

SELECTMEN'S MEETING AGENDA*

Monday, June 8, 2020

Regular Meeting 6:30 P.M.

REMOTE PARTICIPATION ONLY

Public can access meeting at Channel 18 (Broadcasting Live)

OPEN PUBLIC FORUM – NEW STEPS – PLEASE READ

For those members of the public wishing to make comment you may do so by a combination of email and phone by;

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. No need to add any more detail to email

2. **After the meeting has started** you will receive an email with the meeting dial-in number and passcode.

3. After the Chairman has opened the agenda item for Open Public Forum the **meeting will be opened to new attendees**. 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.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. WEEKLY BRIEFING

- A. COVID-19 Updates: Presenters: Joe Powers, Interim Town Administrator; Meggan Eldredge, Health Director
- B. Update on ongoing efforts by the Town in support of the business community

IV. PUBLIC HEARINGS/PRESENTATIONS

V. NEW BUSINESS

A. Discuss and possible vote to approve requests for expansion of outdoor table service and/or approve requests for a change in the description of licensed premises for the purpose of permitting outdoor alcohol service at the following establishments:

- | | |
|--------------------------------------|-------------------------------------|
| 1. 400 East | 1421 Route 39, East Harwich |
| 2. A & W Family Restaurant | 297 Route 28, Harwich |
| 3. Allen Harbor Yacht Club | 371 Lower County Road, Harwich Port |
| 4. Cape Sea Grille | 31 Sea Street, Harwich Port |
| 5. Ember | 600 Route 28, Harwich Port |
| 6. Harwichport Seafarer/Mooncussers | 86 Sisson Road, Harwich Port |
| 7. Hot Stove at Cranberry Valley | 183 Oak Street, Harwich |
| 8. Hot Stove Saloon | 551 Route 28, Harwich Port |
| 9. Jake Rooney's | 119 Brooks Road, Harwich Port |
| 10. L'Alouette | 787 Route 28, Harwich Port |
| 11. Lanyard Bar and Grill | 429 Route 28, Harwich Port |
| 12. Mad Minnow | 554 Route 28, Harwich Port |
| 13. Seal Pub | 703 Main Street, Harwich Port |
| 14. Ten Yen/Three Monkeys Street Bar | 554 Route 28, Suite B, Harwich Port |
| 15. The Port Restaurant and Bar | 541 Route 28, Harwich Port |

B. Minutes for Approval:

1. September 23, 2019
2. September 30, 2019
3. April 3, 2020
4. April 9, 2020
5. April 7, 2020
6. April 16, 2020
7. April 24, 2020
8. April 30, 2020
9. May 4, 2020
10. May 5, 2020

C. Discussion and possible vote to adopt the draft Mandatory Workplace Safety Standards Employee Training Manual, developed in response to COVID-19 and required to be in place prior to July 1, 2020

D. Vote to approve a one day Entertainment License for the Farm Open House Pot Luck, Cape Farm Supply, 1595 Factory Road – Date, June 27, 2020 – 3:00 PM – 11:00 PM; Alternate Dates; July 25, 2020 or August 15, 2020

VI. OLD BUSINESS

A. Discussion – Update on procurement status for Community Preservation Committee Projects

VII. OPEN PUBLIC FORUM

A. See dial in instructions above

VIII. TOWN ADMINISTRATOR'S REPORTS

A. Proposed Holiday Schedule for FY 2021

IX. SELECTMEN'S REPORT

X. ADJOURNMENT

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

Authorized Posting Officer:

Posted by: _____
Town Clerk

Patricia Macura, Admin. Secretary

Date: _____
June 4, 2020



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

June 4, 2020

Weekly COVID-19 Case Update

To date there have been a total of 121 cases of COVID-19 in the Town of Harwich and 23 related deaths. Seventy one of the 121 cases are associated with staff and residents at the Wingate Assisted Living Facility.

Of the 50 cases outside of Wingate, 38 have recovered and 4 have died. The 8 remaining active cases are being followed by the Visiting Nurses Association of Cape Cod and are in isolation until they meet all criteria to be released.

As we begin slowing reopening our business community to the public it is important to remember that we are still in a State of Emergency and this is not the time to lower our guard against this virus. Through social distancing, facial coverings and hand hygiene, we can remain safe and healthy during this pandemic.

Thank you and stay safe!

Meggan Eldredge
Health Director

Request for Expansion of Outdoor Table Service

Establishment name: 400 East

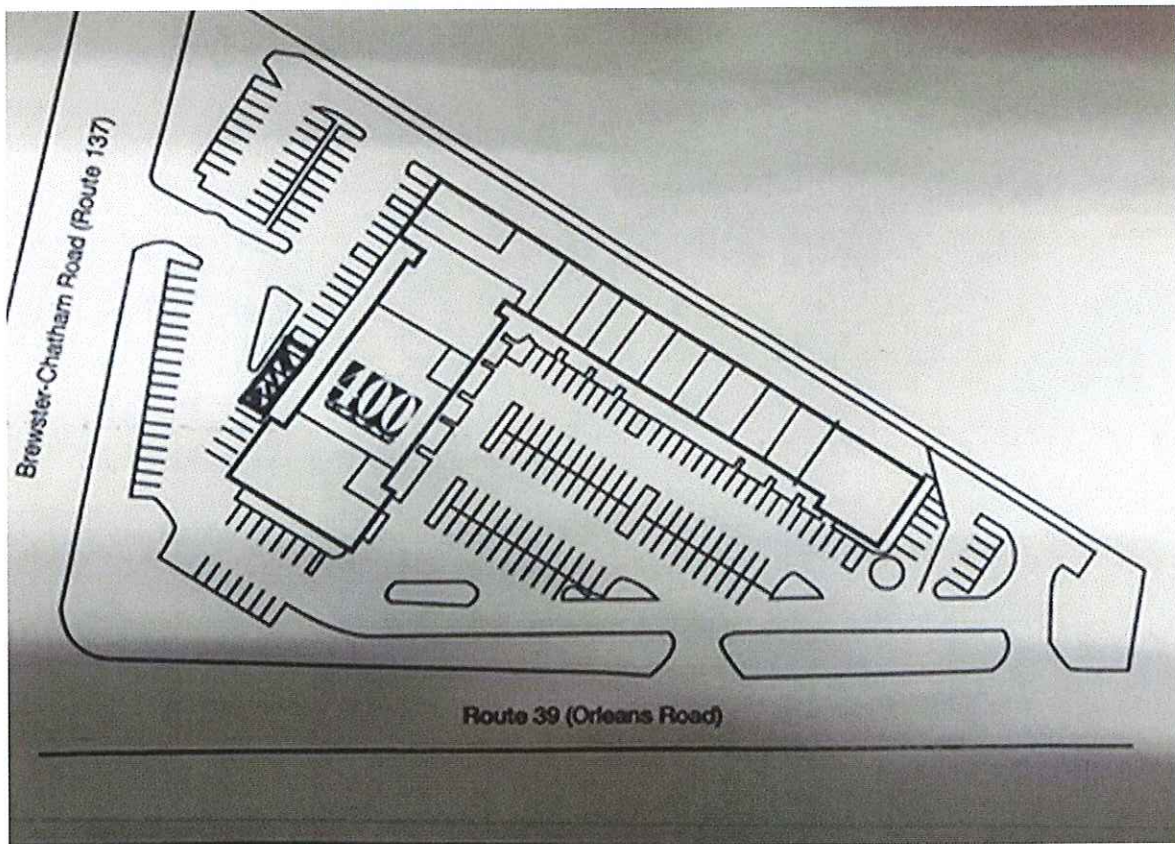
Establishment address: 1421 Route 39, East Harwich

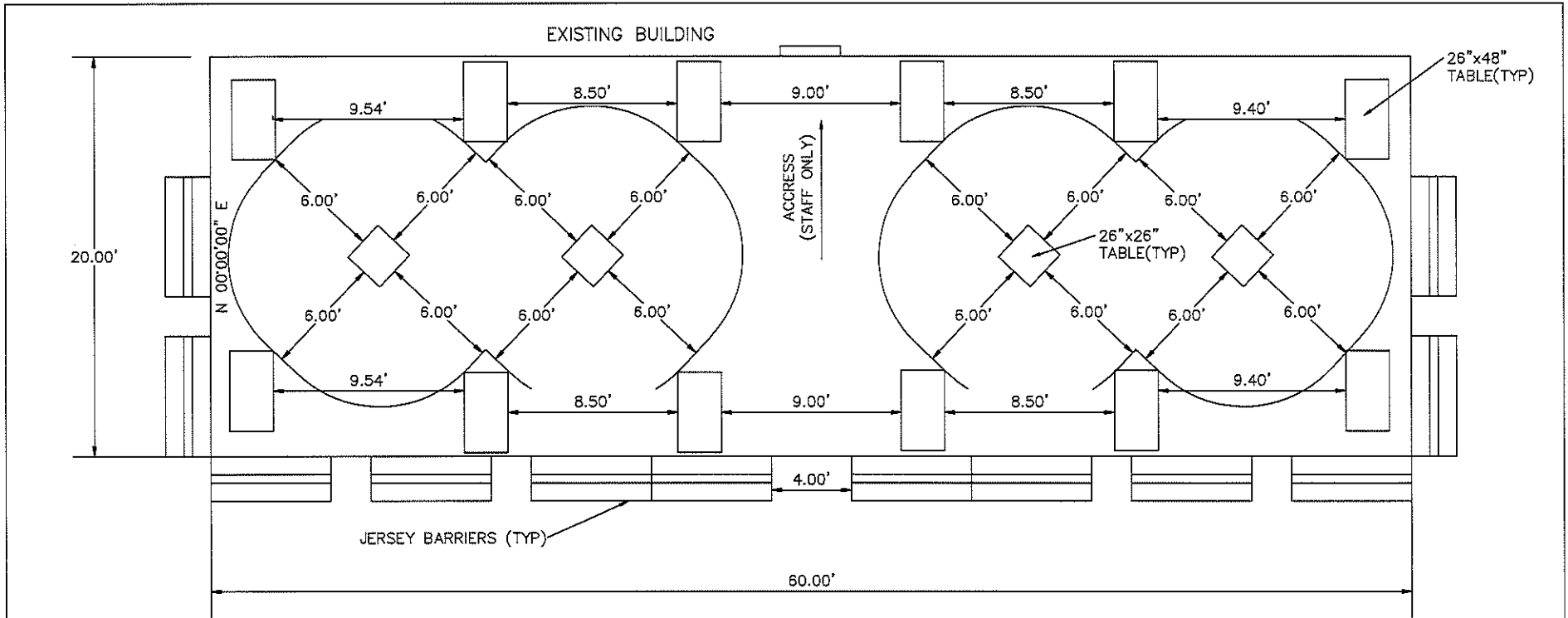
Any establishment wishing to implement outdoor seating *outside the restaurant building envelope* must provide the **Board of Selectmen** with:

- A to-scale drawing of the property showing the location of tables, chairs and any barriers proposed.
- Indicate the number of seats you are proposing, including any carry-out service waiting areas, and a maximum occupancy number.
- A lease or document for the right to occupy the proposed area



Use approximately 6 parking spaces upfront of our building, to install a 20x60 tent.





NOTES:

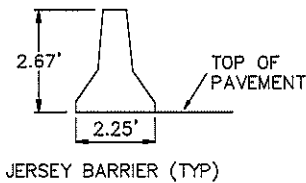
TABLES WILL BE UNDER A TENT, WITHOUT WALLS.

SOCIAL DISTANCE GUIDELINES WILL BE POSTED.

SANITIZER WILL BE PROVIDED.

TABLES TO BE SPACED AS SHOWN ON PLAN AND NO LESS THAN 6' APART.

THE PROPOSED 20' X 60' AREA TO TAKE UP SIX PARKING SPACES ON THE ROUTE 137(EAST SIDE) OF THE BUILDING, PLUS THE DEPTH OF THE JERSEY BARRIER.



PROPOSED TEMPORARY OUTSIDE SEATING

AS PREPARED FOR

400 EAST RESTAURANT



MAY 25, 2020

SCALE: 1"=5'

PAUL E. SWEETSER
 PROFESSIONAL LAND SURVEYOR
 P.O. BOX 1146
 DENNISPORT, MA 02639
 (508)737-7560

Danielle Delaney

From: [Danielle Delaney](#)
Sent: Friday, June 05, 2020 3:28 PM
To: Danielle Delaney
Subject: FW: from Gail Sluis 400 East

TO WHOM IT MAY CONCERN,

OUR INTENDED HOURS OF OPERATION OF OUR OUTDOOR DINING SPACE TO START WILL MOST LIKELY BE 12 NOON TO 9PM. 10PM ON WEEKEENDS. IF LUNCH IS NOT WORTH IT, WE WILL GO TO 4PM OPENING. IF IT IS POSSIBLE TO SERVE DRINKS WITH A LIMITED MENU OR NO MENU OUTSIDE AFTER DINNER HOURS WE WILL STAY OPEN UNTIL 12PM.

WE WOULD LIKE PERMISSION FOR LIGHT RECORDED MUSIC DURING THESE HOURS OF OPERATION WITH THE POSSIBILITY OF ADDRESSING ACCOUSTICS DOWN THE ROAD. IT IS DIFFICULT TO FORESEE WHAT OUR BUSINESS WILL LOOK LIKE IN THE NEXT WEEKS AND MONTHS. IF WE CONTINUE TO STRUGGLE AT THE RATE WE ARE WE WOULD MOST LIKELY LOOK INTO AMENDING OUR INTERIOR ENTERTAINMENT LICENSE TO INCLUDE OUTDOOR ACCOUSTICS.OBVIOUSLY WE WOULD BE COGNIZANT OF OUR NEIGHBORING BUSINESSES AND NOTHING WOULD BE DONE IN HOURS THAT WOULD DISRUPT THEM.

I BELIEVE A CERTIFICATE OF INSURANCE HAS BEEN EMAILED TO YOU VIA KIM.

IF YOU HAVE ANY QUESTIONS OR NEED ANYTHING ELSE BEFORE TONIGHTS MEETING, PLEASE CALL ME DIRECTLY AT

THANK YOU,
GAIL SLUIS

Proof of Insurance

Proof of Lease

Request for Expansion of Outdoor Table Service

Establishment name: Jake Rooney's

Establishment address: 119 Brooks Road, Harwich Port

Any establishment wishing to implement outdoor seating *outside the restaurant building envelope* must provide the **Board of Selectmen** with:

- A to-scale drawing of the property showing the location of tables, chairs and any barriers proposed.
- Indicate the number of seats you are proposing, including any carry-out service waiting areas, and a maximum occupancy number.
- A lease or document for the right to occupy the proposed area

June 3, 2020

Jake Rooney's Restaurant
119 Brooks Road

Board of Selectman

Harwich Port, MA 02646

Town of Harwich, MA

Our restaurant business has been under tremendous stress during the Covid pandemic period. We proudly celebrated our 25th year anniversary doing business in Harwichport, and have done our best to represent the community in a positive way. We are very excited to have the opportunity to establish our plan for outside seating. We fully understand our responsibility to follow all of the Health Department standards in accordance with the CDC's guidelines and serving our guest in a safe environment.

Our staff will be working in a safe environment and will be trained and retrained on the importance of hand washing and wearing a mask at all times. We will be practicing social distancing to the best of our ability as well, as, using disposable gloves, menus, napkins, and cups.

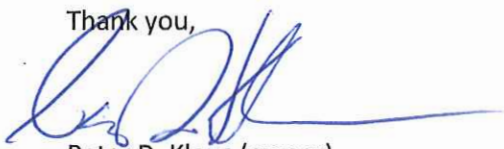
Our plan for 8 outside tables we believe meets the 6 feet requirement and would not accommodate more than 6 people per table at any one time (8X6 =48 maximum occupancy). We are prepared to only use 6 tables if that is the advice from the Board of Health or Planning Board. The barriers are cement planters and decorative cement blocks. The blocks are connected by large ropes between the blocks containing the seating area. Carry out service will be from the backside of the restaurant with four designated parking spaces. We will and adapt to recommendations and would appreciate your support of our plan.

Our restaurant has been a year-round business primarily to have an establishment the locals can go to. We are marginally profitable during most of the off season as you the summer season is short and critical to our success. Our business currently offers curbside service that is a convenience to our customers; however, it is not a sustainable business model. We appreciate your approval to our plan or at the very least a conditional approval with any adjustments or recommendations. If the plan is not approved and has to be rescheduled in future weeks or more it would have a devastating effect on our existence.

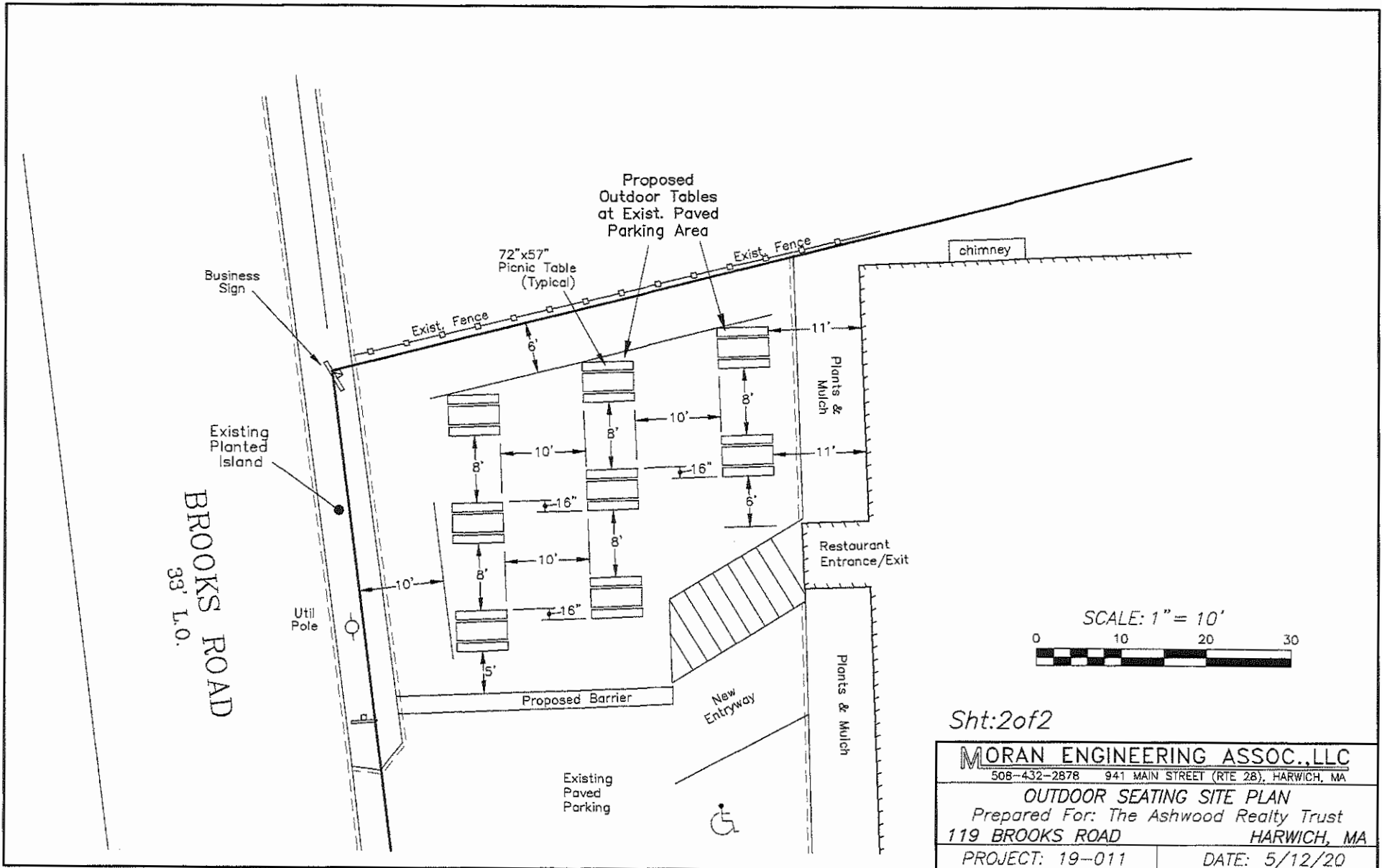
We sincerely appreciate your continued support to our Jake Rooney's Restaurant.

Enclosed architectural drawings

Thank you,

A handwritten signature in blue ink, appearing to read 'Peter D. Klaus', with a long horizontal flourish extending to the right.

Peter D. Klaus (owner)

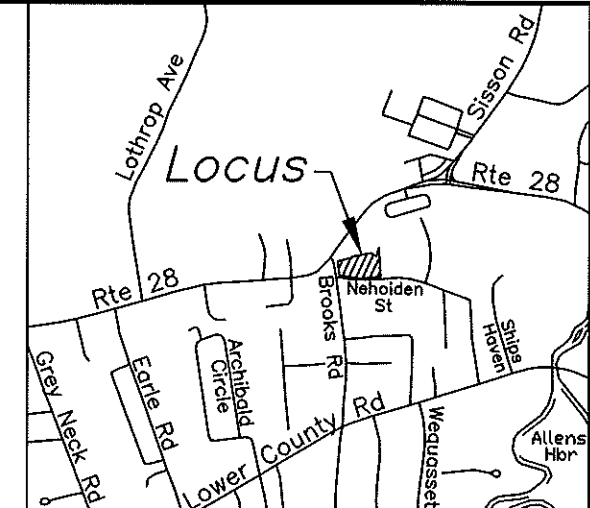
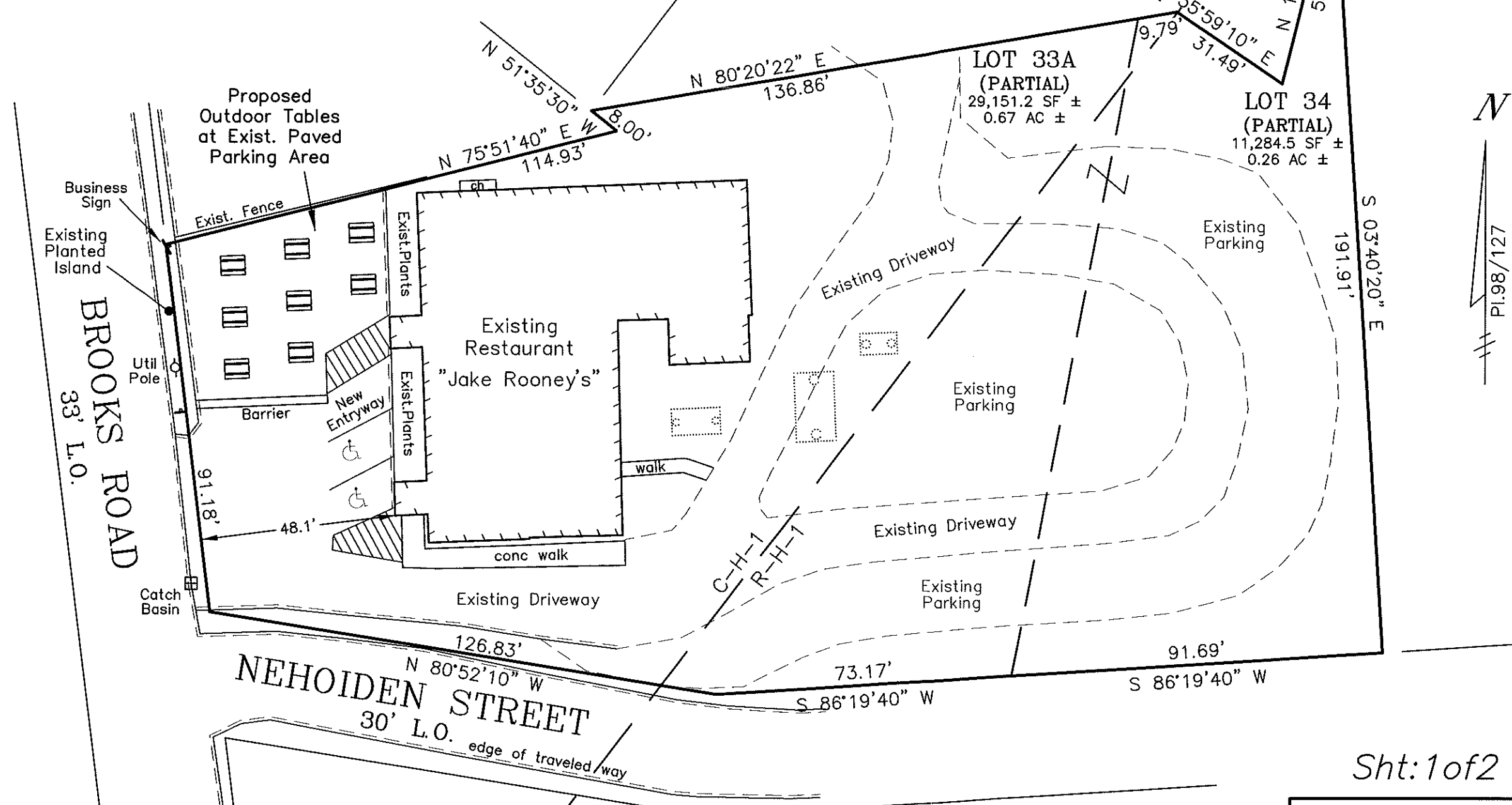


MORAN ENGINEERING ASSOC.,LLC	
508-432-2878 941 MAIN STREET (RTE 28), HARWICH, MA	
OUTDOOR SEATING SITE PLAN	
Prepared For: The Ashwood Realty Trust	
119 BROOKS ROAD HARWICH, MA	
PROJECT: 19-011	DATE: 5/12/20

Zoning Compliance

Zone: C-H-1 (22,775 SF)

	Zoning	Existing
Min Front Setback	25'	25.4', 48.1'
Min Side Setback	10'	2.7'
Min Rear Setback (RH-1 District)	20'	78.1'
Building Coverage	(6832sf) 30%max	(5660sf) 24.9%



LOCATION MAP

Assessors Map: 12
 Parcel: X3-33
 Deed Bk.20107, Pg.308
 Plan Bk.98, Pg.127
 Plan Bk.153, Pg.109
 Partial Lots 33A & 34
 Total Area = 40,435.7 SF ±
 0.93 Ac ±
 Area Within CH1 District =
 22,775.3 SF ±
 Entire Site is Within 100yr SFHA
 Zone AE (EI 11-NAVD:88)
 per FIRM 25001C0611J

Sht: 1 of 2

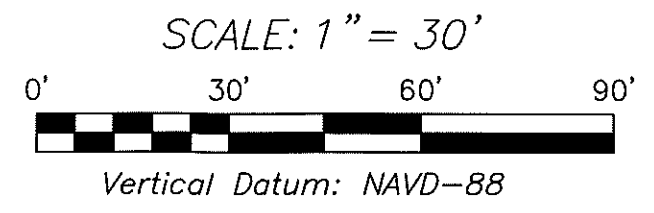
MORAN ENGINEERING ASSOC., LLC

508-432-2878 941 MAIN STREET (RTE 28), HARWICH, MA

OUTDOOR SEATING SITE PLAN
 Prepared For: The Ashwood Realty Trust
 119 BROOKS ROAD HARWICH, MA

PROJECT: 19-011

DATE: 5/12/20



BROOKS ROAD
33' L.O.

