

**MINUTES  
SELECTMEN'S MEETING  
GRIFFIN ROOM, TOWN HALL  
MONDAY, JULY 14, 2014  
7:00 P.M.**

**APPROVED**

**SELECTMEN PRESENT:** Ballantine, Cebula, Hughes, McManus

**OTHERS PRESENT:** Town Administrator Christopher Clark, Assistant Town Administrator Julie Quintero-Schulz, Chief Clarke, John Rendon, David Spitz, Matt Hart, Don Howell, Michael Lach, Lou Urbano, James Atkinson, and others.

**MEETING CALLED TO ORDER** at 7:00 p.m. by Chairman Ballantine.

**PUBLIC COMMENT/ANNOUNCEMENTS**

Mr. Howell read and distributed the attached letter from Mr. Cakounes to the Board. It was agreed that Mr. Clark would follow up on it.

**CONSENT AGENDA**

- A. Minutes – June 9, 2014 Regular Session
- B. Vote to approve the application by the American Lung Association for the Autumn Escape Bike Trek on September 24, 2014
- C. Vote to approve additional re-appointments and appointments
- D. Vote to approve the Personnel By-Law Compensation Plan effective June 30, 2014
- E. Vote to accept the gift of \$3,000 from the Harwich Conservation Trust for modifying the Fire Department brush truck
- F. Vote to approve application for renewal of Junk Dealer License by Dr. J.B. O'Neill Inc. d/b/a Monahan & Co.
- G. Vote to approve daily rates for the Allen Harbor Public Access Facility in keeping with the rates at Saquatucket Public Access Facility
- H. Vote to accept the gift of a new sign at Brooks Park approved by the Recreation Department
- I. Vote to dissolve the Water Quality Task Force/Citizen's Advisory for the CWMP/Wastewater Implementation Committee
- J. Vote to approve the Order by the Town Administrator relative to the Dog Hearing continuance from May 27, 2014

Mr. McManus moved approval of the Consent Agenda and the recommended actions thereon. Mr. Hughes seconded the motion. Ms. Cebula noted that there is a correction on the committee appointments in that Mr. Tworek's term ending date should be June 30, 2016 (see attached list). The motion carried by a unanimous vote.

**PUBLIC HEARINGS/PRESENTATIONS** *(Not earlier than 7:00 P.M.)*

- A. Public Hearing – Proposed Fee Amendments relative to Town slip/Mooring Permit late fees

Mr. McManus read the hearing notice into record. Mr. Rendon presented the recommended changes (attached) and took questions from the Board. Mr. Hart reported that the Waterways Committee is unanimously in favor of this. No one from the public appeared before the Board. Chairman Ballantine closed the public hearing. Ms. Cebula moved to accept the proposed fee amendments relative to Town slip and mooring permit late fees. Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

## NEW BUSINESS

- A. Request by Cumberland Farms to be heard by the Board of Selectmen as part of its administrative appeal to provide further information of its position – *discussion and possible vote*

Mr. Ballantine stated that the focus tonight is on the peer review process. Mr. Clark noted that there is a state statute that that allows for a Planning Board to ask for peer review of a process for which it is engaged and this is also covered under subdivision rules and regulations which says specifically, for administrative appeal the grounds for such an appeal shall be limited to the claims of consultants selected, having a conflict of interest or not possessing the minimum qualifications required for the task, and those are the two grounds the Board should hear from the applicant on.

