who manages or conducts procurement for the sub-recipient

Project Worksheet (90-91) and Project Application Grant Report (P.2)

- The Project Worksheet (90-91) is included to show the applicant the final damage description, scope of work, and project related information for a Project Worksheet (PW).
- Insurance Narrative included if there are actual or anticipated insurance proceeds assoc. with PW.
- The Project Grant Application (P.2) is included to show the 100% and 75% FEMA cost shares associated with a project.

Return to MEMA but do NOT need to be signed

Project Completion and Certification Report (P.4)

- The P.4 is where the sub-recipient signs to certify that 100% of all the work on this project has been completed.
- If the work is **NOT** 100% complete at the time you receive the contract package, hold onto the P.4 and return it to MEMA when the work is 100% complete.
- The Authorized Signatory signs in the top left hand corner on the second page.

Return signed and completed form to MEMA, if work is 100% complete

Record of Environmental Consideration (If applicable)

- Retain for your records

Insurance Narrative (if applicable)

- Retain for your records

Notification Letter

Determination Memo

Once complete, please return **original** forms to:
Massachusetts Emergency Management Agency
ATTN: Sherry Leung, Contract Specialist
400 Worcester Road,
Framingham, MA 01702

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



485This form is jointly issued and published by the Office of the Comptroller (CTR), the Executive Office for Administration and Finance (ANF), and the Operational Services Division (OSD) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. The Commonwealth deems void any changes made on or by attachment (in the form of addendum, engagement letters, contract forms or invoice terms) to the terms in this published form or to the Standard Contract Form Instructions and Contractor Certifications, the Commonwealth Terms and Conditions, the Commonwealth Terms and Conditions for Human and Social Services or the Commonwealth IT Terms and Conditions which are incorporated by reference herein. Additional non-conflicting terms may be added by Attachment. Contractors are required to access published forms at CTR Forms: <https://www.macomptroller.org/forms>. Forms are also posted at OSD Forms: <https://www.mass.gov/lists/osd-forms>.

| | | | |
|---|---|--|----------------------------|
| CONTRACTOR LEGAL NAME: Town of Harwich (and d/b/a): | | COMMONWEALTH DEPARTMENT NAME: Massachusetts Emergency Management Agency MMARS Department Code: CDA | |
| Legal Address: (W-9, W-4): 732 Main St Harwich, MA 01031 | | Business Mailing Address: 400 Worcester Road Framingham, MA 01702 | |
| Contract Manager: Christina Regan, Firefighter / Paramedic | Phone: (508) 430-7546 | Billing Address (if different): | |
| E-Mail: c.regan@harwichfire.com | Fax: | Contract Manager: Shirletta Leung, Grants Unit | Phone: 508-820-1436 |
| Contractor Vendor Code: VC6000191822 | E-Mail: Shirletta.leung@mass.gov | Fax: | |
| Vendor Code Address ID (e.g. "AD001"): AD001 (Note: The Address ID must be set up for EFT payments.) | | MMARS Doc ID(s): CTFEMA4496HARWH00289 | |
| <input checked="" type="checkbox"/> NEW CONTRACT PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> Statewide Contract (OSD or an OSD-designated Department) <input type="checkbox"/> Collective Purchase (Attach OSD approval, scope, budget) <input type="checkbox"/> Department Procurement (includes all Grants - 815 CMR 2.00) (Solicitation Notice or RFR, and Response or other procurement supporting documentation) <input type="checkbox"/> Emergency Contract (Attach justification for emergency, scope, budget) <input type="checkbox"/> Contract Employee (Attach Employment Status Form, scope, budget) <input checked="" type="checkbox"/> Other Procurement Exception (Attach authorizing language, legislation with specific exemption or earmark, and exception justification, scope and budget) | | <input type="checkbox"/> CONTRACT AMENDMENT Enter Current Contract End Date <u>Prior</u> to Amendment: _____, 20____. Enter Amendment Amount: \$ _____ (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of amendment changes.) <input type="checkbox"/> Amendment to Date, Scope or Budget (Attach updated scope and budget) <input type="checkbox"/> Interim Contract (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> Contract Employee (Attach any updates to scope or budget) <input type="checkbox"/> Other Procurement Exception (Attach authorizing language/justification and updated scope and budget) | |
| The Standard Contract Form Instructions and Contractor Certifications and the following Commonwealth Terms and Conditions document are incorporated by reference into this Contract and are legally binding: (Check ONE option): <input checked="" type="checkbox"/> Commonwealth Terms and Conditions <input type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services <input type="checkbox"/> Commonwealth IT Terms and Conditions | | | |
| COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. <input type="checkbox"/> Rate Contract. (No Maximum Obligation) Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input type="checkbox"/> Maximum Obligation Contract. Enter total maximum obligation for total duration of this contract (or new total if Contract is being amended). \$ <u>36,553.55</u> | | | |
| PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days ___% PPD; Payment issued within 15 days ___% PPD; Payment issued within 20 days ___% PPD; Payment issued within 30 days ___% PPD. If PPD percentages are left blank, identify reason: ___agree to standard 45 day cycle ___ statutory/legal or Ready Payments (M.G.L. c. 29, § 23A); <input checked="" type="checkbox"/> only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.) | | | |
| BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) All work is subject to the Stafford act and all requirements of 'Attachment A' are incorporated under this contract. (Reference CFDA # 97.036) PWW# PW-00289(0) To reimburse for FEMA DR 4496 Act 27. 2020-COVID-19 with Assistance for Emergency Protective Measures-COVID 19October 1-December 31 | | | |
| ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input type="checkbox"/> 1. may be incurred as of the Effective Date (latest signature date below) and <u>no</u> obligations have been incurred <u>prior</u> to the Effective Date. <input type="checkbox"/> 2. may be incurred as of _____, 20____, a date LATER than the Effective Date below and <u>no</u> obligations have been incurred <u>prior</u> to the Effective Date. <input checked="" type="checkbox"/> 3. were incurred as of <u>03/27/2020</u> , a date PRIOR to the Effective Date below, and the parties agree that payments for any obligations incurred prior to the Effective Date are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations. | | | |
| CONTRACT END DATE: Contract performance shall terminate as of 6/15/2021 with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments. | | | |
| CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor certifies that they have accessed and reviewed all documents incorporated by reference as electronically published and the Contractor makes all certifications required under the Standard Contract Form Instructions and Contractor Certifications under the pains and penalties of perjury, and further agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable Commonwealth Terms and Conditions, this Standard Contract Form, the Standard Contract Form Instructions and Contractor Certifications, the Request for Response (RFR) or other solicitation, the Contractor's Response (excluding any language stricken by a Department as unacceptable, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract. | | | |
| AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X: _____ Date: _____ (Signature and Date Must Be Handwritten At Time of Signature) Print Name: _____ Print Title: _____ | | AUTHORIZING SIGNATURE FOR THE COMMONWEALTH: X: _____ Date: _____ (Signature and Date Must Be Handwritten At Time of Signature) Print Name: _____ Print Title: _____ | |



STANDARD CONTRACT FORM INSTRUCTIONS CONTRACTOR CERTIFICATIONS COMMONWEALTH TERMS AND CONDITIONS

INSTRUCTIONS

The following Instructions, Contractor Certifications and the applicable Commonwealth Terms and Conditions are incorporated by reference into an executed Standard Contract Form. Instructions are provided to assist with completion of the Standard Contract Form. Additional terms are incorporated by reference. Links to legal citations are to unofficial versions and Departments and Contractors should consult with their legal counsel to ensure compliance with all legal requirements. Please note that not all applicable laws have been cited.

Contractor Legal Name (and DB/A): Enter the Full Legal Name of the Contractor's business as it appears on the Contractor's W-9 or W-4 Form (Contract Employees only) and the applicable Commonwealth Terms and Conditions. If Contractor also has a "doing business as" (d/b/a) name, BOTH the legal name and the "d/b/a" name must appear in this section.

Contractor Legal Address: Enter the Legal Address of the Contractor as it appears on the Contractor's W-9 or W-4 Form (Contract Employees only) which must match the legal address on the 10991 table in MMARS (or the Legal Address in HR/CMS for a Contract Employee).

Contractor Contract Manager: Enter the authorized Contract Manager who will be responsible for managing the Contract. The Contract Manager should be an Authorized Signatory or, at a minimum, a person designated by the Contractor to represent the Contractor, receive legal notices and negotiate ongoing Contract issues. The Contract Manager is considered "Key Personnel" and may not be changed without the prior written approval of the Department. If the Contract is posted on COMMBUYS, the name of the Contract Manager must be included in the Contract on COMMBUYS.

Contractor E-Mail Address/Phone/Fax: Enter the electronic mail (e-mail) address, phone and fax number of the Contractor Contract Manager. This information must be kept current by the Contractor to ensure that the Department can contact the Contractor and provide any required legal notices. Notice received by the Contract Manager (with confirmation of actual receipt) through the listed address, fax number(s) or e-mail address will meet any written legal notice requirements.

Contractor Vendor Code: The Department must enter the MMARS Vendor Code assigned by the Commonwealth. If a Vendor Code has not yet been assigned, leave this space blank and the Department will complete this section when a Vendor Code has been assigned. The Department is responsible under the Vendor File and W-9s Policy for verifying with authorized signatories of the Contractor, as part of contract execution, that the legal name, address and Federal Tax Identification Number (TIN) in the Contract documents match the state accounting system.

Vendor Code Address ID: (e.g., "AD001") The Department must enter the MMARS Vendor Code Address ID identifying the payment remittance address for Contract payments, which MUST be set up for EFT payments PRIOR to the first payment under the Contract in accordance with the Bill Paying and Vendor File and W-9 policies.

Commonwealth Department Name: Enter the full Department name with the authority to obligate funds encumbered for the Contract.

Commonwealth MMARS Alpha Department Code: Enter the three (3) letter MMARS Code assigned to this Commonwealth Department in the state accounting system.

Department Business Mailing Address: Enter the address where all formal correspondence to the Department must be sent. Unless otherwise specified in the Contract, legal notice sent or received by the Department's Contract Manager

(with confirmation of actual receipt) through the listed address, fax number(s) or e-mail address for the Contract Manager will meet any requirements for legal notice.

Department Billing Address: Enter the Billing Address or e-mail address if invoices must be sent to a different location. Billing, confirmation of delivery or performance issues should be resolved through the listed Contract Managers.

Department Contract Manager: Identify the authorized Contract Manager who will be responsible for managing the Contract, who should be an authorized signatory or an employee designated by the Department to represent the Department to receive legal notices and negotiate ongoing Contract issues.

Department E-Mail Address/Phone/Fax: Enter the e-mail address, phone and fax number of the Department Contract Manager. Unless otherwise specified in the Contract, legal notice sent or received by the Contract Manager (with confirmation of actual receipt) through the listed address, fax number(s) or e-mail address will meet any requirements for written notice under the Contract.

MMARS Document ID(s): Enter the MMARS 20-character encumbrance transaction number associated with this Contract, which must remain the same for the life of the Contract. If multiple numbers exist for this Contract, identify all Document IDs.

RFP/Procurement or Other ID Number or Name: Enter the Request for Response (RFR) or other Procurement Reference number, Contract ID Number or other reference or tracking number for this Contract or Amendment which will be entered into the Board Award Field in the MMARS encumbrance transaction for this Contract.

NEW CONTRACTS (Left Side of Form):

Complete this section ONLY if this Contract is brand new. (Complete the CONTRACT AMENDMENT section for any material changes to an existing or an expired Contract, and for exercising options to renew or annual contracts under a multi-year procurement or grant program.)

Procurement or Exception Type: Check the appropriate type of procurement or exception for this Contract. Only one option can be selected. See the Office of the Comptroller Guidance for Vendors Policies (State Finance Law and General Requirements, Acquisition Policy and Fixed Assets) and the Operational Services Division Conducting Best-Value Procurements Handbook for details.

Statewide Contract (OSD or an OSD-designated Department): Check this option for a Statewide Contract under OSD, or by an OSD-designated Department.

Collective Purchase approved by OSD: Check this option for Contracts approved by OSD for collective purchases through federal, state, or local government or other entities.

Department Procurement: Check this option for a Department contract procurement including state grants and federal sub-grants under 815 CMR 2.00 and State Grants and Federal Subgrants Policy, Departmental Master Agreements (MA). If this is a multi-Department user Contract, state that multi-Department use is allowable in the section labeled "Brief Description."

Emergency Contract: Check this option when the Department has determined that an unforeseen crisis or incident has arisen which requires or mandates immediate purchases to avoid substantial harm to the functioning of government, the provision of necessary or mandated services, or where the health, welfare or safety of clients or other persons or serious damage to property is threatened.

Contract Employee: Check this option when the Department requires the performance of an individual Contractor, and when the planned Contract performance with an individual has been classified using the Employment Status



STANDARD CONTRACT FORM INSTRUCTIONS CONTRACTOR CERTIFICATIONS COMMONWEALTH TERMS AND CONDITIONS

Form (prior to the Contractor's selection) as work of a Contract Employee and not that of an Independent Contractor.