Business Sign

Existing Planted Island

Util Pole

Exist. Fence

per owner
72"x57"
Picnic Table
(Typical)

Proposed
Outdoor Tables
at Exist. Paved
Parking Area

Exist. Fence

chimney

Plants & Mulch

Existing
Restaurant
"Jake Rooney's"

Restaurant
Entrance/Exit

Exist.
Entryway

Plants & Mulch

Proposed Barrier

New
Entryway

Existing
Paved
Parking



SCALE: 1" = 10'



Sht:2of2

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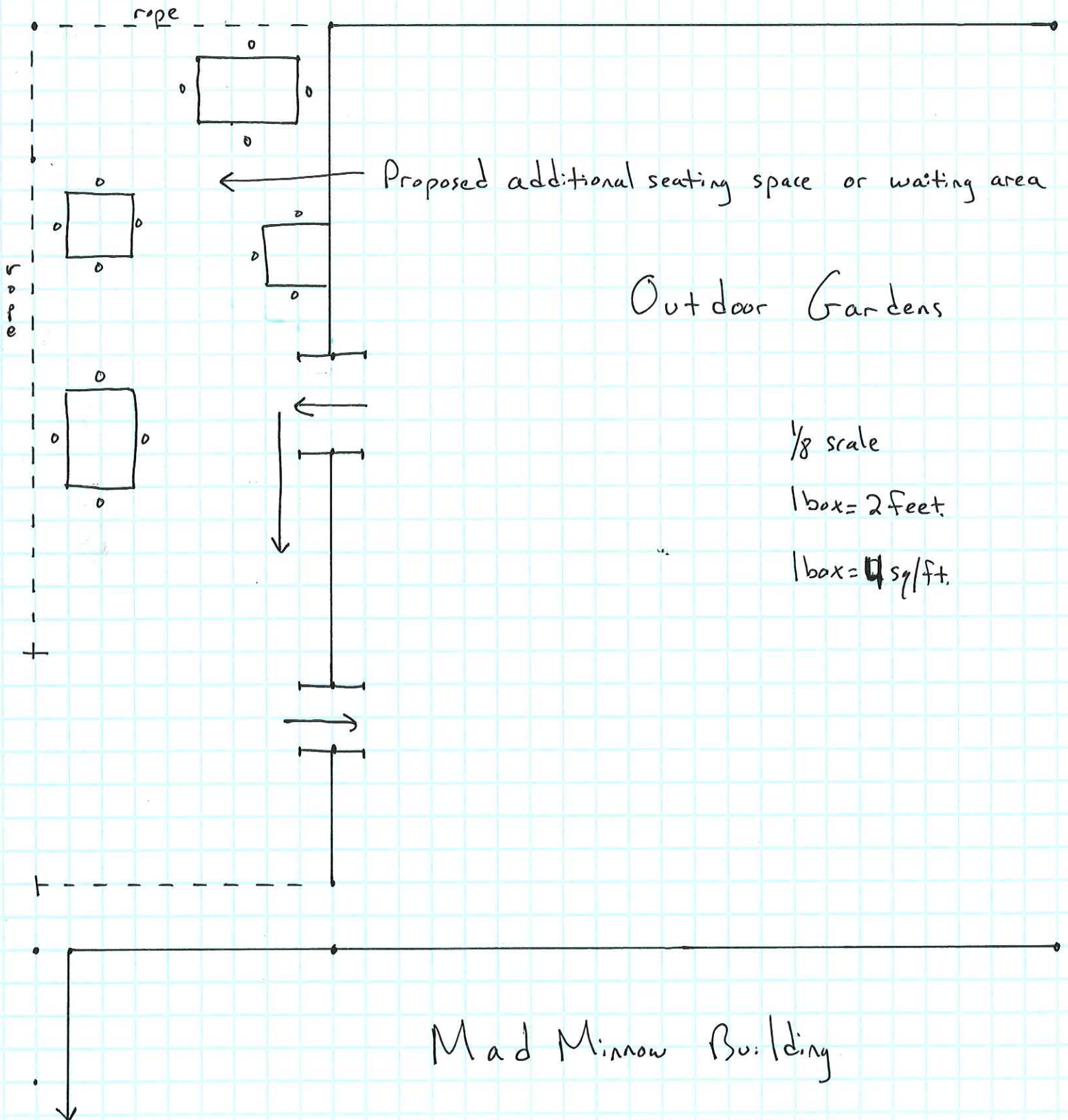
Establishment name: Mad Minnow

Establishment address: 554 Route 28, Harwich Port

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Mad Minnow



Proof of Lease

Danielle Delaney

From: Danielle Delaney
Sent: Friday, June 05, 2020 3:15 PM
To: Danielle Delaney
Subject: Re: Info Needed

Thanks so much for the help.

1. I will are both leases shortly.
2. I will send insurance liability policies shortly.
3. We plan on operating 12pm to 9pm for dining service.
4. We do not plan on hosting live outdoor entertainment. We may have background speaker music.

Thanks again

-Mike

On Jun 5, 2020, at 2:54 PM, Danielle Delaney <ddelaney@town.harwich.ma.us> wrote:

Hi Mike,

Can you supply the following information for both Mad Minnow & Ten Yen/Three Monkeys for your exterior expansion request?

1. Lease
2. Certificate of Insurance for new exterior area
3. Hours you will be operating
4. If you plan to apply for an outside entertainment license

Thank you!
Danielle

Danielle Delaney
Selectmen/Administrator's Office
Town of Harwich
ddelaney@town.harwich.ma.us
508-430-7513

Request for Expansion of Outdoor Table Service

Establishment name: Ten Yen/Three Monkeys Street Bar

Establishment address: 554 Route 28 Suite B, Harwich Port

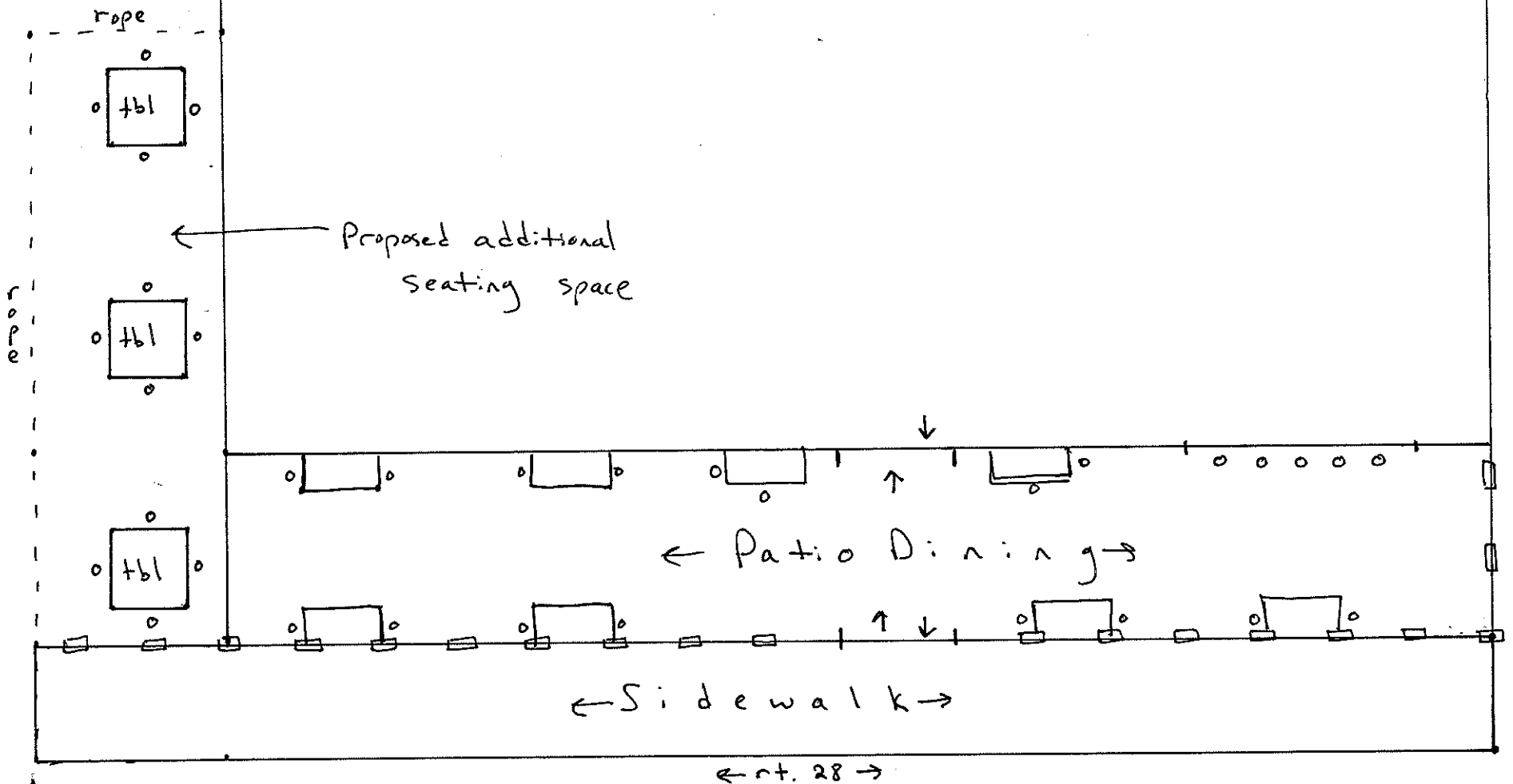
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3 Monkeys + Ten Yen

1/8 scale

1 box = 2 feet



Proof of Lease

Danielle Delaney

From: Mike Strangfeld
Sent: Friday, June 05, 2020 3:15 PM
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2. Certificate of Insurance for new exterior area
3. Hours you will be operating
4. If you plan to apply for an outside entertainment license

Thank you!
Danielle

Danielle Delaney
Selectmen/Administrator's Office
Town of Harwich
ddelaney@town.harwich.ma.us
508-430-7513

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
Monday, September 23, 2019
6:30 P.M.**

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

ALSO PARTICIPATING: Assistant Town Administrator Joseph Powers.

Mr. Ballantine reopened the meeting at 6:30 pm. He explained he first called the meeting to order at 6:15pm to discuss the strategy session regarding Harwich Police Department contract. They had a good discussion and will bring it back next week.

Mr. Ballantine moved into open session and explained some changes to the agenda. The item D, under Public Hearing to overview Phase 2 of the Sewer Project and item E under Contracts will be tabled for two weeks because Chris Clark, Town Administrator is out sick.

Also, Mr. Ballantine was informed by Mr. Hooper, DPW Director, that they needed to postpone the waste service discussions because one of the principle persons, Mr. Camara, could not be there tonight. The items are listed under C in New Business and under A in Public Hearings. They are tabled and will be brought back.

WEEKLY BRIEFING

Sewerage Work Improvement Phase 2 – Contract #1 – Construction Schedule – Weekly Update. Mr. Powers reported the weekly update that was submitted by the project engineer on September 18th. The one week look ahead is that the main line sewer crew #1 is continuing installation on Johanna's Path and mainline #2 on Route 137, detours still in place. The two week look ahead for the week of September 30th - October 4th, the mainline sewer crew #1 is continuing installation on Johanna's Path and mainline #2 on Route 137 and the three week look ahead for October 7th - October 11th main line sewer crew #1 is continuing installation on Johanna's Path and mainline #2 on Route 137. Again, detours will be in place.

Amy Usowski, Conservation Administrator, was present to inform the board that AmeriCorps had a successful 20th anniversary of the program. They have been very active in the community for the past 20 years. The keystone event of the weekend was a cleanup of the area, collaborating Harwich, Dennis and Brewster's Community Co-Sweep event. The event had about 120 people between AmeriCorps volunteers and citizen volunteers.

Patrick Otton of East Harwich, notified the board that on Saturday, September 29th from 9am to 11am, Sustainable Practices will be doing a cleanup of Red River Beach. He would like this listed as a public notice. Anyone interested can come. This is a State-wide initiative and hopefully they will have some help this Saturday.

Mr. McManus reported an update from his comments last week on the Cranberry Festival. The festival has moved around a lot, and now back behind the Community Center. This year they had 160 vendors and 6 bands, four on Saturday and two on Sunday. After the bands finished Saturday there was a very nice fireworks show. They also had a nice food court, though one vendor did not show up so lines were a little long, something to work on next year to speed up lines. Beer and Wine sales were done well. One thing this year that astounded them was a barrel by entrance for donations. Last year they only brought in \$180 and this year they made over \$2,000, enough to fund an additional scholarship. This year they had the lowest number of volunteers, so many things did not get done. From a controlled, public safety stand point they need additional volunteers in the coming years to be able to continue. Mr. McManus would like to urge people to come forward to help. They are at 43 years and hoping to make 50!

CONSENT AGENDA

No report tonight

PUBLIC HEARINGS/PRESENTATIONS

- A. Solid Waste Presentation by Mike Camara, President of New Bedford Waste Services.

This has been tabled until next week.

B. Real Estate & Open Space Committee Presentation/Discussion

Mr. Ballantine explained that the board had asked the Real Estate & Open Space Committee to bring them up to date of what the space is around town, and what were there priorities and thinking going forward.

Elaine Shovlin, Chair, and Dave Callaghan, Member, of the Real Estate & Open Space Committee were present to provide the overview of the report that they had provided to the Board of Selectman, as requested. They thought the best way was to divide the properties into three groups. 1. Land Acquisition: currently two parcels of land; Deacon's Folly Rd and Cherokee Rd. Right now, they have not prioritized either, they are waiting on appraisals to be able to make an educated decision on priority. Mr. Ballantine asked if there were any questions and if the appraisals are in motion. Ms. Shovlin has nothing back yet. Mr. Powers does not have information on this. Mr. MacAskill said that he was told by the Town Administrator that Deacons Folly Rd had already engaged in a contract for that appraisal. Nothing on Cherokee yet. 2. Land that is under care and custody of the Board of Selectmen; we recommend to be moved over to the Water or the Conservation Commission for increased protection. This includes 141 Bay Rd to protect the well. Moving to Water or Conservation would just provide another layer. Mr. Callaghan has attended the water dept meetings.

Mr. MacAskill hesitates to transfer land. Ms. Shovlin commented that they are just an advisory committee to present options to the Board of Selectmen. Mr. Ballantine said that they need to increase the priority of number three, to do title searches.

Another location, Grassy Pond, can't be developed so why would they want to purchase? Ms. Usowski spoke to this issue with Grassy Pond and explained that it has 22 acres, which is hard to develop. The property is on the tax lien list and they owe about \$45,000 in taxes. They are hoping to see if there is something that they might want to acquire for a holistic approach, if the town had ownership of the parcel. They have met with other departments that would make potential options to improve the habitat.

Mr. MacAskill commented that they need to put back on the agenda the need for deed and title searches, and it needs to be a priority. Ms. Shovlin said that they do have names of two people that might be able to do it.

C. 2019 Lower Cape Community Housing Institute – Andrea Aldana

Andrea Aldana, Director of the Housing Advocacy at the Community Development Partnership, and also part of the Outer Cape Housing Institute, the housing team offering consulting services to the town. Ms. Aldana is here to invite the board to the third annual Housing Institute starting next week at the Eastham Public Library. This is part of a broader program for the Lower Cape Community Housing Partnership, which is trying to address the affordable housing crisis on the lower Cape. They are doing this by building support from town officials and initiatives that can take on to support housing in their towns. They are hoping to see broader public support for affordable housing units and changes in zoning laws that support affordable housing developments. It offers advanced training for town officials, advocacy training and public education campaigns.

The Institute has trained over 130 public officials over the past two years and is for municipal employees or town staff that are involved in housing

The Institute will be held on Wednesday evenings from October 2nd - November 6th from 6pm - 8:30 pm. The conference changes each year and you can sign up for one session or all six. The sessions consist of

- Session 1 - more useful to talking about housing Municipal leadership.
- Sessions 2 is planning session planning broadly and community engagement.
- Session 3 is setting your town up for success.
- Session 4 session designed specifically for open spaces for zoning - open space residential development.
- Session 5 details development, how do you find a piece of land? This is for the predevelopment work before you send out an RFP. Creating a development strategy. Means you understand what your funds are and what sites are optimal and a plan for fundraising and getting your goals done.
- Session 6 is for Municipalities and focused on crossing the finish line.

You can register online www.capecdp.org.

Mr. McManus asked if there are certain sessions that you can attend. Ms. Aldana confirmed that you can pick and choose each session can be selected al la cart.

Mr. Howell asked, if we are going to encourage Planning and ZBA members to attend, which session would it be? Ms. Aldana said that zoning and session 3 would be good for all municipal holders. The board should urge members of planning and ZBA to attend and it is free to attend.

Mr. Ballantine commented that he would like to see a conversation about private partnerships which is a big factor that we don't talk about much. Ms. Aldana replied that this is going to be covered in session 3.

Question from the audience member, Sandy McLardy of East Harwich asked if sessions open to the public. Ms. Aldana said not really, sessions are for elected officials but if planning to become part of a town committee then to speak with her.

D. Overview of Phase 2 Sewer Project

Tabled for next meeting

NEW BUSINESS

A. Annual Meetings with the Board:

1. Recreation and Youth Committee

Mr. John Mahan from Harwich Recreation and Youth Committee introduced himself, along with Lee Culver, Vahan Khachadorian and Frank Crowley who were also in the audience.

Mr. Mahan provided a report that the board has a full commission with no quorum issues. They are fully staffed for the summer. Mr. Mahan believes that the increase for the salary that was approved for the guards a year or two ago had made a difference. The Recreation Department offered 78 different programs for the various group and age levels. The numbers continued to increase year after year. They had a very busy summer at the beaches. Pleasant Road Beach was the winner of day passes sold, which shows people

are spreading out. They also added a fifth session to the summer camp and Eric was able to staff it. The Sand Pond revitalization is moving forward and also phase 4 at Brooks Park. He would like to thank the voters for their continued support and the Harwich Highway Department for their great work, we are very fortunate.

Mr. McManus thanked them for the extended child care that was offered to help parents. He also asked about the damage from the tornado to Brooks Park, and if it may have presented us with a need for phase 5 or do we let it regenerate itself? Mr. Mahan said that they actually have a meeting coming up and a high school student is coming in to give us a proposal on that topic.

2. Harwich Housing Committee

Art Bowden from the Housing Committee introduced himself and also mentioned that Mary Maslowski was also in attendance. Mr. Bowden reported that the committee has a full membership with 5 active members, they have a quorum and are all signed in. They post agendas and minutes for all meetings. Except June and July because the committee did not meet. They have attended workshops and reported a representative to the Community Preservation Committee. Attend al meetings for the Real Estate Open Space Committee and Affordable Housing Trust meetings. Would like to be on the BOS agenda to discuss ways the Housing Committee can support the Affordable Housing Trust and possible changes to the mission statement.

3. Community Center Facilities

Lee Culver, chairman of the Community Center Facilities reported that the community center is going to be 20 years old next February. Carolyn is putting together a birthday spectacular and asks everyone to attend. They have even been going into the video archives back to when it was built. The facilities have a full quorum and no attendance issues, everyone is sworn in and have all partaken of the ethics exam. We do have a couple issues we are trying to deal with. When we hired Carolyn, she was the Director of the Community Center. Now, she is now presently, the Director of the Community Center, the overseer of the Cultural Center and the rental agent of the shacks at Saquatucket Harbor. I know we are probably only paying her for half the hours she is working and fear we are burning her out. We have posted a position for a job for 19 hours to help her. She has done an

outstanding job at the Community Center. So proud of what we have accomplished over there. The second issue is just finding someone for the part time position that is needed.

Mr. Ballantine commented on the design of the community center and how smart there were to design the building the way they did. Mr. MacAskill replied that the part time position was approved in town meeting and the need to get Carolyn some help. He also agrees she does not get paid for every hour worked and she has done a great job. Mr. McManus commented that the Community Center was built with certain features for future expansion, including a pool and wondered if anyone has reached out to the YMCA. Mr. Culver replied that Carolyn has reached out to the Y about this.

- B. Request for approval for one (1) day beer and wine license for B FREE Coaching and Wellness for an event on 10/18/19 from 5:00 PM to 7:00 PM – Serving wine only.

Mr. MacAskill moves to approve the request for one (1) day beer and wine license for B FREE Coaching and Wellness for an event on 10/18/19 from 5:00 PM to 7:00 PM – Serving wine only. Mr. Ford seconded. Mr. Howell questioned that if they are serving the liquor, not sure they need the license for that. Mr. MacAskill read it the same way but since they requested it no reason not to just vote unanimously for it. Motion carried by unanimous vote.

- C. New Bedford Waste Services - Contract Renewal Discussion

This topic was tabled.

- D. Noise violations by Perks submitted by the Police Chief - schedule Public Hearing and designate the Town Administrator as Hearing Officer

Mr. MacAskill moves to refer this to the Town Administrator as the Public Hearing Agent for the noise violations by Perks submitted by the Police Chief. Mr. McManus seconded. All in favor.

- E. Noise violations by Ember submitted by the Police Chief - schedule Public Hearing and designate the Town Administrator as Hearing Officer

Mr. Ballantine reported that this will be tabled to next week. Mr. MacAskill also mentioned that this was tabled from last week and it should be in old business so it does not look like a new violation, because it is not.

F. Vote to support – Harwich Affordable Housing Trust General Application – Part Time Coordinator and Project Funds and Deacon’s Folly Road Acquisition for Affordable Housing and Open Space/Conservation

Mr. Howell would like to speak to the first one. He would urge the board to support it. He went over the math with the Administrator at the last meeting. To remind everybody, we renewed the contract with the CDP for the second year, but there were two, \$30,000 for 6 months and the second was \$30,000 for 12 months. This application has in it an increase for the support staff that is why. Mr. Ford questioned if it is really for \$50,000? Mr. Howell replied that the need should be more like \$60,000, if you ramp up there will be more to do plus the pro rata thing, but the application received is for \$50,000 and it is really needed.

Mr. Ballantine commented that Mr. Howell’s basic point is to move on this but maybe come back later for additional support. If that is a motion, this application is coming from the housing trust.

Mr. MacAskill seconded with comments. Mr. MacAskill said it would have been nice to get the minutes to the meeting. There is not a whole lot in there for \$50,000 and sharing with another town. Mr. Howell said he could get the minutes but there is a deadline for submission. Mr. MacAskill said if we are sharing with another town, they are doing 10 hours for \$30,000 and now asking for \$50,000, how much duplication is there? Mr. Howell explained that due to the contract the reported hours are being billed less than the hours worked.

The board discussed this in more detail and would like to see more information. Mr. Howell explained that this is just a support vote and the application will still be submitted. Mr. Howell withdraws the motion at this time and will bring it back.

G. Town Administrator contracting authority (including Change Orders) - Discussion

Mr. MacAskill raised this topic regarding their vote to give all contracting authority to the town administrator pertaining to phase 2 waste water.

He feels this is not responsible because he does not believe the board is seeing the change orders that are coming through. He also is not sure if the Finance Director is seeing the change orders. Based on what is going on in East Harwich, based on the 8-million-dollar bumble that they have to go back to the public with, because they underestimated that project, this board should be looking at absolutely everything related to the East Harwich project and they should withdraw the ability for the Administrator to sign all the contracts.

Also, he did make note of the item that was tabled tonight to authorize the Town Administrator for Six Million. Mr. MacAskill asked why the board would give up the contracting authority to be able to make sure the funding sources are there and also that the Finance Director has signed off on it. The board needs to pay attention. Mr. Howell asked if this is a destination point he is going to or a broader discussion. Mr. Ford asked what the policy had been in the past? Mr. MacAskill explained that \$50,000 or under the Town Administrator was able to take care of, but a separate vote last year under the Phase 2 Waste Water project changed that.