Attorney Jamie Veara, representing Cumberland Farms, stated that Cumberland Farms is in the process of having an application before the Planning Board of a raze and replacement of the existing location at 576 Route 28 with an adjoining property at 574 Route 28. He said it is their contention that the recent vote of the Planning Board for peer review under the circumstances of where this project has evolved is basically being utilized and creates a conflict of interest contrary to the interest of his client proceeding before that Board. He noted that Cumberland Farms has submitted its application for the project, which was unanimously approved by the Zoning Board of Appeals. He stated that Cumberland Farms has designed a proposed site layout, early in the process at the request of staff, Cumberland did engage and look into an alternative site design to see if there was some feasibility to having a layout different than what it had proposed. He noted that Cumberland Farms prepared sketches and plans and met with the Town Planner to look at different alternative designs at the site and that Cumberland Farms sent it to an outside consultant who came to the conclusion that an alternative design that was looked at was unsafe and unworkable and they are trying to avoid trucks backing out onto Route 28. He said that the Planning Board, despite having that information, indicated at its last meeting that that information was going to be disregarded because it was biased and that perhaps that is because the applicant put it together and had a professional look at it. He said there is a conflict of interest because it can't be that the alternative proposal that we say is unsafe and unworkable should be reviewed by the peer review group to say it's unsafe and unworkable. He said that because there is an unbiased opinion that says its unsafe from the Fire Chief who has put in writing twice that the proposed project creates substantial public safety issues with the offloading of the gasoline as well as refueling of vehicles other than a standard size passenger car. He stated that it continues to be his belief that the pumps should be orientated as they currently are at the existing Cumberland Farms. He stated that the by-law says you use peer review to review a proposed project and it is only for services rendered with a specific project and the peer review group is being asked to review a project the applicant didn't put forward and that the applicant will not do. He said the conflict arises in the scope of the services that was asked for. He noted that Cumberland Farms is being asked to pay money so that someone

else can redesign the alternative design it has no intention of doing and this is perhaps about having this outfit tinker with that redesign to a point that maybe someone could say it might be safe and then if someone doesn't do it use it as a basis to deny which he stated is an absolute conflict of interest and misuse of the process. He asked the Board to overturn the decision of the Planning Board.

Mr. Ballantine argued that peer review is not just looking at one plan but looking at all plans. Mr. Clark stated that to have an applicant say that they've done all the work, they've done all the review and they are satisfied with what they complied seems to be a little contrary to the regulator's ability to make sure that we are ensuring that the proposal that's in front of it is in compliance with planning regulations. He said he has concerns relative to the Planning Board being adhered to and he doesn't think it has been. He stressed that the Planning Board is perfectly within its rights to say is there a means for a design to be done that complies with planning regulations and is safe. He stated that we will certainly provide to the consultant the information that the Fire Chief has provided. He asked the Board if we can refine the scope and support the Planning Board's request to have the peer review done and allow them to look at this on its merits.

Mr. McManus stated that there has been nothing presented questioning the company's qualifications or experience nor has there been information presented indicating that there is any conflict of interest, and as far as he knows, this firm has never worked for the town and there has been no indication that they are a subcontractor for Cumberland Farms. Mr. McManus moved to deny their administrative appeal. Mr. Hughes seconded the motion. Ms. Cebula said it would have been nice if there were more discussion before the motion and said the motion was unfair and premature. Mr. Clark and Mr. Spitz took questions from Ms. Cebula regarding the by-laws. Planning Board Chairman Atkinson said the real issue is that the Planning Board wants an outside independent view before it makes any decision to verify whether or not the Cumberland Farm's proposal and their comments is the only safe way to operate the store. He said they are looking for verification of statements by Cumberland Farms from their representatives that their proposal is the only safe way to operate their facility. He took questions from Board. The motion failed on a 2-2-0 vote with Mr. McManus and Chairman Ballantine in favor and Ms. Cebula and Mr. Hughes opposed. Ms. Cebula moved to table this motion and bring it back in 2 weeks when we have a complete Board. Mr. Hughes seconded the motion and the motion carried by a 3-1-0 vote with Mr. McManus in opposition.

B. License Agreement between the Town of Harwich and the Domestic Violence Hotline for use of the Albro House – *discussion and possible vote*

Ms. Cebula noted that there are blanks that need to be filled in, the portion of property should be specified by a floor plan, and the liability insurance amount should be specified. She questioned if we need additional insurance coverage as this is a non-employee and if we need CORI checks on people renting particularly as there are youths in the building and Mr. Clark said we can ask for that. Mr. Hughes said it needs to be specified who empties the trash, who provides restroom supplies, who cleans it, does it include heat and electricity, and phone costs. Mr. Urbano questioned if it is a 24 hour program and do we need security and also that compatibility should be checked. The Board agreed to bring this item back.

