

**SELECTMEN'S MEETING AGENDA\***

*Griffin Room, Town Hall*

*Regular Meeting 6:30 P.M.*

*Monday, January 23, 2017*

**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. WEEKLY BRIEFING**

**IV. PUBLIC COMMENT/ANNOUNCEMENTS**

**V. CONSENT AGENDA**

A. Minutes:

1. January 9, 2017 Executive Session

2. January 9, 2017 Regular Session

B. Approve petition by Eversource to install underground conduit to supply service to 6 Camp Avenue as recommended by Town Administrator

C. Approve "Report of the Board of Selectmen" for 2016 Annual Town Report book

D. Appoint Joseph Powers as full member of Historic District/Historic Commission from alternate position

E. Appoint Mead, Talerman & Costa, LLC as Special Counsel to the Town for zoning, land use, planning and real estate law matters

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

A. Public Hearing – Application for transfer of stock from Arthur J. & Christina A. Luke to Luke Beverage Inc.

**VII. OLD BUSINESS**

A. Saquatucket Water-Side Project

B. Action Item Register

**VIII. NEW BUSINESS**

A. By-Law Charter Review Committee potential charter changes

B. First review of Wastewater Educational Brochure

**IX. TOWN ADMINISTRATOR'S REPORT**

**X. SELECTMEN'S REPORT**

A. Harwich Town Committee Volunteer Recruitment Fair – January 28th from 10:00 a.m. to noon at Community Center

B. Committee Vacancy List

**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

Date: \_\_\_\_\_ January 19, 2017 \_\_\_\_\_

\_\_\_\_\_  
Ann Steidel, Admin. Secretary

**MINUTES  
SELECTMEN'S MEETING  
GRIFFIN ROOM, TOWN HALL  
MONDAY, JANUARY 9, 2017  
6:30 P.M.**

**SELECTMEN PRESENT:** Brown, Hughes, Kavanagh, LaMantia, MacAskill

**OTHERS PRESENT:** Town Administrator Christopher Clark, Assistant Town Administrator Charleen Greenhalgh, Chief Guillemette, David Withrow, Sharon Pflieger, Liz Argo, Peg Rose, Christine Joyce, Leo Cakounes, Joe McParland, Ed McManus, Chris Harlow, Larry Ballantine, Jack Brown, Larry Cole, and others.

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

Chairman MacAskill reported that the Board just came out of Executive Session where they discussed collective bargaining in regards to the SEIU and HEA unions as well as exploring the disposition of property at the Bank Street Harbormaster site. He further reported that they approved phase 1 of the salary study for SEIU and voted to approve the stipend position for Ann Steidel in the Community Development Department where she is going to be in charge of the Administrative and Executive Assistants. He added that they also approved a MOU for the Dispatchers Union in regard to military leave.

**PUBLIC COMMENT/ANNOUNCEMENTS**

Ms. Rose of the Voter Information Committee updated the Board on the upcoming Volunteer Fair to be held on January 28, 2017 at the Community Center and invited all to attend. Ms. Joyce announced upcoming events being held by the Voter Information Committee in preparation for Town Meeting and the election.

**CONSENT AGENDA**

- A. Minutes:
  - 1. November 28, 2016 Regular Session
  - 2. December 5, 2016 Regular Session
- B. Authorize Chair to sign Application for Building Official Certification for Richard Stevens
- C. Approve request by Villa Roma to close for repairs & maintenance for January and February
- D. Approve 2017 Auto Class I Agents and Sellers License renewal for Harwich Port Boat Yard
- E. Approve use of Cable Fund in the amount of \$49,720 for Channel 18 Studio Equipment and confirm award of contract for Channel 18 Studio Equipment to Calmedia Solutions in the amount of \$49,720
- F. Approve request by Harbormaster for a 25' Boat Length Cap for Herring River Mooring Field
- G. Confirm motion made at December 12, 2016 Public Hearing on Entertainment Licenses
- H. Approve applications for renewals of Fish Weirs for Nantucket Sound Fish Weirs and Chatham Fish Weir Enterprises

- I. Designate Jack Burns as primary Animal Control Officer and Robert Hadfield as Assistant Animal Control Officer for 2017 and authorize Chair to sign designation form
- J. Authorize Chair to sign Interjurisdictional Traffic Agreement as recommended by Police Chief

Ms. Kavanagh moved approval of the Consent Agenda. Mr. Hughes seconded the motion and the motion carried by a unanimous vote. Mr. Rendon took questions on Item E and Chief Guillemette took questions on Item J. The motion carried by a unanimous vote.

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

**A. Public Hearing – Liquor License Regulations**

Ms. Kavanagh read the hearing notice into record and Chairman MacAskill opened the hearing. Mr. Clark provided background information on this item noting that the entertainment license should mirror the liquor license. Mr. Hughes noted that the recommendation is comprehensive in that it not only addresses the sound levels but also the hours of operation. With no one from the public present to give testimony, Mr. Hughes moved to close the hearing. Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

After discussion, Ms. Kavanagh moved that we approve the change in the Liquor License Regulations (Section 1.09e) and the entertainment as licensed premises may be conducted in a manner such that the noise from the entertainment is not creating a nuisance and can be heard outside the boundaries of the premises and revise it to and replace it with the following language as presented. Mr. Hughes seconded the motion and the motion carried by a unanimous vote.

Inside Entertainment - No entertainment at the licensed premises may be conducted in a manner such that the noise from the entertainment is creating a nuisance and can be heard outside the boundaries of the premises.

Outside Entertainment – Noise from entertainment must be at reasonable sound levels which are not plainly audible at a distance of 150 feet from boundary line or source of sound amplification system whichever is further.

**B. Public Hearing – Seven Year Capital Outlay Plan**

Ms. Kavanagh read the hearing notice into record. Chris Harlow, Vice-Chairman of the Capital Outlay Committee speaking on behalf of Chairman Richard Larios, discussed the importance of the following three major capital plan items for FY 18:

- 1) Brooks Library Generator and Installation \$150,000;
- 2) Public Works: repair and repave parking lot at Red River Beach \$250,000;
- 3) Wastewater: IMA with Chatham \$1,000,000; CWMP Implementation Services \$150,000; Pleasant Bay collection system design and construction \$2,500,000; Cold Brook Attenuation \$200,000; Hinckley's Pond restoration \$500,000; totaling \$4,350,000;

On behalf of the committee, Mr. Harlow thanked Mr. Clark and his staff for their high level of professionalism in providing the committee with analysis supported by vital data and he commented that this kind of support makes their decision-making process the best it has ever been.

The Board took comments from Mr. Cakounes regarding the Capital Outlay Plan process which Mr. McParland of the Capital Outlay Committee and Mr. Clark responded to.