Mr. Ballantine said this contract has come back to us for six million in change orders, this is a good argument that if there is a change in the contract it should come back to the board. This should be consistent across the board.

Mr. MacAskill made a motion to move to remove the authorization for the Town Administrator to execute contracts for Phase 2 East Harwich Waste Water project and change orders.

Mr. Howell changed the motion that all contracts regardless of their source be executed above \$25,000 with the consent of the board, including change orders. Mr. MacAskill seconded.

Discussions from the audience brought up Mr. John Rendon who commented that if they have to wait for approval of change orders to be on agenda and come to BOS for approval of change order it will bog things down.

Mr. Ballantine cleared up that it will only be required for items over the \$25,000, it will not affect small things.

All in favor - Motion carried by unanimous vote.

Further discussion regarding the change order process including Mr. Norm Clark and his process for the Fire Station #2. Mr. Ballantine commented that is at their own discretion how they bring change orders to the board.

Mr. Powers made the board aware under procurement laws there would be certain change orders that if they rise to a percentage of the original contract would actually require the change order to go out for procurement again. Mr. Powers is part of the primary procurement team and will factor it in and also advise the board if a change order dollar amount necessitates another procurement.

CONTRACTS

- A. Vote to Approve – Fire Station #2 – Procurement of Furnishing & Related Materials - \$26,227.13

Mr. Joe Powers is seeking the Board’s acceptance of the contract and signing of the contract. Mr. MacAskill moved to approve the Fire Station #2 Procurement contract as presented in the amount of \$26,227.13. Mr. McManus seconded. Motion carried by unanimous vote.

- B. Vote to Approve – Brooks Free Library Pump Motor Drives - \$31,500.40

Mr. McManus moved to approve the contract for the Brooks Free Library Pump Motor Drives in the amount of \$31,500.40. Mr. Ford seconded. Motion carried at a vote of 3-1-0, with Mr. MacAskill abstaining.

- C. Vote to Approve – Brooks Free Library Energy Management System \$54,067.00

Mr. Powers asked for this to be tabled as they are still working out some details.

- D. Vote to Approve – Brooks Free Library Boiler Replacement - \$80,800.00

Mr. McManus moved to approve this contract for Brooks Free Library Boiler Replacement for \$80,800. Mr. Ford seconded. Motion carried at a vote of 3-1-1, with Mr. MacAskill abstaining and Mr. Howell against.

- E. Award of Phase 2 Contract 2 Sewer Project - RJV Construction Corp - \$6,621,306.25 MOTION: Authorize the Town Administrator to execute the Phase 2 Contract 2 CWSRF4424/2 to the RJV Construction Corp in the amount of \$6,621,306.25

This will be tabled for two weeks.

OLD BUSINESS

No report

TOWN ADMINISTRATOR'S REPORTS

A. Winter Boat Storage License

Mr. Powers deferred to Mr. John Rendon, Harbormaster on this topic. Though Mr. Powers sat in on the meeting with the Administrator and the Harbormaster and will support Mr. Rendon.

Mr. Rendon then reported, as stated within the memo that he put forward, they have had a long-standing relationship with Alan Harbor and operating on a two-year license extension that expired May 20, 2019. Therefore, we have to advertise and put it out to bid again. It is his understanding the town would like to continue the established relationship. Boat storage had been discussed in the past and this department is no longer doing winter boat storage directly with the customer, and that is not what he is asking for, but what he is asking is whether the town wants to continue to allow space at Saquatucket Harbor or put it out to bid to allow persons, firms or marinas to utilize through a licensed property at Saquatucket. He is not suggesting they get involved in the boat business, this is for firm or boat yards, not individuals.

Mr. Howell asked why this is a license to use land and not a land lease? If it was a land lease we would have to fulfill certain requirements. How did it morph into a license? Mr. Powers explained that the procurement team was aware of this. This is a license agreement not a land lease because you are asking parties to perform a service, but the town is not relinquishing its ownership or property rights where the activity is taking place.

Mr. MacAskill asked about the area A that was under construction so therefore it was not leased. He also asked Mr. Rendon if they were voting on something today. Mr. Rendon explained that he was looking for the Board's direction on how to proceed. He is looking to get a public notice out to get a bid and then will come back in front of the board for approval.

Mr. Ballantine gave Mr. Rendon the boards blessing to proceed.

B. Departmental Reports

ASSISTANT TOWN ADMINISTRATOR REPORT

Mr. Powers reported that both himself and the board had received a letter, late that afternoon from the HEA. Mr. Powers wanted to inform the board that the matters that both parties had been dealing with, the HEA has confirmed that it has been satisfactorily concluded, and they sent the letter noticing that and with their thanks. Mr. Powers appreciated their efforts as well.

SELECTMEN'S REPORT

Mr. Howell said that they will need to add to the agenda at some point the jurisdictional change for what was the pet burial ground, for town meeting vote to confirm. Mr. McManus commented that they should check the motion that was made.

Mr. Howell also told the board that himself and Mr. McManus had the honor to open up the Cornelius Pond walking trail today.

Mr. MacAskill asked again about providing a list to send out a letter to thank everyone that helped in the aftermath of the tornado.

ADJOURNMENT

Mr. Howell moved to adjourn at 8:10 pm. Mr. MacAskill seconded. Motion passed unanimously.

Respectfully submitted,

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
Monday, September 30, 2019
6:30 P.M.**

SELECTMEN PARTICIPATING: Larry Ballantine, Donald Howell, Michael MacAskill

ALSO PARTICIPATING: Assistant Town Administrator Joseph Powers.

Mr. Ballantine reopened the meeting at 6:30 pm. He explained he first called the meeting to order at 6:25 pm for an Executive Session. They just needed a few minutes to discuss Harwich Police Superiors contract for the coming years. They so voted and that will take effect.

WEEKLY BRIEFING

**A. Sewerage Work Improvement Phase 2 – Contract #1 – Construction
Schedule – Weekly**

Mr. Powers reported on the most current weekly update he had, which was not included in packet. The two week look ahead for 9/30-10/4, the mainline sewer crew #1 is continuing installation on Johanna's Path and mainline #2 on Route 137 and the three week look ahead for 10/7-10/11, main line sewer crew #1 is continuing installation on Johanna's Path and Route 39, and mainline #2 on Route 137. Again, detours will be in place.

B. Mr. David Guillemette, Chief of Police, had an announcement on behalf of the Harwich Police Department that they will be wearing Pink patches in support of Breast cancer awareness month that starts October 1st. They are very happy to be participating in this program that had started out on the West Coast and came this way and now there are 74 police departments in Massachusetts alone participating in this pink patch project. They have not decided if they will be selling the patches yet, but if they do it will all be through the Harwich Police Association and you can go on their website or Facebook page for more information. Also, pinkpatchproject.com is a great website. There is no one out there who has not been touched by this disease so we are very happy to be supporting it.

C. Norm Clarke, Fire Chief, first thanked Mr. Guillemette for the Police Department supporting the Pink Patch Project for how important it is. The other briefing that he had is about the new fire house they are building. They are getting there, though a little behind, but on budget. Things have changed a little bit in that demo of present station then talked about hanging on to property which didn't seem to pan out either. Maybe we out to reconsider what we do with that building. He would like the board to give him some direction, quickly as to where they would like to go. He is requesting a follow up that the board meet onsite to get a feel of the property and what they would like for him to do. He is formally requesting that the board consider a meeting there. He needs some direction. Mr. Ballantine confirms that they can do that and will discuss a time and get back to him. Mr. MacAskill asked about getting something on the books sooner Mr. Howell commented to Mr. Clarke that going into the meeting at the site, he would like to know what the building could possibly be used for? And what would the ramifications be? Mr. Clarke said that by visiting the site it would give them a better idea and glad there is interest in the building. Mr. Ballantine suggest that they also have Charlene from Planning attend as well.

D. Emily Mitchel, Council on Aging Director, wanted to report that at the COA they had a fabulous week last week. On Tuesday, they had a Volunteer Recognition BBQ, it was a chance to thank the volunteers that help the services they provide. They have nearly 100 volunteers and about 40 made it out to the BBQ. Thank you to the Fire Association that brought the grill over and prepared the food and thank you to the Friends of the Harwich COA that purchased the food and Chief and Deputy Chief of Police that came by and Chairman Ballantine was there too. And ended the week with the dance with over 80 people dancing eating enjoying the music. Showed how special the community center is.

E. Mary Maslowski representing the Planning Board, Charleen Greenhalgh could not make it tonight but wanted to let them know that Cape Cod Commission has on their agenda the West Harwich District of Critical Planning Concern application for Thursday, October 3rd at 3pm in the old jailhouse. They should have a page with the information for the meeting in their packet. Charlene will be giving the presentation on the boards and towns behalf and would be happy to have any one come in support. Mr. Howell would like to confirm it is posted. Mr. Powers confirmed it was posted earlier that afternoon.

- F. Carolyn Carey reported that the Touch a Truck event was a huge success, they had well over 200 people come. The ice cream truck was the favorite truck!

PUBLIC COMMENTS/ANNOUNCEMENTS

Peggy Rose, acting Director of the Harwich historical society would like to mention that coming up on Saturday 5th and 19th they will be having annual graveyard tours. If you would like to go on the tours they are 4, 4:30 and 5p Please call the museum 508-432-8089 and leave your name, number and which tour you would like to go on and you get a call back to confirm. Harwich Schools exhibit will be carried over to next year, so they are still looking for memorabilia for the Harwich school system. Get in touch with the museum if you have anything to share.

CONSENT AGENDA

- A. Vote to approve Caleb Chase Fund request in the amount of \$800.00
- B. Vote to ratify the Harwich Police Supervisors Memorandum of Agreement
- C. Approve the recommendation of the Town Administrator regarding a Petition by Cello Partnership d/b/a Verizon Wireless to locate small cell wireless antennas, and the necessary sustaining and protecting fixtures, on an existing pole, located in the public way near 532 Depot Street, Harwich, MA 02645. Also be granted a location for permission to erect and maintain at said locations the following: antenna, mounting brackets, groundbars, conduit, cable, disconnect, and such sustaining and protecting fixtures as it may find necessary
- D. Vote to accept the resignation of Tom Caruso, Treasure Chest Chairperson – effective 9/23/19
- E. Vote to accept the resignation of Megan Yaps, Noise Containment Committee – effective immediately
- F. Vote to accept the resignation of Deborah Sementa from the Bylaw and Charter Review Committee – effective immediately

- G. Vote to accept the resignation of Sandra Hall from the Bylaw and Charter Review Committee – effective immediately
- H. Vote to accept the resignation of Anita Doucette from the Bylaw and Charter Review Committee – effective immediately
- I. Vote to accept the resignation of Carol Thayer from the Bylaw Charter Review Committee – effective immediately

Mr. Howell moved to approve items A, D, E, F, G, H, and I, as specified. B was already voted on and passed. Mr. MacAskill seconded. Mr. Howell noted that he was at the meeting when everyone resigned and it should be looked into why an entire committee would resign. The motion carried by unanimous vote.

Mr. MacAskill requested to hold C to discuss because it seems a lot longer for a consent agenda and it is a “draft” and he would not be prepared to vote on a draft, but it says that town insurance should review. Has the town insurance company reviewed this document yet? Mr. Powers explained that to his knowledge they had not but that the Administrator had informed him that he had in the packet a sample agreement that was present to him by Attorney Feher at KP Law that was the extent of their discussion. Mr. MacAskill voted no on this, and Mr. Ballantine said it would be tabled and brought back so they could get it right.

PUBLIC HEARINGS/PRESENTATIONS

- A. Town Administrator presents to the Board of Selectmen 5 year financial plan

Carol Coppola, Finance Director, on behalf of the Town Administrator, who asked her to provide the presentation for the board. On an annual basis the finance department and the town administrator put together a 5-year fiscal forecast that has uses of funding and sources of those funds. How we are going to pay for everything in the next 5-years. Mr. MacAskill interrupted, with a question on the first page, non-property tax, under assumptions, 4% to 6% with an additional \$225,000 for Motel and Hotel tax, so that’s that been figured into these numbers? Ms. Coppola said yes, she was instructed to do that. Mr. MacAskill then asked Chairman Ballantine that they talked about this last year and it didn’t pass, it has been 6-8 months without bringing this back and now our 5 year assumptions that we going to give to the public right

now assumes that we are going add 2%, that is number one. Number two, do you have under the debt the 8 million dollar bumble the overage in east Harwich waste water that is going to go in front of town meeting this year, and the proposed number for DHY if that passes in the 5-year plan. Ms. Coppola confirmed that both were included.

Mr. Howell commented, that this is basically a warning shot because it is in here, that just for himself that it is not likely to go from 4% to the 6% on the room tax unless that 2% is earmarked in some way to reduce the debt burden of the sewage system. He said it does not belong in an operating expense and it hasn't been approved in town meeting yet. Mr. Ballantine has some questions as well, but would like to treat this as a draft budget presentation and come back to discuss some of the questions going forward.

Ms. Coppola was then asked to proceed. There are some assumptions that were made, and some assumption in regard to revenues as well as non-property tax revenues. They assumed an estimated \$400,000 is going to come in under short term rental tax and that is a big assumption. We have not factored in any overrides or of that matter. FY 19 financial results were used and moving forward with those results. Here are the source of the funds we have anticipated moving forward with

Ms. Coppola explained how they are going to use those funds. There have been some union contracts that have been settled. They were settled at greater amounts than previous years, so actual amounts were factored in, and then additional amounts for the next 3 years. General expenses and look at exceptions, such as the Town Clerk in 2020 is going to have an election and that is going to cost some money. Property and liability insurance have been increasing. The Elementary School and Cultural Center have doubled in value, and therefore premiums are going to double for those buildings. They have factored in a 3% increase for health insurance and a commitment to fund op-ed and sewer projects. The schools have an estimated increase of 3.25% for level funding enrollment. The assumption is that they would stay level. The Tech School has a debt payment that starts FY20, with the first year debt payment of \$908,000 and it will drop in the 2nd year. Monomoy is in debt, which is associated with the high school. The middle school is paid off. They have an assumption in for the need for a roofing project in 2022 or 2023. The source of the funds will be raised on real estate and personal property taxes,

as well as permit fees, beach stickers and state aid funding. Ms. Coppola shared charts that show all of this information.

Mr. Ballantine commented on some of the assumptions and this budget is a draft to work on. Mr. Howell the assumption he is also troubled by is looking back at the free cash. It is substantial and there are things that are needed. He would like to see op-ed coming from that. Mr. MacAskill will reserve his comments for when the Town Administrator is present. Mr. Ballantine said that this will be back on the agenda with more discussion points, likely multiple discussions.

NEW BUSINESS

A. Annual Meetings with the Board:

1. Harwich Cultural Council

Tina Games, Chair of the Harwich Cultural Council, appeared to provide a report on the Harwich Cultural Council. Their agendas and minutes are always posted timely, all members have been sworn in and ethics training has been done. They have a very new council. Ms. Games is the veteran of the council along with Rosanne Shapiro, who is a veteran with 3-years in. Dinah Lane and Charles Barnes were recently appointed along with Christine Banks and Kathleen Teahan and Laurinda Raquel. They are a very new council.

As an overview, the Harwich Cultural Council is a town appointed committee with a goal to enrich the cultural lives of its citizens. They are one of 329 local councils who are charged with allocating grant funds for community based programs projects and events that serve the arts, humanities and interpretive sciences. Our council is composed of nine members and they have seven right now. There are currently two vacancies, if anyone is interested.

Ms. Games recognized the three people that came off in the spring: Rose Ann Clarke, who served nine years; Sharon Mitchell, served six years; and Joan Sachetti, who served four years.

For fiscal year 2019, Harwich Cultural Council received a total of 25 grant applications, totaling \$24,018 in funding requests. They awarded \$9,000 in local grants.

Ms. Games also shared that for the second year they held a grants information session in August at the Cultural Center and had a great turn out. They are reaching out to the community to let them know they are there. They had about a dozen people this year, same as last year. Also they were renewed for the Cultural Compact Agreement. Harwich was the only town selected for that. Which brought a \$5,000 grant to the town, which was matched and applied at the cultural center. They were also happy to take part in the ribbon cutting ceremony at Saquatucket Harbor on May 4th. The council also conducted a community cultural needs assessment, that they are required to do every three-years. This was done back in February and March and gives a feel for what they are doing right and where some of the needs are. They will also continue to partner with the Town of Harwich and the Harwich Chamber of Commerce toward the Cultural District designation for Harwich Port and Harwich Center. They are also currently exploring fundraising projects and the funds will go back into their grant program.

Mr. Ballantine asked if they can share the results of the needs survey. Ms. Games send that over to them. Mr. Ballantine also asked what percent of the grants go to the students. Ms. Games said that through one of the arts programs, the grants will filter through one of those programs. They typically give four to six grants towards the youth, also includes pre-school age. They typically get up to six grant applications and are usually able to fund all of them.

Mr. MacAskill and Mr. Howell expressed their thanks for the hard work of the council. Ms. Games also expressed thanks for being able to meet at the Cultural Center. They also are in a current grant cycle and have an application process open with a deadline of October 15th. If interested in applying for a grant go to the Harwich town website, Cultural Council page to click on the application link.

2. Brooks Academy Museum Commission

David Spitz, Chair of the Brooks Academy Museum Commission provided the board with the report, which was not included in their packet. Mr.

Spitz reported on that from last December, BIA Studios, an architectural firm from Boston completed its assessment of the museum's structure and provided its recommendations for building restoration and improvements. The report is available online at the town website under the Brooks Academy Museum Commission page. They did not approve the first recommendation from the firm, which was excavation of a full basement under the footprint of the whole museum. That was a wish list item that came in in the vicinity of two million dollars and they did not think it was conscientious at this time. The final recommendations that came in and were accepted consisted of three items. 1. Creation of a climate controlled storage area in the existing basement area. 2. Installation of a low impact low use elevator to provide better access to all floors. 3. Relocation of the main building entrance to its historic location on the north side of the building.

Last fall they applied to the CPC for \$130,000 to begin work on this project. Concerns were raised by the Town Administration and the CPC whether the structural condition was adequate to support the work. The CPC approved the money with stipulation that the first step was to have a structural engineering analysis to be completed before anything else. Mr. Spitz has been working with the town engineer and it is his understanding and hope that the engineering analysis will begin this fall.

A second noticeable restoration issue is the siding of the building, particularly on the east side. The architects determined that an air handler issue may be the cause. After a visual inspection the town is not sure they are correct, but they do need to determine why the paint is peeling more on that side. The peeling paint areas were tested and positive for lead paint. It is the recommendation to scrape and re-paint the building. They intend to seek funding from local and state grants.

This summer, the Crowell Barn was the only town building that had significant storm damage. A tree fell on the roof and hit the chimney, which saved the roof. They appreciate the efforts by the town's maintenance staff, everything has now been fixed.

During this time it became clear that Brooks Academy Museum Commission has no direct responsibility for the Crowell Barn. They assumed it was part of the museum but they do not have anything official

from the Board of Selectman to say they are responsible for the oversight. They would now like to request that the board grant the same official oversight capacity for the Crowell Barn that Brooks Academy Museum Commission now has over Brooks Museum.

The commission's membership is full, with recent appointment of Janet Cassidy. We have a quorum for all scheduled meetings throughout the year.

Mr. MacAskill responded with this thanks for all of their work and Mr. Howell recognized that the Crowell Barn will need to be added to the agenda for action to happen on that.

3. By-Law and Charter Review Committee

Mr. Ballantine has tabled this for now due to several members resigning and will bring it back as they look at the direction going forward.

B. Vote to Support – Application for funds by co-applicants Real Estate and Open Space Committee and Conservation Committee for the potential acquisition of 0 Cherokee Road

Mr. Howell moved to support the submission, Mr. MacAskill seconded with discussion. Mr. Howell wanted to clarify that as far as the preservation committee goes, this does not mean that the Board of Selectmen are submitting it, the board is supporting it. Mr. Ballantine also mentioned that he received an email from Amy Usowski, Conservation Administrator, the Conservation Commission also gives their support. No other comments. Motion carried by unanimous vote.

CONTRACTS

A. Solid Waste Presentation by Mike Camara, President of New Bedford Waste Services

Mr. Lincoln Hooper, Director of the DPW provided an overview going back to 2013 and 2014, when the 25 year contract with Covanta was expiring. The Cape Cod commission did some RFPs on behalf of Cape Cod towns, which were known as the tier one towns that got the waste to energy plant

constructed. Covanta threw some very large numbers for what they wanted. Mike Camara stepped in and gave some proposals and half community signed with Covanta and half with ABC. There is currently a lot of turmoil going on in the industry. Mike Camara, the owner of New Bedford Waste Services would like to inform the board some of the trials and tribulations that we are facing. We currently have a 5-year contract that expires December 31, 2019, and we are planning to position to have a 5-year renewal of the contract.

Mr. Mike Camara introduced himself and apologized for not making the last meeting. Going back in time to 20 years ago the state implemented bans on expansion of waste facilities and at the same time they were discouraging the increase of landfills, recycling was the focus. Which unfortunately was not a good idea. The Massachusetts recycling goals in 2000 was 46% the current rate is 23%. The goal is to be 90% by around 2050. They have not reached any of their goals yet. Mr. Camara thought they had a very good business plan for Zero Waste was to handle recycling and MSW with a goal of 90%. But what has happened and what has changed. In 2017 China did not want to import recycling materials anymore. They decided to put the environment first and be self-sufficient and not take in recyclables from around the world.

They are currently working on solutions to take waste out of state. Massachusetts is losing about 300,000 tons of landfill in January. The current state of the network of in-state Waste-to-Energy facilities are aging, they are over 30 years old, some 40 years old. At some point in the very near future, the Waste-to-Energy facilities are going to have major breakdowns, and longer outages. The safety nets are gone and his fear is that during one of these outages, there will be no place to go with the trash. It will be sitting at the curb and not picked up.

Transfer stations will fill up. They are working hard to commit to their customers that they will have a place to go. Can't rely on it being in State unless the state decides to lift the moratorium on waste energy or look at other alternatives. Mr. Ballantine asked if there is any discussion on lifting the moratorium on waste energy? Mr. Camara responded that they are willing to allow 350,000 tons of new capacity, if it is an alternative technology. In his opinion he does not see it happening. We have some of the highest disposal costs in the state. So, please write to the Governor, the Secretary of Environmental Affairs, Commissioner of the DEP and voice your concerns of where Massachusetts is going.

Mr. Ballantine asked what we can do locally to help our cause, we used to do quite well with percent of recycling, is that correct? Mr. Hooper responded that DEP stopped giving the report card four or five years ago, Harwich used to receive honors, around high 30% or 40%. We still submit all the information but we do not receive a report anymore.

Mr. Camara continued with what he is concerned about with state transportation laws. Ohio has had problems with odors in landfills, what happens if they stop taking our trash. It is a real problem that in this state we are not creating the outlets to handle our own waste. We are relying on other states and where is the pricing going to go. Some solutions: 1. lift the moratorium, 2. allow for expansions, need to look at buying land, 3. reactivate closed landfills, and 4. The state to implement an organic waste food ban.

What this means for Harwich, is that we will see increased tipping fees and a need to secure a disposal outlet. The town my need to think about a food waste ban. Why wait for the state, the town can implement a ban on food waste. There are biodegradable bags. Put your food waste in it and it breaks down very easily.

It is a difficult situation that they are working hard to fix. Any questions or comments. Mr. MacAskill thinks this conversation warrants a much bigger conversation with Mr. Hooper on the town can do. He asked what percentage of the trash actually comes from the town of Harwich, how do we regulate it? Mr. Hooper confirmed that 100% is Harwich residents. He has curtailed all commercial business and they have had to go to the Town of Yarmouth, which is run by Covanta. He has never seen conditions like this. The town got through the summer by working with the town of Bourne, but that is curtailed now. He is very concerned for the future and he would like to say that Mr. Camara has saved the town \$350,000 to date, by him stepping into the mix back then. Mr. Camara is proposing tonight that the rate will be raised from \$59 per ton to \$65 per ton tomorrow. And then probably in the low 80's by the first of the year. Once they can add the bailer at Zero Waste and it is installed they will have more capacity. Mr. Ballantine asked when the contract expires, Mr. Hooper confirms that it is up December 31, 2019, with a clause to notify by October 1st of the towns intention. Covanta offered half the tonnage we were looking for a 90, 95 and 100 per ton.

Mr. Howell expressed his views on the topic and Mr. MacAskill said they have a bunch of documents but no contract. He would like to know if that can wait a week so they can put a contract together and what Mr. Hooper's role would be and that the Finance Director has a chance to review the finances. Mr. Powell can speak to what is in the packet, three key documents to reference. The first one is the letter from New Bedford Waste Services, dated August 9, 2019 and received in the office August 13, 2019, referencing the uncontrollable circumstances, (force majeure). The second letter is a draft response written by KP Law to be presented and discussed by the board, and as a response for what is evidenced by the memo from the Administrator on September 18, 2019. To encapsulate everything, the documents are a reaction to the Force Majeure letter from August. A response from counsel, saying that we reject the Force Majeure argument that the uncontrollable circumstances are more in-line with what would be considered market circumstances. For the board this evening, if both parties agree to the extension of the October 1st deadline then we could accomplish what is being asked for.