- C. Request from Harwich Conservation Trust for a waiver of permit fees and permission to use 203 Bank Street for access to the Wildlands Music and Art Stroll to be held on September 13<sup>th</sup> and 14<sup>th</sup> – *discussion and possible vote*

Mr. McManus moved that we grant permission to use the Bank Street lot for the event. Mr. Hughes seconded the motion and the motion carried by a unanimous vote. Mr. Hughes moved to reduce the tent permit fee by 50%. Ms. Cebula seconded the motion and the motion carried by a unanimous vote. Mr. Hughes moved to waive the entertainment license fee associated with this event. Ms. Cebula seconded the motion and the motion carried by a unanimous vote.

- D. Request for approval of the Herring River Woodlands Conservation Restriction – *discussion and possible vote*

Mr. McManus moved to approve the Conservation Restriction as proposed by the Harwich Conservation Trust. Mr. Hughes seconded the motion and the motion carried by a unanimous vote. Mr. McManus moved to accept Harwich Conservation Trust's offer to develop a management plan and baseline documentation. Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

- E. Wastewater Committee Charge – *discussion and possible vote*

Ms. Cebula asked to expand the reporting from the group from semi-annually and said there should be timelines of tasks. Mr. Hughes said reporting should be continual and ongoing with financial forecasts being consistent with the Capital Plan. Mr. McManus noted that the charge should be consistent with the Charter. Mr. Ballantine said he would work on the document and bring it back.

## **TOWN ADMINISTRATOR'S REPORT**

- A. Water Department – dead pine trees update

Mr. Clark stated that the Conservation Agent and Assistant Town Administrator looked at the pines and they are monitoring them and putting together a plan to address the issue. He reported that the Home Rule Charter Amendment has been submitted to committee and they are expecting a favorable vote. He stated that something was filed in Superior Court with regard to the hot dog vendor, he has spoken to Kopelman and Paige and at this point we are just monitoring it as the defense work would be done by the property owner. He further stated that he met with the realtors on the property across from Saquatucket Harbor and will provide a report. He added that he put a call in to the person responsible for the inter-connect of the solar panels at Nstar.

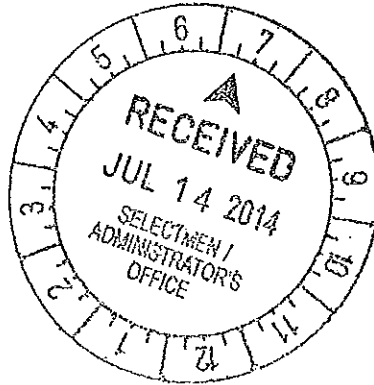
## **ADJOURNMENT**

Ms. Cebula moved to adjourn at 8:48 p.m. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

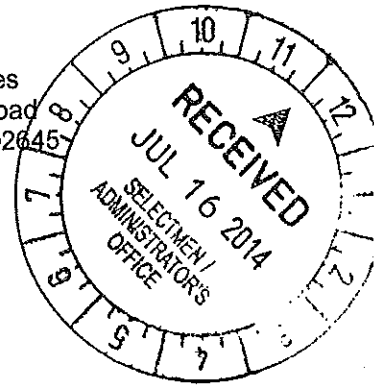
Ann Steidel  
Recording Secretary

Board of Selectmen  
Town of Harwich  
725 Main Street  
Harwich Mass 02645



July 14, 2014

Leo G. Cakounes  
1601 Factory Road  
Harwich Mass 02645



Dear Selectmen:

I appear before you this evening with a list of questions and requests for information. First permit me to give some background to the matter at hand;

In August 2011 the Assembly of Delegates of Barnstable County voted to establish a Sub-Committee to conduct an Inquiry into the relationship between County Government, Cape Light Compact and Cape and Vineyard Electric Cooperative.

In May 2012 that committee submitted a report to the full Assembly of Delegates. The report has been made public and is available on the Assembly web site, also I delivered said report to your offices. In that report one recommendation to the Assembly was to refer the matter to the Attorney General and Inspector General's Offices. I believe mainly due to the lack of response to record requests of these organizations by the sub-committee.

Dec 2013, the full Assembly voted to send a formal request to the Office of the Attorney General and the Office of the Inspector General asking them for aide in the Inquiry of the relationship between the above mentioned organizations. It should be noted that the County Commissioners did not support this action.