With no one else present from the public on this topic, Mr. Hughes moved to close the hearing. Ms. Kavanagh seconded the motion and the motion carried by a unanimous vote. Chairman MacAskill thanked the Committee for their work.

#### C. Presentation - Cape & Vineyard Electric Cooperative/Adder Changes – Liz Argo

Ms. Argo, Manager and Mr. Cakounes President of CVEC provide the attached Power Point presentation regarding the requested adder. Mr. Cakounes spoke in support of the adder in order to accomplish the associated projects and pointed out that the Town is part of a Cooperative and as such are receiving substantial benefits. He encouraged the Board to step up and continue to be a part of this good organization. Ms. Argo and Mr. Cakounes took extensive questions and comments from the Board. Mr. Clark stated that he does not believe we can duplicate the services of CVEC in house for the \$22,000 and added that the 3% administration fee is much more reasonable. He said he would have to look at the budget. Mr. Cakounes apologized for bringing this to the Board this late in the budget process. Mr. Clark noted that the balanced budget is due to the Board at the beginning of February and if the Board has an inclination to agree with this then he can structure the budget looking carefully at the revenue stream and see if we can live without the \$22,000. Chairman MacAskill stated that we have been giving a certain amount of the CVEC money away and it is going into the Water Enterprise Fund. He added that we have already decided that they are going to be billed expenses so the money is going to be there regardless. Mr. Clark pointed out that these are ongoing negotiations with the Water Commissioners and he would feel more comfortable speaking on this when the negotiations have come to a conclusion. Chairman MacAskill said he doesn't regard it as a negotiation as it has already been decided and it was agreed that the Board would wait to see what Barnstable does and they have since voted the adder. Mr. Clark stated that once he gets the agreement he can certainly build it into the budget. Mr. Cakounes said the way it works is we would be deducting the amount before they send us the check. Mr. Clark said the Board could vote it tonight and he would figure it out. Ms. Kavanagh moved to approve an adder of 0.005 on Round 1 projects starting in FY18 which will provide an additional approximate annual revenue of \$100,000. Ms. Brown seconded the motion. Mr. Clark stated that we would need to see the service agreement. Mr. LaMantia said he would like to be reassured they will continue to do cost cutting and changing the way they do things. Mr. Cakounes said the motion should be to agree and execute the Memorandum of Agreement for the Round 1 adder specifically to the FY18 period and they could make it subject to the approval of the Town Administrator as it would be a neater way of doing this. Mr. Clark stated that the Board could vote it subject to the contract coming back. He added that he already has authority to sign contracts under \$50,000. Ms. Brown withdrew her second and Ms. Kavanagh withdrew her motion. The consensus of the Board was for Mr. Clark to go ahead contingent upon his review of the contract.

### **OLD BUSINESS**

#### A. Wastewater Implementation Committee Charge



Mr. Harlow provided an overview of the proposed charge. Mr. Hughes noted that the handbook should be ready soon and advocated for use of the first floor at Albro House as an information center. Mr. LaMantia encouraged the name of the committee to be changed to reflect broader responsibilities. Mr. Hughes noted that the charge will get changed many times. Mr. Clark pointed out that any funding or projects will be driven by the Board of Selectmen and all of these things are going to be debt exclusions so they will have to decide if they are going to support the project and how they're going to fund the project. Mr. Clark further stated that in terms of the Selectmen becoming the de facto sewer commissioners, this is something we probably already have in place and we can get paperwork to show that is in place. He noted that the original committee was designed to the point of getting the CWMP approved and this would be the next step toward compliance. The Board took comments from Mr. Ballantine. Chairman MacAskill stated that this project is enormous and is much more than a committee should be responsible for. He stressed the need for a department or department head to be in charge of all this information. He questioned if it makes sense to continue to pay a consultant to do work that we could do on a committee level or department level. Chairman MacAskill further stated that he thinks the committee needs to report back more often than bi-annually so we can stay on track. Mr. Clark stated that he spoke with the consultant who expressed concern about changing the name of the committee going into Town Meeting particularly as we have used that name for so long and it may confuse people at this time when we are asking them for upwards of \$31 million. Mr. Hughes agreed and stated that the biggest part of this is getting the people educated. Mr. Hughes moved that we adopt or approve the Wastewater Implementation Committee charge dated 12/14/2016. Ms. Brown seconded the motion. Mr. Hughes suggested soliciting the members of the current committee and find out if they want to keep going. The motion carried by a 4-1-0 vote with Mr. LaMantia in opposition.

## **NEW BUSINESS**

### **A. Request to place Memorial Bench on Town Hall property**

Chairman MacAskill outlined the letter from Mary Boyce McGrath requesting a bench at Town Hall in honor of her father and brother who were former employees. Mr. Clark suggested coordinating this with Mr. Hooper at the Highway Department. Chairman MacAskill pointed out that a bench was approved and placed at Town Hall last year. He questioned if the Board was in agreement with the concept of a bench. Ms. Kavanagh said she was in agreement with the concept but the request indicates the site of the bench as Town Hall. Ms. Brown was also in agreement but questioned at what point do you stop as we can't accommodate everyone who wants a bench. Chairman MacAskill pointed out that Ms. McGrath has indicated that she will fund the bench. Mr. Hughes suggested contacting the Chamber of Commerce on this. Chairman MacAskill said there was a reason we came up with the Hall of Fame at the Community Center and also questioned how many benches we can approve and what is going to make the next bench less significant. Mr. Hughes stated that he thinks there aren't enough benches on the bike trail. Ms. Kavanagh suggested asking Ms. McGrath if she is open to having a bench placed elsewhere. Chairman MacAskill agreed to call Ms. McGrath. Ms. Brown also suggested Brooks Park Phase 3 as a possible site.

### **B. Request by Tour de Trash Committee to put up banners around Town**

Ms. Usowski and Mr. Callaghan outlined the request to place banners across some Town intersections during their April 2017 trash clean up efforts. The consensus of the Board was that they were agreeable to this. Ms. Usowski said they would coordinate with Public Safety and the Highway Department and Mr. LaMantia encouraged them to check with the Planning Board as well.

### C. Finance Director/Town Accountant recruitment process and job description

Mr. Clark outlined his memo of December 20, 2016 regarding the recruitment process for the new Finance Director/Town Accountant and related job description. Chairman MacAskill pointed out the need for a Charter change to reflect the position title. Mr. Clark agreed to send the material to the By-Law Charter Review Committee. The Board was in agreement with the documents, no vote was taken.

