

SELECTMEN'S MEETING AGENDA*

*Griffin Room, Town Hall
Regular Meeting 6:30 P.M.
Monday, February 22, 2016*

I. **CALL TO ORDER**

II. **PLEDGE OF ALLEGIANCE**

III. **WEEKLY BRIEFING**

IV. **PUBLIC COMMENT/ANNOUNCEMENTS**

V. **CONSENT AGENDA**

- A. Approve Minutes – February 1, 2016 Regular Session
- B. Approve request by Red's to close the business for renovations from February 28 to April 1, 2016
- C. Approve and vote to sign the FY 17 Contract Agreement between Barnstable County and the Town of Harwich for the Human Services Grant Program

VI. **PUBLIC HEARINGS/PRESENTATIONS** *(Not earlier than 6:30 P.M.)*

- 1. Selectmen to submit ATM Articles to Finance Committee per General By-Laws, Chapter 1, § 271-1.B
- 2. Selectmen to submit final Budget to Finance Committee per the Charter 9-3-2

VII. **OLD BUSINESS**

VIII. **NEW BUSINESS**

- A. Review of Annual Town Meeting Warrant Articles – *discussion and possible vote*
 - 1. Zoning Articles
 - 2. Community Preservation Committee Articles
 - 3. By-Law and Charter Amendment Articles
 - 4. Customary Articles

IX. **TOWN ADMINISTRATOR'S REPORT**

- 1. Cape Light Compact IGA letter
- 2. Upcoming Dates on Budget Warrant Timeline

X. **SELECTMEN'S REPORT**

XI. **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

Sandra Robinson, Admin. Secretary

Date: February 18, 2016

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, FEBRUARY 1, 2016
6:30 P.M.**

SELECTMEN PRESENT: Brown, Cebula, Hughes, LaMantia

OTHERS PRESENT: Town Administrator Christopher Clark, Assistant Town Administrator Charleen Greenhalgh, Ed McManus, Jack Brown, Larry Ballantine, Noreen Donahue, and others.

MEETING CALLED TO ORDER at 6:30 p.m. by Chairman Hughes.

Chairman Hughes reported that the Board had just come out of Executive Session where they approved two employment contracts and signed a Purchase and Sale Agreement and other documents associated with the acquisition of the Hall property.

Chairman Hughes called for a moment of silence on the passing of Marty Moran, former Town Engineer.

PUBLIC COMMENT/ANNOUNCEMENTS

The Board took comments from Mark Leach regarding the Middle School building. He suggested putting part of the building out to bid for a cultural center and college satellite campus for hotel management.

Mr. Widegren suggested that the Board name the new artificial reef the "Rough Riders Reef" in honor of the former Harwich High School Rough Riders.

CONSENT AGENDA

- A. Approve Minutes –
 - 1. January 11, 2016 Regular Meeting
 - 2. January 19, 2016 Executive Session
- B. Accept gift of \$100 to the Community Center Gift Account
- C. Accept gift from Harwich Fire Association of an Automatic Defibrillator to be placed in Town Hall in memory of David Scannell – gift includes associated training
- D. Set seasonal population at 30,500 for Alcoholic Beverages Control Commission
- E. Approve reclassification and job description for Waterways Specialist formerly Executive Assistant subject to union negotiations
- F. Approve the Award of Contract for the creation of an artificial reef to Robert B. Our, Co., in the amount of \$105,450 and Change Order for hauling materials in the amount of \$16,500 as well as accept a matching state grant
- G. Approve Change Order for 29 Sugar Hill Road Flood Mitigation Measures for the Muddy Creek project in the amount of \$108,000
- H. Refer proposed Zoning Code Amendments to Planning Board for Public Hearing

Chairman Hughes noted that they would be holding Item H in order to get more information from the Planning Board.

Ms. Brown moved approval of Item A1 of the Consent Agenda. Mr. LaMantia seconded the motion. The motion carried by a 3-0-1 vote with Ms. Cebula abstaining from the vote.

Ms. Brown moved approval of the balance of the Consent Agenda. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

With regard to Item C, Firefighter Bruce Young, President of the Harwich Fire Association, explained that the Association voted to gift to the Town an Automatic Defibrillator in memory of David Scannell, Director of Assessing, who recently passed away, to be placed permanently at the Town Hall building. He stated that Mr. Scannell was truly a dedicated friend and employee to the Town.

PUBLIC HEARINGS/PRESENTATIONS *(Not earlier than 6:30 P.M.)*

- A. Presentation of FY17 budgets to joint meeting of Board of Selectmen and Finance Committee – *discussion and possible vote:*
 - 1. Monomoy Regional School District

Superintendent Scott Carpenter and Business Manager Katie Iernio provided a Power Point presentation of the FY17 Monomoy Regional School District Budget to the Board and Finance Committee (see attached) and took questions and comments from the Board.

- 2. Cape Cod Regional Technical High School

Superintendent Robert Sanborn provided a Power Point presentation of the FY17 Cape Cod Regional Technical High School Budget to the Board and Finance Committee (see attached) and took questions and comments from the Board.

TOWN ADMINISTRATOR'S REPORT

- A. Pleasant Bay Alliance proposal to U.S. EPA for Southern New England Program for Coastal Watershed Restoration

Mr. Clark reported that the Pleasant Bay Alliance submitted the initial proposal for this grant for the Pleasant Bay Watershed Nutrient Management and Restoration Program.

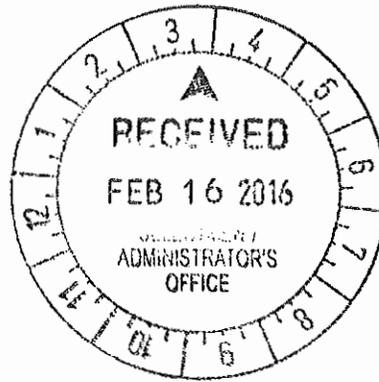
ADJOURNMENT

Chairman Hughes adjourned the meeting at 7:55 p.m.

Respectfully submitted,

Ann Steidel
Recording Secretary

To: Board of Selectmen
From: Red's, 703 Main St.
Date: February 16, 2016
Subject: Business Closing



To the Board of Selectmen:

I am writing to request permission to close Red's, located at 703 Main St, for renovations to our storage area and possible bar expansion. We request closing starting Sunday February 28 and not reopening before Tuesday March 15, possibly as late as Friday April 1 if further time is needed for stated renovations.

Sincerely,

A handwritten signature in black ink, appearing to be "Brianne Smith".

Brianne Smith

Adam Smith



County of Barnstable

RESOURCE DEVELOPMENT and AMERICORPS CAPE COD
P.O. BOX 427
BARNSTABLE, MASSACHUSETTS
02630



COPY

Phone: (508) 375-6869

FAX (508) 375-6887

resourcedevelopment@barnstablecounty.org

February 15, 2016

Mr. Christopher Clark, Harwich Town Administrator
732 Main Street
Harwich, MA 02645



Dear Mr. Clark:

Please see attached copy of the anticipated contract for FY17 between Barnstable County and the Town of Harwich for the Human Services Grant Program. The document reflects the increased allocation, in the amount of \$79,980.00, that is pending approval from the Harwich Board of Selectmen.

Please send three original signed copies to the Barnstable County Resource Development Office. The documents will then be sent to the County Commissioners for their signatures. I will send you the fully executed contract for FY17 when this is completed.

I will send you a revised RFP to post on the Town of Harwich's website.

Although the timeline has been modified from previous years, it is my plan to provide your office with applications by the second week of April 2016. It is my understanding that I will be working with Assistant Town Administrator, Charleen Greenhalgh.

Please contact me at the Resource Development Office with any questions.

Sincerely,

Bobbi Moritz, Barnstable County Resource Development Officer

Ph: (508) 375-6873

Bobbi.moritz@barnstablecounty.org

COPY

AGREEMENT

This agreement made this ____ day of February, 2016 by and between the Town of Harwich, a public instrumentality of the Commonwealth of Massachusetts having its principal place of business as 732 Main St. Harwich, MA, hereinafter called the "TOWN", and the County of Barnstable, a public instrumentality of the Commonwealth of Massachusetts having its principal place of business as 3195 Main Street, Barnstable, MA, hereinafter called the "COUNTY".

WITNESSETH, that the TOWN and the COUNTY for the consideration hereinafter named agree as follows:

ARTICLE 1. SCOPE OF WORK

The COUNTY shall provide the following services to the TOWN:

HUMAN SERVICES GRANT MANAGEMENT: The COUNTY shall provide fiscal oversight and monitoring of the TOWN'S human service grants for fiscal year 2016. The services shall include the following:

- Advertise and issue, by February 29, 2016, a Request for Proposals to human services agencies to apply for grants funded by the TOWN through the COUNTY.
- Proposals will be due to Barnstable County by March 31, 2016.
- Proposals will be delivered to the Town of Harwich for review by April 8, 2016
- Proposals will be reviewed by the Town of Harwich during April 2016.
- Upon notification by the TOWN of its human services grant allocations for 2017, the COUNTY will issue grant award letters and standard contracts between the agencies and the COUNTY for services to human services agencies receiving TOWN human services grants. Award letters will be mailed out by mid-May, 2016. Contracts will be mailed out by the first week in June, 2016.
- Issue Quarterly checks to human services agencies based on receipt/approval of Quarterly invoices to the COUNTY.
- Submit two bi-annual Invoices to the TOWN itemizing the amount of funds disbursed to each agency reimbursed by the COUNTY.
- Meet with the Town Administrator's designee as requested, to update on progress of Grant Recipients and to exchange information.
- Provide the TOWN by September 1, 2017 with documentation based on the human service grants awarded in fiscal year 2017 quantifying how many Harwich residents were served under each contract and a brief description of the services received.

ARTICLE 2. TIME PERIOD

A. This contract is for the period commencing February 26, 2016 and ending June 30, 2017.

ARTICLE 3. THE CONTRACT SUM

The COUNTY and the TOWN acknowledge that the TOWN's Fiscal Year 2017 appropriation, estimated at \$79,980.00, for its human services grant program will be provided to the COUNTY after approval of the TOWN's Fiscal Year 2017 Budget. The Town will provide documentation outlining the availability of grant funds and the list of awardees: hereto by reference as Attachment A. The TOWN agrees to pay the COUNTY for each of the human services grant contracts identified in Attachment A. The COUNTY shall provide the services defined in Article 1 at no charge to the TOWN.

ARTICLE 4. AUTHORIZATION

The TOWN agrees to provide any and all authorizations necessary for the COUNTY to successfully carry out the Scope of Services outlined in Article 1.

ARTICLE 5. COMPLIANCE

The COUNTY agrees to comply with all applicable laws, ordinances, rules, regulations and lawful orders of any public authority bearing on the safety of persons or property or their protection from damage injury or loss due to the negligence of the COUNTY in the performance of services under this contract.

ARTICLE 6. CONTRACT LIMITS

Nothing herein shall be construed as obligating either the COUNTY or the TOWN to expend funds or to be obligated to spend funds beyond the scope of this contract.

ARTICLE 7. MODIFICATION

This AGREEMENT may only be modified in the form of amendments in writing by mutual agreement by both parties. Request for modification will be forwarded to one party by the other party by written notice. No changes in the work covered by this Agreement shall be made without having prior written approval of both the TOWN and COUNTY.

NOTICES

Correspondence pertaining to this Agreement shall be addressed to the following individuals:

Barnstable County: Joanne Nelson, County Accountant

Town of Harwich: Christopher Clark, Town Administrator

IN WITNESS WHEREOF the parties hereto have executed the Agreement, the day and year first above written.

COUNTY OF BARNSTABLE: BARNSTABLE COUNTY COMMISSIONERS

Sheila Lyons

Mary Pat Flynn

Leo Cakounes

DATE

TOWN OF HARWICH: TOWN OF HARWICH BOARD OF SELECTMEN

DATE



MEMO

To: Board of Selectmen
Finance Committee

From: Christopher Clark
Town Administrator

Cc: Andrew Gould, Finance Director
Charleen Greenhalgh, Assistant Town Administrator

Re: FY 17 Budget Information and Joint Selectmen/Finance Committee Meeting
Hearing

Date: February 17, 2016

Friday, February 5, 2016 information pertaining to the FY 17 Budget Message was distributed through the dropbox system and for the general public. Information provided was a comprehensive Budget Message as well as the PowerPoint slides. The purpose of this memo is to indicate we provided the detailed budget information at the joint meeting of Wednesday, February 10, 2016. The Charter requires a distribution of the budget to Finance Committee before the fourth Friday in February. This version of the budget is that of the Administrator and known in MUNIS as a Level 2.

The purpose of this information is to provide line item detail on the Budget for the Selectmen and Finance Committee members to review in preparation for the February 27, 2016 departmental budget review meeting.

We have distributed information received from Department Heads with budgets over \$300,000 for the joint meeting on Saturday, February 27, 2016.

BUILDING/STRUCTURE HEIGHT IN FLOOD HAZARD AREAS

ARTICLE: To see if the Town will vote to amend the Code of the Town of Harwich, Chapter 325 Zoning by adding the bold and underlined language as set forth below and to act fully thereon. By request of the Building Commissioner and Planning Board.

325-2 Word usage and definitions.

BUILDING/STRUCTURE HEIGHT - The height of a building or structure shall be calculated by averaging the distance between the lowest pre-existing grade point at the base of the building/structure and the top of said structure, and the distance between the highest pre-existing grade point at the base of the structure and the top of said structure. A structure shall include such elements as a rooftop deck, fence, railing, widow's walk, or other rooftop structure, parapet, or other attached structure. A cupola not larger than four (4) feet in width and chimneys shall be exempt from the above requirements if they do not extend more than four (4) feet in height above the roof. For developed lots, pre-existing grade shall be determined by calculating the average of existing high and low grade points at the base of the existing/original building or structure and top of said structure, where the highest point is at a minimum of eight (8) inches below the top of foundation.

[NEW] For a building or structure located in the special flood hazard area, height shall be measured from the Base Flood Elevation in AE Zones rather than from pre-existing grade. In the AO or VE Zones, height shall be measured from the Base Flood Elevation in the closest AE Zone rather than from pre-existing grade.

Explanation: New FEMA flood maps were adopted in 2014 expanding boundaries of the flood hazard area and raising the base flood elevation for many properties. Homes may continue to exist in flood hazard areas, but renovations or reconstruction require flood proofing measures including raising the first floor above the base flood elevation. The proposed by-law amendment follows similar language in such coastal towns as Dennis, Sandwich and Scituate. Without the amendment, many homes in flood hazard areas would have to be reduced in height to meet base flood elevation requirements combined with the requirement to measure height from pre-existing grade. Approximately 1000 homes in the AE flood zone in Harwich are impacted by the building height requirement. Far fewer homes exist in AO and VE zones. The AO zone does not include measurements for base flood elevation. The VE or velocity zone has a much higher sensitivity to flooding, and new construction in that zone is not encouraged.

PROPOSED ZONING BY-LAW AMENDMENTS

ARTICLE: To see if the Town will vote to amend the Code of the Town of Harwich, Chapter 325 Zoning by striking out language and by adding bold and underlined language as set forth below and to act fully thereon. By request of the Building Commissioner and Planning Board.

(A) CONSTRUCTION SIGNS

325-29 Additional requirements for specific signage.

G. [NEW] Construction Signs. One (1) temporary wall or ground sign not more than eight (8) square feet indicating the construction, remodeling or rebuilding of a certain structure for a permitted use shall be allowed on the parcel on which the structure is located. The sign shall not be illuminated and shall be removed immediately upon final inspection.

(B) TWO-FAMILY DWELLINGS IN THE CH-1 DISTRICT

325-7 C. Existing lots in a CH-1 District which complied at the time of layout with applicable provisions of zoning bylaws, if any, may be used for single-family residential purposes as set forth above and may be used for **[NEW] two-family residential purposes** **and** nonresidential purposes as established in the Table of Use Regulations provided that:

- (1) Said lots have 100 feet of frontage and 10,000 square feet of area;
- (2) The buildings to be located thereon are set back at least 10 feet from side and rear lot lines and at least 25 feet from street lot lines and the buildings to be constructed on said lot will not exceed the maximum site coverage restrictions of the zoning bylaw in effect when the lot was created or, if no such restrictions applied, coverage of buildings shall not exceed 35% of said lot for lots between 10,000 square feet and 15,000 square feet and 25% for lots over 15,000 square feet;
- (3) Said lots are buildable under other applicable provisions of the lot ...