Beginning in the spring of 2014, the Cape Light Compact began its filing for revisions to its Municipal Aggregation Plan with the Department of Public Utilities. Through this process the Office of the Attorney General began a series of filing requests. For reference please access these filing at <http://web1.env.state.ma.us/DPU/FileRoom/dockets/bynumber>). DOCKET # 14-69

In brief summary, the Office of the Attorney General asked for 24+- documents and evidence. The Cape Light Compact only answered 4 of the items and refused to comply with the other requests. This began a series of "RESPONCES" and "MOTION TO COMPEL"

This brings us to today and why I am appearing before you this evening.

It has come to my attention that on July 8 2014, the law firm of BCK LAW P.C. sent a letter by hand and electronically to the Department of Public Utilities c/o Secretary Mark D. Marini. (see attached letter) In said correspondence the Attorney states his strong opposition to the Office of the Attorney General "Motion Seeking Leave to File Reply Comments".

My concerns are that in the first paragraph of this correspondence:

"On behalf of the towns of Aquinnah, Barnstable, Bourne, Brewster, Chatham, Chilmark, Dennis, Edgartown, Eastham, Falmouth, Harwich, Mashpee, Oak Bluffs, Orleans, Provincetown, Sandwich, Tisbury, Truro, West Tisbury, Wellfleet, and Yarmouth, and the counties of Barnstable and Dukes County, acting together as the Cape Light Compact (the "Compact"), please accept this letter as the Compact's response in opposition to the Office of the Attorney General's ("Attorney General") Motion Seeking Leave to File Reply Comments ("Motion") filed on July 3, 2014 with the Department of Public Utilities' (the "Department") in the above referenced proceeding."

Please also refer to the "Certificate of Service" here in attached which also list the Town of Harwich as a Petitioner

It appears that the Town Of Harwich has taken the position of the Cape Light Compact in that they need not comply with the requests of the Office of the Attorney General.

As to my formal questions and request;

1. Has the Board of Selectmen taken a formal position on the above mentioned matter?
2. If "YES", please provide me with the date of the meeting that this matter was discussed and voted, also all minutes and documents relating to your decision.
3. If "NO" then I respectfully request that you agenda this at your next schedule meeting for discussion and vote.

As the elected representative to the Assembly of Delegates for the Town of Harwich, and a member of the Sub-Committee that conducted the Inquiry to these organizations, I find it shocking that the Town of Harwich would stand in the way of the Office of the Attorney General in the performance of their duties seeking truth and full disclosure from another governmental organization.

I intend to bring this matter to the full Assembly as they also are mentioned in the first paragraph as a "Petitioner". I will update you as to any action taken.

I look forward to your response to this matter

Respectfully yours.

Leo G. Cakounes

A handwritten signature in black ink, appearing to read 'Leo G. Cakounes', with a large, stylized flourish at the end.



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ATTORNEYS AT LAW

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The firm has attorneys also admitted  
to practice in District of Columbia,  
Idaho, New York and Vermont

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July 8, 2014

***VIA ELECTRONIC MAIL  
ORIGINAL BY HAND DELIVERY***

Secretary Mark D. Marini  
Department of Public Utilities  
One South Station, 5<sup>th</sup> Floor  
Boston, MA 02110

*Re: D.P.U. 14-69 – Cape Light Compact*

Dear Secretary Marini:

On behalf of the towns of Aquinnah, Barnstable, Bourne, Brewster, Chatham, Chilmark, Dennis, Edgartown, Eastham, Falmouth, Harwich, Mashpee, Oak Bluffs, Orleans, Provincetown, Sandwich, Tisbury, Truro, West Tisbury, Wellfleet, and Yarmouth, and the counties of Barnstable and Dukes County, acting together as the Cape Light Compact (the "Compact"), please accept this letter as the Compact's response in opposition to the Office of the Attorney General's ("Attorney General") Motion Seeking Leave to File Reply Comments ("Motion") filed on July 3, 2014 with the Department of Public Utilities' (the "Department") in the above referenced proceeding.