Other Procurement Exception: Check this option when another procurement exception exists, such as legislation with specific language naming the Contractor as a recipient of a grant or contract, an existing legal obligation, a prohibition or other circumstance that exempts or prohibits a Contract from being competitively procured, or identify any other procurement exception not already listed. Legislative "earmarks" exempt the Contract solely from procurement requirements; all other Contract and state finance laws and policies apply. Supporting documentation must be attached to explain and justify the exemption.

CONTRACT AMENDMENT (Right Side of Form)

Complete this section for any Contract being renewed, amended, or to continue a lapsed Contract. All Contracts with available options to renew must be amended referencing the original procurement and Contract Document IDs, since all continuing contracts must be maintained in the same Contract file (even if the underlying appropriation changes each fiscal year). See "Amendments, Suspensions, and Termination Policy."

Enter Current Contract End Date: Enter the termination date of the Current Contract being amended, even if this date has already passed. (Note: Current Start Date is not requested since this date does not change and is already recorded in MMARS.)

Enter Amendment Amount: Enter the amount of the Amendment increase or decrease to a Maximum Obligation Contract. Enter "no change" for Rate Contracts or if there is no change.

Amendment Type: Identify the type of Amendment being made. Documentation supporting the updates to performance and budget must be attached.

Amendment to Date, Scope or Budget: Check this option when renewing a Contract or executing an Amendment ("material change" in Contract terms) even if the Contract has lapsed. The parties may negotiate a change in any element of Contract performance or cost identified in the RFR or the Contractor's response which results in lower costs, or a more cost-effective or better value performance than was presented in the original selected response, provided the negotiation results in a better value within the scope of the RFR than what was proposed by the Contractor in the original selected response. Any "material change" in the Contract terms must be memorialized in a formal Amendment even if a corresponding MMARS transaction is not needed to support the change. Additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.

Interim Contracts: Check this option for an Interim Contract to prevent a lapse of Contract performance whenever an existing Contract is being re-procured but the new procurement has not been completed, to bridge the gap during implementation between an expiring and a new procurement, or to contract with an interim Contractor when a current Contractor is unable to complete full performance under a Contract.

Contract Employee: Check this option when the Department requires a renewal or other amendment to the performance of a Contract Employee.

Other Procurement Exception: Check this option when another procurement exception exists, such as legislation with specific language naming the Contractor as a recipient of a grant or contract, an existing legal obligation, a prohibition or other circumstance that exempts or prohibits a Contract from being

competitively procured, or identify any other procurement exception not already listed. Legislative "earmarks" exempt the Contract solely from procurement requirements, and all other Contract and state finance laws and policies apply. Attach Supporting documentation to explain and justify the exemption and whether Contractor selection has been publicly posted.

COMMONWEALTH TERMS AND CONDITIONS

Identify which version of the Commonwealth Terms and Conditions is incorporated by reference into this Contract: the Commonwealth Terms and Conditions (TC), the Commonwealth IT Terms and Conditions (TC-IT), or the Commonwealth Terms and Conditions for Human and Social Services (TC-HHS). The Comptroller Expenditure Classification Handbook identifies the applicable Commonwealth Terms and Conditions based upon the object code for the contract.

COMPENSATION

Identify if the Contract is a Rate Contract (with no stated Maximum Obligation) or a Maximum Obligation Contract (with a stated Maximum Obligation) and identify the Maximum Obligation. If the Contract is being amended, enter the new Maximum Obligation based upon the increase or decreasing Amendment. The Total Maximum Obligation must reflect the total funding for the dates of service under the contract, including the Amendment amount if the Contract is being amended. The Maximum Obligation must match the MMARS encumbrance. Funding and allotments must be verified as available and encumbered prior to incurring obligations. If a Contract includes both a Maximum Obligation component and Rate Contract component, check off both. Specific Maximum Obligation amounts or amended amounts and Attachments must clearly outline the Contract breakdown to match the encumbrance.

PROMPT PAY DISCOUNTS

Payments are processed within a 45 day payment cycle through EFT, in accordance with the Commonwealth Bill Paying Policy for investment and cash flow purposes. Departments may NOT negotiate accelerated payments and Payees are NOT entitled to accelerated payments UNLESS a prompt payment discount (PPD) is provided to support the Commonwealth's loss of investment earnings for this earlier payment, or unless a payment is legally mandated to be made in less than 45 days (e.g., construction contracts, Ready Payments under M.G.L. c. 29, § 23A). See Prompt Pay Discounts Policy. PPD are identified as a percentage discount which will be automatically deducted when an accelerated payment is made. Reduced contract rates may not be negotiated to replace a PPD. If PPD fields are left blank, please identify that the Contractor agrees to the standard 45 day cycle, a statutory/legal exemption such as Ready Payments (M.G.L. c. 29, § 23A), or only an initial accelerated payment for reimbursements or startup costs for a grant, with subsequent payments scheduled to support standard EFT 45 day payment cycle. Financial hardship is not a sufficient justification to accelerate cash flow for all payments under a Contract. Initial grant or contract payments may be accelerated for the first invoice or initial grant installment, but subsequent periodic installments or invoice payments should be scheduled to support the Payee cash flow needs and the standard 45 day EFT payment cycle, in accordance with the Bill Paying Policy. Any accelerated payment that does not provide for a PPD must have a legal justification in the Contract file for audit purposes explaining why accelerated payments were allowable without a PPD.



STANDARD CONTRACT FORM INSTRUCTIONS CONTRACTOR CERTIFICATIONS COMMONWEALTH TERMS AND CONDITIONS

BRIEF DESCRIPTION OF CONTRACT PERFORMANCE

Enter a brief description of the Contract performance, project name or other identifying information for the Contract to specifically identify the Contract performance, match the Contract with attachments, determine the appropriate expenditure code (as listed in the Expenditure Classification Handbook) or to identify or clarify important information related to the Contract such as the Fiscal Year(s) of performance (ex. "FY2021" or "FY2021-23"). Identify settlements or other exceptions and attach more detailed justification and supporting documents. Enter "Multi-Department Use" if other Departments can access the procurement. For Amendments, identify the purpose and what items are being amended. Merely stating "see attached" or referencing attachments without a narrative description of performance is insufficient.

ANTICIPATED START DATE

The Department and Contractor must certify when obligations under this Contract/Amendment may be incurred. Option 1 is the default option when performance may begin as of the Effective Date (latest signature date and any required approvals). If the parties want a new Contract or renewal to begin as of the upcoming fiscal year then list the fiscal year(s) (ex. "FY2021" or "FY2021-23") in the Brief Description section. Performance starts and encumbrances reflect the default Effective Date (if no FY is listed) or the later FY start date (if a FY is listed). Use Option 2 only when the Contract will be signed well in advance of the start date and identify a specific future start date. Do not use Option 2 for a fiscal year start unless it is certain that the Contract will be signed prior to the fiscal year. Option 3 is used in lieu of the Settlement and Release Form when the Contract/Amendment is signed late, and obligations are incurred by the Contractor prior to the Effective Date, which the Department has either requested, accepted, or deemed legally eligible for reimbursement, and the Contract includes supporting documents justifying the performance or proof of eligibility and approximate costs. Any obligations incurred outside the scope of the Effective Date under any Option listed, even if the incorrect Option is selected, shall be automatically deemed a settlement included under the terms of the Contract and upon payment to the Contractor will release the Commonwealth from further obligations for the identified performance. All settlement payments require justification and must be under the same encumbrance and object codes as the Contract payments. Performance dates are subject to M.G.L. c. 4, § 9.

CONTRACT END DATE

The Department must enter the date that Contract performance will terminate. If the Contract is being amended and the Contract End Date is not changing, this date must be entered again here. A Contract must be signed for at least the initial duration but not longer than the period of procurement listed in the RFR, or other solicitation document (if applicable). No new performance is allowable beyond the end date without an amendment, but the Department may allow a Contractor to complete minimal close out performance obligations if substantial performance has been made prior to the termination date of the Contract and prior to the end of the fiscal year in which payments are appropriated, provided that close out performance is subject to appropriation and funding limits under state finance law, and CTR may adjust encumbrances and payments in the state accounting system to enable final close out payments. Performance dates are subject to M.G.L. c. 4, § 9.

CONTRACTOR AUTHORIZED SIGNATORIES FOR EXECUTION

See Comptroller policies entitled "Department Head Signature Authorization" and "Contractor Authorized Signatory Listing" for guidance.

Authorizing Signature for Contractor/Date: The Authorized Contractor Signatory must (in their own handwriting and in ink) sign AND enter the date the Contract is signed. See section above under "Anticipated Contract Start Date." Acceptance of payment by the Contractor shall waive any right of the Contractor to claim the Contract/Amendment is not valid and the Contractor may not void the Contract. Rubber stamps are not acceptable. Proof of Contractor signature authorization on a Contractor Authorized Signatory Listing may be required by the Department if not already on file. See the Commonwealth's policy on electronic or digital signatures.

Contractor Name/Title: The Contractor Authorized Signatory's name and title must appear legibly as it appears on the Contractor Authorized Signatory Listing.

Authorizing Signature For Commonwealth/Date: The Authorized Department Signatory must (in their own handwriting and in ink) sign AND enter the date the Contract is signed. See section above under "Anticipated Start Date." Rubber stamps are not acceptable. The Authorized Signatory must be an employee within the Department legally responsible for the Contract. See Department Head Signature Authorization. The Department must have the legislative funding appropriated for all the costs of this Contract or funding allocated under an approved Interdepartmental Services Agreement (ISA). A Department may not contract for performance to be delivered to or by another state department without specific legislative authorization (unless this Contract is a Statewide Contract). For Contracts requiring Secretariat signoff, evidence of Secretariat signoff must be included in the Contract file.

Department Name/Title: Legibly enter Authorized Signatory's name and title.

CONTRACTOR CERTIFICATIONS AND LEGAL REFERENCES

Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified, subject to any required approvals. The Contractor makes all certifications required under this Contract under the pains and penalties of perjury, and agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein.

Commonwealth and Contractor Ownership Rights. The Contractor certifies and agrees that the Commonwealth is entitled to ownership and possession of all "deliverables" purchased or developed with Contract funds. A Department may not relinquish Commonwealth rights to deliverables nor may Contractors sell products developed with Commonwealth resources without just compensation. The Contract should detail all Commonwealth deliverables and ownership rights and any Contractor proprietary rights.

Qualifications. The Contractor certifies that it is qualified and shall at all times remain qualified to perform this Contract, and that performance shall be timely and meet or exceed industry standards for the performance required, which includes obtaining requisite licenses, registrations, permits, resources for performance, and sufficient professional, liability, and other appropriate insurance to cover the performance. If the Contractor is a business, the Contractor certifies that it is listed under the Secretary of State's website as licensed to do business in Massachusetts, as required by law.

Laws and Regulations Prohibiting Discrimination and Human Trafficking. Contractors acknowledge and certify as a condition of this Contract that they are responsible for complying fully with all state and federal laws prohibiting



STANDARD CONTRACT FORM INSTRUCTIONS CONTRACTOR CERTIFICATIONS COMMONWEALTH TERMS AND CONDITIONS

discrimination, human trafficking, and forced labor, including but not limited to M.G.L. c. 265 §§ 49-57.

Business Ethics and Fraud, Waste and Abuse Prevention. The Contractor certifies that performance under this Contract, in addition to meeting the terms of the Contract, will be made using ethical business standards and good stewardship of taxpayer and other public funding and resources to prevent fraud, waste and abuse.

Collusion. The Contractor certifies that this Contract has been offered in good faith and without collusion, fraud, or unfair trade practices with any other person, and that any actions to avoid or frustrate fair and open competition are prohibited by law and shall be grounds for rejection or disqualification of a Response or termination of this Contract.

Public Records and Access. The Contractor shall provide full access to records related to performance and compliance to the Department and officials listed under Executive Order 195 and M.G.L. c. 11, § 12 for six (6) years beginning on the first day after the final payment under this Contract or such longer period as necessary for the resolution of any litigation, claim, negotiation, audit or other inquiry involving this Contract. Access to view Contractor records related to any breach or allegation of fraud, waste and/or abuse may not be denied and Contractor can not claim confidentiality or trade secret protections solely for viewing but not retaining documents. Routine Contract performance compliance reports or documents related to any alleged breach or allegation of non-compliance, fraud, waste, abuse or collusion may be provided electronically and shall be provided at Contractor's own expense. Reasonable costs for copies of non-routine Contract related records shall not exceed the rates for public records under 950 CMR 32.00.

Debarment. The Contractor certifies that neither it nor any of its subcontractors are currently debarred or suspended by the federal or state government under any law or regulation including Executive Order 1417; M.G.L. c. 22, § 22E; M.G.L. c. 30, § 39B; M.G.L. c. 149 §§ 27A, 49C and 49B; and M.G.L. c. 152, § 23C.