Table 2 Area Regulations

District	Use	Lot Area	Lot Frontage	Front	Side	Rear
CH-1	Single-family dwelling	40,000	150	25	20	20
	<u>[NEW] Two-family dwelling</u>	<u>40,000</u>	<u>150</u>	<u>25</u>	<u>20</u>	<u>20</u>
	Any other permitted use	20,000	100	25	10	10

(C) GUESTHOUSES

325-2. Word usage and definitions.

~~GUESTHOUSE. A building in which living space, with or without common cooking facilities, is let for compensation to four or fewer persons, but not including a hotel or motel.~~

325-39. Off-street parking schedule.

Residential Uses

Lodging house, hotel, motel, inn, guest house, bed and breakfast	1.25 per guest room or suite
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Table 1, Use Regulations

Paragraph I – Residential Uses							
		RM	RH-1	RH-2	CV	CH-1	WR
5	Guest houses	S	P	P	P	P	S

Table 2, Area Regulations

District	Use	Lot Area (square feet)	Lot Frontage (contiguous feet)	Front (feet)	Side (feet)	Rear (feet)
RM	Guest house	40,000 plus 2,000 per rental unit	150	25	20	20
RH-1	Guest house	40,000 plus 2,000 per rental unit	150	25	20	20
RH-2	Guest house	40,000 plus 2,000 per rental unit	150	25	20	20
CV	Guest house	40,000 plus 2,000 per rental unit	150	25	10	10
CH-1	Guest house	40,000 plus 2,000 per rental unit	150	25	20	20

Explanation: Proposed amendments include (A) construction signs, (B) two-family dwellings in the CH-1 District, and (C) guesthouses.

- (A) Sign amendments in 2009 removed any reference to construction signs, and the current Code of the Town of Harwich does not permit construction signs. The proposed by-law will re-establish language from an earlier version of the Zoning By-Law.
- (B) Although two-family dwellings are allowed in the Commercial Highway 1 (CH-1) District by Special Permit (S), two other pertinent sections of the Zoning By-Law omit any reference to them. In Table 2, minimum lot area for single-family dwellings in the CH-1 District is 40,000 sq. ft. while minimum lot area for “any other permitted use” is only 20,000 sq. ft. Typically “any other permitted use” refers to non-residential uses. The proposed by-law amendment will treat two-family dwellings the same as single-family dwellings rather than as non-residential uses. A similar by-law amendment for Section 325-7 C will allow existing lots to be used for two-family dwellings along with other permitted single-family and non-residential uses.
- (C) In most residential districts, the Zoning By-Law allows one single-family dwelling per 40,000 square feet. Current options for additional residential use of a property include an “accessory building, residential – with bedrooms” or a “single-family dwelling with accessory apartment”, both requiring a special permit. The current definition of

“guesthouse” appears to allow another residential option for “a building in which living space, with or without common cooking facilities, is let for compensation to four fewer or fewer persons, but not including a hotel or motel.” There does not appear to be a current restriction on the number of guesthouses that may be built per lot. The proposed by-law amendment closes that apparent loophole by removing “guesthouse” from the list of uses. Buildings to be let for compensation still include lodging house, bed-and-breakfast, inn, motel and hotel.

RESERVE FOR FUTURE APPROPRIATION AMOUNTS FROM FY 2016
COMMUNITY PRESERVATION FUND ESTIMATED ANNUAL REVENUES

ARTICLE: To see if the Town will vote to reserve for future appropriations amounts from the FY 2016 Community Preservation Act Fund estimated annual revenues as recommended by the Community Preservation Committee as follows:

- A sum of money for the acquisition, creation and preservation of open space;
- A sum of money for the acquisition, preservation, restoration and rehabilitation of historic resources;
- A sum of money for the acquisition, creation, preservation and support of community housing; and
- A sum of money for the Community Preservation Act Fund FY 2016 Undesignated Reserve; and to act fully thereon. By request of the Community Preservation Committee.

FUND LAND BANK DEBT SERVICE

ARTICLE: To see if the Town will vote to appropriate from Community Preservation Act Funds-Undesignated Fund Balance, \$633,400 to fund the Debt Service on the outstanding Land Bank Debt. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Undesignated Fund Balance, and to act fully thereon. By request of the Community Preservation Committee and the Town Administrator. Estimated Cost: \$633,400

RESTORATION OF THE CHASE LIBRARY FIREPLACE HEARTH AND BASE

ARTICLE: To see if the Town will vote to appropriate from Community Preservation Act Funds-Historic Reserve, \$3,100 to fund the restoration of the original fireplace hearth, firebox base and foundation at the Chase Library and to authorize the Board of Selectmen to enter into a grant agreement with the Chase Library. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Historic Reserve, and to act fully thereon. By request of the Community Preservation Committee and the Chase Library Trustees. Estimated Cost: \$3,100

RESTORATION OF HARWICH HISTORICAL SOCIETY ARTIFACTS

ARTICLE: To see if the Town will vote to appropriate from Community Preservation Act Funds-Historic Reserve, \$11,000 to fund the restoration of an 18th Century Cannon and a 19th Century Millstone maintained by the Harwich Historical Society and to authorize the Board of Selectmen to enter into a grant agreement with the Harwich Historical Society. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Historic Reserve, and to act fully thereon. By request of the Community Preservation Committee and the Harwich Historical Society. Estimated Cost: \$11,000.

RESTORATION OF APPEARANCE OF THE ALBRO HOUSE AND ACCESSIBILITY MODIFICATIONS

ARTICLE: To see if the Town will vote to appropriate from Community Preservation Act Funds-Historic Reserve, \$18,700 to fund the restoration of elements of the front porch, addition of a rear porch and access ramp and modifications to four (4) doors of the Town owned Albro House. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Historic Reserve, and to act fully thereon. By request of the Community Preservation Committee and the Historic District/Historical Commission. Estimated Cost: \$18,700.

UPDATE OF TOWN HISTORICAL PROPERTY INVENTORY

ARTICLE: To see if the Town will vote to appropriate from Community Preservation Act Funds-Historic Reserve, \$20,000 to fund continuing work on the inventory of structures in Harwich that are at least 99 years old, specifically adding 60 parcels to the Massachusetts Cultural Resource Information System (MACRIS) and performing more detailed work on a cluster of properties within the inventory . Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Historic Reserve, and to act fully thereon. By request of the Community Preservation Committee and the Historic District/Historical Commission. Estimated Cost: \$20,000.

WEST HARWICH SCHOOLHOUSE PRESERVATION AND REHABILITATION

ARTICLE: To see if the Town will vote to appropriate from Community Preservation Act Funds-Historic Reserve, \$203,500 to have certain specific work performed on the interior and exterior of the West Harwich Schoolhouse. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Historic Reserve, and to act fully thereon. By request of the Community Preservation Committee and Town Administration and Planning Department. Estimated Cost: \$203,500.

HISTORIC RESTORATION AND PRESERVATION OF BURIAL CRYPTS

ARTICLE: To see if the Town will vote to appropriate from Community Preservation Act Funds-Historic Reserve, \$25,000 to repair and restore four (4) burial crypts in Mount Pleasant and Island Pond Cemeteries. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Historic Reserve, and to act fully thereon. By request of the Community Preservation Committee and the Harwich Cemetery Commission. Estimated Cost: \$25,000.

SOUTH HARWICH MEETINGHOUSE RESTORATION AND PRESERVATION

ARTICLE: To see if the Town will vote to appropriate from Community Preservation Act Funds-Historic Reserve, \$100,000 to fund the final work of restoring the South Harwich

Meetinghouse and to authorize the Board of Selectmen to enter into a grant agreement with the Friends of the South Harwich Meetinghouse, Inc. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Historic Reserve, and to act fully thereon. By request of the Community Preservation Committee and Friends of the South Harwich Meetinghouse, Inc. Estimated Cost: \$100,000.

WHITEHOUSE FIELD FENCING REPLACEMENT

ARTICLE: To see if the Town will vote to appropriate from Community Preservation Act Funds-Undesignated Fund Balance, \$57,128 to replace the fencing around Whitehouse Field. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Undesignated Fund Balance, and to act fully thereon. By request of the Community Preservation Committee and the Harwich Recreation and Youth Commission. Estimated Cost: \$57,128.

QUEEN ANNE ROAD BIKETRAIL CROSSING LIGHTS

ARTICLE: To see if the Town will vote to appropriate from Community Preservation Act Funds-Undesignated Fund Balance, \$29,700 to install a solar powered traffic light system where the Cape Cod Rail Trail crosses Queen Anne Road. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Undesignated Fund Balance, and to act fully thereon. By request of the Community Preservation Committee and the Harwich Bikeways Committee. Estimated Cost: \$29,700.

BROOKS PARK EXPANSION/IMPROVEMENT PHASE 3

ARTICLE: To see if the Town will vote to appropriate from Community Preservation Act Funds-Undesignated Fund Balance, \$188,000 to resurface 4 tennis courts, half basketball court, tennis practice wall, picnic pavilion, ADA footpath and 20-30 t-base parking spaces at Brooks Park . Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Undesignated Fund Balance, and to act fully thereon. By request of the Community Preservation Committee and the Harwich Recreation and youth Commission. Estimated Cost: \$188,000.

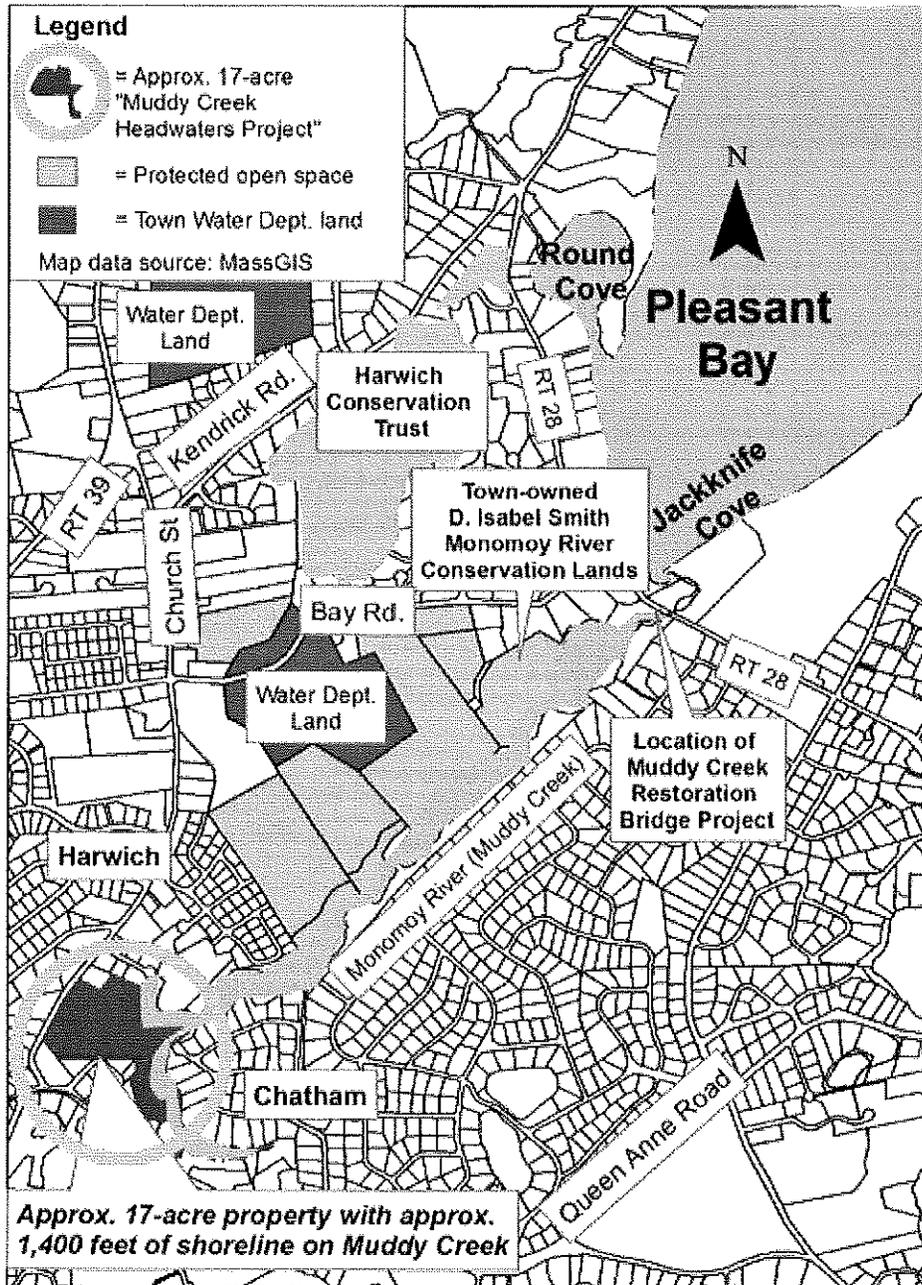
PURCHASE OF LAND FOR OPEN SPACE PURPOSES – ACQUIRE MARINI PROPERTY AT MUDDY CREEK HEADWATERS

ARTICLE: To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase or gift a perpetual conservation restriction pursuant to the provisions of M.G.L. Ch.184, §31-33, for open space purposes under the provisions of M.G.L. Ch. 40, §8C, on a parcel of land approximately 17 acres in size, said land situated on Church Street, East Harwich and Chatham, shown as Lot 1, Lot 2, Lot 3, and Parcel 4 in Barnstable County Registry of Deeds Plan Book 614, Page 7, and further described in Barnstable County Registry of Deeds Book 19792, Page 85, with the care, custody, control and management of such conservation restriction to be vested with the Conservation Commission; and, further, to appropriate from the Community Preservation Act Funds-

Open Space Reserve, the Community Preservation Act Funds-Undesignated Reserve, and/or a receipts pursuant to the provisions of Ch.149, §298 of the Acts of 2004, as amended by Ch. 352, §§129-133 of the Acts of 2004, the so-called Community Preservation Act, a sum of money for the foregoing acquisition and costs incidental or related thereto, including, without limitation, costs of appraisals and closing costs; to authorize the Board of Selectmen and the Conservation Commission to apply for, accept and expend any funds which may be provided by the Commonwealth or other public sources to defray all or a portion of the costs of acquiring said parcel, including, but not limited to, funding under the Self-Help Act, General Laws, ch.132A, §11, and/or the Federal Land & Water Conservation Fund, P.L. 88-568, 78 Stat 897, provided that any such grant funds shall be returned upon receipt to the fund from which said sum was appropriated, after first reimbursing the Harwich Conservation Trust **for its contribution towards the grant funds' required local match; and to authorize the Board of Selectmen and/or Conservation Commission to enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the foregoing purposes, provided further that no funds appropriated hereunder shall be expended until the Board of Selectmen has determined that the Town has received a transfer towards the grant funds' required local match from the Harwich Conservation Trust in the amount of \$300,000 to supplement the Town's \$500,000 in Community Preservation Act Funds described herein and be applied toward the Town's purchase of said conservation restriction.**

And to act fully thereon. By request of the Community Preservation Committee and the Real Estate and Open Space Committee. Estimated cost: \$800,000

17-acre Muddy Creek Headwaters Project



HISTORIC BROOKS FREE LIBRARY RESTORATION

ARTICLE: To see if the Town will vote to appropriate from Community Preservation Act Funds-Undesignated Fund Balance, \$540,000 to have certain specific work, including architectural services, paint stripping and painting, column and selective wood repairs, to be performed on the historic portion of the Brooks Free Library building (the so-called Brooks Block and Bank Building). Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Undesignated Fund Balance, and to act fully thereon. By request of the Community Preservation Committee and Brooks Free Library Trustees. Estimated Cost: \$540,000.