On June 13, 2014 the Compact filed objections to the Attorney General's first set of information requests asserting her request for historical information related to the Compact's rate structure and operational information was, among other things, outside the Department's scope of review, pursuant to G.L. c. 164, §134(a) ("Section 134"). On June 20, 2014 the Attorney General moved to compel responses to these inquiries. As discussed below, the Compact filed a brief in opposition on June 27, 2014 ("Opposition"). The Attorney General now seeks further opportunity to file reply comments.

VERMONT OFFICE:  
P.O. Box 205  
Woodstock, Vermont 05091  
Telephone: 802.457.9050  
Facsimile: 802.419.8283  
E-Mail: [bckvt@bck.com](mailto:bckvt@bck.com)

MOUNTAIN STATES OFFICE:  
P.O. Box 1527  
Ketchum, Idaho 83340  
Telephone: 208.727.9734  
Facsimile: 802.419.8283  
E-Mail: [bckidaho@bck.com](mailto:bckidaho@bck.com)

The Attorney General, absent any supporting Department or other authority, states that she requires the opportunity to file reply comments since the Compact's Opposition "raises issues for the first time that could not have been reasonably anticipated and thus were not addressed in the Attorney General's Office's Motion to Compel." Despite this stated purpose, the Attorney General submits Reply Comments that are nothing more than a rebuttal of the Compact's Opposition, which had effectively revealed the legal deficiencies in the Attorney General's Motion to Compel. While the Attorney General may not agree with the Compact's legal arguments, her claim that she could not reasonably anticipate them is baseless, particularly since she is the party that introduced each of the issues into this proceeding. Quite obviously, the Attorney General is simply attempting to re-argue her case.

Contrary to the Attorney General's Motion, the Compact's Opposition did not raise any issue that was not anticipated or raised by the Attorney General. The Compact advanced the following arguments in its Opposition:

1. The Attorney General seeks information outside the Department's scope of review pursuant to G.L. c. 164, §134(a) ("Section 134);
2. The Attorney General is estopped from seeking expansion of the Department's scope of review under Section 134;
3. Inquiry under *Emerson College* is not appropriate in this proceeding; and
4. The remaining discovery seeking historical information is not required for a review of the Compact's Revised Aggregation Plan.

Nowhere in the Reply Comment does the Attorney General state that any of these arguments caught her by surprise or that she was unable to reasonably anticipate the Compact's legal analysis. After the Department's decision in D.P.U. 12-124 (*City of Lowell*), the Attorney General cannot claim ignorance or surprise with respect to her tenuous legal positions regarding an expanded Department review of municipal aggregation plans. See D.P.U. 12-124 (2013), Order at 24-29. Similarly, the Attorney General certainly cannot expect the Department to believe that she could not reasonably anticipate the defensive assertion of estoppel since she already litigated her strained construction of Section 134 and lost twice. See D.P.U. 12-124; D.P.U. 14-10 (2014), Ruling on Attorney General Motion to Compel (appeal pending). To the extent she attempts to claim "surprise" by the Compact's estoppel argument with respect to the issues raised by *Emerson College v. City of Boston*, 391 Mass. 415 (1984), the Attorney General coyly attempted to deflect such an argument in her moving brief when she offered her reasoning for not raising the *Emerson College* argument in D.T.E. 00-47. See Attorney General Brief at 11.

Finally, contrary to the Attorney General's characterization of the Compact's legal analysis, the Compact's Opposition is neither irrelevant to the issues before the Department nor has it applied an incorrect legal standard. In short, as demonstrated by the Compact in its Opposition, discovery designed to elucidate issues that are squarely outside the scope of the proceeding is objectionable and requires no response.



Secretary Mark D. Marini  
July 8, 2014  
Page 3

Based upon the foregoing, the Compact respectfully urges the Department to deny the Attorney General's Motion in its entirety and to remove from the docket her proposed Reply Comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jo Ann Bodemer".