B. Vote to Approve - New Bedford Waste Services - Contract Renewal

If the vendor agrees to extend the contract, we do not need to make a motion. But it needs to be noted on record that all agreed. Mr. MacAskill asked about any concerns regarding procurement and Mr. Powers confirmed it is an exempt procurement. Mr. MacAskill also reiterated the need to write a letter from the board to the Governor about the rates and issue here. Also the need to make it more of a public issue and awareness.

OLD BUSINESS

A. Vote to Support - Harwich Affordable Housing Trust General Application – Part-time Housing Coordinator and Project Funds

Mr. Ballantine stated that this is not a vote for action but a vote to support the CPC. Mr. Howell stated that Mr. MacAskill had some good points and feels the Town Administrator should be there to answer questions, since he is the chair of the trust, but he can handle a little of it. The \$50,000 for the coordinator, we had changed from \$30,000 for six months, but there is more work going on for one year. And a larger component that has to do with the money amount, there is no priority or rules of operation for someone to actually do that, to map out priorities. We are already about a year behind, so

that is supposed to be allocated to both, start something and set up priorities and rules of operation, which they currently do not have.

Mr. MacAskill was really hoping to have a scope of work. How much work we are being billed for, based on other towns. There is no other information this week from what we had last week.

Mr. Ballantine said we are running out of time, we should support the CPC. Mr. MacAskill said we aren't running out of time, because they are just asking for our support. The request is for the CPC to provide an outline of the coordinator position and what the extra \$20,000 is for. They will bring this back.

B. Vote to Support – 0 Deacon's Folly Road Land Acquisition for Affordable Housing and Open Space/Conservation

Mr. MacAskill stated that this again is back on the agenda and he does not plan to go anywhere until there is an appraisal. He still has a concern if it is suitable for affordable housing based on the location and seven lots and seven homes at 600 plus thousand a piece is not a terrible thing on the tax roll. He will be critical of the appraisal, but if the vote is tonight, he votes no. Mr. Powers does not know what the status of the appraisal is, but will follow up. Mr. Howell said he is on the Housing Trust and also the liaison for the Real Estate and Open Space, so it is not a leap for him to say this that he will differ from his colleague but affordable housing gets built and then bus routes get planned afterwards. They don't put a bus route into empty lots but what is concerning to everyone is that they were going to get both. Should the subdivision plan get approved and should one of the lots that is created by that end up getting flipped and sold your bifurcating the properties. He tends to differ with tax stuff, but housing in general only creates about 80% what it services. We are not going to build our way out of property tax problems.

Mr. Ballantine said he liked this idea because it combined conservation and building.

Mr. Howell moves to support the 0 Deacon's Folly Road Land Acquisition for Affordable Housing and Open Space/Conservation. Seconded by Mr. MacAskill for discussion. Ms. Shevlyn, Real Estate and Open Space Committee, stood to clarify that the Harwich Cons Trust is not actively

involved in this. They are supporting it, but not actively working with them on the application. Motion carried at a vote of 2-0-1, with Mr. MacAskill against.

TOWN ADMINISTRATOR'S REPORTS

Mr. Powers would like to present notes on behalf of the Town Administrator for these topics.

A. Insurance Renewal Proposal for the South Harwich Meeting House Update

The update for the Insurance Renewal Proposal for the South Harwich Meeting House is that Administration received information from their insurance agent and strategist, Maya, several weeks ago looking to renew coverage. Mr. Powers was not sure if this should go through him or the board, but the Administrator has signed the request for approval for the insurance agent.

B. Lothrop Update

The Engineer will have to go out to establish boundary lines before chain link fence would be installed. Mr. Ballantine asked for timing. Mr. Powers explained that the Griffin Ryder, Town Engineer, is doing the best he can and knows it is a priority for the board.

C. Barnstable Weights and Measures Program Update

The update is that the materials presented by Barnstable County on Weights and Measures is going to have an impact on towns up and down the Cape. More information will be coming shortly.

D. Cape Cod Blue Economy Foundation

E. The Administrator indicated that we would be applying for a grant to establish an information kiosk at the Saquatucket Harbor complex. The Cape Cod Blue Economy Foundation is set up to support all of the economy around any industry related to ocean and water. Mr. Ballantine asked what the purpose

of the kiosk, is it educational or informational? Mr. Powers does not have more information at this time.

F. Pet Burial Ground Update

The DPW Director told the Administrator the gazebo has been moved from that location to the appropriate location. They need to finalize the dollar amount for that transfer.

Mr. Powers asked if it is the boards preference to do a sale of surplus land? He would be able to let them know at a later time what all the requirements would be to do a sale of surplus land, under a Chapter 30B.

Mr. Ballantine said there are two points that have come up on this and one is the town meeting vote. It is his understanding that the land was transferred back to the Board of Selectmen. They will have to verify with KP Law if that truly happened. If that is true, then they will need to bring it back as an agenda item. Will they want to put out for RFP or transfer to another town department? Mr. Howell suggests that with the members of the Open Space Committee present, perhaps they can start looking into it.

Mr. Powers also just reported on behalf of the procurement team. They have at least 27 projects that have been presented and are actively engaged with 13 of them. A big one that will be coming in front of the board is the catch basin in early November.

Mr. Powers and Mr. Ryder would like to bring in front of the board more regularly procurements to get more help with prioritizing. Mr. Ballantine agrees it would be good to discuss priorities to get things done.

Mr. Howell asked if the Town Administrator had been contacted about their vote on signing authority. Mr. Ballantine will remind him.

Mr. MacAskill has one comment on procurement list, and it can be put on the agenda. For the area of Freeman Road and 28 where Snow Inn Road comes out, they asked for an engineered road layout south and west. Griffin Ryder is the only one who can request that. It is needed for traffic safety.

SELECTMEN'S REPORT

Mr. Howell provided an update from his attendance at the Cape and Island Water Protection Fund Management Board. They voted to extend the Bylaws Committee to establish regulations. One thing to update from that discussion was after listening to Barnstable and Yarmouth at that meeting. Barnstable is doing a cost recovery for any one of three elements including in full negotiations with DHY and Dennis is also thinking of alternatives. We should create a model or parallel plans.

ADJOURNMENT

Mr. MacAskill moved to adjourn at 8:30 pm. Mr. Howell seconded. Motion passed unanimously.

Respectfully submitted,

MINUTES
SELECTMEN'S MEETING
REMOTE PARTICIPATION ONLY
FRIDAY, April 3, 2020
6:30 P.M.

SELECTMEN PARTICIPATING: Ballantine, Ford, Howell, MacAskill, McManus.

ALSO PARTICIPATING: Interim Town Administrator, Joseph Powers; Meggan Eldredge, Health Director; and David Guillemette, Chief of Police.

CALL TO ORDER

Mr. Ballantine opened the meeting at 6:30PM and called to order the Board of Selectmen. Roll-call: Mr. MacAskill – Here, Mr. Ford – Here, Mr. Ballantine – Here, Mr. Howell – Here, Mr. McManus – Here.

OLD BUSINESS

A. Coronavirus – COVID-19 Update

Mr. Powers reported that access to certain areas in the Town will be locked, for instance, Brooks Park. Nets and hoops will be removed to limit social gatherings.

Ms. Eldredge reported that the numbers of positive COVID-19 cases are higher today than they were yesterday. She said it is important to understand that we are not even near the top of the mountain yet. She stressed again the importance of staying home. Ms. Eldredge said there are social services and volunteers who can deliver food and go shopping. She said we are doing the basics of contact tracing through the VNA. Mr. Ballantine asked if the contact tracing is being done by the local communities. Ms. Eldredge replied that although we have a Town Nurse, the VNA starts investigating once the Department of Public Health makes a case active.

Mr. MacAskill asked how many cases are there in Harwich. Ms. Eldredge replied that although the Department of Public Health has said it is up to each Town to

release this information, she suggested this be discussed by the Board of Selectmen, adding that she would not want to make that decision on her own. Mr. Ballantine said we will put it on a future agenda. Ms. Eldredge said half of the Cape Towns are not releasing this information; half are. Mr. Howell asked that it be put on the April 9th agenda. Mr. Powers said he will get the appropriate language for that agenda.

B. Discussion of public safety staffing

Mr. Powers asked Chief Guillemette to review his memo addressed to the Board. Chief Guillemette said the staffing of the Police Department is stable, although there is one Dispatcher and two full-time Patrolmen positions open. There is a Patrolman trainee who will graduate in July. The five on-staff Dispatchers agreed to adjust their schedules, leaving two open shifts per week, and overtime is more than offset by what the salary for the position would be.

Mr. MacAskill asked the Chief if he could provide an overtime estimate and if he could give a sense of when he would looking to fill the Dispatcher position. Mr. MacAskill said it is his understanding that if a Patrolman is pulled in to handle dispatch duties, the hourly rate is \$50. Chief Guillemette said he can email the information to the Board concerning the overtime expense connected with Dispatch. He said hiring could be delayed or the hiring process could start. He said there are challenges to training dictated by social distancing protocol. Mr. MacAskill said he recommends to the Board that the hiring process for a Dispatcher be started now. Mr. Powers said he and Bob Lawton, Interim Assistant Town Administrator, are working on a hiring procedure which will be finalized next week, which will have a social distancing focus and utilize a Webinar from MMA.

CONSENT AGENDA

- A. Vote to nominate Jennifer Harrington, Animal Control Officer, as Animal Inspector for the Town of Harwich
- B. Vote to re-appoint Jacqueline Etsten as Harwich's Representative to the Cape Cod Commission effective April 25, 2020, through April 24, 2023

Mr. Ford moved to approve Items A and B. Mr. Howell seconded. Both Mr. Ballantine and Mr. MacAskill said they have had conversation with Mrs. Etsten concerning her attendance at a future Board meeting to discuss how Cape Cod Commission regulations could affect Harwich. Roll-call vote: Mr. McManus – Yes, Mr. MacAskill – Yes, Mr. Ford – Yes, Mr. Howell – Yes, Mr. Ballantine – Yes. The motion carried by unanimous vote.

NEW BUSINESS

A. Discussion and possible vote of support by the Board of Selectmen for the Public Advisory Question as it appears in Item B.

Mr. Powers said it is appropriate to address Item B, rather than Item A.

B. Discussion and possible vote to place the following question on the 2020 Annual Town Election ballot:

This question is non-binding

Shall the Town of HARWICH Direct the Board of Selectmen to communicate to Governor Baker and the State Legislature with respect to the Pilgrim Nuclear Power Station on Cape Cod Bay that the Governor and the Legislature employ all means available to ensure that: (1) spent nuclear fuel is secured in better quality dry casks and hardened onsite storage; and (2) spent fuel pool and casks are protected with heightened security to prevent intrusion in order to protect the health, welfare, and economic interests of the Town of Harwich, its inhabitants and visitors.

Yes_____ No_____

Mr. Ford said the purpose of this petition is to get it on the Town Election Ballot so residents can voice their opinion. Mr. Howell commented that the language is defective; he objects to the word “direct.”

Mrs. Diane Turco, one of the proponents of the question, joined the meeting by remote participation. She said all other Towns used the language as presented. Mr. Powers said he conferred with Attorney Giorgio and according to Mass. Gen Laws Ch.53 Sec.18A; this is a non-binding public opinion advisory question. He

said the Board is not compelled to place it on the Ballot, adding if it passes, it still remains non-binding and cannot compel the Board to take any action.

Mr. Ford moved to place the Public Advisory Question as stated above as Item B on the 2020 Annual Town Election Ballot. Mr. McManus seconded.

Mrs. Turco said the question keeps the public engaged and gives them an opportunity to continue the question and help support the decommissioning of the Pilgrim Nuclear Power Station responsibly. Mr. Ford thanked her for all the work she has done on this subject over the year.

Mr. Ballantine said there is a motion and a second. Roll-call vote: Mr. McManus – Yes, Mr. MacAskill – Yes, Mr. Ford – Yes, Mr. Howell – Yes, Mr. Ballantine – Yes. The motion carried by unanimous vote.

Following the direction of Mr. Powers, Mr. McManus moved to send the Public Advisory Question, as stated above as Item B, to the Town Clerk for inclusion in the 2020 Annual Town Election Ballot. Mr. Ford seconded. Roll-call vote: Mr. McManus – Yes, Mr. MacAskill – Yes, Mr. Ford – Yes, Mr. Howell – Yes, Mr. Ballantine – Yes. The motion carried by unanimous vote.

C. Discussion and possible vote on proposed April Board of Selectmen

Meeting Dates:

- Tuesday, April 7th
- Thursday, April 9th
- Monday, April 13th
- Thursday, April 16th
- Wednesday, April 22nd
- Friday, April 24th
- Monday, April 27th
- Friday, May 1st

Mr. Powers said the proposed regular meeting schedule does not impact any regulatory board meetings already scheduled. He said there is the mechanism for calling an emergency meeting to convene within 48 hours of the call, providing that at the next regularly scheduled Board meeting that item is re-noticed for additional conversation.

Mr. McManus moved to approve the schedule of regular meeting dates as presented. Mr. Howell seconded. Roll-call vote: Mr. McManus – Yes, Mr. MacAskill – Yes, Mr. Ford – Yes, Mr. Howell – Yes, Mr. Ballantine – Yes. The motion carried by unanimous vote.

OPEN PUBLIC FORUM

The Chairman opened the Open Public Forum. The public was invited to call in and participate in the meeting to offer comments and/or questions. Scott Tyldesley reviewed the procedure for remote participation. The appropriate phone number was displayed. He said he received three emails; however, following a two-minute waiting period, no one dialed in.

SELECTMEN’S REPORT

Following a request from Mr. McManus relative to the release of the number of confirmed COVID-19 cases in Harwich, Mr. Powers said he will work with staff to collect the information related to that issue, which will be on the April 9 agenda.

Mr. Ford thanked Mr. Powers and the staff and especially Ms. Eldredge for her clear reports. Mr. Ballantine agreed with Mr. Ford.

Mr. Howell said he is proud to be part of this Town and of this Board. He said the Interim Town Administrator is doing an exemplary job, as is the dedicated work force.

TOWN ADMINSTRATOR’S REPORTS

Mr. Powers reported that trash and recycling services remain “essential services.” Mr. Hooper, DPW Director, has come up with a plan to resume recycling. Beginning Monday, April 6, at 8AM, single-stream recycling will be implemented at the Transfer Station.

ADJOURNMENT

Mr. McManus moved to adjourn at 7:31PM. Mr. Howell seconded. Roll-call vote:
Mr. MacAskill – Yes, Mr. McManus – Yes, Mr. Ford – Yes, Mr. Ballantine – Yes.
Motion carried by unanimous vote.

Respectfully submitted,

Dorothy G. Hemmings
Recording Secretary
Pro Tem

MINUTES
SELECTMEN'S MEETING
REMOTE PARTICIPATION ONLY
THURSDAY, April 9, 2020
6:30 P.M.

SELECTMEN PARTICIPATING: Ballantine, Ford, Howell, MacAskill, McManus.

ALSO PARTICIPATING: Interim Town Administrator, Joseph Powers; Meggan Eldredge, Health Director; and Chief Norman Clarke.

CALL TO ORDER

Mr. Ballantine opened the meeting at 6:30PM and called to order the Board of Selectmen. Roll-call: Mr. MacAskill – Here, Mr. Ford – Here, Mr. Ballantine – Here, Mr. Howell – Here, Mr. McManus – Here.

OLD BUSINESS

A. Coronavirus – COVID-19 Update

Mr. Powers advised the Board on how he and Ms. Eldredge have been working on developing operational plans in anticipation of an expected surge in positive cases of the COVID-19. He said April 11 through April 20 is the peak week for the virus. He said their goal will have minimal impact on the general public but more of an impact on Town employees and Town buildings.

Ms. Eldredge repeated Governor Baker's report on the numbers of cases requiring hospitalization and numbers of deaths, stressing the increased impact on emergency personnel. She said people continuing to remain at home will lessen the burden during this critical week. She said Cape Cod Hospital will experience a different surge than the Boston hospitals. Ms. Eldredge said CCH has set up a field hospital at the Otis Air Field Base and another one is planned in Harwich. She said everything possible is being done to help people get through this process.

Mr. Howell said he has seen dogs running off-leash at Red River Beach and people running after them. Ms. Eldredge said she will contact the Animal Control Officer and more patrols can be put in place. She said people should not pet dogs; she said “leash signs” can be put up at the beaches.

Mr. Ford asked if more testing is being done. Ms. Eldredge said the more people that are tested, the more people will come out positive, adding that more and more tests are being done, with positive results being obtained within 24 to 48 hours. She added negative test results require 3 to 4 days.

Mr. Ford asked what the causes for the surge are. Ms. Eldredge replied one person can infect 2.3 persons, and that is the basis for forecasting.

Mr. Powers said the new traffic flow at the Transfer Station is successful. He said more staff is required out of the building; however, the system emphasizes social distancing and keeps people off the roads.

Ms. Eldredge discussed the employee of Allen Harbor Marine Service who died as a result of the COVID-19. She said because he was not a resident of Harwich, his death was not reported to her, but rather to the Town in which he resided.

- a. Discussion and possible vote on the pros/cons of the Health Director releasing Town of Harwich COVID-19 case number to the public

Ms. Eldredge said originally when an update on the Town’s number of cases was released, the Department of Public Health directive was not to release them. She said then DPH reversed that decision and said it is now up to the discretion of each Town. Ms. Eldredge added that is up to the Board as to whether or not they want her to release case numbers. She stated the pros:

- Maintain transparency
- Public awareness
- Decrease anxiety, panic

She stated the cons:

- Case numbers are not always accurate
- Comparison with other Town numbers could increase panic; for example, if case numbers in Brewster are lower than those in Harwich, that could attract Brewster residents to come to Harwich to do their shopping, and vice versa

Mr. Howell said a lot of Towns on the Cape are releasing data and social media is putting out information. He said he would prefer that accurate data be disseminated.

Mr. McManus asked if the DPH has issued any information on this issue to be reviewed. Mr. Powers said nothing has come from DPH. Ms. Eldredge said there is a statement about releasing data on the DPH website. Mr. McManus agreed with Mr. Howell about the release of accurate case numbers.

Mr. MacAskill said although he agrees with Mr. Howell and Mr. McManus, he has respect for the Health Director who has given us good reasons why we shouldn't publicize information. He said the Board should follow her information, adding he does not support releasing COVID19 case numbers unless she does.

Mr. Ford said he agrees with both sides; however, he said he feels transparency is the best policy, He said Harwich should get the numbers out there – but no more information beyond the case numbers.

Mr. Ballantine said he does not have a strong opinion either way, adding that the primary objective in releasing the numbers would be to influence proper behavior, like social distancing. He said if the effect of releasing the information is not helping people, then he is against it.

Mr. Howell moved to release Town of Harwich COVID-19 case numbers to the public, on a weekly basis, through Meggan Eldredge, Health Director, without any other information associated with it. Mr. McManus seconded.

Mr. MacAskill said he would rather not release the information; however, he will abide by the Board's decision.

Mr. Howell asked Ms. Eldredge if the Harwich Board of Health has weighed in on this issue. Ms. Eldredge replied that she has not heard from the Board of Health since last March. Mr. MacAskill said his faith is with the Department Head.

Mr. Ballantine said we have a motion and a second. Roll-call vote: Mr. MacAskill – No, Mr. Howell – Yes, Mr. McManus – Yes, Mr. Ford – Yes, Mr. Ballantine – Yes. Motion carried by a vote of 4-1.

B. Town Administrator Search Committee Update – Chief Norman Clarke, Chairman (NOTE; Mr. Powers recused himself from participating in this agenda item)

Mr. Clarke said the Board and the Town are in good hands with Mr. Powers and Ms. Eldredge. He said his Town Administrator Search Committee met April 8 by remote participation. Mr. Clarke said his committee was in agreement that although the decision had been made to hire a consulting firm to assist with the process, the committee is unanimous that because we are in a state of emergency this is not the time to spend dollars on a consulting firm. He said his committee is also unanimous that the process should be expedited. He said the Board should move quickly to get a permanent Town Administrator on board.

Mr. Ballantine asked what moving forward means. Mr. Clarke replied: advertising in a proper fashion according to the Charter, with local ads, State-wide ads, the HERALD or the GLOBE, and Massachusetts Municipal Association (MMA).

Mr. Howell asked when the committee was created. Mr. Clarke replied two months ago and that they have had to cancel two meetings. Mr. Clarke said, as Harwich Fire Chief, his attention has been consumed solely by the COVID-19 situation and in keeping the citizens of Harwich safe.

Mr. Ford asked that since the Board did vote to hire a consulting firm, how that could be reversed. Mr. Ballantine noted that no contract has been signed.

Mr. MacAskill asked Mr. Clarke when the Board could expect minutes from his committee's meeting. Mr. Clarke said their Clerk is Linda Cebula and she will have the minutes completed quickly. Mr. MacAskill noted that they would be draft minutes since the committee would need another meeting to vote approval of them.

Mr. Ford asked if a vote to rescind the vote to hire a consulting company is required. Mr. Ballantine said he will work with Bob Lawton, Interim Assistant Town Administrator, to develop two items for the next agenda -- the vote to rescind and the development of an ad for the position.

Mr. Howell said he agreed and cautioned that the contract should not be signed and sent out. Mr. Ballantine said he will check on that.

Mr. MacAskill asked what the Board wants in a Town Administrator. He said the Board hasn't had that conversation. He said he is not in a hurry to pick a new leader. He said the Board needs to decide the pay scale and what needs to go into an advertisement. Mr. MacAskill asked that these issues be placed on an agenda.

OPEN PUBLIC FORUM

The Chairman opened the Open Public Forum. The public was invited to call in and participate in the meeting to offer comments and/or questions. Scott Tyldesley reviewed the procedure for remote participation. The appropriate phone number was displayed. He said no emails were received, and following a two-minute waiting period, no one dialed in.

TOWN ADMINSTRATOR'S REPORTS

Mr. Powers rejoined the meeting and reported, on a positive note, that the Cape Cod & Islands Major Crisis Relief Fund is available to help with mortgage payments, car payments, and medical bills. Donations to the fund can be made and all funds remain in the community. The website is MajorCrisisReliefFund.org.

SELECTMEN'S REPORT

Mr. MacAskill said he would like an agenda item for tax bills and when they are due. He thanked Mr. Ballantine for getting some of the answers to some of his questions, and he said he would like to see some of that information in a Selectmen's meeting packet. Mr. Powers said staff is working on tax bills and water bills item in conjunction with the Water/Wastewater Superintendent, the Finance Director, and the Assessing Director. He said this will be reviewed at the April 16th meeting.

Mr. MacAskill said the Animal Control Office has pertinent information on her social media page, and it could be linked to the Town website.

Mr. Ford thanked the Search Committee, adding that they have the background and the knowledge to identify the best candidate.

Mr. Howell asked everyone to stay safe and be well. Mr. Ballantine agreed, adding that everyone is doing a good job.

ADJOURNMENT

Mr. Howell moved to adjourn. Mr. Ford seconded. Roll-call vote: Mr. MacAskill – Yes, Mr. Ford – Yes, Mr. Howell – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Respectfully submitted,

Dorothy G. Hemmings
Recording Secretary
Pro Tem

MINUTES
SELECTMEN'S MEETING
REMOTE PARTICIPATION ONLY
TUESDAY, April 7, 2020
6:30 P.M.

SELECTMEN PARTICIPATING: Ballantine, Ford, Howell, MacAskill, McManus.

ALSO PARTICIPATING: Interim Town Administrator, Joseph Powers and Meggan Eldredge, Health Director

CALL TO ORDER

Mr. Ballantine opened the meeting at 6:30PM and called to order the Board of Selectmen. Roll-call: Mr. MacAskill – Here, Mr. Ford – Here, Mr. Ballantine – Here, Mr. Howell – Here, Mr. McManus – Here.

Mr. Ballantine said before the business of the meeting is conducted, he expressed thanks to Channel 18, Jamie Goodwin and Caleb Ladue, for all their efforts.

CONSENT AGENDA

- A.** Minutes for approval
1. June 17, 2019
 2. June 24, 2019
 3. July 15, 2019
 4. March 19, 2020
 5. March 23, 2020
 6. March 26, 2020
 7. March 30, 2020
 8. April 1, 2020

Mr. Ballantine said action on items 1-3 will be delayed to a later date. Mr. MacAskill moved, Mr. Ford seconded, to approve items 4 through 8 with the following edits:

- 3/19/20 minutes, under New Business, Item H, the vote should read 4-1.

- 3/26/20 minutes, delete Mr. Howell's name from the adjournment motion.
- 3/26/20 minutes, under Selectmen's Report, the spelling of Amy Usowski, Conservation Agent, is corrected.

Mr. MacAskill will Email his concerns with the 7/15/19 minutes to the Chairman, who will email them to Robert Lawton, Interim Assistant Town Manager. Mr. Howell will communicate his concerns with items 1-3 to Mr. Lawton as well. Mr. Howell offered to look over meeting minutes to ensure their accuracy. Mr. Powers said that Danielle Delaney will assist in identifying the backlog of meetings that need minutes, adding that Mr. Lawton is prepared to work on the minutes as well.

Mr. Ballantine said there is a motion and a second. Roll-call vote: Mr. McManus – Yes, Mr. Ford – Yes, Mr. MacAskill – Yes, Mr. Howell – Yes, Mr. Ballantine – Yes. Motion carried unanimously.