Applicable Laws. The Contractor shall comply with all applicable state laws and regulations including, but not limited to, the Massachusetts General Laws; the Official Code of Massachusetts Regulations; Code of Massachusetts Regulations (unofficial); 801 CMR 21.00 (Procurement of Commodity and Service Procurements, Including Human and Social Services); 815 CMR 2.00 (Grants and Subsidies); 808 CMR 1.00 (Compliance, Reporting and Auditing for Human And Social Services); AICPA Standards; confidentiality of Department records under M.G.L. c. 46A; and the Massachusetts Constitution Article XVIII, if applicable.

Invoices. The Contractor must submit invoices in accordance with the terms of the Contract and the Commonwealth Bill Paying Policy. Contractors must be able to reconcile and properly attribute concurrent payments from multiple Departments. Final invoices in any fiscal year must be submitted no later than August 15 for performance made and received (goods delivered, services completed) prior to June 30, in order to make payment for that performance prior to the close of the fiscal year to prevent reversion of appropriated funds. Failure to submit timely invoices by August 15 or other date listed in the Contract shall authorize the Department to issue an estimated payment based upon the Department's determination of performance delivered and accepted. The Contractor's acceptance of an estimated payment releases the Commonwealth from further claims for these invoices. If budgetary funds revert due to the Contractor's failure to submit timely final invoices, or for disputing an estimated payment, the Department may deduct a penalty of up to 10% from any final payment in the next fiscal year for failure to submit timely invoices.

Payments Subject To Appropriation. Pursuant to M.G.L. c. 29 §§ 26, 27 and 29, Departments are required to expend funds only for the purposes set forth by the Legislature and within the funding limits established through appropriation, allotment and subsidiary, including mandated allotment reductions triggered by M.G.L. c. 29, § 29C. A Department cannot authorize or accept performance in excess of an existing appropriation and allotment, or sufficient non-appropriated available funds. Any oral or written representations, commitments, or assurances made by the Department or any other Commonwealth representative are not binding. The Commonwealth has no legal obligation to compensate a Contractor for performance that is not requested and is intentionally delivered by a Contractor outside the scope of a Contract. Contractors should verify funding prior to beginning performance.

Intercept. Contractors may be registered as Customers in the Vendor file if the Contractor owes a Commonwealth debt. Unresolved and undisputed debts, and overpayments of Contract payments that are not reimbursed timely shall be subject to intercept pursuant to M.G.L. c. 7A, § 3 and 815 CMR 2.00. Contract overpayments will be subject to immediate intercept or payment offset. The Contractor may not penalize any state Department or assess late fees, cancel a Contract or other services if amounts are intercepted or offset due to recoupment of an overpayment, outstanding taxes, child support, other overdue debts or Contract overpayments.

Tax Law Compliance. The Contractor certifies under the pains and penalties of perjury: (1) tax compliance with federal tax laws; (2) tax compliance with state tax laws including, but not limited to, M.G.L. c. 62C, § 49A, reporting of employees and contractors, withholding and remitting of tax withholdings and child support, and (3) Contractor is in good standing with respect to all state taxes and returns due; reporting of employees and contractors under M.G.L. c. 62E; withholding and remitting child support including M.G.L. c. 119A, § 12, TIR 05-11, New Independent Contractor Provisions and applicable TIRs.

Bankruptcy, Judgments, Potential Structural Changes, Pending Legal Matters and Conflicts. The Contractor certifies it has not been in bankruptcy or receivership within the last three calendar years which would negatively impact Contractor's ability to fulfill the terms of this Contract or Amendment. Contractor certifies that it will immediately notify the Department, in writing, of any filing for bankruptcy and/or receivership, any potential structural change in its organization, or if there is any risk to the solvency of the Contractor that may impact the Contractor's ability to timely fulfill the terms of this Contract or Amendment. The Commonwealth reserves the right to request additional information regarding the financial viability of the Contractor and its ability to perform. The Contractor certifies that at any time during the period of the Contract the Contractor is required to affirmatively disclose in writing to the Department Contract Manager the details of any judgment, criminal conviction, investigation or litigation pending against the Contractor or any of its officers, directors, employees, agents, or subcontractors, including any potential conflicts of interest of which the Contractor has knowledge, or learns of during the Contract term. Law firms or Attorneys providing legal services are required to identify any potential conflict with representation of any Department client in accordance with Massachusetts Board of Bar Overseers (BBO) rules.

Federal Anti-Lobbying and Other Federal Requirements. If receiving federal funds, the Contractor certifies compliance with federal anti-lobbying requirements including 31 USC § 1352; other federal requirements; Federal Executive Order 11246; Air Pollution Act; Federal Water Pollution Control Act and Federal Employment Laws.

Protection of Commonwealth Data, Personal Data and Information. The Contractor certifies that all steps will be taken to ensure the security and



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confidentially of all Commonwealth data for which the Contractor becomes a holder, either as part of performance or inadvertently during performance, with special attention to restricting access, use and disbursement of personal data and information under M.G.L. c. 93J and c. 66A and other applicable state and federal privacy requirements. The Contractor shall comply with M.G.L. c. 93I for the proper disposal of all paper and electronic media, backups or systems containing personal data and information. The Contractor shall also ensure that any personal data or information transmitted electronically or through a portable device is properly encrypted using (at a minimum) the Commonwealth's "Cryptographic Management Standard" set forth in the Enterprise Information Security Policies and Standards published by the Executive Office for Technology, Services and Security (EOTSS), or a comparable Standard prescribed by the Department. Contractors with access to credit card or banking information of Commonwealth customers certify that the Contractor is PCI compliant in accordance with the Payment Card Industry Council Standards, and shall provide confirmation of compliance during the Contract. The Contractor shall immediately notify the Department in the event of any security breach, including the unauthorized access, disbursement, use or disposal of personal data or information and, in the event of a security breach, the Contractor shall cooperate fully with the Commonwealth and provide access to any information necessary for the Commonwealth to respond to the security breach and shall be fully responsible for any damages associated with the Contractor's breach including, but not limited to, damages under M.G.L. c. 214, § 3B.

For all Contracts involving the Contractor's access to personal information, as defined in M.G.L. c. 93I, and personal data, as defined in M.G.L. c. 66A, or access to Department systems containing such information or data, Contractor certifies under the pains and penalties of perjury that the Contractor: (1) has read M.G.L. c. 93I and c. 66A and agrees to protect any and all personal information and personal data; and (2) has reviewed all of the Enterprise Information Security Policies and Standards published by the Executive Office for Technology, Services and Security (EOTSS), or stricter standards prescribed by the Department. Notwithstanding any contractual provision to the contrary, in connection with the Contractor's performance under this Contract, for all Departments, including all offices, boards, commissions, agencies, departments, divisions, councils, bureaus, and offices, now existing and hereafter established, the Contractor shall: (1) obtain a copy, review, and comply with any pertinent security guidelines, standards, and policies; (2) comply with the Enterprise Information Security Policies and Standards published by the Executive Office for Technology, Services and Security (EOTSS), or a comparable set of policies and standards ("Information Security Policy") as prescribed by the Department; (3) communicate and enforce such security guidelines, standards, policies and the applicable Information Security Policy among all employees (whether such employees are direct or contracted) and subcontractors; (4) implement and maintain any other reasonable appropriate security procedures and practices necessary to protect personal information and data to which the Contractor is given access by the contracting Department from the unauthorized access, destruction, use, modification, disclosure or loss; (5) be responsible for the full or partial breach of any of these terms by its employees (whether such employees are direct or contracted) or subcontractors during or after the term of this Contract, and any breach of these terms may be regarded as a material breach of this Contract; (6) in the event of any unauthorized access, destruction, use, modification, disclosure or loss of the personal information or personal data (collectively referred to as the "unauthorized use"): (a) immediately notify the contracting Department if the Contractor becomes aware of the unauthorized use; (b) provide full cooperation and access to information necessary for the contracting Department to determine the scope of the unauthorized use; and (c)

provide full cooperation and access to information necessary for the contracting Department and the Contractor to fulfill any notification requirements. Breach of these terms may be regarded as a material breach of this Contract, such that the Commonwealth may exercise any and all contractual rights and remedies, including, without limitation, indemnification, withholding of payments, Contract suspension, or termination, pursuant to the Commonwealth's Terms and Conditions, the Commonwealth IT Terms and Conditions, or the Commonwealth Terms and Conditions for Human and Social Services. In addition, the Contractor may be subject to applicable statutory or regulatory penalties, including, and without limitation, those imposed pursuant to M.G.L. c. 93I and under M.G.L. c. 21A, § 3B for violations under M.G.L. c. 66A.

Corporate and Business Filings and Reports. The Contractor certifies compliance with all certification, filing, reporting and service of process requirements of the Secretary of the Commonwealth, the Office of the Attorney General or other Departments related to its conduct of business in the Commonwealth, and with relevant requirements of its incorporating state (or foreign entity).

Employer Requirements. Contractors that are employers certify compliance with applicable state and federal employment laws and regulations, including but not limited to prevailing wage laws at M.G.L. c. 149, §§ 26-27D (public construction work); M.G.L. c. 149, § 27F (use of trucks, vehicles and other equipment to perform public works functions); M.G.L. c. 149, § 27G (moving office furniture and fixtures); M.G.L. c. 149, § 27H (cleaning state office buildings or buildings leased by the state); M.G.L. c. 6C, § 4J (MassDOT relocation of utilities or utility facility); M.G.L. c. 7, § 22 (contracts for meat products and clothing and apparel); M.G.L. c. 71, § 2A (transportation of students to public schools); Chapter 195 of the Acts of 2014 (MA Convention Center Authority security guard services); minimum wage and overtime law and regulations (M.G.L. c. 151 and 454 CMR 27.00); child labor laws (M.G.L. c. 149, §§ 56-105); all payment of wages, payroll and timekeeping records, earned sick time, meal breaks, domestic violence leave, temporary worker rights, domestic worker rights and anti-retaliation laws at M.G.L. c. 149 (Labor and Industries); M.G.L. c. 151A (unemployment insurance and contributions); M.G.L. c. 152 (workers compensation and insurance); M.G.L. c. 150A (Labor Relations); M.G.L. c. 153 (liability for injuries); 29 U.S.C. c. 8 (Federal Fair Labor Standards); 29 U.S.C. c. 28 (Federal Family and Medical Leave Act); M.G.L. c. 6, § 171A (applicant criminal record information); M.G.L. c. 149, § 105A (MA Equal Pay Act); and M.G.L. c. 175M (Paid Family Medical Leave Act).

Federal And State Laws And Regulations Prohibiting Discrimination. Contractors certify compliance with applicable state and federal anti-discrimination laws, including but not limited to the Federal Equal Employment (EEO) Laws; the Americans with Disabilities Act; 42 U.S.C. § 12101, et seq., the Rehabilitation Act, 29 U.S.C. § 794; 29 U.S.C. § 701; 29 U.S.C. § 623; 42 U.S.C. c. 45; (Federal Fair Housing Act); M.G.L. c. 151B (Unlawful Discrimination); M.G.L. c. 151E (Business Discrimination); the Public Accommodations Law M.G.L. c. 272, § 92A; M.G.L. c. 272, §§ 98 and 98A; Massachusetts Constitution Article LXIV and M.G.L. c. 93, § 103; 47 USC § 255 (Telecommunication Act); M.G.L. c. 149, § 105B; M.G.L. c. 151C; M.G.L. c. 272, §§ 92A, 98 and 98A, and M.G.L. c. 111, § 192A, and Massachusetts Disability-Based Non-Discrimination Standards For Executive Branch Entities, and related Standards and Guidance, authorized under Massachusetts Executive Order or any disability-based protection arising from state or federal law or precedent. See also MCAD and MCAD links and resources.



STANDARD CONTRACT FORM INSTRUCTIONS CONTRACTOR CERTIFICATIONS COMMONWEALTH TERMS AND CONDITIONS

Small Business Purchasing Program (SBPP). A Contractor may be eligible to participate in the SBPP, created pursuant to Executive Order 533, if qualified through the SBPP COMMBUYS subscription process at: www.commbuys.com and with acceptance of the terms of the SBPP participation agreement.

Limitation of Liability. Contracts may not use the following limitation of liability language unless approved by legal staff of the Office of the Comptroller (CTR) or Operational Services Division (OSD), and it may not be used if a Department is utilizing the Commonwealth IT Terms and Conditions. The term "other damages" in Section 11 of the Commonwealth Terms and Conditions, "Indemnification," shall include, but shall not be limited to, the reasonable costs the Commonwealth incurs to repair, return, replace or seek cover (purchase comparable substitute commodities and services) under a Contract. "Other damages" shall not include damages to the Commonwealth as a result of third party claims, provided, that this in no way limits the Commonwealth's right of recovery for personal injury or property damages or patent and copyright infringement under Section 11 or the Commonwealth's ability to join the contractor as a third party defendant. Further, the term "other damages" shall not include, and in no event shall the contractor be liable for, damages for the Commonwealth's use of contractor provided products or services, loss of Commonwealth records, or data (or other intangible property), loss of use of equipment, lost revenue, lost savings or lost profits of the Commonwealth. In no event shall "other damages" exceed the greater of \$100,000, or two times the value of the product or service (as defined in the Contract scope of work) that is the subject of the claim. Section 11 sets forth the Contractor's entire liability under a Contract. Nothing in this section shall limit the Commonwealth's ability to negotiate higher limitations of liability in a particular Contract, provided that any such limitation must specifically reference Section 11 of the Commonwealth Terms and Conditions. In the event the limitation of liability conflicts with accounting standards which mandate that there can be no cap of damages, the limitation shall be considered waived for that audit engagement. The terms in this Clarification may not be modified.