### D. Middle School Building Use Policy – *first reading*

Ms. Brown said it was important to not limit the policy uses to the fields of art that are listed. She suggested including the language “including but not limited to...” Discussion revolved around supervision at the building, security and use of keys, and running businesses out of the building. Mr. Hughes recommended that the contract be changed to indicate who renters should make the check out to and that the party is responsible for their space, common areas and the restroom. Ms. Brown recommended tweaking this to allow for non-profit businesses or possibly artists to sell art. Chairman MacAskill said it should be limited to non-profit as was originally discussed. Ms. Carey suggested changing the language to indicate that you can’t run a business in its entirety out of the building. Mr. LaMantia expressed concern about allowing anyone to come and go without staff present and he commented that it is dangerous. He stated that someone should be there and people should sign in. Ms. Kavanagh said we are not jeopardizing anything because the building closes at 6:00 and we are not leaving it unattended. Mr. Clark took questions from Mr. Cakounes regarding profit vs. non-profit use. Mr. Hughes stated that we should be approving what is brought into the building. Ms. Carey pointed out that this is noted in the rental agreement. Ms. Kavanagh suggested requiring getting the first and last month’s rent up front. The majority of the Board was in agreement with the Use Policy with the suggested edits. Mr. LaMantia was not in agreement. No vote was taken and it was agreed to bring back the policy next week.

### E. Letter from Cape Cod Water Protection Collaborative regarding future of Collaborative

Mr. Ballantine stated that the submitted letter does a good job of listing the Collaborative’s accomplishments and their focus has been grouping towns together in an effort to save money. He commented that they have done a good job of that and it’s been a good forum for the towns. He said they have discussed the possibility that they may be asked to disband and if they lose funding for administrative support it would destroy the Collaborative. He added that the question also came up that if the Collaborative were to continue, where would it be placed, and for it to work it has to be independent and would be detrimental if it were put in a County department. He summarized that the letter was to keep the Board apprised and gather support for the Collaborative which provides an important role. He explained that the Collaborative has three legs – funding, networking and independence and if we lose any of those legs it would destroy them. Chairman MacAskill noted that Mr. Ballantine was appointed as our representative in 2006 because he was on the Board at that time and at some point we should take that up because each town has a sitting Selectman as their representative except Harwich. Mr. Ballantine noted that his term ends in the spring but pointed out that Brewster’s representative is not a Selectman. Mr. Cakounes, speaking as a single County Commissioner, expressed concern about the funding for the Collaborative noting that the County has been putting up the funding which is currently \$500,000 and includes \$400,000 in grants to towns, some of which have reserve funding and the County does not. He added that he would like to see a 208 Steering Committee.

F. Action Item Register Update

Chairman MacAskill noted that they would bring this item back next week. No action was taken.

**TOWN ADMINISTRATOR'S REPORT**

A. Responses to questions to Water Commissioners from Board of Selectmen

Mr. Clark noted that the document is informational only and is in response to recent questions from the Selectmen to the Commissioners. There was no discussion.

B. Drilling for potential well sources

Mr. Clark noted that the Water Commissioners are requesting to allow a contractor to put some holes in the ground on property in the North Westgate area which is under the control of the Selectmen to see if it makes sense to sink future wells there. The Board had no issues with the Commission going ahead with this.

C. Solar field revenue and expenses

Mr. Clark noted that we sent the materials to the Commissioners on behalf of the Selectmen and we have received a request for additional information. He said he will meet with Chairman MacAskill to discuss.

D. New guidelines to account for receipt and spending of Cable Fund monies

Mr. Clark reported that the guidelines have changed we can no longer segment the cable funds off as part of the General Fund. He explained that we can set it up as an Enterprise Account or Offset Receipt Account. He noted that it will be an article for Town Meeting.

E. Update on Building Commissioner

Mr. Clark reported that interviews were held today and he has a candidate who he believes will be good. He said he will come back with a recommendation.

F. Status report on Chatham IMA

Mr. Clark reported that the meeting with Chatham was good and we are looking for some additional information.

G. Albro House rentals for historic purposes

Mr. Clark reported that we did not get any definitive information on this item and he would like to defer it. He noted that we have someone interested in renting part of Albro House and are trying to get the details. He said we will bring this item back. Chairman MacAskill stated that when we talked about renting it out we talked about mental health and things that go along with that and now we have a private citizen interested in an office there so before we have staff work on this we should give Mr. Clark some direction. He said his sense is maybe we should advertise to see who else is out there and if we are going to go that way we should really go out with an RFP and offer it to the whole public.

Mr. Hughes stated that it is an ideal place for a Wastewater Information Center. Chairman MacAskill said his sense is not to go through the process of an application from someone if we are thinking of going in that direction. Mr. Clark suggested putting it on an agenda to vote.

### **SELECTMEN'S REPORT**

#### **A. Letter from Senator Cyr**

Chairman MacAskill stated that the letter is in regard to a policy seminar which was snowed out and will be rescheduled.

### **ADJOURNMENT**

Chairman MacAskill adjourned the meeting at 9:33 p.m.

Respectfully submitted,

Ann Steidel  
Recording Secretary

**OFFICE OF THE TOWN ADMINISTRATOR**

Phone (508) 430-7513


Fax (508) 432-5039

Christopher Clark, *Town Administrator*  
Charleen Greenhalgh, *Assistant Town Administrator*

732 MAIN STREET, HARWICH, MA



# MEMO

TO: Board of Selectmen 

FROM: Christopher Clark, Town Administrator

RE: Recommendation – Utility Hearing January 12, 2017

DATE: January 23, 2017

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On January 12, 2017, a Utility Hearing was held per the request of NStar Electric. The request was to install underground conduit to provide service to 6 Camp Avenue (new home) in Harwich. There were no abutters in attendance and there were no objections to the work being done. After resolving an issue with the map that was sent with the request, I find no other objections and recommend that this request be approved so that NStar can begin work as soon as possible. (Minutes attached)

**MINUTES**  
**Utility Hearing – Underground Service**  
**6 Camp Avenue**  
**January 12, 2017**  
**11:00 A.M.**

Those present included: Jessica Elder, NStar Right-of-Way Agent; Christopher Clark, Town Administrator; Sandy Robinson, Administrative Secretary

On January 12, 2017, a Utility Hearing was held per the request of Nstar Electric. The request was to install underground conduit to provide service to 6 Camp Avenue (new home) in Harwich. Mr. Clark opened the hearing at 10:02 a.m. and asked that Jessica Elder (Nstar) to explain the work to be done. There were no abutters in attendance and there were no objections to the work.

However, Mr. Clark noticed that the map that was sent to the Town contained an error showing a proposed hand hole that should have been shown as existing. As shown, it was difficult to determine where the feed originated from. A corrected map will be sent to us showing the hand hole at #19 Camp Ave. as an existing hand hole (work previously done). Ms. Elder explained that the hand holes are installed by the property owners, and Nstar installs the conduit. The new work will consist of installing underground conduit from the hand hole on the property of #19 Camp Ave. to the proposed hand hole at the new home at #6 Camp Ave. The work will consist of tunneling underground in the right of way, and will cause no damage to the roadway.