REPEAL OF ARTICLE 42 OF MAY, 2007 ANNUAL TOWN MEETING - FUND RENOVATIONS AT OLD RECREATION BUILDING AND WEST HARWICH SCHOOL

ARTICLE: To see if the Town will vote to rescind actions taken under Article 42 of the May 2007 Annual Town Meeting in the amount of \$32,760, and return such sum of funds appropriated in said Article to the Harwich Community Preservation Act Fund – Historic Reserve, and to act fully thereon. These funds were intended for restoration of the windows at the West Harwich School which will now be done from the funds appropriated by Article XX of the May 2016 Annual Town Meeting. By request of the Community Preservation Committee. Estimated turnback: \$32,760

TOWN OF HARWICH
COMMUNITY PRESERVATION COMMITTEE

CPC 2015 Annual Report to Town of Harwich

Harwich adopted the Community Preservation Act (CPA or the Act) modified to accommodate the replacement of the so-called Land Bank, effective beginning July 1, 2005. The Act establishes a 3% property tax surcharge supplemented by the state by an amount dependent on other funds raised. The Act requires the establishment of a Committee, the Community Preservation Committee, to study and recommend to the Board of Selectmen and the Town projects to be funded from these resources. The committee is comprised of 9 members: 2 selectmen appointees, and representatives from the housing committee, housing authority, recreation, historical commission, open space/real estate, conservation and the planning board.

Community Preservation Members:

Cindi Maule (Selectmen Rep.)	David Nixon (Rec. & Youth)
Housing Committee – open	Daniel Tworek (Selectman Rep)
Walter Diggs (Conservation Commission)	Robert MacCready (Housing Authority) - Chair
Jim Atkinson (Planning Board - pending)	Katherine Green (R. E. & Open Space)-Vice Chair
Robert Bradley (Historical Commission)	

For fiscal 2017, the CPC is making recommendations to the May 2016 ATM for 15 articles. The project articles are distributed:

\$921K for Historic Preservation Funding

\$0K for Community Housing

\$500K for Open Space

\$275K for Recreation

In addition, Town Meeting will be asked to fund debt service of \$633,400 associated with Land Bank purchases.

I believe that CPC had approximately \$3.1 million in uncommitted fund balances at 6/30/15 and since that time has committed and earned approximately \$1.7 million. These new recommendations of approximately \$1.7 million for projects next year plus the land bank debt service would reduce the total of uncommitted funds to approximately \$700K.

Recommended articles:

1. Fund Land Bank Debt Service

Purpose: To pay for the continuing debt service on existing Land Bank Debt

Project Cost (estimated): \$633,400

Application Request: \$633,400

Voted Support: \$633,400 (8/0)

CPC Reserve Account(s): Undesignated Balance

TOWN OF HARWICH
COMMUNITY PRESERVATION COMMITTEE

Sponsor: CPC and Town Administration

Note: This will be the first year that this funding is presented to ATM as a stand alone article

2. Restoration of the Chase Library Fireplace Hearth and Base

Purpose: Restoration of the original fireplace hearth, firebox base and foundation

Project Cost(estimated):\$3,100

Application Request: \$3,100

Voted Support:\$3,100 (5/1/2)

CPC Reserve Account(s): \$3,100 Historic Reserve

Sponsor: Chase Library Board

Note:

3. Restoration of Harwich Historical Society Artifacts

Purpose: Restoration work on an 18th Century Cannon and a 19th Century Millstone

Project Cost (estimated): \$11,000

Application Request: \$14,000

Voted Support: \$11,000 (8/0)

CPC Reserve Account(s): \$11,000 Historic Reserve

Sponsor: Harwich Historical Society

Note: CPC did not support all items included in the application

4. Restoration of Appearance of the Albro House and Accessibility Modifications

Purpose: Restoration of elements of the front porch, addition of a rear porch and access ramp and modifications to four(4) doors of the Town owned Albro House

TOWN OF HARWICH
COMMUNITY PRESERVATION COMMITTEE

Project Cost (estimated):\$18,700

Application Request: \$20,000

Voted Support: \$18,700 (6/2)

CPC Reserve Account(s): \$18,700 Historic Reserve

Sponsor: Harwich Historic District and Historical Commission

5. Update of Harwich Historical Property Inventory

Purpose: Continuation of work on the inventory of structures in Harwich at least 99 years old, specifically adding 60 parcels to the Massachusetts Cultural Resource Information System, and performing more detailed work on a cluster of properties within the inventory

Project Cost (estimated):\$20,000

Application Request: \$20,000

Voted Support: \$20,000 (8/0)

CPC Reserve Account(s): \$20,000 Historic Reserve

Sponsor: Harwich Historic District and Historical Commission

6. West Harwich Schoolhouse Preservation and Rehabilitation

Purpose: Restoration, Preservation and Rehabilitation work on the interior and exterior of the Town owned West Harwich Schoolhouse

Project Cost (estimated):\$203,500

Application Request: \$203,500

Voted Support: \$203,500 (7/1)

CPC Reserve Account(s): \$203,500 Historic Reserve

Sponsor: Town Administration and Planning and a community group

TOWN OF HARWICH
COMMUNITY PRESERVATION COMMITTEE

7. Restoration and Preservation of Burial Crypts

Purpose: Restoration and Preservation of Burial Crypts: Holding Tomb in Island Pond Cemetery pre 1885; Three Tombs in Mount Pleasant Cemetery; Holding Tomb 1880, Captain Isaac Bee Crypt 1850 and Captain James Allen Crypt 1860; removal of invasive vegetation on the top of the tombs, replace missing and damaged bricks, skim coat with cement, loam and seed with appropriate materials for the time period, dig out the doors, weld, sandblast and repaint, clean any memorialization.

Project Cost (estimated):\$25,000

Application Request: \$25,000

Voted Support: \$25,000 (8/0)

CPC Reserve Account(s): \$25,000 Historic Reserve

Sponsor: Harwich Cemetery Commission

8. Restoration of the South Harwich Meeting House

Purpose: Complete restoration of South Harwich Meeting House

Project Cost (estimated):\$100,000

Application Request: \$100,000

Voted Support: \$100,000 (8/0)

CPC Reserve Account(s): \$100,000 Historic Reserve

Sponsor: Friends of the South Harwich Meeting House, Inc.

9. Replace Whitehouse Field Fencing

Purpose: Replace the fencing around Whitehouse Field

Project Cost (estimated):\$57,128

Application Request: \$57,128

TOWN OF HARWICH
COMMUNITY PRESERVATION COMMITTEE

Voted Support: \$57,128 (8/0)

CPC Reserve Account(s): \$57,128 Undesignated Fund Balance

Sponsor: Harwich Recreation and Youth Commission

10. Queen Anne Road Biketrail Crossing Lights

Purpose: Purchase and install a solar powered traffic light system where the Biketrail crosses Queen Anne Road

Project Cost (estimated):\$29,700

Application Request: \$29,700

Voted Support: \$29,700 (7/1)

CPC Reserve Account(s): \$29,700 Undesignated Fund Balance

Sponsor: Harwich Bikeways Committee

11. Brooks Park Expansion/Improvement Phase 3

Purpose: Fund resurfacing of 4 tennis courts, adding a half basketball court, a tennis practice wall, a picnic pavilion, an ADA footpath and 20-30 t-base parking spaces at Brooks Park

Project Cost (estimated):\$188,000

Application Request: \$188,000

Voted Support: \$188,000 (7/1)

CPC Reserve Account(s): \$188,000 Undesignated Fund Balance

Sponsor: Harwich Recreation and Youth Commission

12. Purchase of Land for Open Space – Acquire Marini Property at Muddy Creek Headwaters

Purpose: To work with the Harwich Conservation Trust to acquire and conservation restrict approximately 17 acres at Muddy Creek Headwaters

TOWN OF HARWICH
COMMUNITY PRESERVATION COMMITTEE

Project Cost (estimated):\$800,000

Application Request: \$500,000

Voted Support: \$500,000 (8/0)

CPC Reserve Account(s): \$350,000 Undesignated Fund Balance, \$150,000 Open Space Reserve

Sponsor: Harwich Real Estate and Open Space Committee and Harwich Conservation Trust

13. Historic Brooks Free Library Restoration

Purpose: To have certain specific work, including architectural services, paint stripping and painting, column and selective wood repairs, to be performed on the historic portion of the Brooks Free Library building (the so-called Brooks Block and Bank Building).

Project Cost (estimated):\$579,000

Application Request: \$800,000

Voted Support: \$540,000 (5/1)

CPC Reserve Account(s): \$540,000 Undesignated Fund Balance

Sponsor: Brooks Free Library Trustees

Other Community Support: Harwich Historic District and Historical Commission

Note: Application was not originally supported, a reconsideration motion was passed and a new motion for \$540,000 was approved. There is approximately \$40K remaining from an earlier article to fund the difference between the cost of the updated project and this recommendation

14. Repeal of Article 42 of May, 2007 Annual Town Meeting

Purpose: To rescind the portion of remaining funds from this article that represent additional work on the West Harwich School that is included in #6 above

Project Cost (estimated):(\$32,760)

Application Request: (\$32,760)

TOWN OF HARWICH
COMMUNITY PRESERVATION COMMITTEE

Voted Support: (\$32,760) (5/0)

CPC Reserve Account(s): (\$32,760) Historic Reserve

Sponsor: Community Preservation Committee

There is 1 other article:

The recurring article required by statute to transfer funds to the Reserve Funds (Historic, Housing, Open Space)

Respectively submitted,

Robert Cyrus MacCready, Chair

PROPOSED AMENDMENTS TO THE HARWICH HOME RULE CHARTER

ARTICLE: To see if the Town will vote to propose the following amendments to the Harwich Home Rule Charter, to be approved by the voters at the next annual Town election as follows (Deletions shown in strike through and new text shown as underlined):

1. **Amend Chapter 3 section 6, Powers of Appointments, by adding a new sentence to the end of Section 3-6-2 as follows:**

All appointments made shall be for the full term of that position (or, in the case of a position vacated prior to the end of a term, for the full remainder of the unexpired term).

2. **Amend Chapter 4 as follows:**

Amend two subsections of Section 4-3-2 relating to the powers of the Town Administrator as follows:

4-3-2 The town administrator shall devote full working time to the duties of that office, shall not become a candidate for, or hold, any elective office during the term of appointment; and shall not engage in any business activity during the term, except with the written consent of the board of selectmen. The town administrator shall:

(i) Be responsible for the purchasing of services, supplies, materials and equipment for all town divisions, departments, and offices, excepting those for the ~~school department~~, the water department and the Brooks Free Library. The Town Administrator shall execute all contracts for goods and services on behalf of the divisions and departments under the jurisdiction of the Town Administrator, subject to the approval of the Board of Selectmen. The Board of Selectmen may delegate its approval authority to the Town Administrator for certain classes of contracts.

(k) Develop, keep, and annually update a full and complete inventory of all property of the town, ~~except school property~~, both real and personal.

Amend Section 4, Responsibilities for Appointments, by adding a new subsection:

4-4-3 The town administrator shall appoint the harbormaster and any assistant harbormasters.

3. **Amend Chapter 5 as follows:**

Amend Section 5-3-1 as follows:

Division of Highways and Maintenance Public Works

5-3-1 A division of ~~highways and maintenance~~ public works shall be established under the direction of an appointed officer, to be known as the director of public works ~~highways and maintenance~~.

Amend Section 5-5-1 as follows:

Fire Department

5-5-1 ~~A fire department shall be established under a fire chief, who shall be appointed by the board of selectmen.~~ The fire department shall be organized and operated as a so-called strong chief department under the provisions of section 42 of chapter 48 of the General Laws.

4. Amend Chapter 10 Section 10-3-1 Definitions as follows:

(f) Committee. The word “committee” shall mean any town agency which has been charged with performing a specified function on behalf of the town but without statutory authority, except for the ~~the school committee,~~ finance committee and capital outlay committee, which function under statutory authority;

And to act fully thereon. By request of the By-Law and Charter Review Committee.

AMEND THE HARWICH HOME RULE CHARTER CHAPTER 3, SECTION 6

ARTICLE: To see if the Town will vote to propose the following amendment to the Harwich Home Rule Charter, to be approved by the voters at the next Annual Town Election as follows (Deletions shown in strike through and new text shown as underlined)

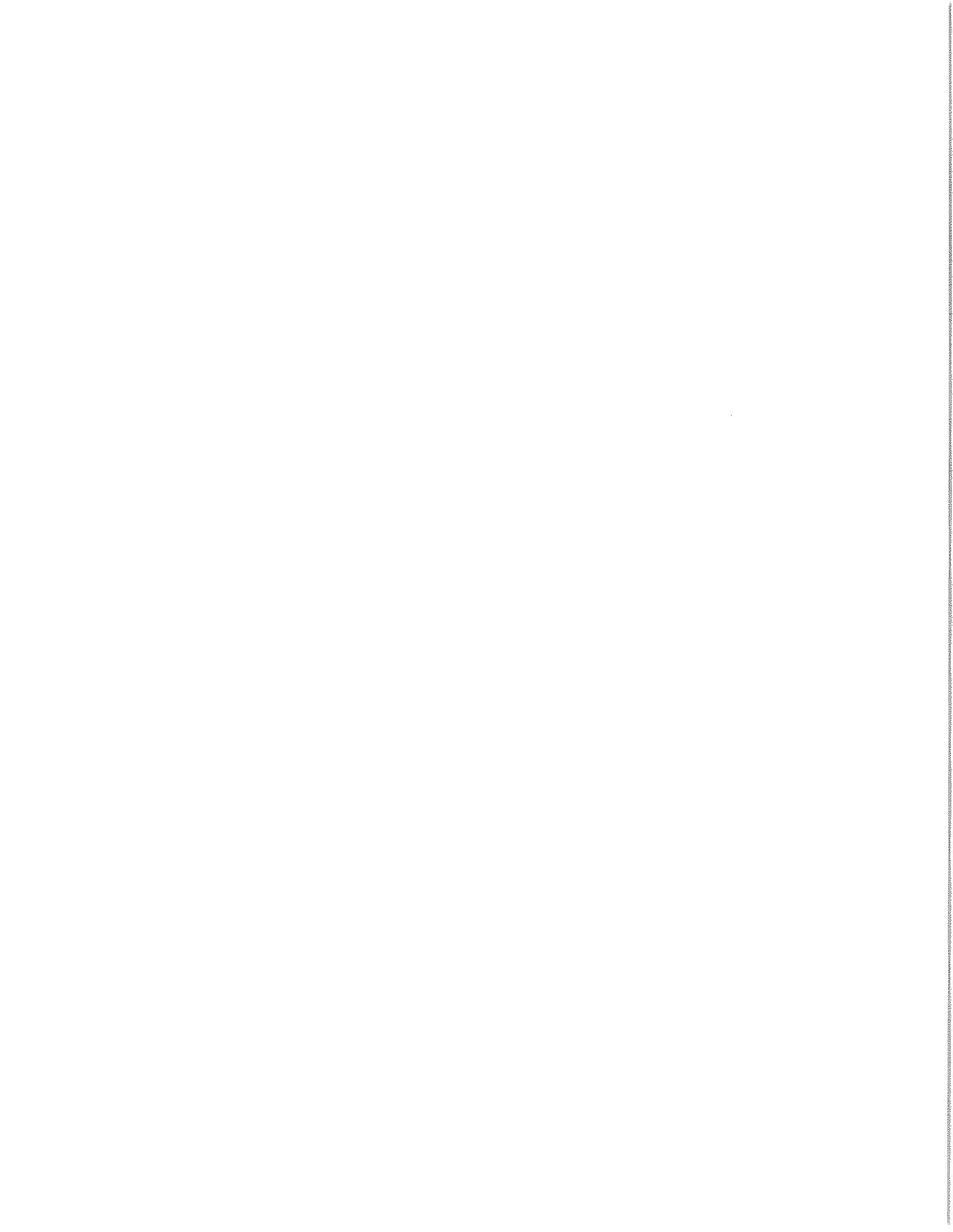
Refer to Chapter 3, Section 6 and add the following text to 3-6-2:

The board of selectmen shall also have the power to appoint members and up to two alternates (to the extent permissible by general law) of policy-making town agencies enumerated in chapter 7 and other agencies that are in existence on the effective date of this charter and for whom no other method of appointment is provided in this charter. Unless otherwise provided, the board shall also appoint members and up to two alternates (to the extent permissible by general law) of other agencies as may be hereafter established by general law, charter, by-law, vote of the town meeting or vote of the Board of Selectmen.

And to act fully thereon. By request of the By-Law and Charter Review Committee.