Northern Ireland Certification. Pursuant to M.G.L. c. 7, § 22A, for state agencies, state authorities, the state House of Representatives or the state Senate, by signing this Contract the Contractor certifies that it does not employ ten or more employees in an office or other facility in Northern Ireland or if the Contractor employs ten or more employees in an office or other facility located in Northern Ireland the Contractor certifies that it does not discriminate in employment, compensation, or the terms, conditions and privileges of employment on account of religious or political belief, and certifies that it promotes religious tolerance within the work place, and the eradication of any manifestations of religious and other illegal discrimination; and the Contractor is not engaged in the manufacture, distribution or sale of firearms, munitions, including rubber or plastic bullets, tear gas, armored vehicles or military aircraft for use or deployment in any activity in Northern Ireland.

Pandemic, Disaster or Emergency Performance. In the event of a serious emergency, pandemic or disaster outside the control of the Department, the Department may negotiate emergency performance from the Contractor to address the immediate needs of the Commonwealth even if not contemplated under the original Contract or procurement. Payments are subject to appropriation and other payment terms.

Attorneys. Attorneys or firms providing legal services or representing Commonwealth Departments may be subject to M.G.L. c. 30, § 63, and if providing litigation services must be approved by the Office of the Attorney General to appear on behalf of a Department, and shall have a continuing obligation to notify the Commonwealth of any conflicts of interest arising under

the Contract.

Subcontractor Performance. The Contractor certifies full responsibility for Contract performance, including subcontractors, and that comparable Contract terms will be included in subcontracts, and that the Department will not be required to directly or indirectly manage subcontractors or have any payment obligations to subcontractors.

EXECUTIVE ORDERS

For covered Executive Departments, the Contractor certifies compliance with applicable Massachusetts Executive Orders including, but not limited to, the specific orders listed below. A breach during the period of a Contract may be considered a material breach and subject Contractor to appropriate monetary or Contract sanctions.

Executive Order 481. Prohibiting the Use of Undocumented Workers on State Contracts. For all state agencies in the Executive Branch, including all executive offices, boards, commissions, agencies, Departments, divisions, councils, bureaus, and offices, now existing and hereafter established, by signing this Contract the Contractor certifies under the pains and penalties of perjury that they shall not knowingly use undocumented workers in connection with the performance of this Contract; that, pursuant to federal requirements, they shall verify the immigration status of workers assigned to a Contract without engaging in unlawful discrimination; and shall not knowingly or recklessly alter, falsify, or accept altered or falsified documents from any such worker.

Executive Order 130. Anti-Boycott. The Contractor warrants, represents and agrees that during the time this Contract is in effect, neither it nor any affiliated company, as hereafter defined, participates in or cooperates with an international boycott (See IRC § 999(b)(3)-(4), and IRS Audit Guidelines Boycotts) or engages in conduct declared to be unlawful by M.G.L. c. 151E, § 2. If there is a breach in the warranty, representation, and agreement contained in this paragraph, without limiting such other rights as it may have, the Commonwealth may rescind this Contract. As used herein, an affiliated company shall be a business entity of which at least 51% of the ownership interests are directly or indirectly owned by the Contractor or by a person or persons or business entity or entities directly or indirectly owning at least 51% of the ownership interests of the Contractor, or which directly or indirectly owns at least 51% of the ownership interests of the Contractor.

Executive Order 346. Hiring of State Employees By State Contractors. Contractor certifies compliance with both the conflict of interest law, including M.G.L. c. 268A, § 31D and this Order, which includes limitations regarding the hiring of state employees by private companies contracting with the Commonwealth. A privatization contract shall be deemed to include a specific prohibition against the hiring at any time during the term of Contract, and for any position in the Contractor's company, of a state management employee who is, was, or will be involved in the preparation of the RFP, the negotiations leading to the awarding of the Contract, the decision to award the Contract, and/or the supervision or oversight of performance under the Contract.

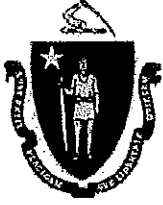
Executive Order 444. Disclosure of Family Relationships With Other State Employees. Each person applying for employment (including Contract work) within the Executive Branch under the Governor must disclose in writing the names of all immediate family as well as persons related to immediate family by marriage who serve as employees or elected officials of the Commonwealth. All disclosures made by applicants hired by the Executive Branch under the Governor shall be made available for public inspection to the extent permissible by law by the official with whom such disclosure has been filed.



STANDARD CONTRACT FORM INSTRUCTIONS CONTRACTOR CERTIFICATIONS COMMONWEALTH TERMS AND CONDITIONS

Executive Orders ~~523, 524 and 565~~ Executive Order ~~521~~ (Establishing the Massachusetts Small Business Purchasing Program); Executive Order ~~529~~ (Order Regarding Non-Discrimination, Diversity, Equal Opportunity and Affirmative Action which supersedes Executive Order 478); Executive Order ~~565~~ (Reaffirming and Expanding the Massachusetts Supplier Diversity Program). All programs, activities, and services provided, performed, licensed, chartered, funded, regulated, or contracted for by the state shall be conducted without unlawful discrimination based on race, color, age, gender, ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry, national origin, disability, veteran's status (including Vietnam-era veterans), or background. The Contractor and any subcontractors may not engage in discriminatory employment practices. The Contractor certifies compliance with applicable federal and state laws, rules, and regulations governing fair labor and employment practices. The Contractor also commits to purchase supplies and services from certified minority, women, veteran, service-disabled veteran, LGBT or disability-owned businesses, small businesses, or businesses owned by socially or economically disadvantaged persons; and Contractor commits to comply with any Applicable Department contractual requirements pertaining to the employment of persons with disabilities pursuant to M.G.L. c. 151B. These provisions shall be enforced through the contracting Department, OSD, and/or the Massachusetts Commission Against Discrimination. Any breach shall be regarded as a material breach of the contract that may subject the contractor to appropriate sanctions.

Document #3



**THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY**



MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY

400 Worcester Road Framingham, MA 01702-5399

Tel: 508-820-2000 Fax: 508-820-2030

Website: www.mass.gov/mema

Charles D. Baker
Governor

Samantha C. Phillips
Director

Karyn E. Polito
Lieutenant Governor

Thomas A. Turco III
Secretary

April 15, 2021

**MEMA Scope, Terms, and Conditions (Attachment A)
CTFEMA4496HARWH00289
Contractor: Town of Harwich**

Disaster Declaration

The President declared a major disaster on March 27, 2020 as a result of COVID-19 that occurred from January 20, 2020 and continuing pursuant to his authority under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288 (1974) (codified as amended at 42 U.S.C. § 5121 et seq.) ("Stafford Act"). This declaration, designated FEMA-4496-DR-MA, authorized Public Assistance Category B and the Crisis Counseling Program statewide. Authorized by Section 403 of the Stafford Act, FEMA may provide financial and/or direct assistance under Public Assistance Category B for emergency protective measures taken to respond to COVID-19 that are not authorized under other federal statutes. State, tribal, and local government entities and certain private nonprofit organizations throughout the entire state are eligible to apply for Public Assistance Category B. Authorized by Section 416 of the Stafford Act, FEMA may provide financial assistance under the Crisis Counseling Program to the state to provide professional counseling services or training of disaster workers to victims of COVID-19 in order to relieve mental health problems caused or aggravated by COVID-19 or its aftermath.

Parties

The Contractor or (sub-recipient) is an eligible public or private not-for-profit entity that has submitted a request for public assistance as an applicant to the Federal Emergency Management Agency (FEMA) Public Assistance Program and has received an approved award. The sub-recipient must be represented by a duly authorized official(s) of the Contractor whose signature(s), authorization(s), and/or certification(s) legally represent and bind the Contractor. The Commonwealth of Massachusetts, acting through its Massachusetts Emergency Management Agency ("Department"), is the non-Federal Grantee responsible for administering all public assistance as pass-through grants for FEMA. The Contractor is a Sub-recipient of the Commonwealth of Massachusetts that enters into contract # CTFEMA4496HARWH00289 as described in this Attachment A.

Purpose

The FEMA Public Assistance (PA) program reimburses approved applicants for the federal share (75%) of eligible costs incurred by the Contractor for emergency protective measures taken by the Contractor to save lives, protect public health and safety, or prevent damage to improved public or private property or for permanent work to restore a damaged facility to its pre-disaster status as a result of damage from this declared

disaster. This sub-grant contract provides federal share funding, through the Department, for the specific projects listed in the attached PW – Project Worksheet FEMA Form 90-91 Subgrant Application (PW-00289(0)).

For DR 4496, there will be 100% reimbursement.

Applicable Laws and Regulations

This contract is issued as a grant by the Commonwealth of Massachusetts and is subject to all applicable laws and regulations including, but not limited to, MGL Chapter 29, 815 CMR 2.00 and the Commonwealth Standard Terms and Conditions. Funding is provided to the Commonwealth by FEMA as federal assistance for the major disaster designated FEMA-4496-DR-MA under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207 (Stafford Act), in accordance with 44 CFR and 2 CFR 200. As a federal sub-recipient, the Contractor is responsible for compliance with any and all applicable federal and state laws, statutes, rules, regulations, and policies. It is also the responsibility of the Contractor to maintain detailed records of documents concerning the bidding, execution, payment, and completion of this project in compliance with state and federal audit requirements.

Compliance with Environmental Regulations:

The Contractor, as a sub-recipient, must follow all environmental review conditions imposed by FEMA on this grant award; these conditions are in the Record of Environmental Consideration included in this agreement, if applicable. The sub-recipient shall provide copies of all permits and approvals required in support of the project prior to construction. Failure to obtain all appropriate federal, state, and local environmental permits may jeopardize federal funding. Sub-Recipients are encouraged to integrate National Environmental Policy Act (NEPA) compliance and related legislation as implemented under 44 CFR Part 10, with the initial planning and decision making process for this program.

Insurance:

If the Contractor has insurance on the damaged facility, FEMA Insurance Specialists will review the insurance policy. FEMA Insurance Specialists anticipate that the figure denoted on line item 5900/01 of your 90-91 and described in the Insurance Narrative will be covered through your policy. Therefore these costs would be not eligible for FEMA reimbursement. The Contractor may be required to “obtain and maintain” property insurance to be eligible for this and any future disasters.

Audit Responsibilities

The Contractor, as a sub-recipient, is subject to the above federal and state regulations and related requirements as further described below. Approval of a project, project costs, contract or payment by either FEMA or MEMA does not exempt the Contractor from requirements to repay funds if required. Should a state, federal, or local audit or other oversight review process reveal that actions taken by the Contractor or approvals made by FEMA or MEMA, regardless of previous approval by either FEMA or MEMA, do not comply with regulations, the Contractor agrees to repay the required amounts in the manner and timeframe determined by FEMA and/or MEMA. Repayments not made as expected may be considered debts and addressed under the Commonwealth’s Debt Collection and Intercept policy (815 CMR 9.00).

Completion of Work

Due to the unexpected nature of disasters, the effective contract start date on the Standard Contract signature page will most often be earlier than the dated signatures for both the Department and Contractor. The Contractor may be reimbursed for approved activity taking place no earlier than the effective start date as indicated on the Standard Contract signature page and extending to no later than 3/26/2021, the FEMA allotted time frame for project completion. All performance must be completed within these dates unless a period of performance extension is executed by both parties prior to the current end date. Based on extraordinary circumstances and when supported with appropriate justification, Period of Performance extensions may be granted by either MEMA or FEMA on a case-by-case basis in accordance with FEMA PA program policy. It is the responsibility of the Contractor to submit a completed time extension request to MEMA 60 days before the

established time frame for completing eligible work expires. FEMA regulations provide reimbursement only for those costs incurred up to the latest approved completion date for a particular project.

Contract Dates

Work must be completed based on FEMA's Period of Performance as explained above. The contract end date applies to the contract only and does not extend the time limit on work completion.

Budget

The Contractor has applied to FEMA for disaster assistance and has been approved for **\$ 36,553.55** in total eligible costs. This contract is awarded to reimburse Contractor for 75% of eligible costs based on FEMA PA requirements. Funds may be expended only for the purposes described within the Scope of Work of the approved Project Worksheet (Form 90-91), which is hereby incorporated into this contract. For DR 4496, there will be 100% reimbursement.