Jo Ann Bodemer

JAB/drb

cc: Jonathan A. Goldberg, Esq., Hearing Officer, DPU (w/enc.)(via email and hand delivery)  
Nathan Forster, Esq., MA AG (w/enc.)(via email only)  
James Stetson, Esq., MA AG (w/enc.)(via email only)  
John Habib, Esq., NSTAR (w/enc.)(via email only)  
Nicholas Horan, Esq., NSTAR (w/enc.)(via email only)  
Steven Venezia, Esq., DOER (w/enc.)(via email only)  
Kathleen Raymer, Esq., Reliance (w/enc.)(via email only)  
Margaret T. Downey, Cape Light Compact (w/enc.)(via email and first class mail)

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF PUBLIC UTILITIES

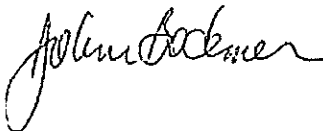
Petition of the Towns of Aquinnah, Barnstable, Bourne, )  
Brewster, Chatham, Chilmark, Dennis, Edgartown, )  
Eastham, Falmouth, Harwich, Mashpee, Oak Bluffs, )  
Orleans, Provincetown, Sandwich, Tisbury, Truro, West )  
Tisbury, Wellfleet, and Yarmouth, and the Counties of )  
Barnstable and Dukes, acting together as the Cape Light )  
Compact, to the Department of Public Utilities, for )  
approval of a revised municipal aggregation plan )  
pursuant to G.L. c. 164, § 134. )

D.P.U. 14-69

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the Cape Light Compact's response in opposition to the Attorney General's Motion Seeking Leave to File Reply Comments upon Secretary Mark D. Marini and Hearing Officer Jonathan Goldberg via electronic mail and hand delivery and upon the remaining Service List by electronic mail delivery in this matter.

Dated this 8<sup>th</sup> day of July, 2014.



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Jo Ann Bodemer, Esq.  
BCK LAW, P.C.  
One Gateway Center, Suite 809  
Newton, MA 02458  
617 244-9500 (Phone)  
802 419-8283 (Fax)

**To**            **Board of Selectmen**  
**From**       **Linda Cebula, Angelo LaMantia**  
                 **Selectmen's Interview/Nomination Committee**  
**Re**           **Nominations**  
**Date**       **July 9, 2014**

**We recommend to the Board of Selectmen the following appointments:**

<b>Name</b>	<b>Committee Appointment</b>	<b>Expiration of term</b>
Wayne Kucha-Stone	Trails Committee	June 30, 2015
Miranda Dewitt	Historic District/Historic Commission as associate	June 30, 2017
Daniel Hall	Waterways as alternate	June 30, 2017
Daniel Tworek	Community Preservation Committee	June 30, 2017/6
Kathleen Muller	Board of Appeals as alternate	June 30, 2017
Gerry Beltis	Traffic Safety	June 30, 2017

**APPENDIX B**  
**2012 Town of Harwich**  
**Marine Fee Schedule**

**A. Town-Owned Slip Rates**

Type	Fee	Notes
Recreational Boats (5/1 to 11/15)	20' - \$77/ft. 30' - \$95/ft. 40' - \$118/ft.	All recreational vessels
Commercial Fishing Boats (1/01/-12/31)	20' - \$85/ft. 30' - \$85/ft. 40' - \$112/ft.	Vessels with A Permits
Charter Boats (1/01 - 12/31)	20' - \$77/ft. 30' - \$95/ft. 40' - \$118/ft.	Vessels with C Permits
Passenger Boats (1/01 - 12/31)	30' & 40' - \$180/ft. Ferry - \$253/ft.	Vessels with D Permits & F Permits
Fall transient rate up to 35' LOA** (9/16 - 10/15)	\$1.25/ft./night	Power Extra***
Fall transient rate 36' LOA and over** (9/16 - 10/15)	\$1.50/ft./night	
Off-Season transient rate** (5/1 - 6/14; 10/16 - 11/15)	\$9.00/ft./month \$3.00/ft./week \$.60/ft./night	Power Extra***
Summer transient rate 36' LOA and over** (6/15 - 9/15)	\$2.50/ft./night	Power Extra***
Summer transient rate up to 35' LOA** (6/15 - 9/15)	\$1.75/ft. /night No minimum	
Winter transient short-term rates** (11/15 - 5/1)	\$7.00/ft./month \$.30/ft./night	For commercial fishing vessels only must have a Town Permit
Winter transient long-term** (11/16 - 4/30)	\$22.00/ft.	Active commercial fishing boats only must have a Town Permit

\* If the payment is received after March 1<sup>st</sup>, the Waterways Committee is under no obligation to accept the payment. If it does -- based on significant extenuating circumstances -- a late fee of \$400 will be charged.