AMEND THE HARWICH HOME RULE CHARTER – CHAPTER 7, SECTION 7-14-2

ARTICLE: To see if the Town will vote to amend the Town of Harwich Home Rule Charter, Chapter 7 APPOINTED TOWN AGENCIES, Section 7-14-2 by adding “*water dependent structure*” as set forth below and to act fully thereon. By Request of the Harwich Waterways Committee



Mr. Chris Clark,
Town Administrator
Town of Harwich
Main Street Harwich Center, MA 02645



April 8, 2015

Dear Mr. Clark:

Apparently, due to an administrative misunderstanding the four (4) attached Town of Harwich Charter Change requests that were supposed to be submitted to the Town Administrator and Board of Selectmen back in February 2015 after I went before the Harwich Charter Review Committee were misplaced. As a result, I am again submitting these documents of the four (4) requested Charter Changes along with the explanation for the requested changes to your office today.

My purpose in resubmitting these documents is so that these Harwich Charter Changes can be included in a potential Town Warrant at a Special Town Meeting in 2015 or at the next Annual Town Meeting in 2016.

Thank you for your assistance with this request.

Sincerely;

A handwritten signature in black ink, appearing to read "W. Matthew Hart".

W. Matthew Hart
2 Samoset Road
Harwich, MA 02645

DRAFT
OF REQUESTED CHANGES TO THE TOWN OF HARWICH CHARTER:

ARTICLE ____ To see if the Town will vote to amend the Town of Harwich Charter, Chapter 5 TOWN ADMINISTRATIVE ORGANIZATION to add a Section 6 as set forth below and to act fully thereon. By request of the Harwich Waterways Committee

Section 6. Harbormaster Department

5 - 6 - 1 A harbormaster department shall be established under a harbormaster, who shall be appointed by the board of selectmen.

ARTICLE ____ To see if the Town will vote to amend the Town of Harwich Charter, Chapter 7 APPOINTED TOWN AGENCIES section 7-14-2 by adding '*water dependant structure*' as set forth below and to act fully thereon. By request of the Harwich Waterways Committee.

7-14-2 The waterways committee shall be responsible for the development of regulations for all waterways and **water dependent structures** including marine ramps, docks, piers, moorings, and aquaculture.

ARTICLE ____ To see if the Town will vote to amend the Town of Harwich Charter, Chapter 9 FINANCIAL PROVISIONS AND PROCEDURES Section 1. Finance Committee 9-1-4 by adding "*non-voting*" as set forth below and to act fully thereon.

No member of the finance committee shall hold any other elected or appointed town office, except for a **non-voting** membership in the capital outlay committee. Requested by Harwich Tax payer W. Matthew Hart

ARTICLE ____ To see if the Town will vote to amend the Town of Harwich Charter, Chapter 9 FINANCIAL PROVISIONS AND PROCEDURES Section 5. Capital Outlay Committee 9-1-4 by adding "*non-voting*" as set forth below and act fully thereon. Requested by Harwich Tax Payer W. Matthew Hart

Two **non-voting** members shall be appointed by the finance committee, 2 members shall be appointed by the board of selectmen, 1 member shall be appointed by the planning board, and 2 members shall be appointed by the town administrator.

THIS PORTION IS A WORK SHEET AND NOT PART OF THE REQUEST

Harwich Charter Today (in **Black**, suggest changes in **Red**)

CHAPTER 5. TOWN ADMINISTRATIVE ORGANIZATION

Section 4. Police Department

5-4-1 A police department shall be established under a chief of police. The board of selectmen shall appoint the chief of police and other officers that they consider necessary, as provided by section 97A of chapter 41 of the General Laws.

Section 5. Fire Department

5-5-1 A fire department shall be established under a fire chief, who shall be appointed by the board of selectmen.

Section 6 Harbormaster Department

5 - 6 - 1 A harbormaster department shall be established under a harbormaster, who shall be appointed by the board of selectmen

CHAPTER 7. APPOINTED TOWN AGENCIES

Section 14. Waterways Committee

7-14-1 A waterways committee of 7 members and 2 alternate members shall be appointed by the board of selectmen for 3-year overlapping terms and shall be advisory to that board.

7-14-2 The waterways committee shall be responsible for the development of regulations for all waterways and **water dependent structures** including marine ramps, docks, piers, moorings, and aquaculture.

7-14-3 The harbormaster shall administer the policies adopted by the board of selectmen and shall be subject to the day-to-day supervision of the town administrator within the scope of the general policy and direction established by the waterways committee.

CHAPTER 9. FINANCIAL PROVISIONS AND PROCEDURES

Section 1. Finance Committee

9-1-1 A finance committee of 9 members shall be appointed by the moderator for 3-year overlapping terms. No member shall serve more than 3 consecutive terms. Any member who has been appointed for a period of at least 2 years to complete an unexpired term shall be deemed to have served a full 3-year term, and any member who has been appointed for a period of less than 2 years to complete an unexpired term shall be eligible to serve 3 consecutive 3-year terms in addition to the period of the unexpired term.

9-1-4 No member of the finance committee shall hold any other elected or appointed town office, except for **non-voting** membership in the capital outlay committee.

Section 5. Capital Outlay Committee

9-5-1 A capital outlay committee of 7 members shall be appointed for 3-year overlapping terms.

Two **non-voting** members shall be appointed by the finance committee, 2 members shall be appointed by the board of selectmen, 1 member shall be appointed by the planning board, and 2 members shall be appointed by the town administrator.

9-5-2 The capital outlay committee shall assist the town administrator in the development of the capital outlay plan.

TOWN OFFICERS AND COMMITTEES

ARTICLE 1 To choose various Town Officers and Committees. Customary Article

REPORTS OF TOWN OFFICERS AND COMMITTEES

ARTICLE 2 To hear reports of all Town Officers and Committees for the year 2016.
Customary Article

COMPENSATING BALANCE AGREEMENT

ARTICLE: To see if the Town will vote to authorize its Treasurer to enter into a compensating balance agreement or agreements with banking institutions for Fiscal Year 2017 pursuant to Chapter 44, § 53F of the General Laws and to act fully thereon.
Customary Article.

LIABILITY TIDAL/NON-TIDAL RIVERS

ARTICLE: To see if the Town will assume the liability in the manner provided by § 29 of Chapter 91 of the General Laws as amended by Chapter 516 and 524, Acts of 1950, for all damages that may be incurred by work to be performed by the Department of Public Works of Massachusetts, for improvement, development, maintenance and protection of tidal and non-tidal rivers, streams, harbors, tide waters, foreshore and shores along a public beach outside of Boston Harbor, including the Merrimack and Connecticut Rivers in accordance with § 11 of Chapter 91 of the General Laws and to authorize the Selectmen to execute and deliver a bond of indemnity to the Commonwealth and to act fully thereon.
Customary Article.

HERRING FISHERIES

ARTICLE: To see what action the Town will take in regard to the Herring Fisheries and to act fully thereon. Customary Article.

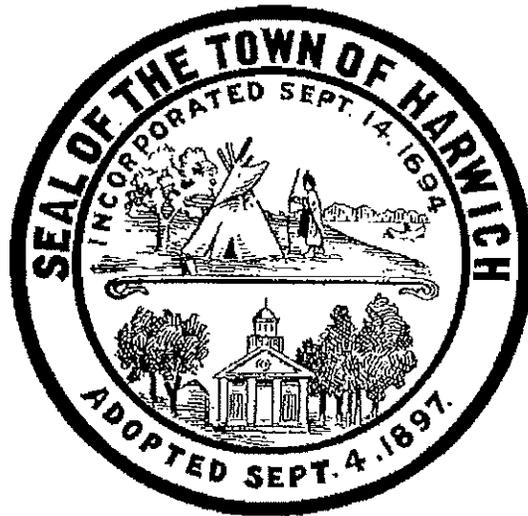
**ANNUAL TOWN MEETING
WARRANT**



MAY 2, 2016

Draft

2/22/16



**SPECIAL TOWN MEETING
WARRANT**



MAY 3, 2016

**with
RECOMMENDATIONS**

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SPECIAL TOWN MEETING

May 3, 2016

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- 1.

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**COMMONWEALTH OF MASSACHUSETTS
TOWN OF HARWICH
ANNUAL TOWN MEETING
May 2, 2016**

BARNSTABLE, ss:

To either of the Constables of the Town of Harwich in said county,

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in elections and Town affairs to meet in the Community Center Gymnasium, 100 Oak Street in said Town on May 2, 2016 at 7:00 P.M., then and there to act on the following articles:

ARTICLES

TOWN OFFICERS AND COMMITTEES

ARTICLE 1 To choose various Town Officers and Committees. Customary Article

REPORTS OF TOWN OFFICERS AND COMMITTEES

ARTICLE 2 To hear reports of all Town Officers and Committees for the year 2016.
Customary Article

ELECTED OFFICIALS SALARIES

ARTICLE 3 To see if the Town will vote to fix the salaries of the elected officials of the Town for fiscal year commencing July 1, 2016 and ending June 30, 2017 as follows and to act fully thereon. Estimated cost: \$84,696.80

Selectmen (5)	\$1,500 (each)
Moderator	\$300
Town Clerk	\$75,396.80
Water Commissioners (3)	\$500 (each)

TOWN OPERATING BUDGET

ARTICLE 4 To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money as may be required to defray Town charges for Fiscal Year 2017, and to act fully thereon. (BUDGET – SEE APPENDIX B). Estimated cost: \$_____.

FUND THE SNOW AND ICE DEFICIT

ARTICLE 5: To see if the Town will vote to transfer from available funds a sufficient sum of money to fund the Fiscal Year 2016 Snow and Ice Deficit Account, and to act fully thereon. By request of the Board of Selectmen. Estimated cost \$ _____

MONOMOY REGIONAL SCHOOL DISTRICT BUDGET

ARTICLE 6: To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money as may be required to pay for the Monomoy Regional School District Assessment for Fiscal Year 2017, and to act fully thereon. By request of the Monomoy Regional School Committee and Superintendent. Estimated cost: \$ _____.

CAPE COD REGIONAL TECHNICAL SCHOOL DISTRICT BUDGET

ARTICLE 7: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money as may be required to pay for the Cape Cod Regional Technical High School District Assessment for Fiscal Year 2017, and to act fully thereon. By request of the Cape Cod Regional Technical High School District. Estimated Cost: \$ _____.

Explanation:

WATER BUDGET

ARTICLE 8: To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money as may be required to defray Water Department Operating Budget for Fiscal Year 2017, and to act fully thereon. By request of the Water Commissioners and Superintendent. Estimated cost: \$ _____

ADOPT THE CAPITAL PLAN

ARTICLE 9: To see if the Town will vote to adopt the Capital Plan for the ensuing seven year period as adopted last year by the Town Meeting with new fiscal year 2023 as proposed by the Board of Selectmen and set forth below or as amended by vote of the Town Meeting, and to act fully thereon. By request of the Board of Selectmen.

INSERT CAPITAL PLAN HERE

AMEND THE PERSONNEL BY-LAW

ARTICLE: To see if the Town will vote to amend the Personnel By-Law by adding new language as follows:

Part 4 – Compensation and Classification Plans – ADD NEW SECTION TO COMPENSATION:

First Increment for New Employees - Employees entering the service of the Town shall be employed at the first step in the appropriate salary grade. If the Town Administrator and his/her designee consider that the applicant's education, training, and/or experience justifies a higher entry level, the new employee may be assigned to a higher step.

Part 8 Vacations - ADD NEW PARAGRAPH TO SECTION (c):

If the Town Administrator and/or appointing authority consider that the applicant's education, training, and/or experience warrant it, and/or that recruitment of a well-qualified candidate warrants it, the new employee, at the discretion of the Town Administrator and his/her designee, may be considered to have advanced time in service for purposes of placement on the vacation schedule. This provision shall be retroactive back to July 1, 2015.

And by deleting the following language in Part 9 – “Sick Leave”,

- i) An employee who uses 5 days or less of sick leave in a fiscal year will receive a bonus of \$325 in the following year.

And replacing it with the following language: (effective July 1, 2017)

- i) An employee who uses 5 days or less of sick leave in a fiscal year will receive a bonus of \$350 in the following year.*

And to act fully thereon. By Request of the Town Administrator

CAPITAL ITEMS FUNDED FROM FREE CASH – ITEMS UNDER \$50,000

ARTICLE: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to fund the items in the table below, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$ 89,900

1. Fire Chief's Vehicle	42,000
2. Chest Compression System	5,900
3. Fire Air Compressor	12,000
4. Harwich Port Parking Lot	30,000

FACILITY MAINTENANCE AND REPAIR FUND

ARTICLE: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money as may be required to defray costs related to Facility Maintenance and Repair for FY 17, and to act fully thereon. By request of the Board of Selectmen. Estimated cost \$ 513,000.

1.	Middle School Maintenance	125,000
2.	Fire Station Flooring	50,000
3.	Fire Boiler	130,000
4.	Library Smoke/Heat Detectors	29,000
5.	Police Carpeting	29,000
6.	Transfer Station Roof	122,000
7.	Modify Dispatch Center	15,000
8.	Landscape Public Safety	13,000

FUND ADDITIONAL FIRE DEPARTMENT AMBULANCE

ARTICLE: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to purchase or lease one ambulance for the Fire Department, and to act fully thereon. By request of the Fire Chief. Estimated cost: \$290,000

SUPPLEMENT LANDSCAPE RECLAMATION FROM GOLF CAPITAL IMPROVEMENT FUND

ARTICLE: To see if the Town will vote to approve of the distribution of a sum of money from the Golf Capital Improvement Fund to supplement the ongoing landscape reclamation (restoration of areas adjacent to primary turf with necessary tree removal at Cranberry Valley Golf Course as outlined in the USGA 2015 report to the Town and the Golf Committee, and to act fully thereon. By request of the Golf Director and Golf Committee. Estimated cost: \$35,000.

Explanation: The distribution of these monies corresponds to revenue already collected for like projects collected from golf membership fees not at the expense of the general taxpaying public.

APPROVE USE OF THE GOLF IMPROVEMENT FUND TO CONSTRUCT NEW TEES

ARTICLE: To see if the Town will vote to approve the distribution of a sufficient sum of money from the Golf Improvement Fund to construct five new “Forward Tees” in conjunction with the USGA initiative known as “playing it forward”, and to act fully thereon. By request of the Golf Director and the Golf Committee. Estimated cost: \$30,000.

Explanation: The distribution of these monies corresponds to revenue already collected for like projects collected from golf membership fees not at the expense of the general taxpaying public.

ESTABLISH NEW CAPITAL INFRASTRUCTURE REVITALIZATION FUND AT
CRANBERRY VALLEY GOLF COURSE

ARTICLE: To see if the Town will vote to establish a new Capital Fund to be known as the “*Capital Infrastructure Revitalization Fund*” at Cranberry Valley Golf Course pursuant to the provisions of Massachusetts General Laws Chapter 40, 5F, to be funded by a new surcharge on all green fees collected in the amount of \$2 and a \$1 surcharge on all cart fees starting in 2016 golf season, and to act fully thereon. By request of the Golf Director and the Golf Committee

Explanation: Expenditures from the fund can be used for Infrastructure improvements (CVGC infrastructure as listed: Club House facilities, Maintenance facilities, and everything else that supports revenue generation. This includes water resources, energy resources, mechanicals, septic, property boundary strategies, our car park, and maintenance of roads throughout the property), including future debt payments along with design, planning and construction phases as they present themselves.

There is no secret to staying ahead of the competition in today’s ever competitive Municipal golf market. The HGC is meeting the challenge and is dedicated not only to recognizing immediate needs, but also in long range strategies that look to the future. How to pay for these projects without creating hardship on the entire Town, keeping balance with goals of the Town, and being good stewards of this valuable resource demand good planning.

Currently the golf operation uses two funds: The Golf Improvement Fund (Chapter 40, 5F) - dedicated to projects that directly address needs associated with on course improvements (major tree removal, tee box renovation etc.) in correlation with USGA recommendations, and a Pro Shop Revolving Fund designed to address needs associated with the operation of the Pro Shop business.

There is no direct funding mechanism to address Infrastructure improvements. Therefore, the committee will seek to establish this new fund. The estimated revenue collected will generate roughly \$50,000 dedicated for these purposes. Expenditures from this fund shall be subject to the joint approval of the Harwich Golf Committee and the Director of Golf and the Town Administrator

RECONSTRUCTION OF SAQUATUCKET MUNICIPAL MARINA

ARTICLE: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to fund the reconstruction of the Saquatucket Municipal Marina docks, piles and services, to include a handicap accessible ramp system that brings the marina in compliance with the American with Disability Act (ADA) and dredging of approximately 12,500 cubic yards of material to bring marina within permitted depth, and to act fully thereon. The appropriation authorized by this vote shall not take

effect until the Town votes to exempt from the limitation on total taxes imposed by M.G.L. Chapter 59, Section 21C (Proposition 2 ½) the amounts required to pay the principal of any interest on any borrowing authorized under this article, and further authorize the Board of Selectmen to accept any State, Federal or private grant monies available for this purpose. By request of the Harbormaster. Estimated cost: 7,000,000.