Mr. Clark advised that the Town would have to wait for the corrected map before proceeding with the approval, and that the matter would be placed on the Board of Selectmen agenda for January 23, 2017.

Hearing adjourned at 11:23 a.m.

Submitted by:  
Sandra Robinson

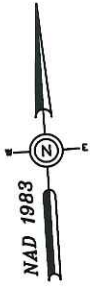


1/12/17

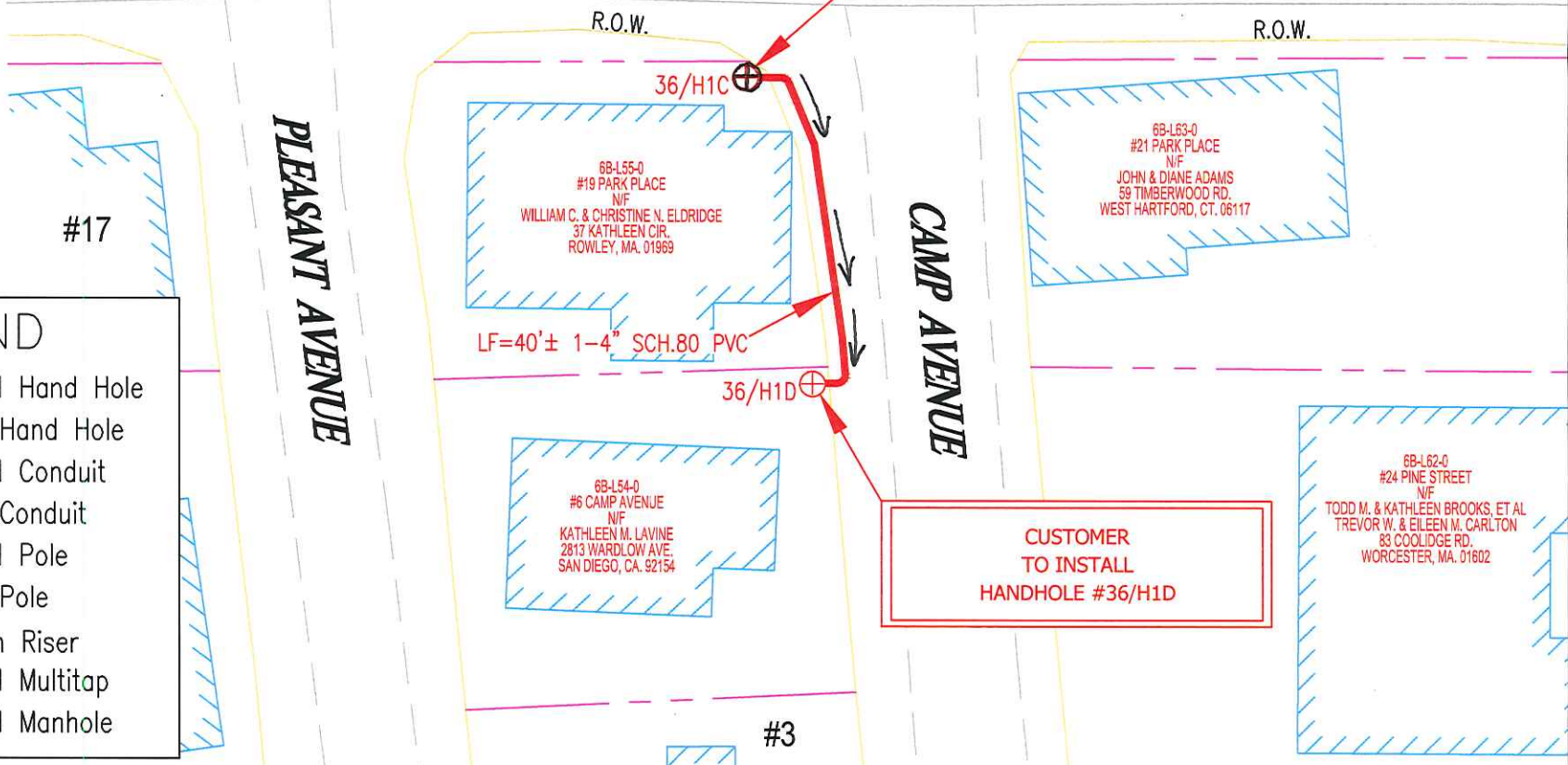
OLD VERSION

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Plan to accompany petition of EVERSOURCE ENERGY  
To install 40'± of underground conduit in town road from  
handhole 36/H1C to 36/H1D  
to provide electric service for customer at #6 Camp Avenue.

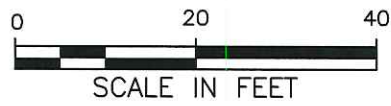


# PARK PLACE



### LEGEND

- ⊕ Proposed Hand Hole
- ⊕ Existing Hand Hole
- Proposed Conduit
- Existing Conduit
- Proposed Pole
- Existing Pole
- Pole with Riser
- [M] Proposed Multitap
- [□] Proposed Manhole