B. Vote to approve – Class II Used Car Dealer – Goodson's Motor Cars, 2010 Queen Ann Road, Harwich

Mr. Ford moved to approve item B. Mr. Howell seconded. Roll-call vote: Mr. McManus – Yes, Mr. Ford – Yes, Mr. MacAskill – Yes, Mr. Howell – Yes, Mr. Ballantine. Motion carried by unanimous vote.

C. Vote to approve – Seasonal, All Alcohol License – Phoenix Park, Inc., DBA The Irish Pub, 126 Route 28, Harwich, with any pre-existing restrictions.

Mr. Ford moved to approve item C. Mr. Howell seconded. Roll-call vote: Mr. McManus – Yes, Mr. Ford – Yes, Mr. MacAskill – Yes, Mr. Howell – Yes, Mr. Ballantine. Motion carried by unanimous vote.

NEW BUSINESS

- A. Discussion and possible vote to affirm roles of Interim Town Administrator and Public Health Director during entirety of Public Health Crisis related to COVID-19

Mr. Powers said he wanted to clarify communications during the public crisis caused by COVID-19. He said he has been relying on the direction of the Public Health Director Meggan Eldredge.

Ms. Eldredge said COVID-19 is different from other kinds of State emergencies, adding that the pandemic is still evolving. She said the types of decisions she has been making in conjunction with Mr. Powers relate to the closing of town buildings to the public, activating remote work environments, restricting gatherings and events, and closing non-essential businesses. Ms. Eldredge reiterated we all must be sure we are paying attention to social distancing requirements. She said as Health Director her role is essentially as a crisis manager at this point and to interpret orders from experts above her. She said as she is in regular contact with Mr. Powers, under a unified command structure. Ms. Eldredge said Mr. Powers implemented the plan for employees to work remotely, adding that he has worked tirelessly with her, hoping for the best.

Mr. Powers said since Ms. Eldredge's role is Health Director, he has been relying on her guidance. He advised the Board that Ms. Eldredge is Chairperson of the Cape and Island Health Directors Association. Mr. Powers said he appreciates her presentation at this meeting.

Mr. Howell said this is a universal crisis and we need to recognize that Harwich has a major problem. He said he wants the public to know that the Board and the Town is working in their best interests.

Mr. Ford said we should affirm to everyone in this Town that we have strong support offered toward Mr. Powers and Ms. Eldredge and we are grateful for their professionalism. He added that everyone on this Board wants to give the strongest support to these two – and to everyone else who works for the Town.

Mr. Ballantine said he didn't feel a vote was required as it appears obvious that there is a consensus among the Board members concerning the roles of

the Interim Town Administrator and the Public Health Director during the entirety of the Public Health Crisis related to COVID-19.

OLD BUSINESS

A. Coronavirus – COVID-19 Update

Ms. Eldredge reported that the number of positive COVID-19 cases in the state have grown since her last report. She said we are still climbing up a steep curve, adding that New York State is a few weeks ahead of us. Ms. Eldredge said if we follow New York's trajectory, we may see that curve flattening as well. She said there are three new deaths in Barnstable County. She said numbers in Harwich will be discussed at the April 9th meeting. Ms. Eldredge dispelled the rumor that a person who worked in a local grocery store had died from the virus. From her contact with the grocery store, she said she learned that there had been an employee who left their employ on March 15, before any virus could have been spread, but who has since passed away. Ms. Eldredge said guidance is given by email and phone to the grocery stores and pharmacies that are open now. She urged everyone to practice good personal hygiene; she said everyone should wash their hands as soon as they get home and observe the 6-foot social distancing directive.

Mr. Ballantine said he observed many cars in the Red River parking lot. Ms. Eldredge replied she has been in touch with Eric Beebe, Recreation Director, and the Police Department. She said the beach parking lot is being monitored; however, she said she is trying to keep recreation areas open because the opportunity for persons to exercise is so important.

Mr. Ford mentioned an article he has seen which mentioned 1,000 new persons in Massachusetts to assist with contact tracing. Ms. Eldredge said they are volunteers through public health schools being trained by the Department of Public Health and will support local Health Boards. She said Harwich has the VNA; however, she added that we can tap in to the volunteer pool if we get overwhelmed.

Mr. Howell said to some people this is not a big problem and some are treating it like a game. He urged everyone to listen to Mr. Powers and Ms. Eldredge and observe what they are saying.

Mr. McManus asked if a gathering is observed as flagrantly violating the social distancing norms that we are all trying to obey, what the suggestions are. Ms. Eldredge suggested first having a conversation and if that is not effective, to contact the Police Department as they are ready to breakup any gathering.

OPEN PUBLIC FORUM

The Chairman opened the Open Public Forum. The public was invited to call in and participate in the meeting to offer comments and/or questions. Scott Tyldesley reviewed the procedure for remote participation. The appropriate phone number was displayed. He said no emails were received, and following a two-minute waiting period, no one dialed in.

TOWN ADMINSTRATOR'S REPORTS

Mr. Powers said the minutes of the Selectmen's meetings were addressed earlier in the meeting.

Mr. Powers said he took the opportunity to visit the Transfer Station and see the single-stream recycling configuration in action. He said the public reaction is very positive.

SELECTMEN'S REPORT

Mr. MacAskill said even though there are priorities dictated by the COVID-19 crisis, we still have a Town to operate. He asked if there is guidance as to what that means; he asked should we be doing normal business. Mr. MacAskill said he would like to hear from the Town Administrator Search Committee and he would like a discussion of overtime at the Transfer Station. He asked the chairman to get back to him. Mr. Ballantine said the Board has to work on continuing activities, including how the Board is going to proceed when we do have a Town Meeting. He said he will try to put actions before the Board that need to be taken care of.

Mr. Howell said if it is an item that can wait, it should wait. He said the public needs to know that the Board is focused. Mr. MacAskill thanked Mr. Howell for

clarifying, adding that it is nice to know that he will look at facts. Mr. Ballantine said he will identify items that the Board should take on as they move forward.

Mr. Powers noted that Mr. McManus dropped out of the meeting at 7:22PM.

ADJOURNMENT

Mr. Howell moved to adjourn at 7:24 PM. Mr. Ford seconded. Roll-call vote: Mr. MacAskill – Yes, Mr. Ford – Yes, Mr. Howell – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Respectfully submitted,

Dorothy G. Hemmings
Recording Secretary
Pro Tem

MINUTES
SELECTMEN'S MEETING
REMOTE PARTICIPATION ONLY
THURSDAY, April 16, 2020
6:30 P.M.

SELECTMEN PARTICIPATING: Ballantine, Ford, Howell, MacAskill, McManus.

ALSO PARTICIPATING: Interim Town Administrator, Joseph Powers; Meggan Eldredge, Health Director; Sarah Peake, State Representative; Julian Cyr, State Senator; Chief Norman Clarke, Chairman Town Administrator Search Committee; Carol Coppola, Finance Director; Amy Bullock, Treasurer/Collector; Dan Pelletier, Water/Wastewater Superintendent; and Donna Molino, Assessing Director.

CALL TO ORDER

Mr. Ballantine opened the meeting at 6:30PM and called to order the Board of Selectmen. Roll-call: Mr. MacAskill – Here, Mr. Ford – Here, Mr. Ballantine – Here, Mr. Howell – Here, Mr. McManus – Here.

NEW BUSINESS

- A. Following the presentation and recommendation of Mrs. Coppola, Mr. Howell moved to authorize Larry Ballantine, Chairman, to sign Commonwealth of Massachusetts Contract and Settlement and Release forms to accept, with our gratitude, 7/23/19 Tornado Funds in the amount of \$1,171,060. Mr. MacAskill seconded.**

Representative Peake thanked the Board for inviting her and Senator Cyr to the meeting. She said Harwich will get this money and urged that the paper work be signed and returned to Boston promptly. Rep. Peake said she is glad she and the Senator could make this happen, as it is an example of State and local government working together. Senator Cyr agreed with Rep. Peake, adding that this is a bright moment at a difficult time. Mr. Powers praised the process which he said was led by a superb legislative delegation, adding that the dollar amount that Harwich will

be receiving is far greater than what was anticipated. Mr. MacAskill, Mr. Howell, Mr. Ford, and Mr. McManus, individually, thanked Rep. Peake and Sen. Cyr for their amazing job and for their responsiveness to the needs of their district.

Mr. Ballantine said there is a motion and a second. Roll-call vote: Mr. MacAskill – Yes, Mr. Howell – Yes, Mr. Ford – Yes, Mr. McManus – Yes, Mr. Ballantine – Yes. Motion carried unanimously.

B. Joint meeting with Board of Assessors and Board of Waters Commissioners

Discussion and possible vote to Accept sections 10 and 11 of the Act to Address Challenges Faced by Municipalities and State Authorities Resulting from COVID-19, Chapter 53 of the Acts of 2020

Board of Assessors Chairman called the Board to order by roll-call vote. Jay Kavanaugh – Here; Richard Waystack, Chairman – Here. Mr. Waystack declared a quorum present.

Chairman of the Water Commissioners called to order the Commissioners by roll-call vote. Gary Carriero – Here; Judith Underwood – Here; Allin Thompson, Chairman – Here. Mr. Thompson declared all Commissioners present.

Chairman Ballantine’s connection was momentarily lost; therefore, Vice Chairman McManus assumed Chairman duties and recognized Mrs. Coppola who presented Item B. She said action on this item will provide relief to the Harwich taxpayers. Mrs. Coppola articulated the following provisions, adding that since they are being read and considered individually, a blanket motion to accept is in order.

1. To extend real estate and personal property taxes payment deadline from May 1 to June 1, 2020
2. To extend the date bills for taxes assessed for omitted property or incorrectly valued property to be mailed from May 1 to June 1, 2020
3. To extend the date an application for exemption of taxes is due from April 1, 2020, to June 1, 2020, with deferral amounts extended as well.
4. To waive the payment of interest and other penalties in the event of a late payment for any excise, tax, betterment assessment or apportionment, water rate user fees or other charges added to tax for any payments with a due date on or after March 10, 2020, this waiver of interest and penalties is granted if payment is made after its due date but before June 30, 2020.

5. No essential services may be terminated by the Town of Harwich due to a resident's failure to pay these taxes or fees if nonpayment resulted from a "demonstrated inability to pay" due to the COVID-19 outbreak or the Governor's declaration of a State of Emergency. This "inability to pay" shall include demonstrated financial hardship of a resident, due to events such as loss of employment or serious illness or death of someone within the home.
6. A FURTHER PROVISION IN THE MOTION: The Board of Selectmen hereby authorizes the Water Department to defer the due date of the third quarter water bills to June 15, 2020, allowing for a 15-day grace period to June 30, 2020.

Mr. Ford moved to accept Item B: sections 10 and 11 of the Act to Address Challenges faced by Municipalities and State Authorities Resulting From COVID-19, Chapter 53 of the Acts of 2020, including the six individual provisions as stated above. Mr. Howell seconded the motion.

Mr. Powers said the Water Commissioners will need roll-call votes on specific provisions. Mr. Carriero moved to accept item 6. Mrs. Underwood seconded. Mr. Thompson called for a roll-call vote. Mr. Carriero – Yes, Mrs. Underwood – Yes, Mr. Thompson – Yes. Motion carried by unanimous vote.

Mr. Carriero moved to accept item 4. Mrs. Underwood seconded. Mr. Thompson called for a roll-call vote. Mr. Carriero – Yes, Mrs. Underwood – Yes, Mr. Thompson – Yes. Motion carried by unanimous vote.

Mr. Ballantine said there is a motion and a second on Item B. Roll-call vote: Mr. MacAskill – Yes, Mr. McManus – Yes, Mr. Ford – Yes, Mr. Howell – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Board of Assessors Chairman moved to adjourn the Board. Mr. Kavanaugh seconded. Roll-call vote: Mr. Kavanaugh – Yes, Mr. Waystack - Yes. Motion carried.

Chairman of the Water Commissioners moved to adjourn the Commissioners. Mr. Carriero seconded. Roll-call vote: Mr. Carriero – Yes, Mrs. Underwood – Yes, Mr. Thompson, Yes. Motion carried.

OLD BUSINESS

A. Coronavirus – COVID-19 Update

Mr. Powers said everyone should wear a mask, adding enforcement is needed but not possible. He advised the Board that Guidance Document #11 will include:

- Effective April 20 the Transfer Station will expand their operations and accept yard waste, construction debris, etc.
- effective April 21 inspectional services for essential construction projects will again be available

Ms. Eldredge reiterated the importance of wearing a mask. She said gloves should not be worn unless the person is a health care worker or the person is doing cleaning. She said the number of positive cases in Harwich is 29. Ms. Eldredge said Harwich has gone one week without a new case, adding that the number of cases in the County have gone up. She said Cape Cod is a week or two behind the rest of the State. Mr. Ballantine thanked her for her presentation.

Mr. MacAskill asked, with the DPW return to services, if overtime can be expected. Mr. Powers said no and that employees will be paid at their regular rate.

B. Town Administrator Search - Norman Clarke, Chairman TA Search Committee (NOTE; Mr. Powers recused himself from participating in this agenda item)

Discussion and possible vote –

- i. Request Selectmen not to sign Selection Consultant contract and authorize the Search Committee to proceed with the selection process
- ii. Vote to approve, if necessary, the Town Administrator Position Profile

Mr. Clarke said the Search Committee voted unanimous approval of the Town Administrator Position Profile. He recommended that the Board of Selectmen approve the document as well. He said his committee feels it is important to stick to the Charter but to expedite the process quickly, adding that everything the

committee presents its recommendation to the Board. Mr. Clarke said his committee recommends advertising the position in a proper way in the MMA BEACON, Cape Cod Times, and the Boston Globe for a two-week period. He said resumes and references will go electronically to the Town Clerk's office and will be controlled by Mrs. Anita Doucette, Town Clerk.

Mr. Ford moved to approve the Town Administrator Position Profile (Item B ii). Mr. Howell seconded.

Mr. Howell said the relationship between the Town Administrator and the Board is all-important, adding that the process should be based on the Charter.

Mr. Ford said the document provides a great deal of latitude in description of type of things we need in an administrator. He said the Profile allows the Board to look at the person from every angle.

Mr. MacAskill said the Board is approaching this issue backwards. He said the Search Committee was to have worked with a search firm and now the meeting is just between the Board and the Chairman of the Search Committee, adding that there is no transparency and no opportunity for public involvement. Mr. MacAskill said the Board hasn't yet voted not to hire a search firm, adding that he is confused with the process.

Mr. Ballantine said the Position Profile should be voted first since it drives what the Board will have in the advertisement.

Mr. Clarke said the global pandemic COVID-19 has made life difficult. He said his committee has made every effort to be transparent and thanks to Channel 18 the public are seeing committee meetings. Mr. Clarke said they are recommending to the Board a process that is fair and will fulfill the requirements of the Charter. He said there is a concern that the Town needs permanent leadership in the Town Administration, adding that public safety trumps process.

Mr. MacAskill said when he spoke of lack of transparency he was referring to the Board of Selectmen meeting, not the Search Committee meetings. He said he is referring to the fact that the Board is changing what we have already voted.

Mr. Ballantine said there is a motion and a second on the Position Profile. (Item B ii) Roll-call vote: Mr. Ford – Yes, Mr. McManus – Yes, Mr. Howell – Yes, Mr. MacAskill – No, Mr. Ballantine – Yes. Motion carried by a vote of 4-1.

Mr. Ford moved to accept the recommendation of the Search Committee not to hire a Selection Consultant and to move forward with the shortened process as recommended (Item B i). Mr. Howell seconded.

Mr. MacAskill thanked Mr. Clarke for providing the draft minutes of the Search Committee meeting to the Board. He said the Board is doing a terrible dis-service to the Town, adding that fast-tracking the process is a mistake. Mr. MacAskill said the Board voted to hire a search firm, as most Towns do. He said this is the most important decision that a Board of Selectmen makes.

Mr. Howell disagreed and said no action is inaction. He said we are 5 months into the term of the Acting Town Administrator, and we are allowed to go up to 6 months, after which we would need to make another appointment.

Mr. McManus agreed with the importance of the decision, adding that to rush it is a mistake. He questioned what kind of applicants the Town would get in the middle of a pandemic. Mr. McManus said the Board should work at the process at a slower rate to make sure they get a good look at what the Board wants in a Town Administrator.

Mr. Ford questioned whether the Board has the authority and ability to continue having an Acting Town Administrator. Mr. Howell replied that the Board can only make two appointments. Mr. Ford said that provides a unique problem, as the Town needs truly defined leadership to guide us. He said if the Town has to switch to another Acting Town Administrator, which would be a larger mistake. Mr. Ford said the Board has come to a crisis point, adding that the individuals chosen to serve on the Search Committee have recommended that the Board move quickly. Mr. Ford suggested that whoever is hired as a result of the search could be given a one-year term and then reviewed. He said the Board does need to take some kind of action.

Mr. MacAskill said legal counsel should be sought as to how the Board should proceed.

Mr. Howell reminded the Board that every member of the Search Committee was someone recommended by the Board members, so the committee is an amalgamation of the Board.

Mr. Ballantine said the proposed process will eliminate the consulting firm but the intent is still to advertise and have the Search Committee bring candidates to the Board. He asked if it is the intent of the Board to carry this process on to next fall. Mr. Ballantine said the Board has to move on and look at warrant articles and budget, adding that he does not feel the selection process should be slowed.

Mr. MacAskill said it is a question of search firm vs. no search firm. He said in view of the expenditure of \$328 for one set of Selectmen's minutes, which he understands haven't been completed, and the overtime at the Transfer Station, he feels \$12,000 for a search firm could be money well spent in the process. Mr. Ballantine corrected Mr. MacAskill and said the search firm fee is \$10,000.

Mr. Clarke said the Board of Selectmen will be hiring a Town Administrator who the Town will have for many years to come. He said Harwich is having a public interview like no other right now with the Acting Town Administrator. Mr. Clarke said the community needs and deserves firm leadership in the Administrator, and we have had a chance to see this person performing. Mr. Clarke urged the Board to follow the Charter and to accept the recommendation of all five members of the Search Committee – not to spend the dollars and to move quickly and move ahead and advertise. He said the committee serves at the pleasure of the Board and is looking for direction.

Mr. Ballantine said we have a motion and a second. Roll-call vote: Mr. MacAskill – No, Mr. Howell – Yes, Mr. McManus – No, Mr. Ford – Yes, Mr. Ballantine – Yes. Motion carried by a vote of 3-2.

TOWN ADMINSTRATOR'S REPORTS

Mr. Ford relayed that Mr. Powers has no Administrator's report and therefore will not rejoin the meeting.

SELECTMEN'S REPORT

Mr. Howell said the signs governing the East Harwich sewer construction are not specific and need more clarity. Mr. Ballantine said he will follow-up.

Mr. MacAskill said he is aware of a large amount of Change Orders relative to the East Harwich construction project, for which contractors have not been paid. He said the Board should be given a status report on these Change Orders and that the Town Administrator should present them to the Board to approve and recalculate what the budget is for that project. Mr. Ballantine said there are Change Orders that the Town Administrator doesn't agree with and they are in the process of being reviewed for accuracy.

Mr. McManus said he appreciates the opening of the Transfer Station.

Mr. Ford said despite the proposed shortened Town Administration selection process, there is no intention to ignore any candidate that we get as a result of our search. He said he will want to see every submitted resume, since this is not an automatic situation.

Mr. Ballantine said the Board should be looking at a shortened Town Meeting, and articles will be on a Board agenda shortly. He said articles that can wait until the fall will be pulled from the Warrant.

Mr. McManus suggested that when hiring a Town Administrator, perhaps a one-year contract with review at the end of the year, followed by advertising and a search at that time. He said this would allow participation from other townspeople.

ADJOURNMENT

Mr. Howell moved to adjourn. Mr. Ford seconded. Roll-call vote: Mr. MacAskill – Yes, Mr. Ford – Yes, Mr. Howell – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Respectfully submitted,

Dorothy G. Hemmings
Recording Secretary
Pro Tem

MINUTES
SELECTMEN'S MEETING
REMOTE PARTICIPATION ONLY
FRIDAY, April 24, 2020
6:30 P.M.

SELECTMEN PARTICIPATING: Ballantine, Ford, Howell, MacAskill, McManus.

ALSO PARTICIPATING: Interim Town Administrator, Joseph Powers; Meggan Eldredge, Health Director; Charleen Greenhalgh, Town Planner; Anita Doucette, Town Clerk; and Carol Coppola, Finance Director

CALL TO ORDER

Mr. Ballantine opened the meeting at 6:30PM and called to order the Board of Selectmen. Roll-call: Mr. MacAskill – Here, Mr. Ford – Here, Mr. Ballantine – Here, Mr. Howell – Here, Mr. McManus – Here.

NEW BUSINESS

- A. Based on the recommendation of Mrs. Greenhalgh, Town Planner, Mr. Howell moved to authorize Larry Ballantine, Chairman of the Board of Selectmen, to sign Form CC-213 – Recertification for Harwich's participation in National Flood Insurance's Community Rating System (CRS). Mr. Ford seconded. Roll-call vote: Mr. Ford – Yes, Mr. McManus – Yes, Mr. MacAskill – Yes, Mr. Howell – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.**

Mrs. Greenhalgh said Harwich has been participating in this National Flood Insurance CRS for 20 years and Harwich has been upgraded to Class 7, which means that effective May 1, 2020, Harwich homeowners are eligible for a 15 percent discount on their Flood Insurance Policy premiums.

OLD BUSINESS

A. Coronavirus – COVID-19 Update

Mr. Powers said Harwich Government Document #12 will contain the following:

- Minimum staffing levels will be resumed at all locations
- No changes to the Transfer Station
- All municipal buildings will remain closed
- Any municipal employees on the job will wear a mask

Ms. Eldredge said these changes mainly affect Harwich employees as follows:

- Face covering is mandatory for employees within 6 feet of other people or using shared places or shared equipment inside or outside
- Employees are being asked to monitor their personal health, take their own temperatures and stay home if they are sick
- Employees are not to use other people's phones
- Employees are to stay in their own areas and limit co-mingling

Ms. Eldredge added that Governor Baker said the state is still in a surge from April 20th through April 28th. She said the total number of cases in Harwich remains at 29. In response to Mr. Ford's comment about emergency care workers in New Jersey being tested for the virus, Ms. Eldredge said health care workers in Massachusetts have the option to be tested.

Mr. MacAskill asked what level of staffing is going back to work and where. Mr. Powers replied that every municipal employee has been working in a rotation concept, that is, everybody is rotating between a physical location and remote working.

Mr. MacAskill asked if the Council on Aging (COA) needs additional resources because of the number of Harwich senior citizens living alone. Mr. Powers said all department heads have been asked to identify their need for additional staff resources. He said he will follow up with Emily Mitchell, COA Director.

Mr. MacAskill asked if a sanitation company is going to be hired to clean the buildings. Mr. Powers responded that at present there is adequate staff for cleaning but that possibility is being looked into.

B. and C. Town Administrator selection advertisement and salary range
(Mr. Powers excused himself from the meeting)

Following discussion, Mr. MacAskill moved to set the salary range for the Town Administrator at “\$160,000 plus or minus.” Mr. McManus seconded. Roll-call vote: Mr. McManus – Yes, Mr. Ford – Yes, Mr. Howell – Yes, Mr. MacAskill – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Following discussion, Mr. Howell moved to authorize Mr. Ballantine to compose an advertisement for the Town Administrator position, using the Wellfleet advertisement as a template, to be circulated to the Board members by email, and further to move forward with the placement of the advertisement, providing no Selectman has an objection, and further to ratify the wording of the advertisement at the next Board of Selectmen meeting on April 30, 2020. Mr. MacAskill seconded. Roll-call vote: Mr. Ballantine – Yes, Mr. Howell – Yes, Mr. Ford – Yes, Mr. MacAskill – Yes, Mr. McManus – Yes. Motion carried by unanimous vote.

D. 2020 Annual Town Meeting Warrant Articles – (NOTE: Mr. Powers rejoined the meeting. Dana DeCosta, Finance Committee Chairman was also present)

Mr. Ballantine said critical budget items will be the focus of the June 22 annual town meeting, adding that other articles, especially those likely to generate prolonged discussion, will be postponed. Mr. Ballantine said if the meeting is held, a lot of people may not feel comfortable attending a town meeting at that point. The Selectmen made the following points during the discussion:

- Some of the requests for Community Preservation Committee (CPC) funding are urgent, for example, housing. David Nixon, Chairman of the CPC, was quoted as saying his committee will go along with whatever the Selectmen decide.
- Controversial articles and petitioned articles may have to be eliminated
- Absolute bare-bones Town Meeting Warrant is needed this year, possibly just the budget and 8 to 12 articles
- Petitioned articles will be on the April 30th agenda, as legal advice concerning the Board of Selectmen’s obligations will be obtained

- With the focus on protecting Town employees, capital funding appropriations can be left out of the Warrant

Mr. Powers said Governor Charlie Baker and Lt. Gov. Karyn Polito hold a teleconference with administrators every Tuesday and have strongly urged towns to look at holding spending to 1/12th of the annual budget, if town meetings cannot be held before June 30, the end of the current fiscal year.

Mrs. Doucette and Mrs. Coppola both agreed that the briefest Town Meeting with the fewest number of Warrant articles possible will be best for all. Mrs. Doucette noted that there are two zoning articles on the Warrant.

Mr. Ballantine asked the Board to review the Draft Warrant and email comments to him. He will bring this input to the April 30th meeting. Mr. Ballantine said if there are no strong feelings about an article, then it will be off the Warrant.