Explanation: The current docks at Saquatucket Harbor are over 30 years old and are well beyond their useful life. The wood decking and framing is worn & splintered, the connecting hardware is rusted, bent and failing, and the foam flotation is saturated and deteriorated. The current docks are extremely unstable and pose a safety concern for the hundreds of patrons that transit the docks on a daily basis; of particular concern are the large groups of people that walk the docks to go to and from the large passenger boats that operate out of Saquatucket Harbor. In addition, the existing fire suppression piping system is not functional, the antiquated bubbler system is ineffective, the aging plumbing system requires constant repair, and the main electrical lines that bring power to the slip pedestals are brittle and worn, posing a fire hazard.

SAQUATUCKET HARBOR LANDSIDE RENOVATIONS – ENGINEERING DESIGN

ARTICLE: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to fund the engineering design and associated permitting for Saquatucket Harbor landside renovations, to include the old Downey Property, per the approved site plan proposed by the Saquatucket Harbor Development Committee, and to act fully thereon. By request of the Harbormaster. Estimated cost: 250,000.

Explanation: The main objectives of the plan are to improve the safety of public access, improve the efficiency of harbor operations, and enhance the character, beauty, and attractiveness of the harbor for boaters and non-boaters alike. The plan includes a new Harbormaster Office, a leased waterfront Café restaurant, leased seasonal vendor shacks, and a boardwalk with seating areas that overlook the marina. In addition, on the former Downey Property the plan calls for creative landscaping to enhance the appearance of the area and a sidewalk leading from town. A new multi-purpose building will be located on the property that will serve as a consolidated ticketing office for the four Passenger Boat owners, a Harbormaster Department maintenance facility, and leased office space. Much needed increase of vehicle parking spaces (approx. 80) will be available during the summer boating season, and the same area will be utilized for winter boat storage in the off-season.

ROAD MAINTENANCE PROGRAM

ARTICLE: To see if the Town will vote to raise and appropriate and/or transfer from available funds in accordance with Ch.44 of the M.G.L., or any other authorizing authority, the sum of \$700,000 to fund the Road Maintenance Program as requested in the Capital Plan for FY17. The appropriation authorized by this vote shall not take effect until the Town votes to exempt from the limitation on total taxes

imposed by M.G.L. c.59 § 21c (Proposition 2 ½) the amounts required to pay the principal of and the interest on any borrowing authorized under this article, and to act fully thereon. By request of the DPW Director. Estimated cost: \$700,000.

Explanation: The capital request for road maintenance is for \$700k for FY 17, which we anticipate being augmented by approximately \$700k in Chapter 90 funds. The capital project request form lists 5 years of our road maintenance plan with cash flows of approximately \$1.4M each year and has our 5 year Road Maintenance Plan attached.

PURCHASE AND EQUIP VEHICLES FOR THE DPW

ARTICLE: To see if the Town will vote to raise and appropriate a sufficient sum of money to purchase and equip the following vehicles:

One Ton Dump Truck (Highway)	\$ 65,000.00
Mack Tractor (Disposal)	\$ 150,000.00
MSW (Trash) Trailer (Disposal)	\$ 70,000.00
Barber Surf Rake (Beaches)	\$ 31,500.00

and to further to authorize the trade-in or sale of the following old vehicles toward the purchase price, where the Board of Selectmen find that the vehicles cannot be utilized elsewhere in Town:

1999 Ford F-350 Dump Truck
1998 Mack Ch613 Tractor
2006 Barber Surf Rake

and to act fully thereon. By request of the DPW Director. Estimated cost: \$316,500.

Explanation: One Ton Dump Truck - The current 1999 Ford dump truck has approximately 136,000 miles on it, is in poor condition, and is a front line vehicle used for snow removal and moving personnel and equipment.

Mack Tractor - The current 1998 Mack CH613 tractor has over a half million miles on it and is an extremely important piece of equipment, as it hauls all of the Town's MSW (trash) and C&D off Cape on a daily basis.

MSW (Trash) Trailer - The request for a new MSW trailer is to augment the three existing trailers and improve operational efficiency. A fourth MSW trailer would eliminate the need to haul a full trailer immediately and allow more flexibility in managing the Town's MSW.

Barber Surf Rake – The current 10 year old unit broke at the beginning of the season and was not worth repairing. Barber leased us a new Surf Rake for \$13,500 for the season and has agreed to apply those fees towards the purchase price of a new one.

PURCHASE AND EQUIP NEW EQUIPMENT FOR THE DPW

ARTICLE: To see if the Town will vote to raise and appropriate a sufficient sum of money to purchase and equip the following:

Gator Turf Utility Vehicle (Park)	\$ 20,235.00
Walker Mower (Park)	\$ 13,300.00
(2) John Deere Mowers (Highway)	\$ 9,674.00
Hi-Track Skid Steer Loader	\$ 65,000.00
Certified Articulating Lift	\$ 80,000.00

and to act fully thereon. By request of the DPW Director. Estimated cost: \$188,209.

Explanation: Gator Turf Utility Vehicle - The current 1999 Gator is in extremely tough shape and is used daily between April and October to move materials (infield mix, stone dust, loam, etc.) needed to maintain the ball fields, as well as for maintenance on the bike path.

Walker Mower – The current 2007 48” Walker mower is used to maintain town buildings, parks (excluding ball fields), and memorial squares. It is used daily while grass is growing and is requiring a fair amount of repairs (\$1,988 over the past 2 years) to keep it going.

(2) John Deere Mowers – The roadsides throughout Town are a tough environment on the two 2008 John Deere units currently being used for roadside mowing. They are no longer worth spending money on for repairs and maintenance.

Hi-Track Skid Steer Loader – This request is to augment our existing hi-track, which is utilized constantly. Maintenance and other projects always end up waiting for it to become available. It is used by every division within the DPW and the Water Department for everything from grading and loading to stump grinding, brush cutting and snow removal. There is nothing wrong with the existing unit, but the demand for its use far exceeds its availability.

Certified Articulating Lift - With the Town’s desire to allocate more resources towards facility maintenance, it has become evident that we should consider purchasing a certified articulating lift. I make this assertion for several reasons including the servicing of buildings lights, gutters and exhaust systems, the repair of anything on buildings where a ladder is not a safe approach, and other DPW maintenance functions. Renting a lift is an expensive proposition at approximately \$700 per day and often takes weeks to line up, while repairs wait. Although spending approximately \$80k on a used piece of equipment appears to be expensive, it would increase efficiency and dramatically improve safety for our employees.

PURCHASE NEW EXCAVATOR FOR THE WATER DEPARTMENT

ARTICLE: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to purchase a John Deere 2016 85G Excavator, and to act fully thereon. By request of the Water Commissioners and Superintendent. Estimated cost: \$125,000.

Explanation: This new machine will lift a much heavier payload. Allowing us the versatility to do water main projects as well as water service installations. This piece of equipment will be paid for by the Enterprise Fund.

REHABILITATE THE LOTHROP AVENUE WATER STORAGE TANK

ARTICLE: To see if the Town will vote to reauthorize the remaining \$1.4M May 2013 Special Town Meeting appropriation/article to rehabilitate the Lothrop Avenue water storage tank and vote to appropriate \$1.6M for tank replacement and for the payment of all other costs incidental and related thereto, and to determine whether this amount shall be raised by taxation, transfer from available funds, or borrowing or otherwise provided, and to act fully thereon. By request of the Water Commissioners and Superintendent. Estimated cost: \$1,600,000.

Explanation: The Lothrop tank was constructed in 1986. The most recent tank inspection on July 13, 2013 indicated serious corrosion activity. The vicinity of this tank to seawater increases the corrosion rate. The lowest qualified bid for water tank rehabilitation, received February 6, 2014, came in at \$2.211M. Replacement of this tank with a new pumped storage system is estimated to cost \$1.6M. Replacement vs. rehabilitation at this time is more cost effective.

REPLACEMENT OF EXISTING SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SYSTEM

ARTICLE: To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to fund the replacement of the existing Supervisory Control and Data Acquisition (SCADA) System, and to act fully thereon. By request of the Water Commissioners and Superintendent. Estimated cost: \$300,000.

Explanation: The SCADA system is comprised of the computer program and hardware that is used to control and monitor the entire water system. The existing SCADA system was developed approximately 15 years ago and most of the infrastructure is original. The typical life span of the equipment in place is between 10-15 years, and the existing software that was utilized to program the system is no longer supported by the manufacturer. He appropriation will fund the development of a new interface program and replace all hardware that has come to the end of its useful life.

INTERMUNICIPAL AGREEMENT WITH THE TOWN OF CHATHAM

ARTICLE: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of \$9,000,000, or any other sum, to pay the entrance fee costs that the Town will be required to make for the connection of the Town's wastewater collection system to the Town of Chatham's wastewater treatment plant, including all costs incidental and related thereto, pursuant to an intermunicipal agreement between the Towns of Harwich and Chatham, to be entered into by the Board of Selectmen pursuant to General Laws Chapter 40, Section 4A; provided that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 ½ debt exclusion vote, and provided further that the payment of said amount and the issuance of debt therefor shall be in accordance with the schedule of payments anticipated to be set forth in the intermunicipal agreement, a copy of which will be on file with the Office of the Town Clerk prior to Town Meeting; and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$9,000,000.

ENACT A SEWER USE GENERAL BYLAW

ARTICLE: To see if the Town will vote to enact a Sewer Use General Bylaw, governing the establishment, construction and operation of a wastewater collection and treatment system, a copy of which will be on file with the Office of the Town Clerk prior to Town Meeting; and to act fully thereon. By request of _____

FUND ADMINISTRATIVE COSTS FOR THE ACQUISITION OF TAX TITLE PROPERTIES

ARTICLE: To see if the Town will vote to transfer from Community Preservation Act funds, the sum of \$50,000 from the appropriation under Article 9 of the May 2011 Special Town Meeting, for Community Preservation Committee administrative costs for professional/legal services related to the potential acquisition of specific parcels of land that are in tax title or owners unknown and/or other related disputes, which would qualify for CPA finding, and that the Community Preservation Committee has made a finding that the specific parcels qualify for a CPA purpose, and to act fully thereon. By request of the Community Preservation Committee. Estimated Cost: \$50,000

RESERVE FOR FUTURE APPROPRIATION AMOUNTS FROM FY 2016 COMMUNITY PRESERVATION FUND ESTIMATED ANNUAL REVENUES

ARTICLE: To see if the Town will vote to reserve for future appropriations amounts from the FY 2016 Community Preservation Act Fund estimated annual revenues as recommended by the Community Preservation Committee as follows:

- A sum of money for the acquisition, creation and preservation of open space;
- A sum of money for the acquisition, preservation, restoration and rehabilitation of historic resources;
- A sum of money for the acquisition, creation, preservation and support of community housing; and

- A sum of money for the Community Preservation Act Fund FY 2016 Undesignated Reserve; and to act fully thereon. By request of the Community Preservation Committee.

FUND LAND BANK DEBT SERVICE

ARTICLE: To see if the Town will vote to appropriate from Community Preservation Act Funds-Undesignated Fund Balance, \$633,400 to fund the Debt Service on the outstanding Land Bank Debt. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Undesignated Fund Balance, and to act fully thereon. By request of the Community Preservation Committee and the Town Administrator. Estimated Cost: \$633,400

RESTORATION OF THE CHASE LIBRARY FIREPLACE HEARTH AND BASE

ARTICLE: To see if the Town will vote to appropriate from Community Preservation Act Funds-Historic Reserve, \$3,100 to fund the restoration of the original fireplace hearth, firebox base and foundation at the Chase Library and to authorize the Board of Selectmen to enter into a grant agreement with the Chase Library. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Historic Reserve, and to act fully thereon. By request of the Community Preservation Committee and the Chase Library Trustees. Estimated Cost: \$3,100

RESTORATION OF HARWICH HISTORICAL SOCIETY ARTIFACTS

ARTICLE: To see if the Town will vote to appropriate from Community Preservation Act Funds-Historic Reserve, \$11,000 to fund the restoration of an 18th Century Cannon and a 19th Century Millstone maintained by the Harwich Historical Society and to authorize the Board of Selectmen to enter into a grant agreement with the Harwich Historical Society. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Historic Reserve, and to act fully thereon. By request of the Community Preservation Committee and the Harwich Historical Society. Estimated Cost: \$11,000.

RESTORATION OF APPEARANCE OF THE ALBRO HOUSE AND ACCESSIBILITY MODIFICATIONS

ARTICLE: To see if the Town will vote to appropriate from Community Preservation Act Funds-Historic Reserve, \$18,700 to fund the restoration of elements of the front porch, addition of a rear porch and access ramp and modifications to four (4) doors of the Town owned Albro House. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Historic Reserve, and to act fully thereon. By request of the Community Preservation Committee and the Historic District/Historical Commission. Estimated Cost: \$18,700.

UPDATE OF TOWN HISTORICAL PROPERTY INVENTORY

ARTICLE: To see if the Town will vote to appropriate from Community Preservation Act Funds-Historic Reserve, \$20,000 to fund continuing work on the inventory of structures in Harwich that are at least 99 years old, specifically adding 60 parcels to the Massachusetts Cultural Resource Information System (MACRIS) and performing more detailed work on a cluster of properties within the inventory . Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Historic Reserve, and to act fully thereon. By request of the Community Preservation Committee and the Historic District/Historical Commission. Estimated Cost: \$20,000.

WEST HARWICH SCHOOLHOUSE PRESERVATION AND REHABILITATION

ARTICLE: To see if the Town will vote to appropriate from Community Preservation Act Funds-Historic Reserve, \$203,500 to have certain specific work performed on the interior and exterior of the West Harwich Schoolhouse. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Historic Reserve, and to act fully thereon. By request of the Community Preservation Committee and Town Administration and Planning Department. Estimated Cost: \$203,500.

HISTORIC RESTORATION AND PRESERVATION OF BURIAL CRYPTS

ARTICLE: To see if the Town will vote to appropriate from Community Preservation Act Funds-Historic Reserve, \$25,000 to repair and restore four (4) burial crypts in Mount Pleasant and Island Pond Cemeteries. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Historic Reserve, and to act fully thereon. By request of the Community Preservation Committee and the Harwich Cemetery Commission. Estimated Cost: \$25,000.

SOUTH HARWICH MEETINGHOUSE RESTORATION AND PRESERVATION

ARTICLE: To see if the Town will vote to appropriate from Community Preservation Act Funds-Historic Reserve, \$100,000 to fund the final work of restoring the South Harwich Meetinghouse and to authorize the Board of Selectmen to enter into a grant agreement with the Friends of the South Harwich Meetinghouse, Inc. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Historic Reserve, and to act fully thereon. By request of the Community Preservation Committee and Friends of the South Harwich Meetinghouse, Inc. Estimated Cost: \$100,000.

WHITEHOUSE FIELD FENCING REPLACEMENT

ARTICLE: To see if the Town will vote to appropriate from Community Preservation Act Funds-Undesignated Fund Balance, \$57,128 to replace the fencing around Whitehouse Field. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Undesignated Fund Balance, and to act fully thereon. By request

of the Community Preservation Committee and the Harwich Recreation and Youth Commission. Estimated Cost: \$57,128.

QUEEN ANNE ROAD BIKETRAIL CROSSING LIGHTS

ARTICLE: To see if the Town will vote to appropriate from Community Preservation Act Funds-Undesignated Fund Balance, \$29,700 to install a solar powered traffic light system where the Cape Cod Rail Trail crosses Queen Anne Road. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Undesignated Fund Balance, and to act fully thereon. By request of the Community Preservation Committee and the Harwich Bikeways Committee. Estimated Cost: \$29,700.

BROOKS PARK EXPANSION/IMPROVEMENT PHASE 3

ARTICLE: To see if the Town will vote to appropriate from Community Preservation Act Funds-Undesignated Fund Balance, \$188,000 to resurface 4 tennis courts, half basketball court, tennis practice wall, picnic pavilion, ADA footpath and 20-30 t-base parking spaces at Brooks Park . Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Undesignated Fund Balance, and to act fully thereon. By request of the Community Preservation Committee and the Harwich Recreation and youth Commission. Estimated Cost: \$188,000.