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### MASS. LAW

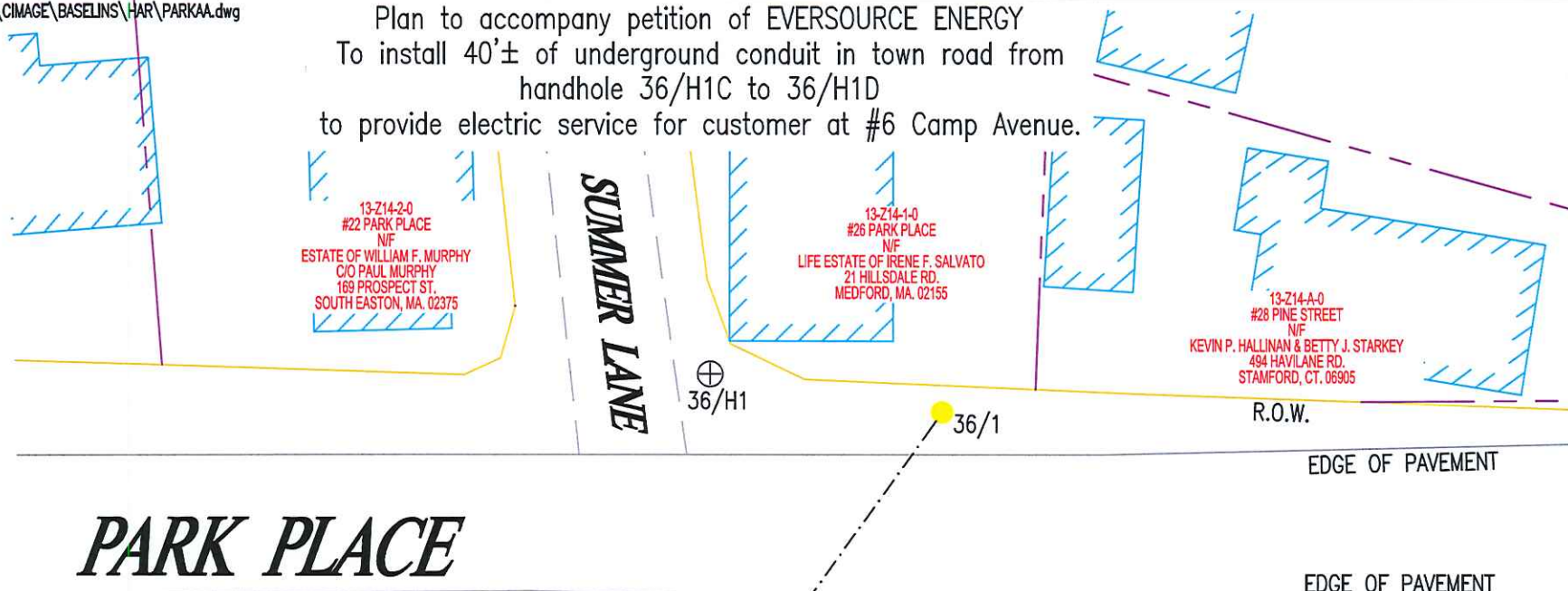
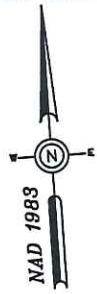
REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES  
BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7233

Plan #	2165543	<b>NSTAR EVERSOURCE</b> ELECTRIC d/b/a 1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125
Ward #		
Work Order #	2165543	Plan of #6 CAMP AVENUE
Surveyed by:		HARWICH
Research by:		Showing PROPOSED HANDHOLE & CONDUIT LOCATIONS
Plotted by:	SC	
Proposed Structures:	SC	
Approved:	A DEBENEDICTIS	Scale 1"=20' Date SEPTEMBER 28, 2016
P#		SHEET 1

1/17/17 New Revision

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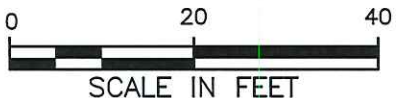
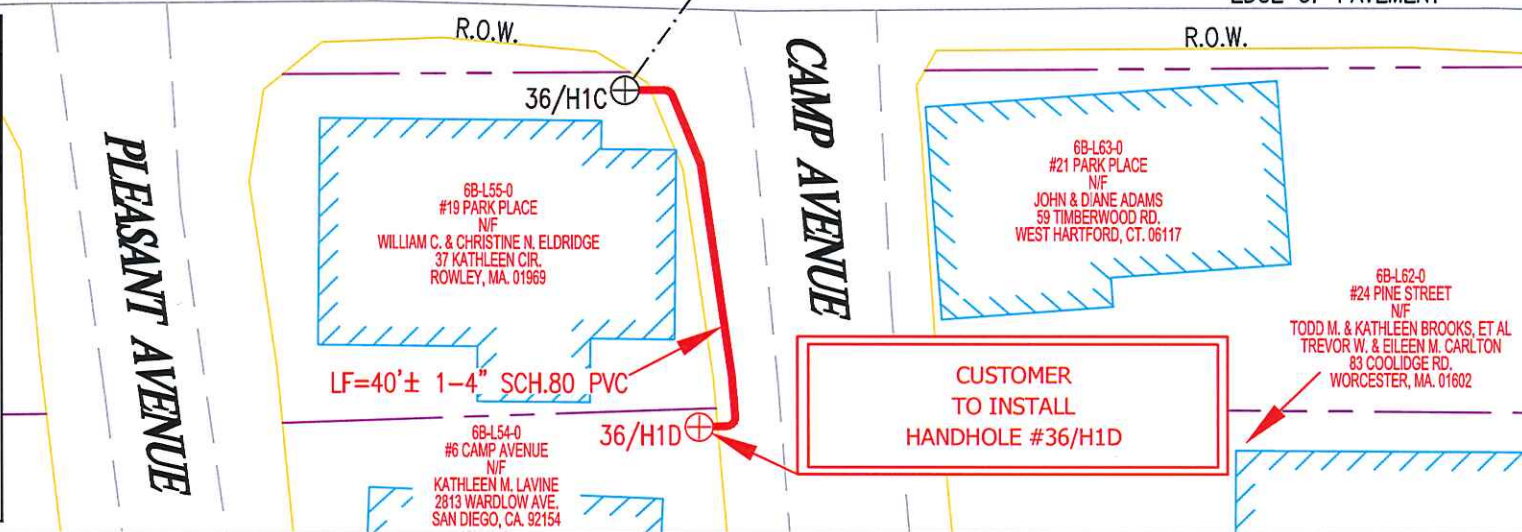
Plan to accompany petition of EVERSOURCE ENERGY  
 To install 40'± of underground conduit in town road from  
 handhole 36/H1C to 36/H1D  
 to provide electric service for customer at #6 Camp Avenue.



# PARK PLACE

**LEGEND**

- ⊕ Proposed Hand Hole
- ⊗ Existing Hand Hole
- Proposed Conduit
- - - Existing Conduit
- Proposed Pole
- Existing Pole
- Pole with Riser
- Ⓜ Proposed Multitap
- Ⓞ Proposed Manhole



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**MASS. LAW**

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

Plan #	2165543	<b>NSTAR EVERSOURCE</b> ELECTRIC d/b/a 1185 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125
Ward #		
Work Order #	2165543	Plan of #6 CAMP AVENUE
Surveyed by:		HARWICH
Research by:		Showing PROPOSED HANDHOLE & CONDUIT LOCATIONS
Plotted by:	SC	
Proposed Structures:	SC	
Approved:	A DEBENEDICTIS	Scale 1"=20'
P#		Date SEPTEMBER 28, 2016
		SHEET 1 OF 1
		REVISED: JANUARY 17, 2017



## Report of the Board of Selectmen

The significant work that our Board undertakes, with the support of the town employees and the community often spans the course of multiple years, but 2016 saw the completion of two very important projects: Muddy Creek Bridge and the Artificial Reef off Saquatucket Harbor. The health of our waters is foremost in the plans that the Board is engaged in and the completion of the bridge will significantly enhance the tidal flow in Muddy Creek and Pleasant Bay and contribute to the restoration of 56 acres of critical wetlands. We thank all those who contributed their time and resources to this project, especially our neighbors in Chatham and our State partners. In March, the deployment of recycled material, including rubble from the demolition of our beloved Harwich High School, furnished the construction of a 9.9 acre artificial reef off Saquatucket Harbor. With the help of the Division of Marine Fisheries, the reef will bring back ground fisheries and improve the underwater environment of Nantucket Sound. Initial monitoring already shows schools of several fish species enjoying their new home. Water in many forms is the driving factor behind the road map the Town is creating for its future and is intertwined with all planning the Town is engaged in.