The total value of this contract is determined by the FEMA-approved Project Worksheet. Funding is made available over the life of the contract and is allocated based on state fiscal year projections (July 1 – June 30).

The total value of this contract is **\$ 36,553.55**. Fiscal year spending is projected as follows:

FY21: **\$ 36,553.55**

Amendments to fiscal year projections must be requested no later than May 1 to ensure a revised contract is executed prior to the end of the state fiscal year. FEMA approval is not required for an amendment to the state fiscal year budget as long as activity remains within the FEMA approved period of performance. Contractors cannot be reimbursed for costs over and above the fiscal year budget in the absence of an approved contract amendment.

Payments

The Contractor is responsible for procurement, documentation, and expenditure of all funds used to support the project. All payments are subject to verification by the Department. Due to the unplanned nature of disasters, it is understood that many projects will have incurred 100% of their costs prior to contracting with MEMA.

'Small' and 'Large' Project Payments

A 'Small Project' is eligible for payment immediately after execution of the state contract. FEMA-designated Small Projects (less than \$131,100.00 for FFY2020) will be fully reimbursed after a state contract has been properly executed, even if the work has not been completed (44 CFR 206.205). Sub-recipients must submit all required documentation and a signed P.4 when the work is completed. The Department will review documentation to ensure work was related to the approved project. Per 44 CFR 206.205, if actual spending on a Small Project is less than the approved project amount, the sub-recipient is not required to return the funds. However, any Contractors seeking additional funds for Small Project cost overruns must first apply overages from other Small Projects before additional federal funds can be requested. Failure to complete a small project may require that reimbursement of federal funds be returned to the Department.

FEMA-designated 'Large Projects' (greater than \$131,100 for FFY2020) are paid on actual costs incurred for eligible work (not on cost estimates) and payment will be made upon receipt of all required supporting documentation. If the project is 100% complete at the time of FEMA approval, the Contractor must provide a signed P.4 as an invoice/payment request. Projects that are not 100% complete may be paid at the completion of the project or periodically throughout the life of the project as partial payments for actual costs incurred for FEMA-eligible work. All payment requests must be accompanied by proper back-up documentation including proof of payment. The Contractor will be reimbursed only for the amount of eligible, documented actual costs incurred. A signed P.4 is required for final payment of large projects accompanied by an approved 100% FEMA PW. All projects are subject to periodic inspection and verification by FEMA and/or MEMA personnel.

Payment for Large Projects shall be no more than 75% of actual work supported by documentation of the work and match. For DR 4496, there will be 100% reimbursement.

Sub-recipient Match

The use of FEMA funds for their stated purposes requires a 25% non-federal cost-share contribution from the Contractor per 44 CFR 206.65. Cost-share contributions may be satisfied by either or both of: (1) allowable costs incurred under the scope of performance for the PW funded by this contract and paid from non-federal sources, and/or (2) the value of third party in-kind contributions applicable to the period to which the cost-sharing requirements apply. Allowable costs paid from non-federal sources must not count towards satisfying a cost-sharing or matching requirement of any other award of federal funds. Execution of this contract constitutes the Contractors certification that it is applying non-federal sources to meet its cost-share obligation (2 CFR 200.306). For DR 4496, there will be no cost share requirement.

All sub-recipients are required (2 CFR 200.302) to establish and maintain accounting systems and financial records to accurately account for funds awarded to them. These records shall include both Federal funds and all matching funds of State, local, and private organizations, when applicable. MEMA will verify match at time of payment for Large Projects.

Reporting

Contractor is a federal grant sub-recipient and therefore subject to all federal reporting requirements associated with FEMA-4496-DR-MA.

For any project not 100% completed at the time of contracting the Contractor must submit quarterly progress reports as required by the Department.

The Contractor must submit a P.4 Report for any 100% completed PW to certify that reported costs were incurred in the performance of eligible work, that the approved work was completed, that the project was completed and payments were made in compliance with the provisions of this contract and all other applicable governing documents.

Federal Funding Accounting and Transparency Act (FFATA)

FEMA federal funds are subject to the Federal Funding Accounting and Transparency Act (FFATA). Sub-recipient agrees to abide by FFATA regulations and to submit the attached FFATA form along with its contract package. The form is required if the amount, one time or aggregate, exceeds \$24,999.99.

2 CFR 200 Subpart F Audit Reports, Subpart F Form

Per Office of Management and Budget (OMB) regulations, sub-recipient may be subject to Subpart F audit requirements. Contractor agrees to submit the required Sub-recipient Pre-Award Risk Assessment Questionnaire response form. Sub-recipient agrees to notify MEMA of any Subpart F audit findings related to any federally funded activities. Sub-recipient acknowledges that a Corrective Action Plan may be required by MEMA for related findings prior to execution of contracts or issuance of payments.

Sub-recipient Risk Assessment and Monitoring

Per 2 CFR 200.331, prior to awarding of this contract, the sub-recipient must provide to the Department the attached Sub-recipient Risk Assessment Questionnaire and Response form. Sub-recipient further agrees to monitoring by the Department as a result of its assessment of the sub-recipient's risk for non-compliance.

Internal Controls

Per 2 CFR 200.303, sub-recipients must maintain and implement effective internal controls that provide reasonable assurance that federal funds are managed in compliance with all statutes, regulations, and terms and conditions.

Per 2 CFR 200.430 (Compensation), internal controls must cover payroll charges to federal awards such that payroll charges are documented as accurate, allowable, and allocable, are reflected in the official records of the sub-recipient, reasonably reflect the total activity for each employee (federal and non-federal), and comply with all accounting policies and practices of the sub-recipient.

Procurement

Sub-recipient must conduct all procurements in compliance with 2 CFR 200.318-326. Specific policies, procedures, and/or standards must be in place that meet or exceed these requirements at the time of procurement. The Certification of Compliance with Federal Procurement Standards must be signed for each contract issued to the sub-recipient. Costs incurred which are otherwise appropriate and reasonable, but which were procured in violation of federal procurement requirements may result in disallowed costs or sub-recipient repayment obligations.

Procurement Contract provisions

Contracts utilized by sub-recipients for goods and services must contain the applicable provisions described in 2 CFR 200 Appendix II.

Disclosures

Per 2 CFR 200.112, the sub-recipient must disclose in writing any potential conflicts of interest to the Department.

Per 2 CFR 200.113, the sub-recipient must disclose in writing all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially effacing the federal award.

Per 44 CFR 206.253 and FEMA Public Assistance Policy on Insurance (FP 206-086-1), as a condition of FEMA assistance for permanent work to replace, restore, repair, reconstruct or construct a facility, the applicant must insure the facility and/or its contents against future loss (i.e. "obtain and maintain" insurance), with such types and amounts of insurance as are reasonable and necessary to protect against future loss to such property from the types of hazards which caused the major disaster. A sub-recipient should notify FEMA- in writing through the Department of changes to their insurance which impact their ability to satisfy the insurance requirement after it provides proof of insurance to FEMA. This includes changes related to self-insurance. If an applicant fails to do this, FEMA may de-obligate assistance and not provide assistance in a future disaster.

FEMA Required Assurances

All sub-recipients must complete the attached Summary Sheet for Required Assurances and any associated assurances required.

Records Management

The Contractor agrees that all financial and programmatic records, supporting documents, statistical records, and other records associated with this contract are required to be retained for a period of seven (7) years, beginning on the first day after the final payment under this contract, or such longer period as is necessary for the resolution of any litigation, claim, negotiation, audit or any inquiry involving this contract and/or any approved PWs funded by it. All of the following records may not be applicable to every project, but everything that does pertain to a project should be filed with the corresponding Project Worksheet.

Certifications (200.415)

To assure that expenditures are proper and in accordance with the terms and conditions of the Federal award and approved project budgets, the annual and final fiscal reports or vouchers requesting payment under the agreements must include a certification, signed by an official who is authorized to legally bind the non-Federal entity, which reads as follows: "By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the Federal award. I am aware that any false,

fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812).”

Non-profit organizations must certify as appropriate that they did not meet the definition of a major corporation as defined in 2 CFR 200.414 Indirect (F&A) costs, paragraph (a).

Acceptance of Terms and Conditions

Prior to acceptance of these terms and conditions, Contractor must evaluate its policies, procedures, and management systems for risk of non-compliance with any of the above terms and conditions, inclusive of all requirements of FEMA and 2 CFR 200. Any identified areas of risk must be brought to the attention of MEMA prior to the execution of the contract in order to determine and implement the appropriate remedy.

By signing below, the Contractor certifies that it understands all obligations and has in place or will implement policies and procedures that meet or exceed the standards and requirements above. Acceptance of payment for the activities under this agreement indicates that all actions taken by the sub recipient for the purposes of this grant program were done so in compliance with all grant requirements and all applicable laws and regulations, including the certification statement above.

Print Name

Signature

Title

Date

Federal Funding Accountability and Transparency Act Compliance Form

Please complete and return this form with contracts.

Part 1. In order to comply with the Federal Funding Accountability and Transparency Act (FFATA), the Massachusetts Emergency Management Agency may only award grants and contracts to entities with the Dun and Bradstreet Data Universal Numbering System numbers (DUNS). DUNS numbers are used as identifiers for tracking purposes and to validate address and point of contact information for federal assistance applicants, recipients, and sub-recipients. The DUNS number will be used throughout a grant's life cycle. Please consult your accounting department to obtain your organization's nine-digit DUNS number. If necessary, you may obtain one by calling 1-866-705-5711 or by applying online at <http://fedgov.dnb.com/webform/displayHomepage.dio>.

Table 1. Award Information

| | |
|--------------------------------|--|
| Name of Entity Receiving Award | Town of Harwich |
| Street Address | 732 Main St |
| City, State, Zip | Harwich, MA 01031 |
| Contact Name | Christina Regan, Firefighter / Paramedic |
| Contact Phone Number | (508) 430-7546 |
| Congressional District | 9th |
| Amount of Award | \$ 36,553.55 |
| Nine-Digit DUNS Number | 079518239 |
| Transaction Type | Reimbursement |
| CFDA number or NAICS code | 97.036 |
| Program Source | DRMAP-4496 |
| Award Title | FEMA Public Assistance |

Part 2. FFATA requires information be collected regarding executive compensation. If the gross revenue of your organization exceeds \$25,000,000, more than 80% of the gross revenue is from federal sources, and the public does not have access to this information through other government reports the names, titles, and salaries of the executives with the five highest salaries must be provided. If your organization meets these criteria, please complete Table 2. If your organization does not meet these criteria, please check the statement above the table.

The gross revenue of my organization does not exceed \$25,000,000 and more than 80% of the gross revenue of my organization is not from federal sources and or compensation information is available to the general public.

OR

Table 2 Executive Compensation (by Salary)

| First and Last Name | Title | Annual Salary |
|---------------------|-------|---------------|
| | | |
| | | |
| | | |
| | | |

Signature of authorized official (signed in blue ink)

Date

Printed name of Authorized Official

Title

Certification of Compliance with Federal Procurement Standards

All sub-recipient spending under the FEMA Public Assistance Program must comply with the federal procurement standards described in 2 CFR 200.317 through 200.326¹. Sub-recipients must expend funds under their official, documented procurement procedures which comply with applicable federal, state, local, and tribal laws and regulations. **Non-compliance with the applicable procurement regulations can result in unallowable costs and no reimbursement.**

If the sub-recipient does not have documented procurement procedures, MEMA will not provide a contract. If the sub-recipient's procurement procedures are inadequate, MEMA will not provide a contract until appropriate revisions have been made to assure all expenditures will be made in compliance with the applicable federal, state, local, and tribal procurement requirements.

These questions must be responded to by the person who manages and/or conducts procurement for the applicant as a whole (i.e., for municipal programs, this form must be completed and signed by the person who manages and/or conducts procurement on behalf of the municipality).