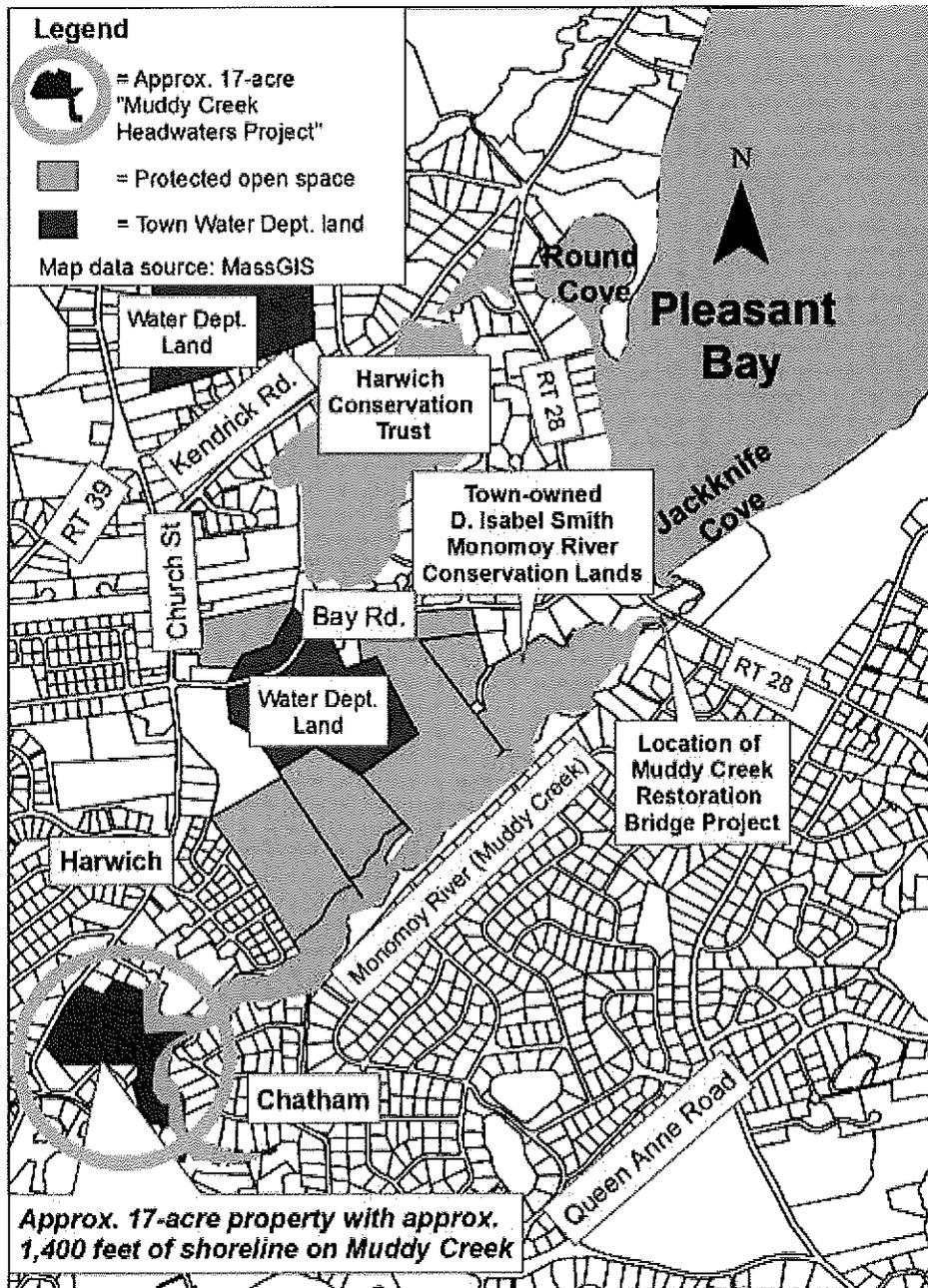
PURCHASE OF LAND FOR OPEN SPACE PURPOSES – ACQUIRE MARINI PROPERTY AT MUDDY CREEK HEADWATERS

ARTICLE: To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase or gift a perpetual conservation restriction pursuant to the provisions of M.G.L. Ch.184, §31-33, for open space purposes under the provisions of M.G.L. Ch. 40, §8C, on a parcel of land approximately 17 acres in size, said land situated on Church Street, East Harwich and Chatham, shown as Lot 1, Lot 2, Lot 3, and Parcel 4 in Barnstable County Registry of Deeds Plan Book 614, Page 7, and further described in Barnstable County Registry of Deeds Book 19792, Page 85, with the care, custody, control and management of such conservation restriction to be vested with the Conservation Commission; and, further, to appropriate from the Community Preservation Act Funds-Open Space Reserve, the Community Preservation Act Funds-Undesignated Reserve, and/or a receipts pursuant to the provisions of Ch.149, §298 of the Acts of 2004, as amended by Ch. 352, §§129-133 of the Acts of 2004, the so-called Community Preservation Act, a sum of money for the foregoing acquisition and costs incidental or related thereto, including, without limitation, costs of appraisals and closing costs; to authorize the Board of Selectmen and the Conservation Commission to apply for, accept and expend any funds which may be provided by the Commonwealth or other public sources to defray all or a portion of the costs of acquiring said parcel, including, but not limited to, funding under the Self-Help Act, General Laws, ch.132A, §11, and/or the Federal Land & Water Conservation Fund, P.L. 88-568, 78 Stat 897, provided that any such grant funds shall be returned upon receipt to the fund from which said sum was appropriated, after first reimbursing the Harwich Conservation Trust **for its contribution**

towards the grant funds' required local match; and to authorize the Board of Selectmen and/or Conservation Commission to enter into all agreements and execute any and all instruments as may be necessary or convenient to effectuate the foregoing purposes, provided further that no funds appropriated hereunder shall be expended until the Board of Selectmen has determined that the Town has received a transfer towards the grant funds' required local match from the Harwich Conservation Trust in the amount of \$300,000 to supplement the Town's \$500,000 in Community Preservation Act Funds described herein and be applied toward the Town's purchase of said conservation restriction.

And to act fully thereon. By request of the Community Preservation Committee and the Real Estate and Open Space Committee. Estimated cost: \$800,000

17-acre Muddy Creek Headwaters Project



HISTORIC BROOKS FREE LIBRARY RESTORATION

ARTICLE: To see if the Town will vote to appropriate from Community Preservation Act Funds-Undesignated Fund Balance, \$540,000 to have certain specific work, including architectural services, paint stripping and painting, column and selective wood repairs, to be performed on the historic portion of the Brooks Free Library building (the so-called Brooks Block and Bank Building). Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Undesignated Fund Balance, and to act fully thereon. By request of the Community Preservation Committee and Brooks Free Library Trustees. Estimated Cost: \$540,000.

REPEAL OF ARTICLE 42 OF MAY, 2007 ANNUAL TOWN MEETING - FUND RENOVATIONS AT OLD RECREATION BUILDING AND WEST HARWICH SCHOOL

ARTICLE: To see if the Town will vote to rescind actions taken under Article 42 of the May 2007 Annual Town Meeting in the amount of \$32,760, and return such sum of funds appropriated in said Article to the Harwich Community Preservation Act Fund – Historic Reserve, and to act fully thereon. These funds were intended for restoration of the windows at the West Harwich School which will now be done from the funds appropriated by Article XX of the May 2016 Annual Town Meeting. By request of the Community Preservation Committee. Estimated turnback: \$32,760

ACCEPTANCE OF GENERAL LAWS CHAPTER 111, §26G

ARTICLE: To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 111, Section 26G, to allow a member of the Board of Health who is also a septic system installer to work in the Town in their trained profession, provided that they do not act as the inspector for such work and further that such work is inspected by an inspector from another municipality or a special inspector appointed by the Board of Selectmen as specified in the statute, and to act fully thereon. By request of the Board of Selectmen.

ADOPT M.G.L., CHAPTER 59, §5, CLAUSE 56 – PERSONAL PROPERTY TAX ABATEMENT FOR NATIONAL GUARD AND RESERVISTS

ARTICLE: To see if the Town will vote to adopt MGL Chapter 59, §5, Clause 56. Upon acceptance of this section by the Town, the Board of Assessors may grant, real and personal property tax abatement up to 100% of the total tax assessed to members of the Massachusetts National Guard and to Reservists on active duty in foreign countries for the fiscal year they performed such service subject to eligibility criteria to be established by the Board of Assessors. The authority to grant abatements under this section shall expire after 2 years of acceptance unless extended by a vote of the city or town. Said change to take effect FY 2017 and act fully thereon. By request of the Harwich Veteran's Agent and Board of Assessors

AMEND M.G.L. CHAPTER 59, §5, Clause 41C – SENIOR EXEMPTION

ARTICLE: To see if the Town will vote to support the Harwich Board of Selectmen’s request to the State Legislator to pass a bill amending the Senior Exemption (as provided in Chapter 59, §5 Clause 41C) amount from a maximum of \$1000.00 to a maximum of \$1,500.00 as a local option for all cities and towns and/or as a home rule petition for the Town of Harwich, and to act fully thereon. By request of the Harwich Board of Assessors.

CREATE SUPPLEMENTAL SENIOR EXEMPTION

ARTICLE: To see if the Town will vote to raise and appropriate or transfer from available funds to provide a sufficient sum of money to grant an additional \$500.00 exemption to each Senior Exemption granted by the Board of Assessors to a maximum of \$1,500.00, and to act fully thereon. (Subject to funding). By request of the Harwich Board of Assessors. Estimated cost: \$40,000 requested (FY15 80 exemptions granted).

DOOR TO DOOR SOLICITATION BY-LAW

ARTICLE: To see if the Town will vote to amend the Town General By-Laws by adding new by-law as follows, and to act fully thereon. By request of the Chief of Police.

Title.

This article shall be known as the “Door to Door Solicitation Law of the Town of Harwich”

Finding and intent.

Many residents complain to the Police Department each year about door-to-door solicitation. Some indicate that being the target of solicitation in their homes is annoying, intrusive, and unpleasant. Others are concerned at having strangers approaching their homes uninvited. Many seek assurance that the solicitors are known to Town officials and properly licensed. Senior citizens and retirees constitute a substantial portion of our population. This group is particularly vulnerable to crime, particularly fraud, identity theft, and larceny.

This article is intended to regulate door-to-door sales by licensing sales agents; establishing a No Solicitation List; and promulgating reasonable time and manner restrictions on door-to-door solicitation, including enforcement of the No Solicitation List.

Definitions.

The following words and phrases shall have the following meanings:

DOOR-TO-DOOR SALES

The in-person solicitation of sales of goods or services for present or future delivery by entry upon residential property, including multifamily or duplex residential property, or by soliciting persons located on residential property from a street, sidewalk or other adjacent property, without the prior invitation of the person to be solicited.

DOOR-TO-DOOR SALES PERMIT

A permit issued to a sales agent to engage in door-to-door sales in accordance with this article.

NO SOLICITATION LIST

A list of residential addresses in the Town, organized alphabetically by street name, indicating those residential properties placed on the list at the request of the owner or occupant indicating that he or she does not want sales agents to enter his or her property.

SALES ORGANIZATION

Any entity engaged in the supervision, recruitment, retention or employment of a salesperson or salespersons, including any person or representative thereof.

SALESPERSON

Any person engaged in door-to-door sales of goods or services for present or future delivery.

SALES SUPERVISOR

Any person who directs or supervises a salesperson or salespersons engaged in door-to-door sales.

Administration.

The Town of Harwich door-to-door sales permit process shall be administered by the Harwich Police Department.

Application requirements.

- A. Each salesperson must apply individually to the Harwich Police Department during posted administrative hours by submitting a completed application, which shall require:
 - (1) Government-issued photographic identification.
 - (2) Date of birth.
 - (3) Social security number.
 - (4) Permanent residential address.
 - (5) Home telephone number.
 - (6) Temporary local address.
 - (7) Current cell phone number.
 - (8) Sales organization information.
 - (9) Sales supervisor identity.
 - (10) Make, model, color, and registration number of any vehicle(s) used to transport the sales agent, his/her supervisor, or sales materials.
 - (11) Such other verifying information as may be reasonably required.
- B. An application fee to be established and adjusted from time to time by the Board of Selectmen shall accompany each Town of Harwich door-to-door sales permit application.

Background check.

Subject to the provisions of the Massachusetts Criminal Records Offender Statute, MGL c. 6, § 167 et seq., and regulations promulgated thereunder, the Harwich Police Department shall conduct a criminal records check of each applicant for a Town of Harwich door-to-door sales permit to determine the applicant's fitness and suitability to conduct door-to-door sales.

No Solicitation List.

- A. The No Solicitation List shall be established and maintained by the Harwich Police Department. Residents may submit their property for inclusion on the list without charge.
- B. Upon approval and issuance of a Town of Harwich door-to-door sales permit, each salesperson shall be provided with a copy of the No Solicitation List.

Door-to-door sales regulations.

- A. No salesperson shall engage in door-to-door sales without first having applied for and received a Town of Harwich door-to-door sales permit.
- B. No sales organization shall allow any salesperson to engage in door-to-door sales who has not applied for and received a Town of Harwich door-to-door sales permit.
- C. No sales supervisor shall direct or supervise, direct, or allow any salesperson to engage in door-to-door sales who has not applied for and received a Town of Harwich door-to-door sales permit.
- D. No salesperson shall enter within the perimeter of any residential property included on the No Solicitation List. In addition to the fine(s) established below, inclusion of a residential property on the No Solicitation List shall constitute notice prohibiting trespass under MGL c. 266, § 120.
- E. No salesperson shall solicit sales from a person situated within a residential property included on the No Solicitation List from a street, sidewalk or other adjacent property.
- F. Each salesperson shall carry the Town of Harwich door-to-door sales permit at all times while engaged in door-to-door sales and shall display said permit upon request by any police officer, town official or any person present at a residential property where door-to-door sales are solicited.
- G. No salesperson or supervisor shall use any vehicle to transport persons or materials for door-to-door sales unless said vehicle is identified in the Town of Harwich door-to-door sales permit application and the exterior of said vehicle is marked with the name of the sales organization and the words "door-to-door sales." All required information shall be in letters a minimum of four inches in height on both sides of the vehicle.
- H. Door-to-door sales shall not be conducted except during the hours between 9:00 a.m. and 7:00 p.m.

Violations and penalties.

- A. Each violation of any provision of this article shall be punished by a fine not to exceed \$300.

- B. Upon the occurrence of a second violation of this article by any salesperson, the Issuing authority may revoke that salesperson's Town of Harwich door-to-door sales permit.

Severability.

The invalidity of any portion or portions of this article shall not invalidate any other portion, provision or section thereof.

BUILDING/STRUCTURE HEIGHT IN FLOOD HAZARD AREAS

ARTICLE: To see if the Town will vote to amend the Code of the Town of Harwich, Chapter 325 Zoning by adding the bold and underlined language as set forth below and to act fully thereon. By request of the Building Commissioner and Planning Board.

325-2 Word usage and definitions.

BUILDING/STRUCTURE HEIGHT - The height of a building or structure shall be calculated by averaging the distance between the lowest pre-existing grade point at the base of the building/structure and the top of said structure, and the distance between the highest pre-existing grade point at the base of the structure and the top of said structure. A structure shall include such elements as a rooftop deck, fence, railing, widow's walk, or other rooftop structure, parapet, or other attached structure. A cupola not larger than four (4) feet in width and chimneys shall be exempt from the above requirements if they do not extend more than four (4) feet in height above the roof. For developed lots, pre-existing grade shall be determined by calculating the average of existing high and low grade points at the base of the existing/original building or structure and top of said structure, where the highest point is at a minimum of eight (8) inches below the top of foundation.

[NEW] For a building or structure located in the special flood hazard area, height shall be measured from the Base Flood Elevation in AE Zones rather than from pre-existing grade. In the AO or VE Zones, height shall be measured from the Base Flood Elevation in the closest AE Zone rather than from pre-existing grade.