To that end, in March, the Town submitted a Comprehensive Wastewater Management Plan and Single Environmental Report. The Plan, to be implemented over the next 40 years, focuses on the protection and restoration of valuable water resources and is extremely important to maintain the quality of life and economic well-being of the Town. In April, the Town engaged in a multi-board, multi-agency Waste Water Summit to review the details of the Management Plan. It is clear to this Board that the next significant step is to engage and educate our citizens in understanding the importance of implementation. Even though the cost of wastewater planning is high, the cost of doing nothing would be devastating to the future of our Town.

A critical piece of the wastewater puzzle is to broker an Inter-municipal Agreement with the Town of Chatham to make the connection of the Town's wastewater collection system to the Town of Chatham's wastewater treatment plant. The importance of this commitment will avoid the Town having to spend millions of dollars to build its own facility in the immediate future. The Board is still actively engaged in finishing the details of the agreement with the Town of Chatham and values the partnerships, particularly in solving Cape-wide issues with our neighboring towns. Though the Board endeavored to bring forward a Sewer Use General Bylaw, it was determined that more work, including citizen outreach needed to be completed. The conclusion of both the agreement with Chatham and Sewer Use Regulations & Rules will be in the front line of items the Board hopes to accomplish in 2017.

Many important articles were in the forefront at the May Annual Town Meeting, including the Reconstruction of Saquatucket Marina and the institution of a town-wide Road Maintenance

program. Both of these substantial projects were also supported at the ballot and will greatly contribute to the growth and stability of the Town's resources. The Board was able to bring forth a balanced budget which will allow the Town to continue to provide valuable services to its residents in a fiscally responsible way. The establishment of a Capital Infrastructure Revitalization Fund at Cranberry Valley Golf Course will keep the course in competitive condition without causing financial hardship to the Town. The Board also continued its commitment to financial stability by making transfers into both the Stabilization and OPEB funds via Town Meeting with the overarching goal of solidifying the Town's financial future.

Multiple Community Preservation Committee articles were proposed and backed by our citizens, allowing the preservation of important historic buildings in town, including the Albro House and Brooks Free Library; and recreational improvements, including phase III of the Brooks Park expansion project. A major open space purchase in the acquisition of the Marini property at Muddy Creek Headwaters was accomplished with CPC funding as well as support from the Harwich Conservation Trust and private donations. This 17 acre parcel with approximately 1,400 feet of shoreline along Muddy Creek will greatly help the health of the river and bay, wildlife habitat and improve water quality through avoidance of the potential development of a 12-lot subdivision. In prior town meeting votes, the townspeople supported open space purchases of the Sutphin and Hall properties. Both of these acquisitions were completed in 2016 with the help of Harwich Conservation Trust. The addition of the Hall property will further enhance the Conservation land at Bells Neck. We thank the Hall family for granting the Town of a Harwich its deeded access rights to the Bells Neck Conservation Area. As a community, every open space purchase we support and complete is an investment in our collective future.

The Board of Selectmen has been debating the future reuse of the Harwich Middle School. At the Annual Town Election, the Board brought forward a non-binding advisory ballot question for citizens to weigh in on four options which were as follows; retention and reuse of the building for municipal purposes, demolition of the building with retention of the land for future municipal purposes, sale to a private developer for affordable housing and lease or sale as a cultural or educational center. The majority of citizens voted for sale to a private developer for affordable housing purposes, followed by lease or sale as a community cultural or educational center. For the immediate future, the Board has instituted a two year interim use plan in conjunction with the Community Center and Recreation Directors assistance. Over the next two years, we will determine if the revenue generated through rentals is adequate to cover operating costs while the best course of future action is further researched.

As many of our neighboring towns have done, the Town passed a Plastic Bag Ban bylaw in 2015 with the goal of a cleaner environment and reduction of hazards in the marine setting. The new initiative was implemented in June of 2016. We thank our local merchants for working with us to

implement and make this program a success. We continue to seek input from the business community as we develop plans for the West Harwich Route 28 Corridor.

We are lucky to have many valuable Town employees and volunteers working on behalf of the Town. The Board strives to have the best possible candidates in the town's employment. Town Planner, David Spitz retired in 2016; we thank him for the critical planning work he did for the town for the past seven years. He has been replaced with Alyxandra Sabatino who comes to us from Southold, NY. Ms. Sabatino brings a commitment to community engagement in planning.

One of the most important accomplishments the Board completed was to adopt a series of complex and strategic goals to work on over the next few years. Many of these goals center around developing financially sound practices, efficiencies and most importantly, transparency in town government. We are committed to providing current information to our citizens and seeking input so that decisions about our future can be made in a comprehensive and inclusive manner. We encourage any citizens to contact us directly to discuss these goals and objectives. We extend our sincere thanks to our dedicated staff, all Committee members and volunteers for the work and effort they give to the Town of Harwich. Together, we can create a great future.

Michael D. MacAskill, Chairman

Peter S. Hughes, Vice Chairman

Julie E. Kavanagh, Clerk

Angelo S. LaMantia

Jannell M. Brown

## Ann Steidel

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**From:** Christopher Clark  
**Sent:** Thursday, January 19, 2017 8:10 AM  
**To:** Ann Steidel  
**Subject:** FW: Firm Reappointment  
**Attachments:** doc00062620170118192811.pdf

New Agenda Item. Firm divided and we need to vote new firm.

---

**From:** Adam J. Costa [mailto:[adam@mtclawyers.com](mailto:adam@mtclawyers.com)]  
**Sent:** Wednesday, January 18, 2017 7:39 PM  
**To:** Christopher Clark <[cclark@town.harwich.ma.us](mailto:cclark@town.harwich.ma.us)>  
**Cc:** Jay Talerman <[jay@mtclawyers.com](mailto:jay@mtclawyers.com)>; Lisa Mead <[lisa@mtclawyers.com](mailto:lisa@mtclawyers.com)>  
**Subject:** Firm Reappointment

Chris:

It was nice speaking with you the other day. Per your request, attached please find a letter asking that the Selectmen (re)appoint my firm, as successor to BBM&T, as special counsel to the Town for zoning, land use, planning and real estate law matters. If you have questions, please do not hesitate to contact me.

I hope to see you at the MMA Conference this weekend.

Thanks.