1. Procurement(s) conducted under the above-referenced grant program will comply with my organization's procurement procedures which are documented and reflect current procurement practices (*applicant should state Yes or No*) YES NO

2. My organization's procurement procedures comply with the federal procurement standards found at 2 CFR 200.317 through 200.326 (*applicant should state Yes or No*) YES NO

Name of person completing this form _____

Title _____

Signature _____

Email _____

Telephone _____

Sub-Recipient Organization Name: **Town of Harwich**

¹ These regulations may be found in their entirety on the U.S. GPO's website here:
<https://www.gpo.gov/fdsys/granule/CFR-2014-title2-vol1/CFR-2014-title2-vol1-part200/content-detail.html>

| Capture Date: 04/12/2021 14:01 | | | | |
|--|-----|---|---------------------------|-------------------------|
| Federal Emergency Management Agency | | | | |
| Project Application Grant Report (P.2) | | | | |
| Disaster: FEMA-4496-DR-MA | | | | |
| Number of Records: 1 | | | | |
| Applicant ID: 001-29020-00 Bundle # : PA-01-MA-4496- PW-00289(279) | | Applicant: HARWICH (TOWN OF) | | |
| PW # | Cat | Cost Share | Projected Completion Date | Approved PW Amount (\$) |
| PA-01-MA-4496-PW-00289(0) | B | N | 03-26-2021 | 36,553.55 |
| Facility Number: | | 1 | | |
| Facility Name: | | Damage # 431952; Emergency Protective Measures (Damage for Project [167942] COVID Oct 1 - December 3) | | |
| Location: | | 732 Main Street Harwich, Massachusetts 02645 C:Barnstable County | | |
| Scope of Work: | | <p>431952 Damage for Project [167942] COVID Oct 1 - December 31</p> <p>Work Completed</p> <p>The applicant utilized force account overtime labor, materials and contracts to perform emergency protective measures in the way of:</p> <ul style="list-style-type: none"> A. Provided Emergency Operation Center Activities. B. Provided Facility Disinfection by way of contract. C. Provided the Purchase and distribution of food, water, or ice. D. Provided the Provision, Prepositioning, Movement and distribution of Supplies and Commodities. To include: <ul style="list-style-type: none"> a. Lysol Disinfecting Wipes b. Handheld Sprayer c. PPE to include <ul style="list-style-type: none"> i. Hand Sanitizer ii. KN95 Masks <p>Work Completed Totals</p> <ul style="list-style-type: none"> 1. Force Account Overtime - 285 hours - \$16,284.01 2. Materials - \$19,674.54 3. Contracts - \$595.00 <p>Work Completed Total: \$36,553.55</p> <p>Project Notes:</p> <ul style="list-style-type: none"> 1. On March 27, 2020, a Major Disaster Declaration DR-4496 for the State of Massachusetts. This authorized FEMA funding for emergency protective measures under Stafford Act 403 necessary to respond to the urgent COVID-19 crisis. | | |

| | | | |
|---|-----------------|-----------------------------------|-------------------|
| Capture Date: 04/12/2021 14:01 | | | |
| Federal Emergency Management Agency | | | |
| Project Application Grant Report (P.2) | | | |
| Disaster: FEMA-4496-DR-MA | | | |
| Number of Records: 1 | | | |
| <p>2. The supplied cost information was reviewed per applicant supplied documentation and is represented within attachment: 167942 - DR4496MA - Cost Summary.xlsx.</p> <p>3. FEMA will only reimburse for PPE/medical supplies, equipment and protective measures that is necessary to prevent the spread of infection as directed by public health officials not to exceed the duration of the HHS public health emergency declaration for COVID-19.</p> <p>4. Materials are being used by first respondents performing emergency work and other related activities.</p> <p>5. The Region has deemed some material items to be ineligible for a total of \$2,731.98, making a new eligible claimed total cost of \$36,553.55.</p> <p>6. All costs were found/verified by using the backup documentation attachment: Project Three.xlsm.</p> <p>7. Emergency Operation Center activities, and facility disinfection appear to have been performed at: 732 Main Street Harwich, Massachusetts 02645; GPS: 41.686628, -70.072901.</p> | | | |
| 1 PW | PWs (\$) | Subgrantee Admin Exp. (\$) | Total (\$) |
| Amount Eligible (\$) | 36,553.55 | 0.00 | 36,553.55 |
| Federal Share (\$) | 36,553.55 | 0.00 | 36,553.55 |

| | |
|--|--|
| PA-01-MA-4496-PW-00289(0) <u>P</u> | |
| Applicant Name: HARWICH (TOWN OF) | Application Title: 167942 - COVID Oct 1 - December 31 |
| Period of Performance Start: 03-27-2020 | Period of Performance End: 03-26-2021 |

| | |
|---|----------------------------|
| Bundle Reference # (Amendment #) PA-01-MA-4496-PW-00289(279) | Date Awarded 04-02-2021 |
|---|----------------------------|

Subgrant Application - FEMA Form 90-91

Note: The Effective Cost Share for this application is 100%

FEDERAL EMERGENCY MANAGEMENT AGENCY
PROJECT WORKSHEET

| | | | | |
|---|-----------------------|----------------------------------|--|--------------------------|
| DISASTER FEMA 4496 - DR -MA | PROJECT NO. 167942 | PA ID NO. 001- 29020-00 | DATE 03-25-2021 | CATEGORY B |
| APPLICANT: HARWICH (TOWN OF) | | | WORK COMPLETE AS OF: 03-25-2021 : 0 % | |
| Site 1 of 1 | | | | |
| DAMAGED FACILITY: Damage # 431952; Emergency Protective Measures (Damage for Project [167942] COVID Oct 1 - December 3 | | | COUNTY: Barnstable | |
| LOCATION: PA-01-MA-4496-PW-00289(0): 732 Main Street Harwich, Massachusetts 02645 C:Barnstable County Current Version: | | | LATITUDE: 41.686628 | LONGITUDE: -70.072901 |
| DAMAGE DESCRIPTION AND DIMENSIONS: PA-01-MA-4496-PW-00289(0): The Disaster #4496DR, which occurred between 1/20/2020 and Ongoing , caused: Damage # 431952; Emergency Protective Measures (Damage for Project [167942] COVID Oct 1 - December 31) During the incident period of 1/20/2020 through Ongoing, COVID-19 created an immediate threat to the health and safety of the general public requiring emergency response and protective measures. Provided Emergency Operation Center Activities for the Covid-19 pandemic at 732 Main Street Harwich, Massachusetts 02645; GPS: 41.686628, -70.072901 from 8/26/2020 to 12/31/2020. Provided the Purchase and Distribution of food, water, or ice for the Covid-19 pandemic at jurisdiction wide from 8/26/2020 to 12/31/2020. Provided Provision of Supplies and Commodities for the Covid-19 pandemic at jurisdiction wide from 8/26/2020 to 12/31/2020. Provided facility disinfection for the Covid-19 pandemic at 732 Main Street Harwich, Massachusetts 02645; GPS: 41.686628, -70.072901 from 8/26/2020 to 12/31/2020. Current Version: | | | | |
| SCOPE OF WORK: PA-01-MA-4496-PW-00289(0): | | | | |

431952 Damage for Project [167942] COVID Oct 1 - December 31

Work Completed

The applicant utilized force account overtime labor, materials and contracts to perform emergency protective measures in the way of:

- A. Provided Emergency Operation Center Activities.
- B. Provided Facility Disinfection by way of contract.
- C. Provided the Purchase and distribution of food, water, or ice.
- D. Provided the Provision, Prepositioning, Movement and distribution of Supplies and Commodities. To include:
 - a. Lysol Disinfecting Wipes
 - b. Handheld Sprayer
 - c. PPE to include
 - i. Hand Sanitizer
 - ii. KN95 Masks

Work Completed Totals

- 1. Force Account Overtime - 285 hours - \$16,284.01
- 2. Materials - \$19,674.54
- 3. Contracts - \$595.00

Work Completed Total: \$36,553.55

Project Notes:

- 1. On March 27, 2020, a Major Disaster Declaration DR-4496 for the State of Massachusetts. This authorized FEMA funding for emergency protective measures under Stafford Act 403 necessary to respond to the urgent COVID-19 crisis.
- 2. The supplied cost information was reviewed per applicant supplied documentation and is represented within attachment: 167942 – DR4496MA – Cost Summary.xlsx.
- 3. FEMA will only reimburse for PPE/medical supplies, equipment and protective measures that is necessary to prevent the spread of infection as directed by public health officials not to exceed the duration of the HHS public health emergency declaration for COVID-19.
- 4. Materials are being used by first respondents performing emergency work and other related activities.
- 5. The Region has deemed some material items to be ineligible for a total of \$2,731.98, making a new eligible claimed total cost of \$36,553.55.
- 6. All costs were found/verified by using the backup documentation attachment: Project Three.xlsm.
- 7. Emergency Operation Center activities, and facility disinfection appear to have been performed at: 732 Main Street Harwich, Massachusetts 02645; GPS: 41.686628, -70.072901.

Current Version:

| | |
|--|---|
| Does the Scope of Work change the pre-disaster conditions at the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Special Considerations included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Hazard Mitigation proposal included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Is there insurance coverage on this facility? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

PROJECT COST

| ITEM | CODE | NARRATIVE | QUANTITY/UNIT | UNIT PRICE | COST |
|------|------|-------------------|---------------|------------|------|
| | | *** Version 0 *** | | | |
| | | Work Completed | | | |

| | | | | | |
|--------------------------------|------|-------------------------------|-----------|-------------------|---------------------|
| 1 | 9007 | LABOR | 1/LS | \$ 16,284.01 | \$ 16,284.01 |
| 2 | 9009 | MATERIALS | 1/LS | \$ 19,674.54 | \$ 19,674.54 |
| 3 | 9001 | CONTRACT SERVICES | 1/LS | \$ 595.00 | \$ 595.00 |
| | | | | TOTAL COST | \$ 36,553.55 |
| PREPARED BY Bruce McLane | | TITLE IBD | SIGNATURE | | |
| APPLICANT REP. Christina Regan | | TITLE Firefighter / Paramedic | SIGNATURE | | |

[View Application](#)

Generated Date: 04/12/2021 14:10

Federal Emergency Management Agency
 Project Completion and Certification Report (P-4)
 Disaster: FEMA-4496-DR-MA

Applicant FIPS ID: 001-29020-00 Applicant/Subdivision Name: HARWICH (TOWN OF)

| <u>PW#</u> | <u>Amendment #</u> | <u>Approved Proj. Amt.</u> | <u>Cost Share</u> | <u>Cat</u> | <u>Bundle</u> | <u>Work Done By</u> | <u>Projected Compl. Date</u> | <u>% Compl. at Insp.</u> | <u>Elig. Amount</u> | <u>Actual Date Completed</u> | <u>Amt. Claimed by Applicant</u> | <u>Comments</u> |
|------------------------|--------------------|----------------------------|-------------------|------------|-----------------------------|---------------------|------------------------------|--------------------------|---------------------|------------------------------|----------------------------------|-----------------|
| PA-01-MA-4496-PW-00289 | 0 | \$36,553.55 | N | B | PA-01-MA-4496-PW-00289(279) | Contract & Force | 03-26-2021 | 0 | \$36,553.55 | 12/31/2020 | \$ 36,553.55 | |
| Total for 1 PWs: | | \$36,553.55 | | | | | | | | | \$ | |
| Subgrantee Admin: | | \$0.00 | | | | | | | | | | |
| Grand Total: | | \$36,553.55 | | | | | | | | | | |

Generated Date: 04/12/2021 14:10

Federal Emergency Management Agency
Project Completion and Certification Report (P-4)
Disaster: FEMA-4496-DR-MA

Applicant FIPS ID: 001-29020-00 Applicant/Subdivision Name: HARWICH (TOWN OF)

Certification

I hereby certify that to the best of my knowledge and belief all work and costs claimed are eligible in accordance with the grant conditions, all work claimed has been completed, and all costs claimed have been paid in full. I certify that all funds were expended in accordance with the provisions of the signed FEMA-State Agreement and I recommend an approved amount of \$ 36,553.55

Signed: _____ Date: _____

Applicant's Authorized Representative

Signed: _____ Date: _____

Governor's Authorized Representative

PW 00289

April 28, 2021

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

re: Letter of Intent

Dear Harwich Board of Selectmen,

I would like to request the Board accept my donation of \$20,000.00 to the Town of Harwich to be used in coordination with the Harwich Water Department to purchase and install four (4) water bottle refill stations for the use by the Town of Harwich providing public access to Harwich's award winning municipal water.

Proposed Sites:

- Red River Beach,
- Brooks Park,
- Chamber of Commerce, Rt 28,
- Rail Trail at RT 124 Pleasant Lake General Store.

Thank you,

Patrick Otton
49 Kendrick Rd
Harwich, MA 02645
617-244-2761
p_otton@yahoo.com

PROJECT: Hydration Stations for Outdoor Recreational Facilities in Harwich

PROJECT AMOUNT: \$20,000.00

PROJECT DESCRIPTION:

Install outdoor water bottle refill hydration stations on town property enabling Harwich residents and visitors access to potable water. Four (4) free standing pedestal water bottle refill hydration stations.

One each for these locations:

- Red River Beach,
- Brooks Park,
- Chamber of Commerce, Rt 28,
- Rail Trail at RT 124 Pleasant Lake General Store.

ESTIMATED START DATE: Summer 2021

ESTIMATED COMPLETION DATE: Fall 2021

HOW DOES THIS PROJECT BENEFIT HARWICH?

Installation of hydration stations on town open space and recreation areas meets and complies with the Town of Harwich 2017 Open Space and Recreation Plan: to preserve and enhance opportunities for passive and active recreation in the natural environment to meet the needs of both residents and visitors. This project will support the needs of residents and visitors of all ages by upgrading existing recreational outdoor facilities.

By providing access to water in recreational areas this will minimize the need for single use containers, minimizing waste and waste removal, and reinforce the our habits to care for the environment. Harwich is capable of implementing this project thanks to its excellent drinking water and the infrastructure which delivers it.