CONTRACTS

- A. Based on the recommendation of Mr. Powers, Interim Town Administrator, Mr. MacAskill moved to approve the Fire Station II Security System Change Orders-Galaxy Integrated Technologies for a total of \$1,523.72. Mr. McManus seconded. Roll-call vote: Mr. Howell – Yes, Mr. Ford – Yes, Mr. McManus – Y, Mr. MacAskill – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.**

- B. Cape Light Compact – Authorization Request Received LATE 4/24**

Following extended discussion, Mr. McManus moved to authorize Mr. Powers, Interim Town Administrator, to execute an extension to the municipal power supply agreement, if the pricing is favorable, up to an additional three (3) years beyond the current contract expiration date of July 2021. Mr. Ford seconded. Roll-call vote: Mr. Howell – No, Mr. Ford – Yes, Mr. MacAskill – Yes, Mr. Ballantine – Yes, Mr. McManus. Motion carried by a vote of 4-1.

All Selectmen, individually, voiced displeasure at the lateness of the request and the short time required for the response. Mr. McManus agreed to participate with Mr. Powers. Mr. MacAskill agreed to participate if Mr. McManus is unavailable.

OPEN PUBLIC FORUM

The Chairman opened the Open Public Forum. The public was invited to call in and participate in the meeting to offer comments and/or questions. Scott Tyldesley reviewed the procedure for remote participation. The appropriate phone number was displayed. There were two call-ins, both concerning petitioned articles. Mr. Powers responded to both callers.

TOWN ADMINSTRATOR'S REPORTS

Mr. Powers said he will draft a letter to the proponents of the petitioned articles to be reviewed at the April 30th agenda. He said there will be an Executive Session of the Board following the April 30th meeting. Mr. Powers said the Board of Selectmen meetings will resume the Monday night schedule starting on Monday, May 4th.

ADJOURNMENT

Mr. Howell moved to adjourn. Mr. Ford seconded. Roll-call vote: Mr. MacAskill – Yes, Mr. Ford – Yes, Mr. Howell – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Respectfully submitted,

Dorothy G. Hemmings
Recording Secretary
Pro Tem

MINUTES
SELECTMEN'S MEETING
REMOTE PARTICIPATION ONLY
FRIDAY, April 30, 2020
6:30 P.M.

SELECTMEN PARTICIPATING: Ballantine, Ford, Howell, MacAskill, McManus.

ALSO PARTICIPATING: Interim Town Administrator, Joseph Powers, and Meggan Eldredge, Health Director

CALL TO ORDER

Mr. Ballantine opened the meeting at 6:30PM and called to order the Board of Selectmen. Roll-call: Mr. MacAskill – Here, Mr. Ford – Here, Mr. Ballantine – Here, Mr. Howell – Here, Mr. McManus – Here.

WEEKLY BRIEFING

A. Coronavirus – COVID-19 Update

Mr. Powers said that Governor Baker has stated that non-essential workers should continue to stay at home through May 18. The Governor's Task Force Advisory Group will be making recommendations and their final report will go to the Governor on May 18th. He said it is possible that some segments of the economy could be released from that requirement as early as May 18th, adding that data gathering is getting better each day. Mr. Powers they are getting things ramped up again; however, the priority is the safety of everyone in municipal buildings. He said the following protocols are being developed:

- Plexiglass sheets at counter operations
- Countertop shields
- An actual drop box to replace the one on the outside of the town offices
- Improved signage
- Develop communications with all staff as well as maintaining communications with department heads
- Rearrange furniture to create distance

Ms. Eldredge said Harwich has 37 positive cases of the Coronavirus and 2 deaths; however, she said 28 persons have recovered. She said the National Guard is testing all residents and staff that want to be tested at Wingate in Harwich. Ms. Eldredge said there are 2 active cases at Wingate. She said the local Health Department is focused on reopening the beaches and parks, adding that guidance will be coming regionally from the Reopening Advisory Board. Ms. Eldredge said different options of face coverings will be brought to the Board of Health.

Mr. Powers introduced a proposed letter from the Cape & Islands legislative delegation addressed to the Cape & Islands seasonal community with a goal of sending one consistent message developed with input from Cape Cod Hospital and Chambers of Commerce and hopefully with the support of the 23 municipalities. Based on the recommendation of Mr. Powers, the Chairman declared there is a consensus from the Board of Selectmen that the Town of Harwich be a signatory to the proposed letter.

NEW BUSINESS

- A. Review and edit draft letter to petitioners of citizen petition articles for 2020 Annual Town Meeting re: postponing citizen petition articles**

Patrick Otton, proponent of a petitioned article for Town meeting for a ban on the procurement and distribution of beverages in plastic bottles on Town property, joined the meeting by remote participation.

Following substantial discussion, Mr. Howell moved to approve Item A, with some grammatical edits, and to authorize Larry Ballantine, Chairman of the Board of Selectmen, to sign on behalf of the Board. Mr. Ford seconded. Roll-call vote: Mr. Ford – Yes, Mr. MacAskill – Yes, Mr. McManus – Yes, Mr. Howell – Yes, and Mr. Ballantine – Yes. Motion passed by unanimous vote.

OLD BUSINESS

- A. Mr. Howell moved to confirm action taken at the April 24, 2020, Board of Selectmen meeting as a topic that was not reasonably anticipated by the Chairman at the time of posting – namely,**

Extension of Municipal Competitive Electric Supply Agreement (MCESA) and related action. Mr. MacAskill seconded. Roll-call vote: Mr. Ballantine – Yes, Mr. Howell – Yes, Mr. McManus – Yes, Mr. MacAskill – Yes, and Mr. Ford – Yes. Motion carried by unanimous vote.

CONTRACTS

- A. Discussion and possible vote - Phase 2 Contract 1 Sewer Construction Change Order #1 – Robert B. Our - \$95,208.00**
- B. Vote to authorize Chairman to sign Phase 2 Contract 1 Sewer Construction Change Order #1 – Robert B. Our - \$95,208.00**

Mr. Powers said the following Town employees, Griffin Ryder, Town Engineer; Daniel Pelletier, Water/Wastewater Superintendent; and Carol Coppola, Finance Director, who have reviewed the Change Order, joined the meeting by remote participation. They answered specific questions from the Selectmen satisfactorily.

Mr. McManus moved to approve Item A. Mr. MacAskill seconded. Roll-call vote: Mr. McManus – Yes, Mr. MacAskill – Yes, Mr. Howell – Yes, Mr. Ford – Yes, and Mr. Ballantine – Yes. Motion carried by unanimous vote.

Mr. McManus moved to approve Item B. Mr. MacAskill seconded. Roll-call vote: Mr. McManus – Yes, Mr. MacAskill – Yes, Mr. Howell – Yes, Mr. Ford – Yes, and Mr. Ballantine – Yes. Motion carried by unanimous vote.

OPEN PUBLIC FORUM

The Chairman opened the Open Public Forum. The public was invited to call in and participate in the meeting to offer comments and/or questions. Scott Tyldesley reviewed the procedure for remote participation. The appropriate phone number was displayed. There were no call-ins or emails.

TOWN ADMINSTRATOR’S REPORTS

Mr. Powers reminded the Board that the first Executive Session by remote participation will take place immediately following this meeting. All members acknowledged receipt of this notification by Email.

SELECTMEN'S REPORT

In response to Mr. Howell's query concerning an August action which approved a document for payment to Community Development Partnership/ Housing Trust, Mr. Ballantine said he will supply the missing last signature tomorrow to enable the Finance Director to make payment.

Mr. McManus, as Clerk of the Cape & Island Selectmen's Association, announced that the May 8 meeting is canceled; however, there will be a Zoom meeting of the Association, at which a general discussion of upcoming issues will take place.

In response to Mr. Ford's request as to when the Board will vote on the Warrant, Mr. Ballantine responded that topic is scheduled for the May 4th meeting. Mr. Ford said the Board should start the process to determine the best location for Town Meeting as the site needs to be identified in the Warrant; he suggested the Regional High School.

Following general discussion concerning the quorum needed to conduct business at Town Meeting, Mr. Powers said he will follow-up and have information for the Board at the May 11th meeting.

ADJOURNMENT

Mr. Howell moved to adjourn to Executive Session to discuss bargaining strategy for all Town Unions if an open session would have a detrimental effect on the Town's bargaining position and the chair so declares. Mr. Ford seconded. Roll-call vote: Mr. MacAskill – Yes, Mr. Ford – Yes, Mr. Howell – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Respectfully submitted,

Dorothy G. Hemmings
Recording Secretary
Pro Tem

MINUTES
SELECTMEN'S MEETING
REMOTE PARTICIPATION ONLY
MONDAY, MAY 4, 2020
6:30 P.M.

SELECTMEN PARTICIPATING: Ballantine, Ford, Howell, MacAskill, McManus.

ALSO PARTICIPATING: Interim Town Administrator, Joseph Powers, and Meggan Eldredge, Health Director

CALL TO ORDER

Mr. Ballantine opened the meeting at 6:30PM and called to order the Board of Selectmen. Roll-call: Mr. MacAskill – Here, Mr. Ford – Here, Mr. Ballantine – Here, Mr. Howell – Here, Mr. McManus – Here.

WEEKLY BRIEFING

A. Coronavirus – COVID-19 Update

Ms. Eldredge said of the 32 positive cases of Coronavirus in Harwich, 31 persons have recovered and there is one person with an active case who is isolated at home. She said there have been 6 deaths in Harwich: 2 in the community and 4 in a long-term-care facility. Ms. Eldredge said that since Wingate-Harwich is a private business, residents and staff in this long-term-care facility were tested and traced by the State. She said there is an issue at Wingate; however, she is in contact with them and is watching the situation.

NEW BUSINESS

- A. Discussion and possible vote (to authorize the Chair to sign) for Master Services Agreement (MSA) with AECOM for continued EPA/DEP Municipal Separate Storm Sewer System (MS4) compliance support.

- B. Discussion and possible vote (to authorize the Chair to sign) to authorize Task 1 under the MSA in the amount of \$31,200 for FY20 MS4 compliance support.

Griffin Ryder, Town Engineer, was present at the meeting by remote participation. He presented Items A and B and answered questions from the Selectmen satisfactorily. He said the Finance Director has certified the expenditure, adding that the proposed motions have the approval of the Interim Town Administrator. Mr. Ryder noted that \$40,000 had been budgeted for this expenditure.

Mr. Ford moved approval of Item A. Mr. Howell seconded. Roll-call vote: Mr. Howell – Yes, Mr. Ford – Yes, Mr. MacAskill – Yes, Mr. McManus – Yes, and Mr. Ballantine – Yes. Motion carried by unanimous vote.

Mr. Ford moved approval of Item B. Mr. Howell seconded. Roll-call vote: Mr. Howell – Yes, Mr. Ford – Yes, Mr. MacAskill – Yes, Mr. McManus – Yes, and Mr. Ballantine – Yes. Motion carried by unanimous vote.

- C. Discussion and possible vote on matters related to COVID-19 impacts on staffing and programs including:
1. Seasonal staffing
 2. Beach access
 3. Beach fee and sticker sales
 4. Disposal fees

Carol Coppola, Finance Director; Eric Beebe, Recreation Department Director; Lincoln Hooper, Department of Public Works (DPW) Director; and Dana DeCosta, Finance Committee Chairman, were present at the meeting by remote participation.

During the broad discussion, the following points were made:

- Mr. Powers reminded of the active hiring freeze and suggested looking at temporary reassignments, providing the effected bargaining units are in agreement.
- Mr. Beebe said although no decisions have been made in other Cape towns, the feeling is to go for full opening of the beaches by the end of June with limited parking.
- The full complement of life guards in Harwich is 30, and in addition there are gate attendants and supervisors. 27 guards have requested to return.

- If the beaches are open for the season, restrooms there would need to be open with more frequent cleaning and limited occupancy at any one time – because of COVID-19.
- Trash pickup would be required with open beaches
- Fixed expense of fully-staffed open beaches vs. reduced estimated revenue
- Will visitors observe self-quarantine requirement
- Pros and cons of issuing the one-day pass
- Selectmen would like to see a written plan to include
 - i. Sticker revenue data
 - ii. How many life guards and at what beaches
 - iii. How to manage social distancing
 - iv. Rational for having life guards at lakes
 - v. Review of what other Cape Towns are planning
 - vi. Pros and cons of open beaches without life guards, including legal opinion on this option
- Selectmen in total agreement that Harwich beaches will be open for the summer.
- One-day passes: to sell or not to sell – to be debated on a future agenda

Based on the recommendation of the Interim Town Administrator, Mr. MacAskill moved to approve the purchase of beach fees and sticker sales in the same manner as last year (Item C 3). Mr. McManus seconded. Roll-call vote: Mr. Ford – Yes, Mr. McManus – Yes, Mr. MacAskill – Yes, Mr. Howell – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Discussion of Item C 4 included the following:

- Mr. Hooper presented a proposed increase in the Transfer Station fee structure, noting there has not been an increase in 5 years.
- Selectmen expressed thanks to entire DPW staff for an outstanding job during this COVID-19 situation
- Selectmen would like written report concerning the pros and cons of closing the Transfer Station one or two days each week, including financial comparisons, prior to considering increased fees (Mr. Hooper will provide)
- Whether or not a public hearing on increased fees is required (Mr. Powers will get answer)
- Decision is needed before June 1, when sticker sales start. Mr. Powers said item will be on the May 11th agenda.

OLD BUSINESS

- A. Discussion on proposed 2020 Annual Town Meeting Warrant (scheduled for Monday, June 22, 2020)
1. Critical financial items including operating budget and capital plan articles
 2. Citizen petitioned articles and possible postponement to a future Town Meeting

Patrick Otton, proponent of petitioned article, joined the meeting by remote participation.

The following points were made during discussion:

- Are any Cape towns postponing their Annual Town Meeting to the fall? (Mr. Powers will get answer)
- Legislation is pending in the State Senate which would allow a Town to reduce the quorum required to transact business at a Town Meeting, with the intent of reducing it to 10 percent of normal quorum, which for Harwich is 150 at present
- Even if quorum is reduced to an estimated 15, Town Meeting attendees could not be turned away
- Alternate venues should be considered, for example, the Regional High School
- Selectmen agreed to remove whatever articles are not absolutely critical from the Draft June 22nd Annual Town Meeting Warrant, as follows:

Mr. Howell moved to remove Article 15, Dennis-Harwich-Yarmouth (DHY) Clean Water Community Partnership (pg 17), from the Draft Warrant for the Annual Town Meeting. Mr. MacAskill seconded. Roll-call vote: Mr. Howell – Yes, Mr. MacAskill – Yes, Mr. McManus – Yes, Mr. Ford – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Mr. Howell moved to remove Article 19, Amendment to Agreement re: Monomoy Regional School District (pg 19), from the Draft Warrant for the Annual Town Meeting. Mr. MacAskill seconded. Roll-call vote: Mr. Howell – Yes, Mr. MacAskill – Yes, Mr. McManus – Yes, Mr. Ford – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Mr. Howell moved to remove Article 20, PEG Fund Request (pg 29), from the Draft Warrant for the Annual Town Meeting. Mr. MacAskill seconded. Mrs. Coppola said the Monomoy Regional School District has asked that this Article be removed from the Warrant. Roll-call vote: Mr. Howell – Yes, Mr. MacAskill – Yes, Mr. McManus – Yes, Mr. Ford – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Mr. Howell moved to remove Article 14, Purchase and Equip Vehicles for the DPW, from the Draft Warrant for the Annual Town Meeting. Mr. Hooper said all DPW Articles can be removed from the Warrant. Mr. MacAskill seconded. Roll-call vote: Mr. Howell – Yes, Mr. MacAskill – Yes, Mr. McManus – Yes, Mr. Ford – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Mr. Howell moved to remove Article 22, Amendments to Cemetery Rules and Regulations (pg 30), from the Draft Warrant for the Annual Town Meeting. Mr. MacAskill seconded. Roll-call vote: Mr. Howell – Yes, Mr. MacAskill – Yes, Mr. McManus – Yes, Mr. Ford – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Mr. Howell moved to remove Article 30, M.G.L.-Disposition of Unclaimed Property (pg 38), from the Draft Warrant for the Annual Town Meeting. Mr. MacAskill seconded. Roll-call vote: Mr. Howell – Yes, Mr. MacAskill – Yes, Mr. McManus – Yes, Mr. Ford – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Mr. Howell moved to remove Article 32, M.G.L.-Board of Assessors-Tax Deferral (pg 39), from the Draft Warrant for the Annual Town Meeting. Mr. MacAskill seconded. Roll-call vote: Mr. Howell – Yes, Mr. MacAskill – Yes, Mr. McManus – Yes, Mr. Ford – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Mr. Howell moved to remove Article 34, Charter Amendment-“Selectmen” to “Select Board” (pg 40), from the Draft Warrant for the Annual Town Meeting. Mr. MacAskill seconded. Roll-call vote: Mr. Howell – Yes, Mr. MacAskill – Yes, Mr. McManus – Yes, Mr. Ford – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Mr. Howell moved to remove Article 35, By-Law Amendment-Hazards, Environmental (pg 40), from the Draft Warrant for the Annual Town Meeting. Mr. MacAskill seconded. Roll-call vote: Mr. Howell – Yes, Mr. MacAskill – Yes, Mr. McManus – Yes, Mr. Ford – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Mr. Howell moved to remove Article 36, By-Law Amendment-Hazardous Materials (pg 41), from the Draft Warrant for the Annual Town Meeting. Mr. MacAskill seconded. Roll-call vote: Mr. Howell – Yes, Mr. MacAskill – Yes, Mr. McManus – Yes, Mr. Ford – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Mr. Howell moved to remove Article 37, By-Law-Wetlands Protection (pg 42), from the Draft Warrant for the Annual Town Meeting. Mr. MacAskill seconded. Roll-call vote: Mr. Howell – Yes, Mr. MacAskill – Yes, Mr. McManus – Yes, Mr. Ford – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Mr. Howell moved to remove Article 38, By-Law-Delete Essential Services Definition (pg 54), from the Draft Warrant for the Annual Town Meeting. Mr. MacAskill seconded. Roll-call vote: Mr. Howell – Yes, Mr. MacAskill – Yes, Mr. McManus – Yes, Mr. Ford – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Mr. Howell moved to remove Article 39, By-Law-Zoning District Boundary Line (pg 54), from the Draft Warrant for the Annual Town Meeting. Mr. MacAskill seconded. Roll-call vote: Mr. Howell – Yes, Mr. MacAskill – Yes, Mr. McManus – Yes, Mr. Ford – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Discussion of petitioned articles (Item A 2) included the following points:

- Consensus of Selectmen to remove the citizen-petitioned articles from this Warrant, with understanding that Selectmen will add them to the Warrant of the next Town Meeting
- Mr. Otton said he is in agreement with deferring/delaying, or Indefinite Postponement (IP), as long as he doesn't have to re-file the petition
- Mr. Powers said there is nothing to prevent anyone from making a positive motion on the floor of Town Meeting

- Legal counsel needed concerning whether or not all petition signers have to agree to IP or to removal from the Warrant
- Pending Senate legislation could possibly deal with petitioned articles
- Mr. Powers will check with Town Clerk to learn of past practices
- Mr. Powers is waiting for responses from petitioners to his letter concerning disposition of each petitioned article
- Selectmen agreed that more review is required; to be on a future agenda

OPEN PUBLIC FORUM

The Chairman opened the Open Public Forum. The public was invited to call in and participate in the meeting to offer comments and/or questions. Scott Tyldesley reviewed the procedure for remote participation. The appropriate phone number was displayed. There were no additional call-ins or emails.

TOWN ADMINSTRATOR'S REPORTS

Mr. Powers said there is a one-item agenda meeting of the Board tomorrow, May 5th at 12Noon.

SELECTMEN'S REPORT

Mr. Ballantine said some mechanism will need to be worked out to accommodate remote participation interviews to fill committee and board vacancies.

Mr. McManus said the Massachusetts Municipal Policy Committee will be holding a remote participation meeting tomorrow, May 5th, from 11AM to 1PM. Topic to be discussed is pending Senate legislation which will govern town meeting quorum requirements.

ADJOURNMENT

Mr. Howell moved to adjourn. Mr. Ford seconded. Roll-call vote: Mr. MacAskill – Yes, Mr. Ford – Yes, Mr. Howell – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Respectfully submitted,

Dorothy G. Hemmings
Recording Secretary
Pro Tem

MINUTES
SELECTMEN'S MEETING
REMOTE PARTICIPATION ONLY
TUESDAY, MAY 5, 2020
12:00 P.M.

SELECTMEN PARTICIPATING: Ballantine, Ford, Howell, MacAskill, and McManus (who joined the meeting prior to the vote).

ALSO PARTICIPATING: Interim Town Administrator, Joseph Powers; and Finance Director, Carol Coppola

CALL TO ORDER

Mr. Ballantine opened the meeting at 6:30PM and called to order the Board of Selectmen. Roll-call: Mr. MacAskill – Here, Mr. Ford – Here, Mr. Ballantine – Here, Mr. Howell – Here. The Chairman declared a quorum is present.

NEW BUSINESS

- A. Discussion and possible vote on Emergency Expenditures Related to COVID-19
- B. Vote to authorize the Chairman to sign a letter to the Director of Bureau of Accounts regarding emergency expenditures

Mr. Powers and Mrs. Coppola introduced the proposed letter and subsequent discussion included the following points:

- Approval from the Bureau of Accounts is required to allow the Town to incur liabilities in excess of voted appropriations for FY20 (deficit spending) and will provide the following positive benefits
 1. COVID-19 expenses can be segregated
 2. Reimbursement will not be coming in FY20, but in FY21
 3. Deficits can be set aside in hopes of having some reimbursement
- If reimbursement is not received, deficits can be covered in the next fiscal year from free cash, an increased tax rate, or borrowing
- Anticipated estimated COVID-19 costs are \$250,000
- Getting some reimbursement is anticipated

- Specific extraordinary expenses covered under this authorization are in the following areas:
 - a. Cleaning and sanitizing costs
 - b. Custodial wages
 - c. Costs associated with the preparation and delivery of meals to elderly population in need
 - d. Personal protective equipment (PPE)
 - e. Overtime for public safety and health departments
 - f. Retrofit town buildings to ensure the safety of employees and the public

Mr. MacAskill voiced concern that necessary resources are being made available to the Council on Aging (COA) and the Board of Health and asked if there is anything that the Selectmen should be doing. Mr. Powers said all operations are proceeding as needed, and staff is doing all the things they need to do. He said despite the COA Social Worker position having been vacated on April 24, and in view of the hiring freeze in place, at present that position is not essential to operations related to COVID-19. Mr. MacAskill said he would like to hear thoughts from Emily Mitchell, COA Director, at the next Board meeting, since, in his opinion, any position at the COA should not be considered in the hiring freeze.

At this point Mr. McManus joined the meeting by remote participation.

Mr. MacAskill moved to approve Item B, with one edit to the letter. Mr. Howell seconded. Roll-call vote: Mr. McManus – Yes, Mr. Ford – Yes, Mr. MacAskill – Yes, Mr. Howell – Yes, and Mr. Ballantine – Yes. Motion carried by unanimous vote.

ADJOURNMENT

Mr. Howell moved to adjourn. Mr. Ford seconded. Roll-call vote: Mr. MacAskill – Yes, Mr. Ford – Yes, Mr. Howell – Yes, Mr. Ballantine – Yes. Motion carried by unanimous vote.

Respectfully submitted,

Dorothy G. Hemmings
Recording Secretary
Pro Tem

TOWN OF HARWICH

COVID-19 Mandatory Safety Standards and Workplace Training Manual



Table of Contents

Purpose	3
Social Distancing	4
What it is and why we do it	
Proper Use of Face Coverings	
Hygiene Protocols	6
Handwashing	
Hand sanitizer	
Workstation cleaning and disinfection	
Staffing and Operations	8
Isolation, contact tracing and communication plan for COVID-19	
Symptoms of COVID-19	
Underlying health conditions that make individuals more susceptible to COVID-19	
Self-screening at home	
When not to come to work	
What to do if you test positive	
When to seek medical attention	
Contact Tracing	
Ending Isolation/Return to Work Protocol	
Cleaning and Disinfecting	12
Building cleaning and disinfecting requirements	
Procedures for cleaning and disinfecting in the event of a positive case	
Contact Information	14

Purpose

The employees of the Town of Harwich are its greatest assets and keeping everyone safe is of utmost importance. By providing a detailed training manual outlining safety standards regarding the current public health threat, COVID-19, we are dedicated to educating each employee about how to stay safe and healthy.

The guidance found in this manual is based on what is currently known about the coronavirus disease 2019 (COVID-19). COVID-19 is a respiratory illness that can spread from person to person. The outbreak first started in China, but the virus continues to spread internationally and in the United States. There is much more to learn about the transmissibility, severity, and other characteristics of COVID-19 and investigations are ongoing.

This interim guidance is provided to help prevent workplace exposures to COVID-19. Updates are available on CDC's web page at <https://www.cdc.gov/coronavirus/2019-ncov/>. CDC will update this interim guidance as additional information becomes available.

Social Distancing

Social distancing, also called “physical distancing,” means keeping space between yourself and other people outside of your home. To practice social or physical distancing:

- Stay at least 6 feet (about 2 arms’ length) from other people
- Do not gather in groups
- Stay out of crowded places

In addition to everyday steps to prevent COVID-19, keeping space between you and others is one of the best tools we have to avoid being exposed to this virus and slowing its spread locally and across the country and world.