Explanation: New FEMA flood maps were adopted in 2014 expanding boundaries of the flood hazard area and raising the base flood elevation for many properties. Homes may continue to exist in flood hazard areas, but renovations or reconstruction require flood proofing measures including raising the first floor above the base flood elevation. The proposed by-law amendment follows similar language in such coastal towns as Dennis, Sandwich and Scituate. Without the amendment, many homes in flood hazard areas would have to be reduced in height to meet base flood elevation requirements combined with the requirement to measure height from pre-existing grade. Approximately 1000 homes in the AE flood zone in Harwich are impacted by the building height requirement. Far fewer homes exist in AO and VE zones. The AO zone does not include measurements for base flood elevation. The VE or velocity zone has a much higher sensitivity to flooding, and new construction in that zone is not encouraged.

PROPOSED ZONING BY-LAW AMENDMENTS

ARTICLE: To see if the Town will vote to amend the Code of the Town of Harwich, Chapter 325 Zoning by striking out language and by adding bold and underlined language as set forth below and to act fully thereon. By request of the Building Commissioner and Planning Board.

(A) CONSTRUCTION SIGNS

325-29 Additional requirements for specific signage.

G. [NEW] Construction Signs. One (1) temporary wall or ground sign not more than eight (8) square feet indicating the construction, remodeling or rebuilding of a certain structure for a permitted use shall be allowed on the parcel on which the structure is located. The sign shall not be illuminated and shall be removed immediately upon final inspection.

(B) TWO-FAMILY DWELLINGS IN THE CH-1 DISTRICT

325-7 C. Existing lots in a CH-1 District which complied at the time of layout with applicable provisions of zoning bylaws, if any, may be used for single-family residential purposes as set forth above and may be used for **[NEW] two-family residential purposes** **and** nonresidential purposes as established in the Table of Use Regulations provided that:

- (1) Said lots have 100 feet of frontage and 10,000 square feet of area;
- (2) The buildings to be located thereon are set back at least 10 feet from side and rear lot lines and at least 25 feet from street lot lines and the buildings to be constructed on said lot will not exceed the maximum site coverage restrictions of the zoning bylaw in effect when the lot was created or, if no such restrictions applied, coverage of buildings shall not exceed 35% of said lot for lots between 10,000 square feet and 15,000 square feet and 25% for lots over 15,000 square feet;
- (3) Said lots are buildable under other applicable provisions of the lot ...

Table 2 Area Regulations

District	Use	Lot Area	Lot Frontage	Front	Side	Rear
CH-1	Single-family dwelling	40,000	150	25	20	20
	<u>[NEW] Two-family dwelling</u>	<u>40,000</u>	<u>150</u>	<u>25</u>	<u>20</u>	<u>20</u>
	Any other permitted use	20,000	100	25	10	10

(C) GUESTHOUSES

325-2. Word usage and definitions.

GUESTHOUSE. A building in which living space, with or without common cooking facilities, is let for compensation to four or fewer persons, but not including a hotel or motel.

325-39. Off-street parking schedule.

Residential Uses

Lodging house, hotel, motel, inn, guest house, bed and breakfast 1.25 per guest room or suite

Table 1, Use Regulations

Paragraph I – Residential Uses							
		RM	RH-1	RH-2	CV	CH-1	WR
5	Guest houses	S	P	P	P	P	S

Table 2, Area Regulations

District	Use	Lot Area (square feet)	Lot Frontage (contiguous feet)	Front (feet)	Side (feet)	Rear (feet)
RM	Guest house	40,000 plus 2,000 per rental unit	150	25	20	20
RH-1	Guest house	40,000 plus 2,000 per rental unit	150	25	20	20
RH-2	Guest house	40,000 plus 2,000 per rental unit	150	25	20	20
CV	Guest house	40,000 plus 2,000 per rental unit	150	25	10	10
CH-1	Guest house	40,000 plus 2,000 per rental unit	150	25	20	20

Explanation: Proposed amendments include (A) construction signs, (B) two-family dwellings in the CH-1 District, and (C) guesthouses.

- (A) Sign amendments in 2009 removed any reference to construction signs, and the current Code of the Town of Harwich does not permit construction signs. The proposed by-law will re-establish language from an earlier version of the Zoning By-Law.*
- (B) Although two-family dwellings are allowed in the Commercial Highway 1 (CH-1) District by Special Permit (S), two other pertinent sections of the Zoning By-Law omit any reference to them. In Table 2, minimum lot area for single-family dwellings in the CH-1 District is 40,000 sq. ft. while minimum lot area for “any other permitted use” is*

only 20,000 sq. ft. Typically "any other permitted use" refers to non-residential uses. The proposed by-law amendment will treat two-family dwellings the same as single-family dwellings rather than as non-residential uses. A similar by-law amendment for Section 325-7 C will allow existing lots to be used for two-family dwellings along with other permitted single-family and non-residential uses.

- (C) In most residential districts, the Zoning By-Law allows one single-family dwelling per 40,000 square feet. Current options for additional residential use of a property include an "accessory building, residential – with bedrooms" or a "single-family dwelling with accessory apartment", both requiring a special permit. The current definition of "guesthouse" appears to allow another residential option for "a building in which living space, with or without common cooking facilities, is let for compensation to four fewer or fewer persons, but not including a hotel or motel." There does not appear to be a current restriction on the number of guesthouses that may be built per lot. The proposed by-law amendment closes that apparent loophole by removing "guesthouse" from the list of uses. Buildings to be let for compensation still include lodging house, bed-and-breakfast, inn, motel and hotel.

PROPOSED AMENDMENTS TO THE HARWICH HOME RULE CHARTER

ARTICLE: To see if the Town will vote to propose the following amendments to the Harwich Home Rule Charter, to be approved by the voters at the next annual Town election as follows (Deletions shown in strike through and new text shown as underlined):

1. **Amend Chapter 3 section 6, Powers of Appointments, by adding a new sentence to the end of Section 3-6-2 as follows:**

All appointments made shall be for the full term of that position (or, in the case of a position vacated prior to the end of a term, for the full remainder of the unexpired term).

2. **Amend Chapter 4 as follows:**

Amend two subsections of Section 4-3-2 relating to the powers of the Town Administrator as follows:

4-3-2 The town administrator shall devote full working time to the duties of that office, shall not become a candidate for, or hold, any elective office during the term of appointment; and shall not engage in any business activity during the term, except with the written consent of the board of selectmen. The town administrator shall:

- (i) Be responsible for the purchasing of services, supplies, materials and equipment for all town divisions, departments, and offices, excepting those for the school department, the water department and the Brooks Free Library. The Town Administrator shall execute all contracts for goods and services on behalf of the divisions and departments under the jurisdiction of the Town Administrator, subject to the approval of the Board of Selectmen. The Board of Selectmen may

delegate its approval authority to the Town Administrator for certain classes of contracts.

(k) Develop, keep, and annually update a full and complete inventory of all property of the town, ~~except school property~~, both real and personal.

Amend Section 4, Responsibilities for Appointments, by adding a new subsection:

4-4-3 The town administrator shall appoint the harbormaster and any assistant harbormasters.

3. Amend Chapter 5 as follows:

Amend Section 5-3-1 as follows:

Division of Highways and Maintenance Public Works

5-3-1 A division of ~~highways and maintenance~~ public works shall be established under the direction of an appointed officer, to be known as the director of public works ~~highways and maintenance~~.

Amend Section 5-5-1 as follows:

Fire Department

5-5-1 ~~A fire department shall be established under a fire chief, who shall be appointed by the board of selectmen.~~ The fire department shall be organized and operated as a so-called strong chief department under the provisions of section 42 of chapter 48 of the General Laws.

4. Amend Chapter 10 Section 10-3-1 Definitions as follows:

(f) Committee. The word "committee" shall mean any town agency which has been charged with performing a specified function on behalf of the town but without statutory authority, except for the ~~the school committee~~, finance committee and capital outlay committee, which function under statutory authority;

And to act fully thereon. By request of the By-Law and Charter Review Committee.

AMEND THE HARWICH HOME RULE CHARTER CHAPTER 3, SECTION 6

ARTICLE: To see if the Town will vote to propose the following amendment to the Harwich Home Rule Charter, to be approved by the voters at the next Annual Town Election as follows (Deletions shown in strike through and new text shown as underlined)

Refer to Chapter 3, Section 6 and add the following text to 3-6-2:

The board of selectmen shall also have the power to appoint members and up to two alternates (to the extent permissible by general law) of policy-making town agencies enumerated in chapter 7 and other agencies that are in existence on the effective date of this charter and for whom no other method of appointment is provided in this charter. Unless otherwise provided, the board shall also appoint members and up to two alternates (to the extent permissible by general law) of other agencies as may be hereafter established by general law, charter, by-law, vote of the town meeting or vote of the Board of Selectmen.

And to act fully thereon. By request of the By-Law and Charter Review Committee.

AMEND THE HARWICH HOME RULE CHARTER – CHAPTER 7, SECTION 7-14-2

ARTICLE: To see if the Town will vote to amend the Town of Harwich Home Rule Charter, Chapter 7 APPOINTED TOWN AGENCIES, Section 7-14-2 by adding “*water dependent structure*” as set forth below and to act fully thereon. By Request of the Harwich Waterways Committee

RECONSTRUCTION OF GINGER PLUM LANE THROUGH PRIVATE ROAD
BETTERMENT

ARTICLE: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to repair Ginger Plum Lane in Harwich, subject to repayment through the use of a private way betterment assessment program, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$ 223,650.

DEFRAY THE EXPENSES OF THE CHASE LIBRARY AND HARWICH PORT
LIBRARY

ARTICLE: To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$20,000 to help defray the expenses of the Chase Library and the Harwich Port Library; said funds to be expended under the direction of the Chase Library and Harwich Port Library Trustees, and to act fully thereon. By Petition. Estimated cost: \$20,000.

Explanation: Chase Library and Harwich Port Library are free, publicly supported libraries. Town funds have been appropriated either through the general budget or by articles since 1911 (Chase) and 1926 (Harwich Port). These funds are essential for continued operation and for the customary State reimbursements.

PROMOTE THE TOWN OF HARWICH

ARTICLE: To see if the Town will vote to raise and appropriate a sufficient sum of money for the Harwich Chamber of Commerce to promote the Town and its businesses and to advance economic development initiatives for and with the Town of Harwich. Said

monies to be used to manage and fulfill year-round visitor/resident/business information services, to promote and market the Town, to generate and initiate materials and activities that encourage the establishment, growth and sustainability of businesses in Harwich, and to implement economic development objectives and activities in partnership with the Town, and to act fully thereon. By Petition. Estimated cost: \$25,000.

SUPPLEMENT ANNUAL ALLOCATION OF MASS CULTURAL COUNCIL FOR
LOCAL CULTURAL COUNCIL GRANTS

ARTICLE: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to supplement the Massachusetts Cultural Council annual allocation for grant awards to artists, performers and interpretive scientists who bring events to local venues which enhance the cultural experience of Harwich citizens of all ages, and to act fully thereon. By request of the Harwich Cultural Council. Estimated Cost: \$3,000.

AMEND THE HARWICH HOME RULE CHARTER – ESTABLISH A CHARTER
ENFORCEMENT COMMISSION

ARTICLE: To see if the Town will vote to propose the following amendment to the Harwich Home Rule Charter, to be approved by the voters at the next annual Town election, and to act fully thereon. By Petition.

Chapter 6, Section 9: The Charter Enforcement Commission

6-9-1 There shall be a charter enforcement commission consisting of five members and elected for three-year overlapping terms so arranged that the term of at least one member shall expire each year.

6-9-2 A vacancy on the commission may be filled by the remaining members of the commission, but only until the next annual election when a new member can be elected to fill the unexpired term.

6-9-3 The commission shall take action only after receiving a written petition filed by a voter or voters alleging a violation of this charter by reason of an act or failure to act of any individual(s) or board serving in an elected or appointed capacity, including any employee of the Town of Harwich.

6-9-4 The petition shall state the specific section of this charter which is subject of the violation, the individual(s) or board responsible for the violation, and the act or failure to act resulting in the violation.

6-9-5 The petition shall be filed by delivery to the town clerk, who shall note the date of its receipt on the petition and mail a copy to each member of the commission within one week of its receipt.

6-9-6 Within three weeks of the receipt of a petition by the town clerk, the chairman shall set a time and date for the hearing, and shall mail notice of the hearing to the town clerk who shall post and publish the notice, and to the petitioner and the individual(s) or board named in the petition. The hearing date shall be not less than three weeks nor more than eight weeks from the date of the receipt of the petition by the town clerk.

6-9-7 At the hearing the commission shall allow any person to address the commission as to the merits of the petition.

6-9-8 Within three weeks of the hearing, the commission shall vote whether there has been a violation of this charter as alleged in the petition, and shall mail a notice of its vote to the town clerk, who shall post a copy of the vote for a period of four weeks, and to the petitioner and the officer or board named in the petition.

6-9-9 If the commission shall vote that there has been a violation of this charter as alleged by the petition, and if following its vote there continues to be a violation, the commission may file a petition with the Superior Court.

6-9-12 The town shall establish a fund to enable the commission to pay the costs and expenses, including fees for independent attorney(s), fees related to the filing of a complaint with the Superior Court and other reasonable expenses as may from time to time be required in order to fulfill the responsibilities of the Commission.

6-9-13 Sections 6-9-3 through 6-9-11 shall not limit the right to seek enforcement of this charter as otherwise provided by law.

6-9-14 This amendment will be in effect on the first day of July following adoption by voters; and the selectmen, town clerk, board of registrars and other elections officers will include the election of the five Charter Enforcement Commissioners in the next following annual town election, at which time two members will be elected for three year terms; two for two year terms, and one for a one year term. Annually thereafter, at the annual town election, there shall be elected commissioners to fill the positions whose terms are about to expire, each to be elected to terms of three years.

6-9-15 Upon certification of the initial election of the five Charter Enforcement Commissioners, the Town Clerk shall within 30 days call the first meeting of the Commission for purposes of organization. The Commission will choose from its membership a Chairman, Vice Chairman and Clerk.

6-9-16 Within 90 days of the initial organizational meeting, the Commission will adopt, by vote of at least three of the five members, Rules of Procedure which may thereafter from time to time, be amended by majority vote.

ENACT A GENERAL BY-LAW – DEMOLITION OF RESIDENTIAL BUILDINGS

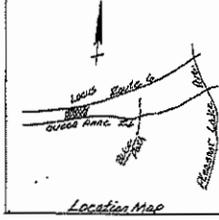
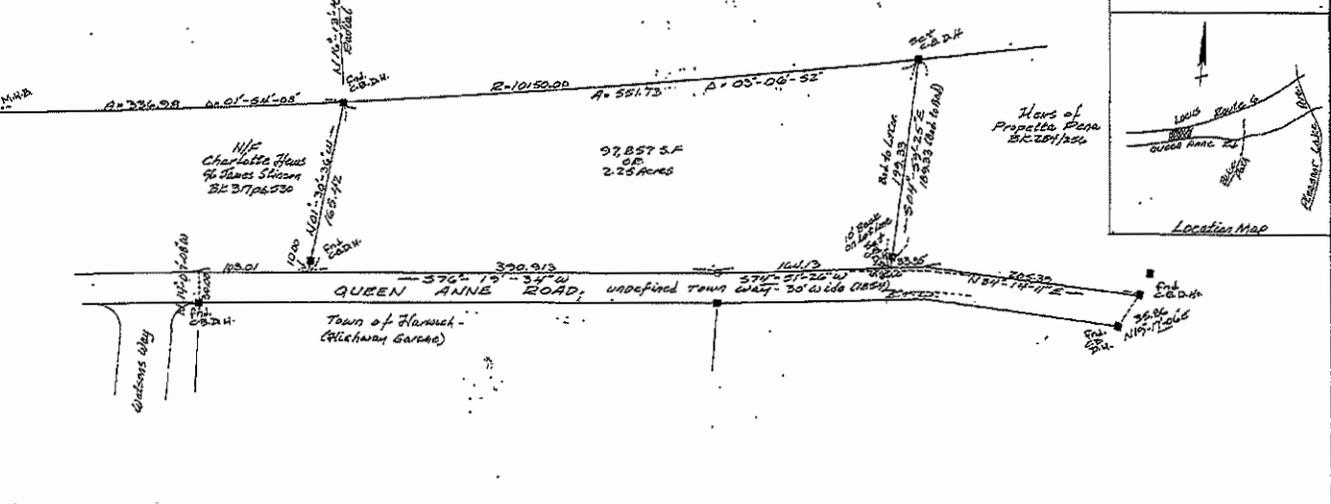
ARTICLE: To see if the Town will vote to enact a General By-Law as follows:

DEMOLITION OF RESIDENTIAL BUILDINGS

No Town funds shall be appropriated or otherwise made available through a grant agreement with a private party or public entity for an affordable housing project for the Judah Chase House and or barn located at 97 Route 28 in West Harwich unless the Board of Selectmen first enters into a grant agreement which prohibits the grant recipient from demolishing any building or subdividing the property. Furthermore, no such funds shall be made available to a private or public affordable housing entity for a project that will in any way jeopardize, compromise, or destroy the historic fabric of any building or structure on the site, nor compromise, divide, or partition the land on which they stand, or to act in any manner thereon. By Petition.