Cape Cod National Seashore has already led by example and Concord, MA has established what may be the most extensive hydration infrastructure in the Commonwealth. Vineyardhaven, Nantucket and the Towns of Orleans and Brewster are also installing water bottler refill stations.

SUPPORT

There is overwhelmingly strong support for this initiative. Letters of support and a list of briefly obtained public signatures in support of this project are attached.

Input and advice was solicited from Highways & Maintenance, Conservation Commission, and Harwich Conservation Trust. All were supportive and contributed to the development of this project.

| | |
|---|-----------------|
| Water Department: Board of Water/Wastewater Commissioners | Letter attached |
| Bikeways Committee | Letter attached |
| Highways and Maintenance | Supports |
| Conservation: Conservation Commission | Supports |
| Health: Board of Health | Letter attached |
| Recreation & Youth Commission | Letter attached |
| Harwich Conservation Trust | Supports |
| Harwich Chamber of Commerce | Letter attached |

COST ESTIMATE(S): \$20,000.00

Attached: Cost estimates or firm quotes.

HYDRATION UNIT COSTS

| | |
|---|-----------------|
| Elkay LK4420BF1UEVG Outdoor Multi-Bottle Filler | \$3,386.34 each |
| Elkay 97890C Fountain Adapter Kit | \$616.90 each |
| Features: free-standing, non electrical, vandal-resistant, 316 SST, non-filtered, non-refrigerated, ADA compliant | |

QUOTE PRICE TOTAL:

| | |
|----------------------------------|-------------|
| 4 Filler Stations @ \$3,335.54ea | \$13,342.16 |
| 4 Mounting Adapter @ \$616.90ea | \$2,467.60 |
| Free Shipping | \$0.00 |
| TOTALS: | \$15,809.76 |

note: Vendor is a state registered bidder on COMMBUYS.

Mission Water Company
 PO Box 6872
 Kokomo, IN 46904
 855-558-9600
 support@bottlefillingstations.com
 www.BottleFillingStations.com

INSTALLATION COSTS

Installation is two part:

First, Roughing: Getting the water to the location, installing meters, etc. done by the Water Department. Then second, Final: mounting the unit, making connections, etc. done by DPW Facilities, Plumbing department.

RAILTRAIL

| | |
|------------------------|--|
| HWD Installation costs | -\$(\$4,052.75)** |
| DPW | \$300 + Backflow device \$300 \$600.00 |

**note: BOWWC voted to waive HWD installation costs,

RED RIVER BEACH & BROOKS PARK,

| | |
|-----------|----------|
| HWD Costs | \$0.00 |
| DPW | \$300.00 |

CHAMBER OF COMMERCE

| | |
|--|--------------------|
| HWD Costs: The specific cost has yet to be determined. | \$300 - \$1,000.00 |
|--|--------------------|

If the Chamber will let us plumb in a separate water meter for the unit and feed from the building then costs will be similar to the others, if we have to do another method to feed it there may be additional costs

TOTALS: \$2,200.00

SUMMARY:

| | | |
|-------------|--|-------------|
| Unit costs: | Hydration Station Cost estimate for 4 units: | \$15,809.76 |
|-------------|--|-------------|

| | | |
|--------------------|--|------------|
| Installation Cost: | | \$2,200.00 |
|--------------------|--|------------|

-\$(\$4,052.75)**

**NOTE: Harwich water department will donate as in-kind donation the installation costs

| | |
|---------|-------------|
| TOTALS: | \$18,009.76 |
|---------|-------------|

| | |
|-------------|-------------|
| Gift Amount | \$20,000.00 |
|-------------|-------------|

OTHER COSTS:

WATER COSTS

For a 'rough' estimate/guess on usage and water costs there is a pedestrian counter on the rail trail at Underpass road. Numbers show about 2,000 people per day between mid-June and mid-September. Let's assume all 2,000 want their water bottle refilled between the hours of 8:00am - 6:00pm. That's 500 gallons a day x 120 days x tier 1 billing rate of \$1.29/1000 gallons = \$77.40 for the four month period. That's someone filling their bottle every 18 seconds. This scenario should give an idea of usage for the other stations as well.

Note: If Harwich were to sell that same amount of water in 16oz containers for \$2.00/container, that would be \$480,000.00/station/season!

ONGOING COSTS:

Maintenance

Linc Hooper, Highways & Maintenance will assume cost for seasonal maintenance.

note: in the off-season the stations will be covered.

Sewn weatherproof covers need to be fabricated and purchased.

Water Costs

The Rec Dept. will assume the water bill for Red River & Brooks stations

Funding source for water usage at the Rail Trail and Chamber of Commerce sites needs to be determined

ISSUES:

1. Brooks park needs Historic Commission approval, which needs BOS approval.
- 2.. BOS needs to select desirable color option.

ACKNOWLEDGMENT DECAL

This Hydration Station
was made possible thanks to the
support of Harwich Water Department:

ADDENDUM NOTE

Cape Cod National Seashore – Climate Friendly Parks – Current Status

The Cape Cod National Seashore kicked off hydration station installations in 2015. Six outdoor stations and two indoor stations have been installed thus far. Four more priority locations have been identified and there is a desire to install units at trailheads where water is available.

Highlights they shared are follows:

“The response is very positive. So many people are now bringing their water bottles so it's a real convenience item for them. The water bottle fillers are accessible height and easier to fill.”

“The outdoor units are stainless steel and vandal-resistant, and include a drinking fountain, water bottle filling station, and are ADA compliant.”

“They are very popular at the ocean beaches and at visitor centers for hikes in the hot sun.”

“In just two seasons, our Province Lands Visitor Center filling station alone helped eliminate over 35,000 disposable plastic bottle waste!”

“Consider getting a model with a dog bowl at the bottom and you'll have even more happy customers!”

MAPS

HARWICH HYDRATION STATIONS

LETTERS AND SIGNATURES OF SUPPORT

Board of Water/Wastewater Commissioners

Bikeways Committee

Health: Board of Health

Recreation & Youth Commission

Harwich Chamber of Commerce

Public Signatures

QUOTES AND PRICE ESTIMATES

ACKNOWLEDGMENT DECAL

PRODUCT SPECIFICATIONS

Elkay Outdoor EZH2O® Bottle Filling Station Pedestal, Non-Filtered Non-Refrigerated. Features shall include 316 Stainless, Laminar Flow, Heavy Duty Vandal Resistant. Mechanical Front Bubbler Button activation. Product shall be Floor Mount/Freestanding, for Outdoor applications, serving 1 station(s). Unit shall be lead-free design which is certified to NSF/ANSI 61 & 372 (lead free) and meets Federal and State low-lead requirements.

| | |
|---------------------------------|---|
| Special Features: | 316 Stainless, Laminar Flow, Heavy Duty Vandal Resistant |
| Finish: | Beige (BGE), Black (BK), Blue (BLU), Brown (BRN), Evergreen (EVG), Gray (GRY), Orange (ORN), Powder Coat (12 Color Options), Purple (PUR), Red (RED), Terracotta (TER), White (WHT), Yellow (YLW) |
| Power: | No Electrical Required |
| Bubbler Style: | No Bubbler |
| Activation by: | Mechanical Front Bubbler Button |
| Mounting Type: | Floor Mount/Freestanding |
| Chilling Capacity: | Non-refrigerated |
| Dimensions (L x W x H): | 14" x 14" x 64" |
| Approx. Shipping Weight: | 179 lbs. |
| Installation Location: | Outdoor |
| No. of Stations Served: | 1 |

Special Note: Bottle Filler Stations-1, Choose from 12 color options

- Mechanically-Activated bubbler continues to supply water in event of service disruptions.
- Laminar flow provides clean fill with minimal splash.
- Base material constructed from marine-grade 316 stainless steel provides the ultimate corrosion protection from even the most corrosive elements.



AMERICAN PRIDE. A LIFETIME TRADITION.
Like your family, the Elkay family has values and traditions that endure. For almost a century, Elkay has been a family-owned and operated company, providing thousands of jobs that support our families and communities.



Included with Product: Outdoor Bottle Filler
Ships in one box.

PRODUCT COMPLIANCE

ADA & ICC A117.1
Buy American Act
GreenSpec[®]
NSF/ANSI 61 & 372 (lead free)



Complies with ADA & ICC A117.1 accessibility requirements when installed according to the requirements outlined in these standards. Installation may require additional components and/or construction features to be fully compliant. Consult the local Authority Having Jurisdiction if necessary.

[Installation Instructions \(PDF\)](#)

Warranty pertains to drinking water applications only. Non-drinking water applications are not covered under warranty.

[Warranty \(PDF\)](#)

OPTIONAL ACCESSORIES

| |
|--|
| LK4471LHB - Locking Hose Bib |
| 97890C - Accessory - Direct Bury Adaptor |

PART: _____ QTY: _____

PROJECT: _____

CONTACT: _____

DATE: _____

NOTES: _____

APPROVAL: _____

In keeping with our policy of continuing product improvement, Elkay reserves the right to change product specifications without notice. Please visit elkay.com for the most current version of Elkay product specification sheets. This specification describes an Elkay product with design, quality, and functional benefits to the user. When making a comparison of other producers' offerings, be certain these features are not overlooked.

MOUNTING INSTRUCTIONS and PLUMBING CONNECTIONS

Refer to diagrams for plumbing rough-in. Provide solid, well-drained smooth, flat, finished surface to mount pedestal fountain (concrete pad recommended) with adequate support (300 lb. load minimum). To secure unit, use (6) 3/8" minimum fasteners (not provided).

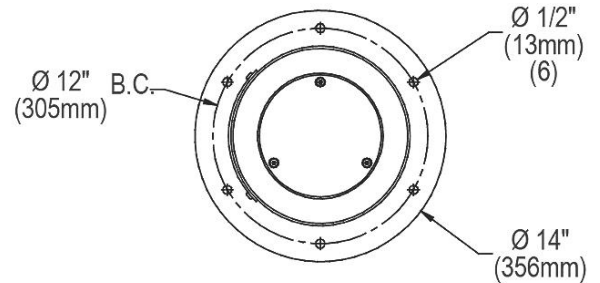
A service supply stop must be installed at the fountain inlet line.

Trap and service stop not included.

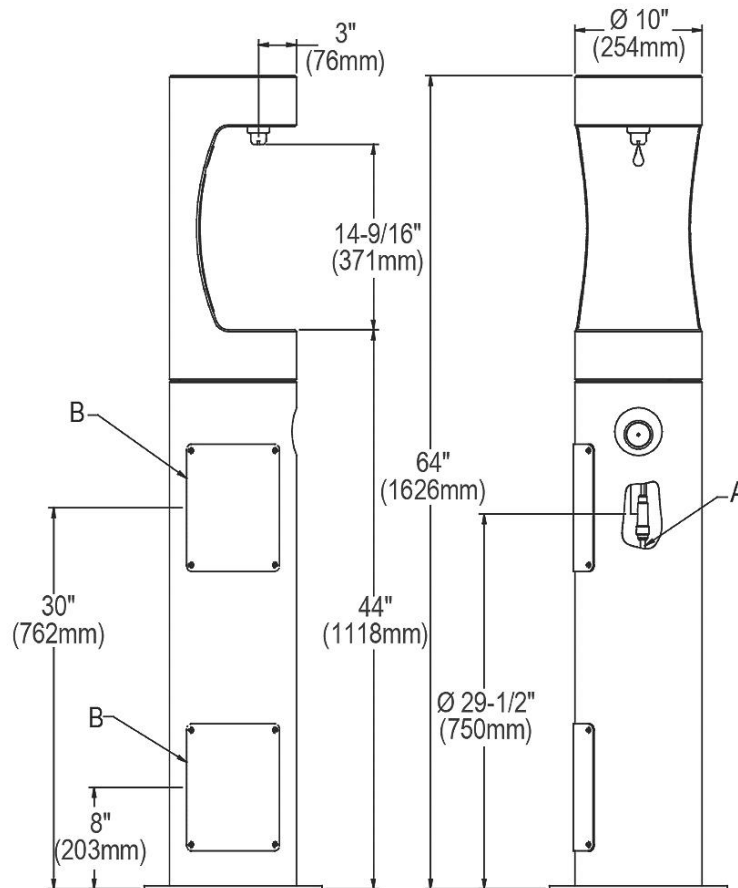
Position pedestal over plumbing and secure base to fasteners. Remove access panels and connect supply and water lines. Turn on water supply and check for leaks. Refer to owner's manual for detailed instructions. Reassemble access panels to pedestal.