Limit close contact with others outside your household in indoor and outdoor spaces. Since people can spread the virus before they know they are sick, it is important to stay away from others when possible, even if you—or they—have no symptoms. Social distancing is especially important for people who are at higher risk for severe illness from COVID-19.

Why practice social distancing?

COVID-19 spreads mainly among people who are in close contact (within about 6 feet) for a prolonged period. Spread happens when an infected person coughs, sneezes, or talks, and droplets from their mouth or nose are launched into the air and land in the mouths or noses of people nearby. The droplets can also be inhaled into the lungs. Recent studies indicate that people who are infected but do not have symptoms likely also play a role in the spread of COVID-19.

It may be possible that a person can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose, or eyes. However, this is not thought to be the main way the virus spreads. COVID-19 can live for hours or days on a surface, depending on factors such as sunlight, humidity, and the type of surface. Social distancing helps limit opportunities to come in contact with contaminated surfaces and infected people outside the home.

Although the risk of severe illness may be different for everyone, anyone can get and spread COVID-19. Everyone has a role to play in slowing the spread and protecting themselves, their family, and their community.

Tips for Social Distancing

- Stay in your designated work space or office as much as possible.
- Limit casual contact with others while working.
- Call or email your coworkers instead of visiting them in person.

Face Coverings

The use of face coverings is required while inside public buildings and outside when social distancing is not possible. A face covering must be worn inside buildings when you are in shared spaces such as restrooms, hallways, elevators, stairwells. These areas are often used by many people at the same time. You do not need to wear your face covering when alone in your office space, alone in a vehicle, or when in rooms with others if social distancing can be maintained.

- Cloth face coverings should cover your nose and mouth and be snug against your face.
- Wash your hands before and after putting on and taking off your face covering
- Cloth face coverings should NOT be placed on children under age 2, anyone who has trouble breathing, or is unconscious, incapacitated, or otherwise unable to remove the mask without assistance.
- Keep at least 6 feet between yourself and others, even when you wear a face covering.

The Town has implemented the following to assist in social distancing:

- Signs, tape marks, or other visual cues have been placed on the floor 6 feet apart, to indicate where to stand when physical barriers are not possible.
- Handshaking is prohibited.
- Plexiglass has been installed at all counters.
- Workspaces have been reconfigured to accommodate the 25% maximum occupancy level.
- Where 25% occupancy cannot be met, staff schedules have been altered to allow for remote working.
- Work areas are designated to limit movement throughout the building and limit contact between workers.
- Break rooms and bathrooms and other confined spaces such as elevators and vehicles are limited to one person at a time.
- Disposable non-surgical face coverings are provided to workers who do not have their own.

Hygiene Protocols

Handwashing is extremely important against the spread of COVID-19.

Wash Your Hands Often

- Wash your hands often with soap and water for at least 20 seconds especially after you have been in a public place, or after blowing your nose, coughing, or sneezing.
- If soap and water are not readily available, use a hand sanitizer that contains at least 60% alcohol. Cover all surfaces of your hands and rub them together until they feel dry.
- Avoid touching your eyes, nose, and mouth with unwashed hands.

Key Times to Wash Hands

- Before, during, and after preparing food
- Before eating food
- Before and after treating a cut or wound
- After using the toilet
- After blowing your nose, coughing, or sneezing
- After touching an animal, animal feed, or animal waste
- After handling pet food or pet treats
- After touching garbage

Follow Five Steps to Wash Your Hands the Right Way

Washing your hands is easy, and it's one of the most effective ways to prevent the spread of germs. Clean hands can stop germs from spreading from one person to another and throughout an entire community—from your home and workplace to childcare facilities and hospitals. Follow these five steps every time.

1. Wet your hands with clean, running water (warm or cold), turn off the tap, and apply soap.
2. Lather your hands by rubbing them together with the soap. Lather the backs of your hands, between your fingers, and under your nails.
3. Scrub your hands for at least 20 seconds. Need a timer? Hum the “Happy Birthday” song from beginning to end twice.
4. Rinse your hands well under clean, running water.
5. Dry your hands using a clean towel or air dry them.

Use Hand Sanitizer When You Can't Use Soap and Water

You can use an alcohol-based hand sanitizer that contains at least 60% alcohol if soap and water are not available. Washing hands with soap and water is the best way to get rid of germs in most situations. If soap and water are not readily available, you can use an alcohol-based hand sanitizer that contains at least 60% alcohol. You can tell if the sanitizer contains at least 60% alcohol by looking at the product label.

Sanitizers can quickly reduce the number of germs on hands in many situations. However,

- Sanitizers do not get rid of all types of germs.
- Hand sanitizers may not be as effective when hands are visibly dirty or greasy.
- Hand sanitizers might not remove harmful chemicals from hands like pesticides and heavy metals.
- Caution! Swallowing alcohol-based hand sanitizers can cause alcohol poisoning if more than a couple of mouthfuls are swallowed. Keep it out of reach of young children and supervise their use.

How to Use Hand Sanitizer

- Apply the gel product to the palm of one hand (read the label to learn the correct amount).
- Rub your hands together.
- Rub the gel over all the surfaces of your hands and fingers until your hands are dry. This should take around 20 seconds.

Clean and Disinfect workstations

Workers are responsible for cleaning and disinfecting their keyboards, phones, desks and municipal vehicles daily. Cleaner and disinfectant is provided in each work space.

- Clean AND disinfect frequently touched surfaces daily.
- If surfaces are dirty, clean them. Use detergent or soap and water prior to disinfection.
- Then, use a household disinfectant. Most common EPA-registered household disinfectants will work.

Avoid sharing office materials and equipment. When shared materials are not avoidable, these areas should be disinfected between use. These materials include telephones, printers/copiers, tools, vehicles.

The Town has implemented the following to assist in hygiene protocols:

- Cleaning supplies are available to employees to clean and disinfect personal spaces such as keyboards, phones and workspaces.
- Hand sanitizer is available at each desk and customer service area.
- Hand sanitizer stations have been installed throughout the public areas in each town building with signage indicating their location.
- Bathrooms are fully stocked with soap and paper towels for proper hand washing.

Staffing and Operations

Isolation, Contact Tracing and Communication Plan

Symptoms of COVID-19 include fever, cough and shortness of breath. Employees should monitor their personal health status daily by taking their temperature daily and watching for other symptoms.

There are certain underlying conditions that make individuals more susceptible to contracting and suffering from a severe case of the virus. These conditions include:

- People 65 years and older
- People who live in a nursing home or long-term care facility

People of all ages with underlying medical conditions, particularly if not well controlled, including:

- People with chronic lung disease or moderate to severe asthma
- People who have serious heart conditions
- People who are immunocompromised
 - Many conditions can cause a person to be immunocompromised, including cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and other immune weakening medications
- People with severe obesity (body mass index [BMI] of 40 or higher)
- People with diabetes
- People with chronic kidney disease undergoing dialysis
- People with liver disease

Employees who appear to have symptoms (as listed above) upon arrival at work or who become sick during the day should immediately be separated from other employees, customers, and visitors and sent home. The supervisor should notify the Health Department immediately.

Employees are required to be tested for COVID-19 if they display symptoms. Employees must remain at home while symptomatic and cannot return to work until the test results are shown to be negative.

Employees are required to inform their supervisor if a member of their household is sick or has tested positive for COVID-19. The supervisor should notify the Health Department immediately.

Testing Positive

Should an employee test positive for COVID-19, they must isolate themselves.

- Stay home. Most people with COVID-19 have mild illness and can recover at home without medical care. Do not leave your home, except to get medical care.

- Do not visit public areas.
- Take care of yourself. Get rest and stay hydrated. Take over-the-counter medicines, such as acetaminophen, to help you feel better.
- Stay in touch with your doctor. Call before you get medical care. Be sure to get care if you have trouble breathing, or have any other emergency.
- Avoid public transportation, ride-sharing, or taxis.
- As much as possible, stay in a specific room and away from other people and pets in your home. If possible, you should use a separate bathroom.
- If you need to be around other people or animals in or outside of the home, wear a cloth face covering.
- Monitor your symptoms.
- Call ahead before visiting your doctor. Many medical visits for routine care are being postponed or done by phone or telemedicine. If you have a medical appointment that cannot be postponed, call your doctor's office, and tell them you have or may have COVID-19. This will help the office protect themselves and other patients.
- Avoid sharing personal household items
- Do not share dishes, drinking glasses, cups, eating utensils, towels, or bedding with other people in your home. Wash these items thoroughly after using them with soap and water or put in the dishwasher.
- Clean and disinfect high-touch surfaces in your "sick room" and bathroom; wear disposable gloves. Let someone else clean and disinfect surfaces in common areas, but you should clean your bedroom and bathroom, if possible.
- If a caregiver or other person needs to clean and disinfect a sick person's bedroom or bathroom, they should do so on an as-needed basis. The caregiver/other person should wear a mask and disposable gloves prior to cleaning. They should wait as long as possible after the person who is sick has used the bathroom before coming in to clean and use the bathroom.
- High-touch surfaces include phones, remote controls, counters, tabletops, doorknobs, bathroom fixtures, toilets, keyboards, tablets, and bedside tables.
- Clean and disinfect areas that may have blood, stool, or body fluids on them.
- Use household cleaners and disinfectants. Clean the area or item with soap and water or another detergent if it is dirty. Then, use a household disinfectant. Be sure to follow the

instructions on the label to ensure safe and effective use of the product. Many products recommend keeping the surface wet for several minutes to ensure germs are killed. Many also recommend precautions such as wearing gloves and making sure you have good ventilation during use of the product.

When to Seek Emergency Medical Attention

Look for emergency warning signs* for COVID-19. If someone is showing any of these signs, seek emergency medical care immediately

- Trouble breathing
- Persistent pain or pressure in the chest
- New confusion
- Inability to wake or stay awake
- Bluish lips or face

*This list is not all possible symptoms. Please call your medical provider for any other symptoms that are severe or concerning to you.

Call 911 or call ahead to your local emergency facility: Notify the operator that you are seeking care for someone who has or may have COVID-19.

Contact Tracing

All positive test results for communicable diseases such as COVID-19 are required to be reported the Department of Public Health. An epidemiologist or nurse from the local board of health of the town in which you live will contact you upon receiving your test results. It is important to speak to this contact tracer to alert them to other close contacts you have within your household and workplace. You will be provided with instructions on how to self-isolate.

Contact tracing will be performed by the health department for fellow employees that may have been in close contact with the positive staff member.

Should close contact be identified (household members or other people that have been within 6' of the positive for 10 minutes or more), those people will be required to quarantine at home for 14 days.

Isolation and quarantine help protect the public by preventing exposure to people who have or may have a contagious disease.

- **Isolation** separates sick people with a contagious disease from people who are not sick.
- **Quarantine** separates and restricts the movement of people who were exposed to a contagious disease to see if they become sick.

Ending Isolation/Return to Work Guidance

Persons with COVID-19 who *have* symptoms and were directed to care for themselves at home may discontinue isolation under the following conditions:

- At least 3 days (72 hours) have passed *since recovery* defined as resolution of fever without the use of fever-reducing medications *and* improvement in respiratory symptoms (e.g., cough, shortness of breath); *and*,
- At least 10 days have passed *since symptoms first appeared*.

Persons with laboratory-confirmed COVID-19 who *have not had any* symptoms and were directed to care for themselves at home may discontinue isolation under the following conditions:

- At least 10 days have passed since the date of their first positive COVID-19 diagnostic test assuming they have not subsequently developed symptoms since their positive test.
- If they develop symptoms, then the symptom-based or test-based strategy should be used.

Once the discontinue of isolation conditions have been met, employees who were positive are no longer considered contagious and may return to work. The conditions must be confirmed by both the Local Board of Health in which the employee lives as well as the Harwich Health Director.

Cleaning and Disinfecting

Daily requirements

The Town will provide daily janitorial service for all buildings. This cleaning and disinfecting will include common spaces and frequently touched surfaces such as door handles, handrails, restrooms, customer service counters, conference and activity rooms, hallways, stairwells, etc.

Workplace steps in the case of a suspect or confirmed positive employee

Determine which employees may have been exposed to the virus and the need to take additional precautions:

- Inform employees of their possible exposure to COVID-19 in the workplace but maintain confidentiality as required by the Americans with Disabilities Act (ADA).

Clean and Disinfect the building or area used by the person who is sick

- Close off areas used by the person who is sick.
 - Buildings do not necessarily need to close operations, if they can close off affected areas.
- Open outside doors and windows to increase air circulation in the area.
- Wait 24 hours before you clean or disinfect. If 24 hours is not feasible, wait as long as possible.
- Clean and disinfect all areas used by the person who is sick, such as offices, bathrooms, common areas, shared electronic equipment like tablets, touch screens, keyboards, remote controls, etc.
- Clean dirty surfaces with soap and water before disinfecting them.
- To disinfect surfaces, use products that meet EPA criteria for use against SARS-Cov-2, the virus that causes COVID-19, and are appropriate for the surface.
- Always wear gloves and mask.
- Vacuum the space if needed. Use vacuum equipped with high-efficiency particulate air (HEPA) filter, if available.
 - Do not vacuum a room or space that has people in it. Wait until the room or space is empty to vacuum, such as at night, for common spaces, or during the day for private rooms.
 - Consider temporarily turning off room fans and the central HVAC system that services the room or space, so that particles that escape from vacuuming will not circulate throughout the facility.

- Once area has been appropriately disinfected, it can be opened for use.
 - Workers *without* close contact with the person who is sick can return to work immediately after disinfection.
 - Workers *with* close contact with the person who is *suspected* to have COVID-19 should work remotely until test results are known.
 - Workers *with* close contact with the person who is *confirmed* to have COVID-19 must self-quarantine for 14.
 -
- If more than 7 days have passed since the person who is sick visited or used the facility, additional cleaning and disinfection is not necessary.
 - Continue routine cleaning and disinfection. This includes everyday practices that businesses and communities normally use to maintain a healthy environment.

DRAFT

Contact Information

Questions about this training manual or about the safety standards can be directed to the Harwich Health Department. The Health Director can be reached by calling 508-430-7509, emailing meldredge@town.harwich.ma.us or by sending written correspondence to 732 Main Street, Harwich, MA 02645 ATTN: Meggan Eldredge, Health Director.

Further questions about COVID-19 as well as the safety standards can be directed to the Department of Public Health at 617-983-6800.

DRAFT

Cape Farm Supply and Cranberry Co

Leo and Andrea Cakounes

1601 Factory Road Harwich Mass

508-364-1512

Town of Harwich

Board of Selectmen

732 Main Street

Harwich Mass 02645

Re: Annual Live Music Permit

Board Members

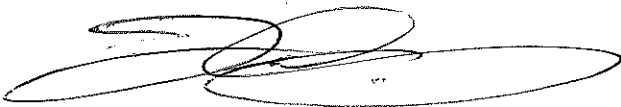
This year will mark our 21 year for the Farm Open House- Pot Luck. As you know we have annually applied for a Live Music Permit to comply with the Towns By-Law 189-1 G. Attached please find the 202 request.

We are aware of the current Coronavirus situation and intend to abide by all recommendations put forth by the Towns Board of Health. Following the Towns lead in that the Annual Town Meeting has been postponed to the end of June, we are hoping the annual date of the last Saturday in June will be still be acceptable for our event.

However in preparation for a continuance of Social Distancing and stay at home recommendations we have requested that you approve subsequent Postponement dates. We are fully aware and will comply with any and all recommendation as we move forward, including a full cancelation of the event if deemed necessary.

Respectfully

The Cakounes Family

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the end, representing the Cakounes family.



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)
- New application
 Renewal
 Annual 5th year
 Seasonal (21 TOTAL)
 Opening Date _____
- Special permit as per
 Other Bylaw 189-1(G)

Business Name Cape Farm Supply Phone 508-364-1512
 Business Address 1595 FACTORY ROAD HARWICH 02645
 Mailing Address 1601 FACTORY ROAD HARWICH 02645
 Owners Name & Address LEO & ANDREA COKOWES
 Email Address CRANBERRYPIG@COMCAST.NET
 Managers Name & Address SAME

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):

Saturday June 27th 2020 3:00 P.M. - 11:00 P.M.

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

NOTE: CORONAVIRUS
 POSTPONE DATES IF
 NECESSARY -
 1. July 25
 2. Aug 15

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 3:00 after noon to 11:00 P.M.

Pursuant to MGL, Chapter 82C, Section 49A, I certify under the penalties of perjury that I, to the best of my knowledge and belief, have filed all State tax returns, and have paid all State taxes under the law.

[Signature] owner
Signature of applicant & title

Social Security # or Federal I.D. #

Signature of individual or corporate name

Social Security # or Federal I.D. #

Signature of Manager

Social Security # or Federal I.D. #

Signature of Partner

Social Security # or Federal I.D. #

REGULATORY COMPLIANCE FORM

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

[Signature]
Building Commissioner

[Signature]
Board of Health

[Signature]
Fire Department

[Signature]
Police Department

comments:

pending Gov. Baker's
order for social gatherings

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



MEMO

TO: Joseph F. Powers, Interim Town Administrator

FROM: Griffin Ryder, Town Engineer *GJR*

CC: Robert Lawton, Interim Assistant Town Administrator
Sean Libby, Facilities Maintenance Manager

RE: Harwich Elementary School & Harwich Cultural Center – Groundwater Discharge Permit Renewal Application

DATE: June 5, 2020

Please find the attached contract agreement for professional engineering services between the Town of Harwich and Coastal Engineering Company, Inc. for the preparation and submission of a Groundwater Discharge Permit renewal application for the Harwich Elementary School and the Harwich Cultural Center for signature.

The submission of the Groundwater Discharge Permit renewal application for the Harwich Elementary School and the Harwich Cultural Center is a Massachusetts Department of Environmental Protection regulatory requirement. Coastal Engineering Company, Inc. has historically provided regulatory compliance and operation and maintenance services associated with the shared septic system at the Elementary School and Cultural Center.

Engineering Services are exempt from State Procurement Laws.

Based on the information presented herein, I recommend the contract with Coastal Engineering Company, Inc. for \$1,700.00 be signed.

Please let me know if you have any questions.



260 Cranberry Highway
 Orleans, MA 02653
 508.255.6511 P 508.255.6700F
 Orleans | Sandwich | Nantucket
 coastalengineeringcompany.com

AUTHORIZATION FOR ADDITIONAL TECHNICAL SERVICES

To: Town of Harwich
 Accounting Department
 Attn: Carol Coppola
 732 Main Street
 Harwich, MA 02645
 VIA E-MAIL: kisernio@monomoy.edu
 ccoppola@town.harwich.ma.us

Date: 04/27/2020 Project No. W11808.05
 Project: Groundwater Discharge Permit renewal application

T: 508-430-7514 x3335 F: 508-430-7504

Location: Harwich Elementary and Former Middle Schools
 Sisson Road
 Harwich, MA
 Assessor's Map: 40, Parcel: T6

Coastal Engineering Company, Inc. (CEC) will perform the following professional services relating to the referenced project.

Fixed Fee: \$1,700

Timeframe: Application to be submitted prior to June 18, 2020

SCOPE OF SERVICES:

- Prepare and file a renewal of the Groundwater Discharge Permit to the Massachusetts Department of Environmental protection.
- Follow up documentation to all relevant town and state agencies.

Note: Renewal of permit is every five years with no state fee (public entity).


CAS/JGS/kvp

SUBJECT TO TERMS AND CONDITIONS ON REVERSE SIDE

- We are proceeding with service(s) noted as per your direction. Immediate notification in writing is required if you wish to alter this authorization.
- Please execute this agreement authorizing us to proceed. No services will be performed until you return this agreement with authorization in writing.
- This document will become our original agreement.

Acceptance of this agreement by signature authorizes COASTAL ENGINEERING to proceed as described. This proposal expires in 90 days if not signed by both parties.

AUTHORIZED FOR COASTAL ENGINEERING:

By: 
 Chad A. Simmons, WWTPD
 Project Manager
 April 27, 2019

AUTHORIZED BY CLIENT:

 Signature Date

 Printed Name and Title

PLEASE SIGN AND RETURN ONE COPY



January 1, 2019

COMPENSATION FOR SERVICE CONTRACT: Coastal Engineering Co., Inc. (CEC) bases its compensation for services on this project on the fee given for the project. CLIENTs are advised that Additional Services requested beyond the Scope covered by the fee proposal or change orders attached thereto will be based upon the time input according to our current hourly fee rate schedule. Fee proposals for services are prepared to the best of our ability based on facts available at the time of submission.

TRANSPORTATION: Time and travel expenses incurred, when travel is in the interest of the project, will be charged for in accordance with our fee schedule.

SUBCONTRACT SERVICES: CEC may engage subcontractors and/or other professionals to perform required services such as soil borings, drilling, construction, etc. That subcontractor's charge plus a service charge will be added to our fee.

REIMBURSABLE EXPENSES: Reimbursable expenses will be billed at our cost plus a service charge. Examples of reimbursable expenses ordinarily charged are replacement equipment, plumbing and hardware supplies, and chemical supplements for process control.

PAYMENT: Invoices will be rendered monthly or as work progresses. Invoices are due and payable upon receipt. Amounts over 30 days past due are subject to a service charge of 1.5% per month (18% annually). The CLIENT agrees to pay reasonable attorney's fees and any collection fees incurred in the collection of any amount owed hereunder and not paid when due.

CHANGE OF SCOPE: If, during the performance of services under this Agreement, there is a change in the Scope of Services requested on the basis of an oral or written order by the CLIENT, or as required by circumstances to address contingencies, or to revise plans upon the request of the CLIENT, CEC will perform these services in accordance with our fee schedule. CEC reserves the right, at our discretion, to issue a Change Order to this Agreement. However, a Change Order is not required prior to rendering such services and the CLIENT agrees to pay for such additional services.

SUSPENSION OF SERVICES: If the CLIENT fails to make payment of invoices when due, CEC may suspend performance of services under this Agreement. In the event of a suspension of services, CEC shall have no liability to the CLIENT for delay or damage caused by such suspension of services.

TERMINATION PROVISION: This Agreement may be terminated by either party upon five (5) days written notice in the event of failure of performance of terms and conditions of this Agreement by the other party through no fault of the terminating party. CEC shall be compensated for services performed up to the time of termination.

INSURANCE: CEC is covered by Worker's Compensation Insurance and Public and Professional Liability Insurance. We will furnish certification upon request.

RIGHT OF ENTRY: Unless otherwise agreed, the CLIENT furnishes right-of-entry on the land for CEC to make measurements, soil tests, or other required explorations. CEC will take reasonable precautions to minimize damage to the land from the use of equipment, but we have not included in our fee the cost of restoration from damage that may result from our operations. If we are required to restore the land to its former conditions, the cost of doing so will be added to our fee.

OWNERSHIP OF DOCUMENTS: All documents, including original drawings, estimates, specifications, field notes, and data, are and shall remain the sole

and exclusive property of CEC as instruments of service. The CLIENT may, at his/her expense, obtain record prints of drawings, in consideration of which the CLIENT will use them solely in connection with the above described project and not for the purpose of making subsequent extensions or enlargements thereto. All photographic documentation shall remain the property of CEC and may be used in marketing materials (electronic and print) unless otherwise specified by CLIENT. The CLIENT hereby consents to CEC's use of the CLIENT's name and general project description in marketing materials (electronic and print) unless otherwise specified by CLIENT.

USE OF DOCUMENTS: Services performed and documents prepared by CEC under this agreement shall be for the benefit of CLIENT only and may not be relied upon by any third party(ies) unless specifically agreed to in advance by CEC and CLIENT.

USE OF STAKES: CLIENT, CLIENT's contractor, or any third party may not use stakes or other markers set at the site by CEC before obtaining verification from CEC that the stakes or other markers were set for the intended purpose and are in place to the accuracy appropriate for the intended use.

ELECTRONIC FILES: Electronic files are transmitted for informational purposes only and at the request of the CLIENT or CLIENT's agent. CEC's official product is limited to its signed and sealed hard copy of plans, specifications, and/or studies. The CLIENT agrees to hold CEC harmless for any damages from inappropriate or illegal uses by others from any electronic transfer of information that was requested by the CLIENT or CLIENT's agent.

INDEMNIFICATION AND LIMITATION OF LIABILITY: CEC agrees to indemnify and hold CLIENT harmless against damages and liability resulting from the negligent acts, errors, or omissions of CEC. The CLIENT agrees to limit CEC's liability, resulting from errors and/or omissions in services furnished to the CLIENT directly by CEC to an amount not to exceed our fee. The CLIENT agrees to require a like limitation from any contractor engaged to perform work for which we have provided reports, plans, and/or specifications. The CLIENT shall further indemnify and hold CEC harmless from any liability resulting from the acts, errors, or omissions of the CLIENT or CLIENT's agents, contractors, or assigns. Such indemnification shall include the cost of defense arising in any way with claims connected with any such liability excepting only such liability as may arise out of CEC's sole negligence in performance of services. CLIENT agrees that any and all damages arising from negligent act, error, or omission shall be made against CEC directly and shall not be made personally against any of its directors, officers, agents, or employees.

CONSEQUENTIAL DAMAGES: Notwithstanding any other provision hereof, CEC shall not be liable to the CLIENT for any incidental, indirect, or consequential damages arising out of or connected in any way to the services rendered hereunder, including, but not limited to, loss of use, loss of profit, loss of business, loss of income, or loss of reputation.