\*\* Rate based on length of vessel or slip minimum. Price includes LOA. (Measured top of transom to foremost extension, includes pulpits or sprits).

\*\*\* Power charge is at nightly rate.

**B. Mooring Rates - All harbors (All mooring fees are non-refundable)**

Class	Boat Length	Fee
Class 1	Over 35' feet	\$280.00
Class 2	25' feet to 35' feet	\$220.00
Class 3	24' or less	\$125.00
Pond Boats (docked or moored)	All*	\$50.00

\*All Boats with the exception of Board Boats as defined in Section 2.0: Definitions

**APPENDIX B**  
**Marine Fee Schedule (Cont.)**

**C. Town-Owned Short-Term Tie Up Rates**

Boat Length	Fee
23' feet and under	\$5.00/hour
24' feet to 30' feet	\$7.00/hour
Over 31'	\$8.00/hour

Short-term tie ups are limited to a maximum of three hours where space is available. After three hours, boats will be charged at the full regular overnight rate for the boat.

**D. Trailer Rates**

One day trailer permit (Squatucket only)	Saturday of Memorial Day Weekend to Monday of Labor Day Weekend	\$10.00/day
Seasonal trailer permit *	Saturday of Memorial Day Weekend to Monday of Labor Day Weekend	\$100.00/season
Boat transportation agent annual permit fee	May 1 <sup>st</sup> to November 15 <sup>th</sup> of each year	\$200.00/season (\$125 ea. Additional) OR \$10.00 each time

\* For use at Squatucket Harbor, Allen Harbor, Round Cove and first landing at Long Pond. All trailers, boats and R/V's must vacate the town-owned parking area between the hours of 12:00 a.m. and 4:00 a.m.

**E. Offloading Permit Rates**

Permit Class	Type	Fee
Class 'A'	Unrestricted (Renew 1/1)	\$50.00
Class 'B'	10/15 – 6/1 (Renew 10/15)	\$12.50/ft
Class 'C' (Attached & Unattached)	Unrestricted (Renew 1/1)	\$22.50/ft
Class 'D'	Passenger carrying boats for 6 or more (Renew 1/1)	\$3.00/passenger
Class 'E'	Unrestricted fuelling – vessels with alternative Harwich dockage (Renew 1/1)	\$15.00/ft
Class 'F'	Passenger Ferry up to 80 passengers (Renew 1/1)	\$3.00/passenger
Class 'R'	Trailered Day Boat Charters (Renew 1/1)	\$400.00/rig (boat w/ trailer) (ramp fee extra)
Class 'T'	Tuna landing permit (Renew 1/1)	\$100.00/vessel

**F. Buyer Permit Rates**

Number of Vehicles	Fee
Tuna buyer – per vehicle	\$25.00

**G. Town-Owned Slip and Mooring Waiting List Rates**

Slip waiting list	\$20/Year
Mooring waiting list	\$10/Year

**APPENDIX B**  
**Marine Fee Schedule (Cont.)**

**H. Power Charge Rates**

Seasonal plug-in (30 amp)	\$8.00/ft per outlet*
Seasonal plug-in (50 amp)	\$16.00/ft per outlet*
Nightly plug-in	50 amp = \$11.00/night per outlet 30 amp = \$8.00/night per outlet

\*Seasonal per foot plug-in rate is based upon the manufactured length of the permitted vessel.

The marina, Town of Harwich or Harbormaster shall not be liable for damages or losses incurred by interruption of electrical power to any vessel

**I. Boat Ramp Fees**

Type	Fee	Notes
Seasonal boat ramp passes*	\$100.00	Saturday of Memorial Day Weekend to Monday of Labor Day Weekend
Daily (one-day) passes	\$10.00/day	Saquatucket boat ramp only
Parking Violation	\$125.00	Each offense

\* For use at Saquatucket, Allen Harbor, Round Cove and First Landing at Long Pond

**J. Other Town Fees**

Charter Fishing Boat Special Permit	\$50.00/Day
Mooring inspection fee	\$10.00
Mooring servicing agent annual permit fee	\$200.00
Harbor boat tender service annual permit fee	\$50.00
Fuel vendor tank truck annual permit fee	\$50.00
Vessel fueling from tank truck fee per gallon	\$0.05/gallon
Fish Weir Operator annual permit fee	\$25.00 per year
Waterways User Fee*	\$125.00 per year

"Waterways User Fee" is for any vessel moored or docked in Harwich salt waters for more than two weeks (cumulative) during the calendar year. This User Fee applies to all vessels with the exception of "Board Boats" as defined in Section 2.