Adam J. Costa  
Mead, Talerman & Costa, LLC  
30 Green Street · Newburyport, Massachusetts · 01950  
Phone 978.463.7700 · Fax 978.463.7747  
[adam@mtclawyers.com](mailto:adam@mtclawyers.com) · [www.mtclawyers.com](http://www.mtclawyers.com)

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✿ Think before you print.



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Attorneys at Law

30 Green Street  
Newburyport, MA 01950  
Phone 978.463.7700  
Fax 978.463.7747

[www.mtclawyers.com](http://www.mtclawyers.com)

Via E-mail Only

January 18, 2017

Christopher Clark, Town Administrator  
Town of Harwich  
Town Hall  
732 Main Street  
Harwich Center, Massachusetts 02645

Re: Request for Appointment  
Special Municipal Counsel

Dear Chris:

To follow up on our conversation late in the week and per your request, I am hereby requesting that the Selectmen confirm the appointment of me, my partner Jay Talerman and all of us at Mead, Talerman & Costa, LLC, as special municipal counsel to the Town of Harwich for zoning, land use, planning and real estate law matters, from time-to-time and on an as-needed basis.

By way of background, following invitations to and interviews of several law firms with particular expertise in the aforementioned areas of the law, the Town of Harwich engaged the services of Blatman, Bobrowski, Mead & Talerman, LLC (BBM&T), in mid-2014. In the ensuing two-and-a-half years, Attorney Talerman and I have assisted the Building Inspector, the Planning Board and Town staff with a variety of matters, including the issuance of zoning opinions, review of permit applications and even litigation. It has been our pleasure representing the Town as special counsel.

Effective January 1, 2017, however, BBM&T dissolved and reorganized as two (2) firms. Those of us at BBM&T who have been active in representing the Town of Harwich, namely me and Attorney Talerman, will continue to practice together, with our partner Lisa Mead. We will also employ three (3) associates formerly with BBM&T, as well as two (2) other experienced attorneys who have just joined us. We will continue to devote a substantial portion of our practice to municipal representation, with a certain expertise in land use, planning and zoning matters. Collectively, Attorney Mead, Attorney Talerman and I have extensive experience with zoning amendments and recodifications, the issuance and defense of zoning opinions, board, commission and committee representation in their reviews of projects large and small and all types of land use litigation. An overview of our firm and a summary of the projects in which we have been involved is submitted together herewith.

With regard to services provided to the Town of Harwich, we will honor the same scope and fee arrangement previously negotiated with the Town: specifically, a rate of \$190.00 per hour for all attorneys regardless of rank or title; no additional charge for the services of paralegals, legal secretaries or other office staff; and, when attendance at board, commission or committee meeting(s) or in-Town appearance(s) are required,

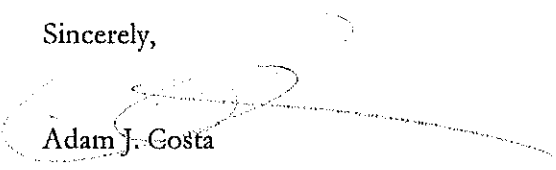
*Millis Office*

730 Main Street, Suite 1F  
Millis, MA 02054  
Phone 508.376.8400

a maximum two (2) hours' roundtrip travel to and from Harwich regardless of the office to and from which our attorneys are traveling.

Again, together with my colleagues, I look forward to the opportunity to continue to serve the Town of Harwich as special municipal counsel. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Adam J. Gosta

AJC/fhs  
Enclosures



Mead, Talerman & Costa, LLC  
Attorneys at Law

I. FIRM SUMMARY

The firm of *Mead, Talerman & Costa, LLC*, offers the Commonwealth's cities and towns expertise in general municipal law, land use and zoning law, energy and environmental law, labor law, and residential and commercial real estate law. The firm's practice is focused on these areas, providing its clients with relevant, timely and sound counsel. Most of the firm's clients are municipalities, housing authorities and other public and quasi-public entities. The firm provides counsel in all areas of municipal law, including labor law. With offices located in both Newburyport and Millis, the firm is geographically well-situated to effectively serve all of its municipal clients.

The firm's attorneys provide general municipal counsel as well as project-based special counsel services. The team is thoroughly familiar with the day-to-day workings of municipal government and the myriad of challenges facing localities as they manage daily operations, emergency situations, long-term planning and strategic efforts. The firm presently serves as Town Counsel to a growing number of municipalities, including the Towns of Ashland, Bellingham, Berkley, Deerfield, Easton, Grafton, Hanson, Kingston, Marblehead, Maynard, Newbury, Rehoboth and Yarmouth. The firm has also represented well over 100 municipalities in the past 20 years on Special Counsel assignments. The firm has had ongoing relationships for over ten years with a number of our municipal clients.

II. ATTORNEYS

Although well-versed in the full scope of services offered, the attorneys' areas of expertise in the municipal context are as follows:

Lisa L. Mead: Municipal law; land use and planning law; renewable energy

Jason R. Talerman: Municipal law; land use, planning, wetlands and environmental law; renewable energy; trial and appellate court advocacy

Adam J. Costa: Municipal law; land use and planning law; trial and appellate court advocacy

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Robert A. Dignan, Jr.: Commercial and residential real estate law; complex title examination

Katherine M. Feodoroff: Municipal law; labor and employment

Ginny Kremer: Municipal law; land use and planning law; trial and appellate court advocacy

Sarah Bellino: Municipal law; land use and planning law; local permitting and licensing

Michael Kennefick: Municipal law; municipal labor and employment law; trial and appellate court advocacy; renewable energy

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**Lisa L. Mead**

*Partner*

Lisa L. Mead, a partner in the firm, is also former City Solicitor for the City of Somerville. She is a former three-term Mayor of the City of Newburyport and a former two-term City Councilor for the City of Newburyport. Lisa also served as State Director for Senator John Kerry's Massachusetts operations. Previously, she worked in a private practice specializing in real estate, banking, securities and corporate law, and as Assistant General Counsel for the Massachusetts Department of Public Welfare. As a partner at Mead, Talerman & Costa, LLC, she provides general municipal counsel services to towns and cities as well as special counsel services.

Having served as both the chief elected officer for a municipality and City Solicitor for a major urban city, Lisa is broadly qualified to assist municipalities as they address a variety of local legal issues, including: procurements, finances, licensing, zoning, affordable housing development, permitting, litigation, state and federal relations, renewable energy contracts and public construction. Drafting and negotiating power purchase agreements as well as tax agreements on behalf of municipalities have become areas of focus for Lisa.

Lisa's work also extends into local permitting for non-land use matters, such as licensing. She permitted the first commercial grade wind turbine on the North Shore and the first 5 MW solar facility in Massachusetts.