APPROVE THE TRANSFER OF TOWN PARCEL TO CEMETERY DEPARTMENT
TO DEVELOP A PET SCATTERING GROUNDS AND PET CREMATORY

ARTICLE: To see if the Town will vote to transfer the care, custody, management and control of 2.25 acres +/- of land located at 276 Queen Anne Road (Map 69, Parcel M1; recorded in the Barnstable Registry of Deeds Book 11666, Pages 103-105), acquired by the Town by eminent domain at the Annual Town Meeting in May, 1997 for open space or other municipal purposes, from the Board of Selectmen to the Cemetery Department for development of a pet crematory and pet scattering grounds, and to act fully thereon. By request of the Cemetery Commission.



PLAN OF LAND IN HARWICH, MASS.

FOR: HEIRS OF LOT G. ELLIS - C/o Miriam Carpenter
 2000 N. CONFERENCE DR
 BOCA RATON, FLORIDA 33466

PLAN BY: Moran Engineering Inc.
 941 Main Street - S. Harwich, Mass. 02661

SCALE: 1" = 60' FEBRUARY 6, 1989



I hereby certify that the property lines shown on this plan are the lines dividing existing ownerships and the lines of streets and ways shown are those of public or private streets or ways already established and that no new lines for division of ownerships or for new ways are shown.

James C. Moran
 Professional Land Surveyor

Zoning Class I-L
 Addressors Map 69-Parcel M-1

458-33

RECORDED
 MAR 10 1 39 PM '89

Reference:
 6, 10

References:
 6, 100

Massachusetts Properties
 October 22, 1985

6, 31
 .95

I certify that this plan has been prepared in conformity with the rules and regulations of the SARIVSTABLE COUNTY Registers of Deeds.

James C. Moran
 Professional Land Surveyor

I hereby certify that this plan has been prepared in conformity with the rules and regulations of the SARIVSTABLE COUNTY Registers of Deeds.

Professional Land Surveyor

James C. Moran
 Professional Land Surveyor

I hereby certify that the property lines shown on this plan are the lines dividing existing ownerships and the lines of streets and ways shown are those of public or private streets or ways already established for division of ownerships or for new ways are shown.

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DEPARTMENTAL REVOLVING FUNDS AUTHORIZATION

ARTICLE: To see if the Town will vote to authorize revolving funds for certain town departments under M.G.L. Ch. 44, § 53E ½ for the Fiscal Year beginning July 1, 2016; and to act fully thereon. By request of the Board of Selectmen

<u>Revolving Fund</u>	<u>Authorize to Spend Fund</u>	<u>Revenue Source</u>	<u>Use of Fund</u>	<u>FY 16 Spending Limit</u>	<u>Disposition of FY16 Fund balance</u>
Golf	Director, Golf Committee & ATA	Golf Lessons and Pro Shop Sales	Pro Shop expenses, clubhouse and kitchen maintenance, modernization, and lessons instructor	\$200,000	Available for expenditure
Council on Aging	Director & Council on Aging	Fees from health, recreation, nutrition and education programs	Health, recreation, nutrition and education programs	\$125,000	Available for expenditure
Cemetery	Administrator & Cemetery Commission	90% of Lot Sales, 100 % of all Cemetery Services and Fees	Maintenance of town cemeteries	\$50,000	Available for expenditure
Community Center	Director & Facilities Committee	Fees from use of the weight room	Weight Room Equipment (and repair)	\$50,000	Available for expenditure
Recreation	Director & Rec & Youth Commission	Fees from recreation and youth programs	Recreation and youth programs	\$120,000	Available for expenditure
Albro House	Town Planner & Historic District/Hist. Commission	Fees from receipts of lease or fees for short term rooms use and rental	Restorations, maintenance, care and support of town-owned property	\$10,000	Available for expenditure

ESTABLISH A WETLANDS REVOLVING FUND

ARTICLE: To see if the Town will vote to establish a revolving fund, effective FY 2017 under M.G.L. Chapter 44, Section 53E ½ for the purpose of upholding the interests of the Massachusetts Wetlands Protection Act and the Harwich Wetlands Protection By-Law with monies generated by the Town portion of the Notice of Intent filing fees credited to the revolving fund, expenditures approved by the Conservation Administrator and the Conservation Commission in the amount not to exceed what was generated in the ensuing fiscal year, and to act fully thereon. By request of the Conservation Commission.

STABILIZATION FUND

ARTICLE: To see if the Town will vote to raise and appropriate or transfer from surplus revenue or available funds a sufficient sum of money to be added to the Stabilization Fund, and act fully thereon. By the request of the Board of Selectmen. Estimated cost: \$ _____

OPEB TRUST FUND

ARTICLE: To see if the Town will vote to transfer the balance of funds in the multi-use stabilization fund into the **Other Post Employment Benefits Trust Fund**, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$ _____

FUND PRIOR YEAR'S UNPAID BILLS

ARTICLE: To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to pay unpaid bills of prior years as provided for in M.G.L. Ch. 44, Section 64, and to act fully thereon. By request of the Finance Director/Accountant. Estimated cost: \$ _____

COMPENSATING BALANCE AGREEMENT

ARTICLE: To see if the Town will vote to authorize its Treasurer to enter into a compensating balance agreement or agreements with banking institutions for Fiscal Year 2017 pursuant to Chapter 44, § 53F of the General Laws and to act fully thereon. Customary Article.

LIABILITY TIDAL/NON-TIDAL RIVERS

ARTICLE: To see if the Town will assume the liability in the manner provided by § 29 of Chapter 91 of the General Laws as amended by Chapter 516 and 524, Acts of 1950, for all damages that may be incurred by work to be performed by the Department of Public Works of Massachusetts, for improvement, development, maintenance and protection of tidal and non-tidal rivers, streams, harbors, tide waters, foreshore and shores along a public beach outside of Boston Harbor, including the Merrimack and Connecticut Rivers in accordance with § 11 of Chapter 91 of the General Laws and to authorize the Selectmen to execute and deliver a bond of indemnity to the Commonwealth and to act fully thereon. Customary Article.

HERRING FISHERIES

ARTICLE: To see what action the Town will take in regard to the Herring Fisheries and to act fully thereon. Customary Article.

BOS VOTE	FINCOM VOTE	ART#	Oneliners ATM May 2, 2016				BOS Recom.	FinCom Recom	Tax levy \$ 43,756,019	Free Cash	CPC	Water Ent.	Capital Excl.	Debt Exclusion	Local Receipts	Other	ART#
			Petitioner	Request	TA Recom.												
		1	Town Officers & Committees	Customary												1	
		2	Reports of Town Officers & Comms.	Customary												2	
		3	Elected Officials Salaries	Customary	\$ 84,697											3	
		4	Town Operating Budget	BOS												4	
		5	Snow & Ice Deficit					\$ 500,000								5	
		6	MRSD Budget	MRSC/Supt												6	
		7	CC Tech School Budget	Supt.												7	
		8	Water Department Budget	Water Com.												8	
		9	Adopt Capital Plan	BOS												9	
		10	Amend Personnel Bylaw	Town Adm												10	
		11	Cap Items under \$50K from Free Cash	BOS	\$ 89,900			\$ 89,900								11	
		12	Facility Maint & Repair Fund	BOS	\$ 513,000			\$ 513,000								12	
		13	Fire Dept Ambulance	Fire Chief	\$ 290,000			\$ 290,000								13	
		14	Golf - Landscape Reclamation	Golf Comm	\$ 35,000										35,000	14	
		15	Golf - Construct new Tees	Golf Comm	\$ 30,000										30,000	15	
		16	Golf - Est. New Capital Infrastructure Fund	Golf Comm												16	
		17	Reconst Saquatucket Marina	Harbor	\$ 7,000,000								\$ 7,000,000			17	
		18	Landside Saquatucket	Harbor	\$ 250,000			\$ 250,000								18	
		19	Road Maint. Program	DPW Dir.	\$ 700,000								\$ 700,000			19	
		20	DPW - Vehicles	DPW Dir.	\$ 316,500			\$ 316,500								20	
		21	DPW -Equipment	DPW Dir.	\$ 188,209			\$ 188,209								21	
		22	Water - Excavator	Water Com.	\$ 125,000						\$ 125,000					22	
		23	Water - Rehab Lothrop Ave Tank	Water Com.	\$ 1,600,000						\$ 1,600,000					23	
		24	Water - SCADA System	Water Com.	\$ 300,000						\$ 300,000					24	
		25	IMA with Chatham	BOS	\$ 9,000,000								\$ 9,000,000			25	
		26	Enact Sewer Bylaw	BOS												26	
		27	CPC - Admin Cost - Acq of Tax Title	CPC	\$ 50,000					\$ 50,000						27	
		28	CPC - Reserve	CPC												28	
		29	CPC - Fund Land Bank Debt Service	CPC	\$ 633,400					\$ 633,400						29	
		30	CPC - Chase Library Fireplace	CPC	\$ 3,100					\$ 3,100						30	
		31	CPC -Hist Soc. Artifacts	CPC	\$ 11,000					\$ 11,000						31	
		32	CPC - Albro House & Accessibility Mods	CPC	\$ 18,700					\$ 18,700						32	
		33	CPC - Historical Property Inventory	CPC	\$ 20,000					\$ 20,000						33	
		34	CPC - W. Harwich School Preserv & Rehab	CPC	\$ 203,500					\$ 203,500						34	
		35	CPC - Historical Preserv Burial Crypts	CPC	\$ 25,000					\$ 25,000						35	
		36	CPC - S.Harwich Meetinghouse	CPC	\$ 100,000					\$ 100,000						36	

BOS VOTE	FINCOM VOTE	ART#	Oneliners ATM May 2, 2016	Petitioner	Request	TA Recom.	BOS Recom.	FinCom Recom	Tax levy \$ 43,756,019	Free Cash	CPC \$ -	Water Ent.	Capital Excl. \$ -	Debt Exclusion \$ -	Local Receipts \$ 10,106,590	Other \$ -	ART#
		58	Demolition of Residential Buildings	Petitioned													58
		59	Transfer Property to Cemetery Dept.	Cemetery Comm.													59
		60	Dept Revolving Funds Authorization	BOS													60
		61	Est. Wetland Revolving Fund	Cons Comm													61
		62	Stabilization Fund	BOS						\$ 1,500,000							62
		63	OPEB Fund	BOS						\$ 300,000							63
		64	Fund Prior Yrs Bills	FinCom													64
		65	Compensating Bal Agree	Customary													65
		66	Liability Tidal/Non-Tidal Rivers	Customary													66
		67	Herring Fisheries	Customary													67
			Total ATM May 2016														
			Balances		\$ 23,546,244					\$ 3,987,609	\$ 2,712,288	\$ 2,025,000		\$ 16,700,000			
			Special Town Meeting Articles 5/2/2016														
		1															1
		2															2
		3															3
		4															4
		5															5
		6															6
					\$ -	-	-	-	-	\$ -	\$ -	\$ -	-	\$ -	-	-	
			Sub Total 2016		\$ -	-	-	-	-	\$ -	\$ -	\$ -	-	\$ -	-	-	
					\$ -	0	-	-	-	\$ -	\$ -	\$ -	-	\$ -	-	-	
			Totals Used	Total Appropriated		0	-	-	-	\$ -	\$ -	\$ -	-	\$ -	-	-	
			Tax Levy Balance & other balance								\$ -	\$ -	-	\$ -	-	-	
			Tax Rate Recap														
			Court Orders						-								
			Debt & Interest						-								
			Snow & Ice	Prior Year													
			Cherry Sheet														
			Assessments														
			OverlayFY2016														
			Cherry Sheet Offsets							\$ -	\$ -	\$ -	-	\$ -	-	-	
			Total Recap						-	\$ -	\$ -	\$ -	-	\$ -	-	-	
								Balance	\$ 43,756,019	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	

T. A.
future dates

Saturday, February 27, 2016	Joint budget/article hearing BOS/Finance Committee	
February 16 – February 29, 2016	BOS reviews Warrant articles	
Monday, March 7, 2016	VOTE to sign final Annual Town Meeting Warrant	
Monday, March 14, 2016	Vote to open Special Town Meeting Warrant	All Special Town Meeting Articles must be received 40 days prior to STM
No later than March 21, 2016	Article funding review by B O S	
Monday, March 21, 2016	BOS votes Special Warrant BOS votes Ballot	
March 22, 2016	Ballot to Town Clerk	
<u>not later</u> than Monday, March 28, 2016	FINCOM submits written recommendations on Budget/Warrant. Joint budget /article hearing with B O S and Fincom reconcilliation	Charter 9-3-3/by March 31st
<u>Not later</u> than March 28, 2016	Fincom conducts one or more hearings on budget	Charter 9-3-3 by March 31st
<u>Not later</u> than Friday, April 1, 2016	Fincom submits final recommendations to B O S office for insertion in warrant	
April 2016	Send Warrant to Printer Send Warrant to Chronicle (April 14th publication)	Printer needs at least 2 weeks. Chronicle needs 1 week before publish date
Friday, April 15, 2016	Warrants available for public distribution	Charter 2-2-2/14 days prior to Town Meeting
Monday, May 2, 2016	First night of Annual Town Meeting	Charter 2-3-1/1st Monday in May
Tuesday, May 17, 2016	Annual Town Elections	Charter 8-1-1/3rd Tuesday in May



Cape Light Compact

P.O. Box 427, Barnstable, MA 02630

1.800.797.6699 | Fax: 508.362.4136 | capelightcompact.org

February 1, 2016

Peter Hughes, Chair
Office of the Selectmen
Town of Harwich
732 Main Street
Harwich, MA 02645



Re: Letter to the Cape Light Compact Dated November 16, 2016

Dear Mr. Hughes:

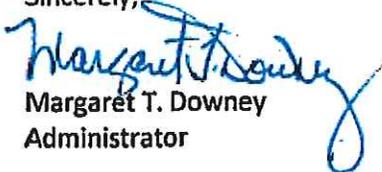
The Cape Light Compact ("Compact") is in receipt of the above referenced letter regarding the process of amending the Compact's Intergovernmental Agreement (IGA). The Compact Governing Board discussed the Compact's IGA at their November 16, 2015 Governing Board meeting. At this meeting, Harwich's Compact Board member, Barry Worth, informed the Compact Governing Board of the Harwich Board of Selectmen's (BOS) desire to have all amendments to the IGA require prior approval from the Board of Selectmen or other executive body of all Compact member towns before amending the IGA.

The Compact Governing Board discussed Harwich's request as part of its deliberations on the proposed amendments. It was noted that Compact member towns presently have the ability, through their appointing authority, to require their representative to take certain actions (i.e. no votes on the IGA without BOS approval). Almost all of the Compact Governing Board members had contacted their appointing authority regarding the proposed amendments to the IGA well in advance of the actual vote, and requested input on the amendments. In fact, the section of concern referenced in the BOS letter, Section K/Administrator responsibilities, was amended as part of the Governing Board deliberations on November 16th. As a result of this discussion, the Compact Governing Board felt that it was best left to each member town to decide how its Compact representative should interact with the member Town.

The Compact Governing Board voted to approve the proposed amendments to the IGA; Harwich's representative abstained from this vote. Attached is a copy of the Sixth Amended Intergovernmental Agreement for your records.

In closing, I would like to recognize Barry Worth for his years of service to the Cape Light Compact on behalf of the Town of Harwich. His commitment to energy efficiency has benefitted both Harwich and all of Cape Cod.

Sincerely,


Margaret T. Downey
Administrator

Cc: Cape Light Compact Governing Board

Working Together Toward A Smarter Energy Future