NO WARRANTIES: CEC makes no warranties, express or otherwise, in connection with CEC's services except for those which may be specifically stated in the Operation and Maintenance Scope of Services.



MEMO

TO: Joseph F. Powers, Interim Town Administrator

FROM: Griffin Ryder, Town Engineer *GR*

CC: Robert Lawton, Interim Assistant Town Administrator
Eric Beebe, Recreation Director

RE: Brooks Park & Whitehouse Field Preliminary Electrical Engineering Study

DATE: June 5, 2020

Please find the attached contract agreement for professional engineering services between the Town of Harwich and Thompson Engineering Company, Inc. for Preliminary Electrical Engineering Services at Brooks Park and Whitehouse Field for signature.

The Interim Assistant Town Administrator, Robert Lawton, and I reached out to two recommended electrical engineering firms with expertise in municipal electrical engineering and lighting design and received response from Thompson Engineering Company, Inc.

In discussions with Thompson Engineering Company, Inc. it was determined that between \$2,500 and \$3,000 would be saved by combining the Brooks Park and Whitehouse Field Preliminary Electrical Engineering Studies into a single scope and contract so the studies could be conducted concurrently.

Engineering Services are exempt from State Procurement Laws. The KP Law Engineering Services contract template was utilized for the contract agreement. The Finance Director has signed off as the availability of funds.

Based on the information presented herein, I recommend the contract with Thompson Engineering Company, Inc. for \$7,200.00 be endorsed.

Please let me know if you have any questions.

**AGREEMENT FOR PROFESSIONAL
ENGINEERING SERVICES
BETWEEN
THE TOWN OF HARWICH, MASSACHUSETTS
AND
THOMPSON ENGINEERING COMPANY, INC.
FOR PRELIMINARY ELECTRICAL ENGINEERING SERVICES**

THIS AGREEMENT made this 27th day of May, 2020 between Thompson Engineering Company, Inc., a Massachusetts corporation with a usual place of business at 89 Newbury Street, Suite 103, Danvers, MA 01923, hereinafter called the "ENGINEER," and the Town of Harwich, MA, acting by its Board of Selectmen, with a usual place of business at Harwich Town Hall, 732 Main Street, Harwich, MA hereinafter called the "TOWN".

The ENGINEER and the TOWN, for the consideration hereinafter named, agree as follows:

1. Scope of Work

The ENGINEER shall perform the work set forth in the Scope of Services attached hereto as Exhibit A.

2. Contract Price

The TOWN shall pay the ENGINEER for services rendered in the performance of this Agreement a lump sum of \$7,200.00, subject to any additions and deductions provided for herein at the hourly rates subject to mutual agreement. The amount to be paid to the ENGINEER shall not exceed \$7,200.00 without the prior written consent of the TOWN.

3. Commencement and Completion of Work

A. This Agreement shall commence on June 2, 2020 and shall expire on October 1, 2020, unless terminated sooner in accordance with this Agreement.

B. Progress and Completion: ENGINEER shall commence work promptly upon execution of this Agreement and shall prosecute and complete the work regularly, diligently and uninterruptedly at such a rate of progress as will insure completion in a timely manner.

4. Performance of the Work

The ENGINEER shall supervise and direct the Work, using his best skills and attention, which shall not be less than such state of skill and attention generally rendered by the engineering/design profession for projects similar to the Project in scope, difficulty and location.

A. Responsibility for the Work:

- (1) The ENGINEER shall be responsible to the TOWN for the acts and omissions of his employees, subcontractors and their agents and employees, and other persons performing any of the Work under a contract with the ENGINEER. Consistent with the standard of care referenced above, the ENGINEER shall be responsible for the professional and technical accuracy for all work or services furnished by him or his consultants and subcontractors. The ENGINEER shall perform his work under this Agreement in such a competent and professional manner that detail checking and reviewing by the TOWN shall not be necessary.
- (2) The ENGINEER shall not employ additional consultants, nor sublet, assign or transfer any part of his services or obligations under this Agreement without the prior approval and written consent of the TOWN. Such written consent shall not in any way relieve the ENGINEER from his responsibility for the professional and technical accuracy for the work or services furnished under this Agreement.
- (3) All consultants must be registered and licensed in their respective disciplines if registration and licensure are required under the applicable provisions of Massachusetts law.
- (4) The ENGINEER and all consultants and subcontractors shall conform their work and services to any guidelines, standards and regulations of any governmental authority applicable to the type of work or services covered by this Agreement.
- (5) The ENGINEER shall not be relieved from its obligations to perform the work in accordance with the requirements of this Agreement either by the activities or duties of the TOWN in its administration of the Agreement, or by inspections, tests or approvals required or performed by persons other than the ENGINEER.
- (6) Neither the TOWN's review, approval or acceptance of, nor payment for any of the work or services performed shall be construed to operate as a waiver of any rights under the Agreement or any cause of action arising out of the performance of the Agreement.

B. Deliverables, Ownership of Documents: One (1) reproducible copy of all drawings, plans, specifications and other documents prepared by the ENGINEER shall become the property of the TOWN upon payment in full therefor to the ENGINEER. Ownership of stamped drawings and specifications shall not include the ENGINEER's certification or stamp. Any re-use of such documents without the ENGINEER's written verification of suitability for the specific purpose intended shall be without liability or legal exposure to the ENGINEER or

to the ENGINEER's independent professional associates, subcontractors or consultants. Distribution or submission to meet official regulatory requirements or for other purposes in connection with the Project is not to be construed as an act in derogation of the ENGINEER's rights under this Agreement.

- C. Compliance With Laws: In the performance of the Work, the ENGINEER shall comply with all applicable federal, state and local laws and regulations, including those relating to workplace and employee safety.

5. Site Information Not Guaranteed; Contractor's Investigation

The TOWN shall furnish to the ENGINEER available surveys, data and documents relating to the area which is the subject of the Scope of Work. All such information, including that relating to subsurface and other conditions, natural phenomena, existing pipes, and other structures is from the best sources at present available to the TOWN. All such information is furnished only for the information and convenience of the ENGINEER and is not guaranteed. It is agreed and understood that the TOWN does not warrant or guarantee that the subsurface or other conditions, natural phenomena, existing pipes, or other structures will be the same as those indicated in the information furnished, and the ENGINEER must satisfy himself as to the correctness of such information. If, in the opinion of the ENGINEER, such information is inadequate, the ENGINEER may request the TOWN's approval to verify such information through the use of consultants or additional exploration. In no case shall the ENGINEER commence such work without the TOWN's prior written consent. Such work shall be compensated as agreed upon by TOWN and ENGINEER.

6. Payments to the Contractor

- A. Cost incurred on this project shall be billed lump sum by task completed as outlined in the attached Scope of Services. Payment shall be due 30 days after receipt of an invoice by the TOWN.
- B. If there is a material change in the scope of work, the TOWN and the ENGINEER shall mutually agree to an adjustment in the Contract Price.
- C. If the TOWN authorizes the ENGINEER to perform additional services, the ENGINEER shall be compensated in an amount mutually agreed upon, in advance, in writing. Except in the case of an emergency, the ENGINEER shall not perform any additional services until such compensation has been so established.

7. Reimbursement

Except as otherwise included in the Contract Price or otherwise provided for under this Agreement, the ENGINEER shall be reimbursed by the TOWN: (a) at 1.0 times the actual cost to the ENGINEER of consultants retained to obtain information pursuant to Article 5 hereof or otherwise. No such reimbursement shall be made unless the rates of compensation have been approved, in advance, by the TOWN; (b) at 1.0 times the actual cost of additional or specially authorized expense items, as approved by the TOWN.

8. Final Payment, Effect

The acceptance of final payment by the ENGINEER shall constitute a waiver of all claims by the ENGINEER arising under the Agreement.

9. Terms Required By Law

This Agreement shall be considered to include all terms required to be included in it by the Massachusetts General Laws, and all other laws, as though such terms were set forth in full herein.

10. Indemnification

A. General Liability: The ENGINEER shall indemnify and hold harmless the TOWN from and against any and all claims, damages, losses, and expenses, including attorney's fees, to the extent arising out of the performance of this Agreement and to the extent the same relate to matters of general commercial liability, when such claims, damages, losses, and expenses are caused, in whole or in part, by the negligent or wrongful acts or omissions of the ENGINEER or his employees, agents, subcontractors or representatives.

B. Professional Liability: The ENGINEER shall indemnify and hold harmless the TOWN from and against any and all claims, damages, losses, and expenses, including attorney's fees, arising out of the performance of this Agreement and to the extent the same relate to the professional competence of the ENGINEER's services, when such claims, damages, losses, and expenses are caused, in whole or in part, by the negligent acts, negligent errors or omissions of the ENGINEER or his employees, agents, subcontractors or representatives.

11. Insurance

A. The ENGINEER shall at his own expense obtain and maintain a Professional Liability Insurance policy for errors, omissions or negligent acts arising out of the performance of this Agreement in a minimum amount of \$1,000,000.00.

B. The coverage shall be in force from the time of the agreement to the date when all construction work for the Project is completed and accepted by the TOWN. If, however, the policy is a claims made policy, it shall remain in force for a period of six (6) years after completion.

Since this insurance is normally written on a year-to-year basis, the ENGINEER shall notify the TOWN should coverage become unavailable.

C. The ENGINEER shall, before commencing performance of this Agreement, provide by insurance for the payment of compensation and the furnishing of other benefits in accordance with M.G.L. c.152, as amended, to all its employees and

shall continue such insurance in full force and effect during the term of the Agreement.

- D. The ENGINEER shall carry insurance in a sufficient amount to assure the restoration of any plans, drawings, computations, field notes or other similar data relating to the work covered by this Agreement in the event of loss or destruction until the final fee payment is made or all data are turned over to the TOWN.
- E. The ENGINEER shall also maintain public liability insurance, including property damage, bodily injury or death, and personal injury and motor vehicle liability insurance against claims for damages because of bodily injury or death of any person or damage to property.
- F. Evidence of insurance coverage and any and all renewals substantiating that required insurance coverage is in effect shall be filed with the Agreement. Any cancellation of insurance, whether by the insurers or by the insured, shall not be valid unless written notice thereof is given by the party proposing cancellation to the other party and to the TOWN at least fifteen days prior to the intended effective date thereof, which date shall be expressed in said notice.
- G. Upon request of the ENGINEER, the TOWN reserves the right to modify any conditions of this Article.

12. Notice

All notices required to be given hereunder shall be in writing and delivered to, or mailed first class to, the parties' respective addresses stated above. In the event that immediate notice is required, it may be given by telephone or facsimile, but shall, to the extent possible, be followed by notice in writing in the manner set forth above.

13. Termination

- A. Each party shall have the right to terminate this Agreement in the event of a failure of the other party to comply with the terms of the Agreement. Such termination shall be effective upon seven days' notice to the party in default and the failure within that time of said party to cure its default.
- B. The TOWN shall have the right to terminate the Agreement without cause, upon ten (10) days' written notice to the ENGINEER. In the event that the Agreement is terminated pursuant to this subparagraph, the ENGINEER shall be reimbursed in accordance with the Agreement for all work performed up to the termination date.

14. Miscellaneous

- A. Assignment: The ENGINEER shall not assign or transfer any of its rights, duties or obligations under this Agreement without the written approval of the TOWN.

B. Governing Law: This Agreement shall be governed by and construed in accordance with the law of the Commonwealth of Massachusetts.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals, the TOWN by its authorized representative who, however, incurs no personal liability by reason of the execution hereof or of anything herein contained, as of the day and year first above written.

THOMPSON ENGINEERING COMPANY,
INC.:

TOWN OF HARWICH:

By: Kevin W. Murphy

By: J. A. [Signature]
Interim Town Administrator

Name: Kevin W. Murphy
Type or Print

Title: President

Thompson Engineering Company, Inc.
89 Newbury Street, Suite 103
Danvers, MA 01923

Approved as to the Availability of Funds:

Carl Coppola (\$ 7,200.⁰⁰)
Finance Director Contract Sum

519856/KOPE/0003



May 18, 2020

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

Subject: Brooks Park and Whitehouse Field
Athletic Lighting Study
Engineering Services Proposal

Dear Mr. Ryder:

In accordance with your request, Thompson Engineering Company, Inc. is pleased to submit a Scope of Services and Proposed Fee for the above referenced project.

Project Understanding

Per your 3/3/20 and 5/18/20 emails and our telephone conversation, it is our understanding that the scope of work includes an athletic site lighting assessment, and report with recommendations for Brooks Park and recommendations for new athletic field sports lighting and scoreboard for Whitehouse Field.

Brooks Park - The study will review the following three options:

1. Re-use poles. Install new LED fixtures on poles and replace controller
2. Re-use poles. Install new LED fixtures on poles and replace controller. And additional poles and fixtures at second pickleball court and half basketball court
3. Replace all poles, fixtures, wiring and controller with new.

Whitehouse Field - The study will address the following issues:

1. Make recommendations on a sports lighting system for the field.
2. Make recommendations on a scoreboard for the field.
3. Study to include a high level cost estimate for budgeting and fundraising.

Scope of Services

TEC will provide the engineering services, as stated below:

1. A site survey to review existing conditions. Brooks – Review existing site lighting including documenting photometric lights levels and condition of the fixtures. Survey will document areas that appear to be under illuminated. Whitehouse – Identify existing utility pole locations and potential locations for transformer, panel, controllers, sports lighting poles and scoreboard.

Page 2
May 18, 2020

Subject: Brooks Park and Whitehouse Field
Athletic Lighting Study
Engineering Services Proposal

2. Brooks - Talk to staff about each field to discuss issues and deficiencies. Meet with stakeholders (if required). Whitehouse – Discuss required lighting levels. This can be completed the same day as the site visit.
3. Review existing conditions against IES sports lighting recommendations.
4. Determine level of competition criteria with Harwich. Brooks - Recreational, or high school for each court. Whitehouse – IES level Class 1 or Class 2.
5. Brooks - Review with previous developed Musco lighting specifications and Musco as necessary.
6. Brooks - Determine if the athletic lighting upgrade would qualify for an utility energy rebate program.
7. Whitehouse – Make recommendations on sports field lighting and scoreboard.
8. Brooks and Whitehouse - Submit report with our findings, recommendations and high level cost estimate (cost estimate to include engineering services fees for construction documents/technical specifications, bid support & construction phase services).
9. Attend a meeting with owner to present findings.
10. Our scope of work does not include designing a new lighting design or preparing CD documents.

LEED Green Design Services

Not included.

Schematic Design through Construction Administration

Not included

Meetings

We have included the following TEC meetings for the project:

Study Phase: Two (2) site meeting with TEC staff members

Engineering Fee

We propose that our engineering fee for the preparation of the Site Lighting Study to fixed fee of Seven Thousand Two Hundred Dollars (\$7,200).

We provide the following estimated breakdown of services:

Page 3
May 18, 2020

Subject: Brooks Park and Whitehouse Field
Athletic Lighting Study
Engineering Services Proposal

Survey and meeting	\$1,800.
Prepare report	\$4,600.
Meeting	<u>\$800.</u>
Total Fee	\$7,200

The engineering fee stated above will be invoiced by task. Reimbursable expenses such as reproduction, travel, and express mail/courier services are included in the above engineering fee.

CAD and Modeling

Our CAD system utilizes AutoCAD MEP 2018 and Revit MEP 2018 software as well as the latest load calculating software. We will be using AutoCAD 2018 for this project.

Assumptions

1. Our fee does not include CD Phase and CAS Phases

Optional Services

If requested or required, the following services can be provided as an optional service:

1. Expansion of the scope of the project.
2. Commissioning services.
3. As-built record drawings for electrical systems.
4. Extensive technical assistance at start-up of equipment and systems.
5. Preparation of major revisions to the Contract Documents caused by design changes initiated by the Owner.

Standard Terms and Conditions

The above stated services will be performed in accordance with the attached *Standard Terms and Conditions to Letter Agreement*, dated January 13, 2020.

If you are in agreement with the scope and terms in this proposal, please sign in the space provided below, and return a signed copy for our files.

Thank you for considering our firm for this project. If you have any questions or need additional information, please feel free to call.

Page 4
May 18, 2020

Subject: Brooks Park and Whitehouse Field
Athletic Lighting Study
Engineering Services Proposal

Very truly yours,

Thompson Engineering Company, Inc.

Kevin W. Murphy

Kevin W. Murphy
President

Accepted by:

Town of Harwich

Name:
Date:

STANDARD TERMS AND CONDITIONS TO LETTER AGREEMENT

1. **STANDARD OF CARE.** Services provided by TEC under this agreement will be performed in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession (the generally accepted professional standard of care) currently practicing under similar circumstances and at the time of the subject services.
2. **PAYMENTS** are due within fifteen days after the Architect receives payment from the owner. Failure of the Client to make payments when due may be cause for suspension of services. TEC will be entitled to reimbursement of all costs actually incurred by it in collecting overdue accounts, including reasonable legal fees, collection agency fees, and interest at the same borrowing rate which would be charged to TEC by Citizens Bank.
3. **REIMBURSABLE EXPENSES.** Transportation, lodging and meals in connection with travel; telephone calls, postage and delivery charges; reproduction and plotting costs; automobile travel; computer media, film; and miscellaneous items will be invoiced as stated in the Letter Agreement. Mileage charges for automobiles will be invoiced at the prevailing rate established by the Internal Revenue Service. If it is requested TEC retain any special consultants or subcontractors on the Client's behalf, their charges will also be subject to a 10% markup. Invoicing and payment will be the same as in Item 2, above.
4. **BILLING BACKUP.** TEC will provide a computerized listing of reimbursable expenses invoiced to the project. If copies of the actual expense receipts are required on a regular basis with the invoices, the cost to gather and copy the documents will be invoiced to the project as an Additional Service on an hourly basis.
5. **SPECIAL CONSULTANTS/SUBCONTRACTORS** are those defined as providing services other than those provided by normal consultants associated with TEC.
6. **SEPARATE CONSULTANTS.** If a firm or firms are separately engaged by the Client to work under the general direction of TEC, TEC will have no responsibility or liability for the performance or technical sufficiency of the services of such separately engaged firms.
7. **NO DEDUCTION** will be made from TEC'S compensation on account of claims of negligence in performance of professional services by TEC, except pursuant to a dispute resolution award rendered in a proceeding in accordance with rules of the American Arbitration Association then pertaining.
8. **ALL DOCUMENTS** including reports, electronic media, and drawings, prepared or furnished by TEC and its subconsultants pursuant to this Agreement are instruments of service in respect of this Project and TEC will retain an ownership and property interest therein whether or not the Project is completed. The Client may make and retain copies of such documents for information and reference in connection with the Project; however, such documents are not intended or represented to be suitable for reuse by the Client, including extensions of the Project or on any other project, nor are they to be relied upon by anyone other than the Client. Accordingly, the Client will, to its fullest extent permitted by law, defend, indemnify and hold harmless TEC from and against any and all costs, expense, fees, losses, claims, demands liabilities, suits, actions and damages whatsoever arising out of or resulting from such unauthorized reuse or disbursement. TEC reserves the right to remove its professional seal and title block from documents turned over to the Client.
9. **ANY REUSE OR DISBURSEMENT** of documents, including reports, electronic media, and drawings, prepared or furnished by TEC to third parties by the Client without written verification or

STANDARD TERMS AND CONDITIONS TO LETTER AGREEMENT

project-specific adaptation by TEC will be at the Client's sole risk and without liability or legal exposure to TEC and its subconsultants. Accordingly, the Client will, to its fullest extent permitted by law, defend, indemnify and hold harmless TEC from and against any and all costs, expenses, fees, losses, claims, demands, liabilities, suits, actions and damages whatsoever arising out of or resulting from such unauthorized reuse or disbursement. If it is necessary to distribute any documents to an unrelated third party, both the third party and Client agree:

The third party is bound by all of the conditions and limitations of this Agreement and related documents.

The third party is bound by all limitations of liability or indemnity provisions.

- 10. DOCUMENT RETENTION.** TEC will generally keep copies of final plans and specifications for a period of eight (8) years from the date of this Agreement. During this period, copies of the documents will be prepared for the Client, at the Client's request and expense, including technical and administrative costs associated with collecting the material.
- 11. DISPUTE RESOLUTION.** If, after attempting to negotiate among themselves in good faith, and prior to the initiation of any legal proceedings, the parties agree to submit all claims, disputes or controversies arising out of or in relation to the interpretation, application or enforcement of this Agreement to non-binding mediation. Mediation will be conducted under the auspices of a mediation service or mediator as the parties agree upon. The party seeking to initiate mediation shall do so by submitting a formal written request to the other party to this Agreement. This Article will survive completion or termination of this Agreement, but under no circumstances will either party call for mediation of any claim or dispute arising out of this Agreement after such period of time as would normally bar the initiation of legal proceedings to litigate such a claim or dispute under the laws of the Commonwealth of Massachusetts.
- 12. JOBSITE SAFETY.** Neither the professional activities of TEC, nor the presence of TEC or its employees and subconsultants at a construction/project site, will relieve the Contractor of its obligations, duties and responsibilities, including, but not limited to, construction means, methods, sequence, techniques or procedures necessary for performing, superintending and coordinating the Work in accordance with the contract documents and any health or safety precautions required by any regulatory agency. TEC has no authority to exercise any control over any contractor in connection with the work, including construction means, methods, sequence, techniques or procedures, or any health or safety precautions required by any regulatory agency.
- 13. COST ESTIMATES.** As TEC has no control over construction costs or contractor's prices, any construction cost estimates are made on the basis of TEC'S experience and judgement as design professionals, but TEC cannot and does not warrant or guarantee that contractor's proposals, bids or costs will not vary from our estimates.
- 14. ENERGY ESTIMATES.** As TEC has no control over building and equipment operation, or climatic conditions, any energy estimates are made on the basis of TEC'S experience and judgement as design professionals, but TEC cannot and does not warrant or guarantee that actual building or system operating costs will not vary from our estimates.
- 15. HAZARDOUS MATERIALS.** Unless otherwise provided in this Agreement, TEC will have no responsibility for the discovery, presence, handling, removal or disposal of, or exposure of persons to

STANDARD TERMS AND CONDITIONS TO LETTER AGREEMENT

hazardous materials in any form at the Project site, including but not limited to asbestos, asbestos products, PCB's or other toxic substances.

- 16. CLIENT'S RESPONSIBILITIES.** The Client will furnish such legal, accounting, and insurance counseling services as may be required by the Project and will provide TEC with all existing, reliable, and accurate information relating to the Project which TEC may request, but not limited to existing conditions, soils investigations, and program data. If the Client becomes aware of any fault or defect in the Project or TEC's services, he/she will promptly notify TEC. The Client will furnish required information or services as expeditiously as necessary for the orderly performance of the services.
- 17. INDEMNIFICATION.** To the fullest extent permitted by law, TEC agrees to indemnify and hold harmless the Client from losses, damages, or expenses, including reasonable attorney's fees, to the extent caused by the negligence of TEC in the performance of its professional services under this Agreement.
- 18. PERIOD OF PERFORMANCE.** Except as otherwise provided for in the contract, if the services covered under this agreement have not been completed within twelve months, through no fault of TEC, the amounts of compensation, rates and multipliers set forth herein will be equitably adjusted with respect to services performed after that date.
- 19. TERMINATION, SUSPENSION, OR ABANDONMENT.** The agreement may be terminated by either party upon no less than seven (7) days written notice, should the other party fail substantially to perform in accordance with the terms of this agreement through no fault of the party initiating the termination. Failure of the Client to make payments TEC in accordance with this agreement will be considered substantial nonperformance and cause for termination. If the Client fails to make payment when due, TEC may, upon seven days written notice to the Client, suspend performance of services under this agreement. In the event of a suspension of services, TEC will have no liability to the Client for delay or damage caused the Client because of such suspension of service.
- 20. MISCELLANEOUS.** This agreement constitutes the complete and sole agreement between TEC and the Client with respect to the Project, and may be amended only by a written document signed by both parties, and will be governed by the laws of the Commonwealth of Massachusetts.
- 21. FEDERAL COMPLIANCE.** As a federal contractor, TEC is required to incorporate the following into all of its Agreements: Unless exempt, the Client agrees to conform to the provisions of the Equal Opportunity Clause of 41 CFR 60-1.4 (Minorities/Females), the Equal Opportunity Clause of 41 CFR 60-250.5 (Veterans), the Equal Opportunity Clause of 41 CFR 60-741.5 (Disabled), and the Reporting Requirements Clause of 41 CFR 61-250.10 (VETS-100).

Revised: January 13, 2020



From the Office of
Joseph F. Powers
Interim Town Administrator

Memo

To: All Departments
From: Joseph F. Powers, Town Administrator
Date: May 29, 2020
Re: Holidays for FY 2021

- Independence Day Friday, July 3, 2020 (Saturday, July 4, 2020)
- Labor Day Monday, September 7, 2020
- Columbus Day Monday, October 12, 2020
- Veterans' Day Wednesday, November 11, 2020
- Thanksgiving Thursday, November 26, 2020
- Day after Thanksgiving Friday, November 27, 20120
- Christmas Day Friday, December 25, 2020
- New Year's Day Friday, January 1, 2020
- Martin Luther King Day Monday, January 18, 2020
- Presidents Day Monday, February 15, 2020
- Patriots Day Monday, April 19, 2020
- Memorial Day Monday, May 31, 2020

Please note that the above is subject to change.