**K. Late Fees**

Type	Fee	Notes
Slip Permit Deposit	\$100.00	Applied after Dec. 1 deadline*
Slip Permit Final Pymt.	\$100.00	Applied after Mar. 1 deadline*
Mooring Permit	\$50.00	Applied after Mar. 15 deadline*

\* Failure to pay the required Slip/Mooring Permit Fee and late fee by defined dates in Sections 3.1, 3.2 and 3.3 will result in immediate forfeiture of the Slip/Mooring.

### 3.5 Eligibility for Mooring or Slip Assignment and/or Mooring or Slip Waiting List

Any person wishing to have his/her name placed on either the slip or mooring waiting list must do so by submitting the application and appropriate fee to the Harbormaster Department. Annual renewals will be mailed out as a courtesy with a deadline of a post marked date no later than April 1<sup>st</sup>. Any applications received after the post mark date of April 1<sup>st</sup> will be returned and removed from the waitlist. ~~annually by submitting the application and paying the applicable fee to the Town of Harwich.~~

### 3.0 MOORING AND SLIP PERMITS AND REGULATIONS

The demand for moorings and slips in the Town of Harwich significantly exceeds the supply. In order to be fair and equitable in the assignment of moorings and slips, and to maximize the use of available moorings and slips, the following regulations shall be in effect:

#### 3.1 Mooring Permit

All persons owning, leasing, or providing moorings for boats wherein such moorings shall be situated within 400 yards from the mean low water mark of the foreshores of the Town of Harwich, in waters salt or fresh unless otherwise exempt, shall be required to pay for individual mooring permits to be issued by the Harbormaster annually for the period April 1<sup>st</sup> through 31<sup>st</sup> of March of the following year. In an effort to keep an accurate accounting of the number of moorings to open prior to each season, and to allow the Harbormaster's office sufficient time to offer open moorings to applicants on the waiting list, all mooring permit applications shall be sent out by the Harbormaster's Office no later than February 1<sup>st</sup> of each year and must be returned to said office by March 15<sup>th</sup> with payment of the appropriate fee as defined in Appendix B – Marine Fee Schedule. All persons requiring such permits shall further be required to execute in full, a mooring application which shall be submitted to the Harbormaster with the annual payment. No permit shall be issued by the Town without payment and the permit application each executed in full. The burden to provide a completed application and full payment on or before March 15<sup>th</sup> rests with the applicant. Failure to meet the March 15<sup>th</sup> deadline will result in a late fee per Appendix B. Failure to pay by April 1<sup>st</sup> will result in immediate forfeiture of the mooring. It is also the responsibility of any mooring holder to provide the Harbormaster with their accurate mailing address.

#### 3.2 Slip Permit Deposit:

A non-refundable 1/3 deposit on all dockage for the upcoming season shall be due no later than December 1<sup>st</sup>. ~~If not paid by the December 1<sup>st</sup>, the result will be slip forfeiture.~~ Failure to meet the December 1<sup>st</sup> deadline will result in a late fee per Appendix B. Failure to pay the required deposit/late fee by December 15<sup>th</sup> will result in immediate forfeiture of the slip. ~~The deposit is 1/3 of the annual fee.~~

#### 3.3 Slip Permit Final Payment:

~~Final 2/3 Balance on all dockage for the upcoming season shall be due no later than March 1<sup>st</sup>. both seasonal and year round dockage is due March 1<sup>st</sup>. This balance is equal to 2/3 of the annual fee. Any account not paid in full by March 1<sup>st</sup> will result in slip forfeiture.~~ Failure to meet the March 1<sup>st</sup> deadline will result in a late fee per Appendix B. Failure to pay the required Final Balance/late fee by March 15<sup>th</sup> will result in immediate forfeiture of the slip.