OPERATING PRESSURES:
Supply water 20 – 105 psi maximum

TOP VIEW



SIDE & FRONT VIEWS



A = 3/8" O.D. Unplated copper tube connect. Shut off valve by others.
B = Access panel(8" x 10")

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Mission Water Company

PO Box 6872
Kokomo, IN 46904
855-558-9600
support@bottlefillingstations.com
www.BottleFillingStations.com

Estimate

ADDRESS
Town of Harwich, MA

ESTIMATE QU-04593
DATE 10/29/2020

| DATE | ACTIVITY | DESCRIPTION | QTY | RATE | AMOUNT |
|------|---------------|--|-----|----------|-----------|
| | LK4400BFBLU | Elkay LK4400BF Outdoor Bottle Filling Station, SINGLE PEDESTAL | 4 | 2,723.06 | 10,892.24 |
| | 97890C | Elkay 97890C Fountain Adapter Kit \$616.90 | 4 | 616.90 | 2,467.60 |
| | Free Shipping | | 1 | 0.00 | 0.00 |

Net 30. Payment by check.
All terms and conditions apply.

TOTAL

USD 13,359.84

Standard Shipping

-By selecting Standard Shipping, you are hereby declining inside delivery and/or liftgate service. You are declaring that you either have a receiving dock or the ability to get the package off of the truck yourself.

Premium Delivery

-By selecting Premium Delivery, you are electing to have inside delivery or liftgate service from the carrier.

**Note: if Standard Delivery is chosen at time of purchase, but Inside delivery or liftgate service is requested/needed at time of delivery, extra charges will be incurred and will be the responsibility of the consignee.

Click pages.bottlefillingstations.com/#FAQ for more info

Accepted By

Accepted Date

LETTERS AND SIGNATURES OF SUPPORT

Board of Water/Wastewater Commissioners

Bikeways Committee

Health: Board of Health

Recreation & Youth Commission

Harwich Chamber of Commerce

Public Signatures



**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

October 27, 2020

Community Preservation Committee
Town of Harwich
732 Main Street
Harwich, MA 02645

RE: CPA Project Funding Request
Hydration Stations for Outdoor Recreational Facilities in Harwich

To Whom It May Concern,

This letter is written in support of the Hydration Station project funding request put forth by Patrick Otton. Research has shown that water bottle filling stations are a safe source of drinking water and they have the ability to reduce plastic waste. With the recent passing of the commercial plastic water bottle ban, locating filling stations at key settings such as recreational facilities and beaches will provide safe and convenient access to drinking water.

The Town of Harwich has pristine drinking water quality which meets all of the Federal water quality standards. Water bottle filling stations are a more sanitary alternative to drinking fountains or bubblers and are the preferred method of hydration. Access to clean, safe drinking water from filling stations promotes a healthy lifestyle and encourages the population to refill reusable bottles.

This project has the potential to not only promote a healthy alternative to sugary drinks, it can reduce our plastic waste and enhance our environment. Please consider supporting this funding request.

Warm regards,

Meggan Eldredge, R.S., CHO
Health Director

CC: Patrick Otton, 49 Kendrick Road, Harwich
Daniel Pelletier, Water Superintendent, 196 Chatham Road, Harwich



Town of Harwich Water Department
Board of Water/Wastewater Commissioners

196 Chatham Road, Harwich, MA 02645 USA | www.harwichwater.com
P. 508-432-0304 | F. 888-774-3557 | commissioners@harwichwater.com

Date: October 27, 2020
From: Town of Harwich Board of Water/Wastewater Commissioners
To: Town of Harwich Community Preservation Committee
Subject: CPC Application - Hydration Stations for Outdoor Recreation Facilities

The Town of Harwich Board of Water/Wastewater Commissioners would like to express its endorsement for the Community Preservation Fund application submitted by Patrick Otton for the purchase and installation of 4 Hydration Stations in Harwich. The details of the project and benefit to the community were presented in open session on October 27th, 2020 where it received unanimous support. Furthermore, the Water/Wastewater Commission has agreed to provide a water service line at no cost for locations not currently served by the public water supply.

This project improves access to clean potable drinking water for both residents & visitors throughout the community and further supports a recurring request in town surveys, "water at recreation sites".

Hydration stations help to improve both environmental and recreational components of our town while contributing to the goal of becoming a more vibrant community destination. The Water/Wastewater Commission would like to thank the Community Preservation Committee for your careful consideration and recommend your approval of this project.

Sincerely,

Gary Carreiro, Chairman

Judith Underwood, Vice-Chairman

Allin Thompson, Clerk



TOWN OF
HARWICH MASSACHUSETTS

Bikeways Committee

Date: October 26, 2020
From: Town of Harwich Bikeways Committee
To: Town of Harwich Community Preservation Committee
Subject: Hydration Stations for Outdoor Recreational Facilities in Harwich.

The Harwich Bikeways Committee supports the the hydration station project currently being considered by the CPC, Project Title: Hydration Stations for Outdoor Recreational Facilities in Harwich. We met on October 26, 2020 and discussed the proposal being presented to you. We send our unanimous support for placing hydration stations around Harwich.

As you know, the 26-mile Cape Cod Rail Trail is frequented by bicyclists, joggers, walkers, and a range of other residents and visitors of all ages. It is immensely popular with vacationers who then support local restaurants, lodging, and many other small businesses. We note that “water at recreation sites” has been a recurring item requested in town surveys and leads us to identify some possible sites in Harwich:

- #1. Beaches:
- #2. Recreation/playing fields
- #3. Bike Path

Hydration stations address environmental and recreational components of our town while contributing to the goal of becoming a more vibrant community destination.

Thank you for your work on behalf of Harwich.

Respectfully,

Francis Salewski
Chair Harwich Bikeways Committee

Harwich Recreation & Youth Department Park, Beach & Commission



100 Oak Street, Harwich MA 02645

To: Community Preservation Committee
Date: 10/28/20
From: Recreation and Youth Commission
Re: Water Re-fill Station Project

At a meeting of the Recreation and Youth Commission on October 27, 2020 the Commission voted to support the submittal of a funding request to the Community Preservation Committee by Patrick Otton and the Water Department Director for the funding for 3 water re-fill stations at locations around Harwich.

The project entails the purchasing and installation of 3 water re-fill stations/bubblers at 3 locations in Harwich including: Red River Beach, Brooks Park, and the bike trail at Headwaters Drive. The request is for funding in the amount of \$30,000 for this project to be reviewed by the Community Preservation Committee.

After reviewing details of the proposed project from project managers, the Recreation Commission determined that this is a valuable and very worthy project for the Community Preservation Committee to consider in their 2020 funding requests. The Commission supports the project concept and requests your consideration in the matter.

Sincerely,


John Manan

Recreation and Youth Commission Chairman



CHAMBER OF
COMMERCE

Date: October 28, 2020
To: Town of Harwich Community Preservation Committee
Subject: CPC Application - Hydration Stations for Outdoor Recreation Facilities

The Harwich Chamber of Commerce would like to express its support for the Community Preservation Fund application submitted by Patrick Otton for the purchase and installation of 4 Hydration Stations located throughout Harwich.

This project will in able residents & visitors throughout the community to have access to portable clean water which they continue to ask for when out and about in our community. The key locations will support the numerous requests to have water stations available.

As we continue to improve both environmental and recreational elements of our town and strive to attain our goal of being a vibrant community destination. Remembering Harwich "The Warm Side of the Cape".




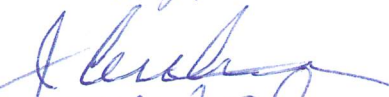
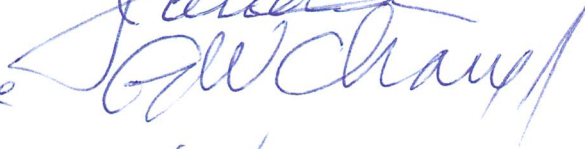



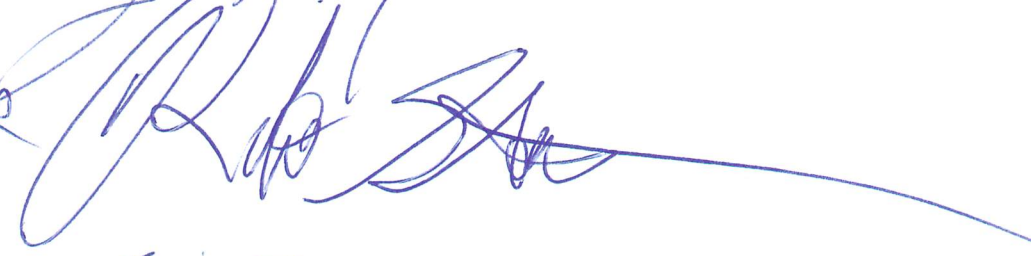



The Harwich Chamber of Commerce would like to thank the Community Preservation Committee for your careful consideration and look forward to your approval of this project.

Sincerely,

Cyndi Williams

Cyndi Williams
Executive Director
Harwich Chamber of Commerce

Signatures in Support of proposed CPA funds for Harwich Hydration Stations

1. Cameron Connello 
2. Phillip W. Lee 
3. Tom Breen 
4. Jay Arthur 
5. Warren Chatter 
6. Steve Pitzman 
7. PAUL SEMPLE 
8. James Meehan 
9. ROBERT STEINER 
10. MARC SITKIN 
11. Richard Simpson 
12. Dan Baggett 

Quotes and Price estimates

Mission Water Company

PO Box 6872
Kokomo, IN 46904
855-558-9600
support@bottlefillingstations.com
www.BottleFillingStations.com

Estimate

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Town of Harwich, MA

ESTIMATE QU-04593
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| DATE | ACTIVITY | DESCRIPTION | QTY | RATE | AMOUNT |
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Click pages.bottlefillingstations.com/#FAQ for more info

Accepted By

Accepted Date

From: Michael Sharlet

Sent: Friday, April 30, 2021 9:02 AM

To: Griffin Ryder

Cc: Meggan Eldredge, Michael MacAskill

Subject: Wychmere Beach Club

Hello Griffin,

It was a pleasure seeing you recently. We are delighted to help support the important work that you and the Town are doing relative to the Traffic Safety Committee study and I appreciate you taking the time to come onsite and tour the area up by Route 28, and share the details of the plan.

Towards that end, Wychmere Harbor Real Estate LLC (d/b/a Wychmere Beach Club) would like to offer a donation to the Town of Harwich for the staking of property/right-of-way lines along Route 28, Snow Inn Road and Freeman Street, per the proposal from A-Plus Construction Services Corp., dated April 2, 2021 for \$3,800.00.

We look forward to watching the progress and once again, appreciate all that you and the Town are doing on this important matter.

Sincerely,

Mike

TOWN
ADMINISTRATOR'S
REPORT

TOWN OF HARWICH, MASSACHUSETTS
SEWERAGE WORKS IMPROVEMENTS PHASE 2 – CONTRACT #1
ROBERT B. OUR COMPANY
SEWER PROJECT

CONSTRUCTION SCHEDULE – WEEKLY UPDATE

Date Submitted: April 27, 2021

One Week Look Ahead (04/26/21-04/30/21)

- Pump Station Crew # 1
 - Continue Working on Spence's Trace & RT 137 Pump Station Site's
 - Cleanup at Various Locations of Road Shoulders
 - Continue Working on the Parshall Flume

Two Week Look Ahead (05/03/21-05/07/21)

- Pump Station Crew # 1
 - Continue Working on Spence's Trace & RT 137 Pump Station Site's
 - Cleanup at Various Locations of Road Shoulders
 - Continue Working on the Parshall Flume
 - Being Final Paving of RT 137
 - Milling
 - Traffic Signal Work
 - Casting Adjustments

Three Week Look Ahead (05/10/21-05/14/21)

- Pump Station Crew # 1
 - Continue Working on Spence's Trace & RT 137 Pump Station Site's
 - Cleanup at Various Locations of Road Shoulders
 - Continue Working on the Parshall Flume
 - Being Final Paving of RT 137
 - Traffic Signal Work
 - Casting Adjustments
 - Paving

Please note that this is a projected schedule and will be adjusted accordingly based on the Contractor's actual progress and the weather. On an as needed basis auxiliary crews will be performing testing, installing inverts, raising castings, paving , and performing general cleanup at various locations throughout the project area.

TOWN OF HARWICH, MASSACHUSETTS
SEWERAGE WORKS IMPROVEMENTS PHASE 2 – CONTRACT #2

CONSTRUCTION SCHEDULE – WEEKLY UPDATE

One Week Look Ahead (04/26-04/30)

- Pump Station Crew #1
 - Continue work at Church Street North
 - Set Building with United Concrete on 4/29
 - Continue work at Church Street South
 - Continue work at Harden Lane electric and site preparation

Two Week Look Ahead (05/03-05/07)

- Pump Station Crew #1
 - Continue work at Church Street south pumping station
 - Continue work at Church Street north pumping station
 - Continue Harden Lane electric and site preparation

•

Three Week Look Ahead (05/10-05/14)

- Pump Station Crew #1
 - Continue work at Church Street south pumping station
 - Continue work at Church Street north pumping station
 - Continue Harden Lane electric and site preparation
- Begin Milling with Lawrence Lynch

Please note that this is a projected schedule and will be adjusted accordingly based on the Contractor's actual progress and the weather. On an as needed basis auxiliary crews will be performing testing, installing inverts, raising castings, paving , and performing general cleanup at various locations throughout the project area.