Lisa serves a large number of land use clients, working with private homeowners as well as large residential and commercial developers. Her work extends to providing counsel to major health care facilities concerning their real estate assets as well as permitting and related commercial leases.

Lisa has presented at the Boston Bar Association, Department of Housing and Community Development and Massachusetts Managers Association on various municipal topics such as renewable energy matters, medical marijuana permitting, managing relationships between town management and Boards of Selectmen, smart growth tools and other topics.

Education:

- B.A., University of Massachusetts (Amherst, Massachusetts)
- J.D., New England School of Law (Boston, Massachusetts)



#### Selected Publications and Presentations:

- Suffolk University Municipal Managers Certification Program, Local Government Leadership and Management, Legal Challenges for Local Government (2016)
- Boston Bar Association, Local Permitting and the Wind Siting Reform Act (December 2011)
- Massachusetts Managers Association, Annual Boot-Camp; Strategies for Building Relationships among the Board of Selectmen, Town Manager and Town Counsel (October 2009 and 2010)
- Developing a Green Legal Thumb Emerging Practice Issues; Green Real Estate, How to Handle Zoning and Permitting (October 2009)
- Keeping Current with Chapter 40B, Citizens Housing & Planning Institute and Department of Housing and Community Development (October 2008)
- A New Look at the Old 40B, A Municipal Perspective, Suffolk University's Moakley Institute (September 2008)
- Local Investment Accounts Ensure Funding, "American City and County Magazine" (March 2002); co-authored with Stephen Lisauskas

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#### **Jason R. Talerman**

*Partner*

Jason R. Talerman, a partner in the firm, has been practicing municipal law for nearly two decades. Jay has wide experience in a variety of municipal practice areas and serves as primary counsel for several of the Towns that the firm represents.

Jay is well known for his expertise in Town Meeting procedures and has extensive expertise in the areas of environmental law, land use and affordable housing. He has a strong litigation background and has practiced before the Housing Appeals Committee, Appellate Tax Board, Department of Environmental Protection, District Court, Land Court, Superior Court, Appeals Court, Supreme Judicial Court, U.S. Bankruptcy Court and Federal District Court. Jay is a resident of the Town of Norfolk, where, in addition to currently serving as Town Moderator, he has served as a member on a variety of local boards and committees, including the Conservation Commission, Community Preservation Committee, Bylaw Review Committee, Council on Aging and Master Plan Committee.

Prior to joining the firm, Jay was a partner at Kopelman & Paige, where he provided Town Counsel services to nearly a third of the cities and towns in the Commonwealth. He frequently lectures on a variety of municipal topics and served as an appointed member of the Massachusetts Housing Appeals Committee Rules Advisory Committee. Jay graduated as a Commonwealth Scholar from the University of Massachusetts with degrees in English and Communications and also attended Oxford University.

#### Education:

- B.A., University of Massachusetts (Amherst, Massachusetts)
- J.D., Boston College Law School (Newton, Massachusetts)
- Trinity College, Oxford University (Oxford, England)

Selected Publications and Presentations:

- Speaker, Conference of Massachusetts Building Commissioners (Annually, 2011-present)
- Featured Panelist, 2012 REBA Annual Conference
- Speech: "Planned Production Implementation," MMA Annual Conference (2009)
- Speech: "Affordable Housing in Massachusetts," Annual Conference of the American Planners' Association (2006)
- Speech: "Chapter 40B Update," CLE International Land Use Forum (2005-06)
- Speech: "Ask the Experts," Affordable Housing Seminar (Co-sponsored by DHCD, MassHousing, CHAPA & MHP) (2004-06)
- Speech: "Housing Everyone in the Commonwealth," Harvard University Kennedy School of Government (2003)
- "Life After 40B," Architecture Boston Magazine (May/June 2003)
- Presenter, "Community Preservation Act," SE and Western Mass Moderators Associations

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**Adam J. Costa**

*Partner*

Adam J. Costa, a partner in the firm, is an experienced practitioner in the areas of general municipal law, land use and zoning law and real estate law. He is admitted to practice in both Massachusetts and New Hampshire.

Adam works with a varied clientele including municipalities, private developers and other individuals. He advises municipal clients on a wide range of topics, from substantive matters such as bylaw enforcement and property sales/acquisitions to procedural matters such as procurement and Open Meeting Law compliance. Representing both municipal and private clients, Adam has extensive experience with Chapter 40B development, the adoption of Chapter 40R smart growth zoning and expedited permitting under Chapter 43D. Adam is also well-versed in all aspects of residential and commercial real estate law.

Adam frequently represents clients in the District Courts, Superior Courts, Housing Court and Land Court, as well as before administrative agencies including the Housing Appeals Committee (HAC), the Department of Environmental Protection (DEP), the Appellate Tax Board (ATB) and the Alcoholic Beverages Control Commission (ABCC). Adam has successfully argued before the Massachusetts Appeals Court on multiple occasions. Representing a municipal client, Adam defended its denial of the protections afforded nonconformities to a structure that was not lawfully in existence at the time of its creation. See Godfrey v. Board of Appeals of Lancaster, 71 Mass. App. Ct. 1118 (2008). Adam also rebuffed an effort by a group of residents in a different municipality to prevent the sale of property for the development of an age-restricted affordable housing project. See Baun v. Board of Selectmen of Ashland, 87 Mass. App. Ct. 1130 (2015).

Adam is a graduate of Wake Forest University School of Law, where he was active in appellate advocacy, was selected for the Wake Forest National Moot Court Team and was a recipient of the N.C. Academy of Trial Lawyers Award for his outstanding achievements in trial

advocacy. Adam received his Bachelor of Arts degree from the University of New Hampshire, majoring in political science and international affairs.

Education:

- B.A., University of New Hampshire (Durham, New Hampshire)
- J.D., Wake Forest University School of Law (Winston-Salem, North Carolina)

Selected Publications and Presentations:

- Presenter, "Site Plan Review," Citizen Planner Training Collaborative Fall Workshops (2016)
- Presenter, "Writing Reasonable & Defensible Decisions," Citizen Planner Training Collaborative Fall Workshops (2016)
- "Zoning For Medical Marijuana: Approaches and Considerations," Boston Bar Journal (2016)
- Panelist, "The Next 10 Years of Smart Growth Housing in Massachusetts," A Roundtable on the Chapter 40R Program (Sponsored by the Boston Foundation) (2014)

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**Robert A. Dignan, Jr.**

*Senior Attorney*

*Director, Title & Conveyancing*

Robert A. Dignan, Jr., a Senior Attorney in the firm, has practiced law for over twenty years and brings a broad range of legal knowledge with a particular emphasis in title examination and resolution of complex real estate title issues. Bob concentrates in commercial and residential real estate law, title examination and review, title insurance, Land Court and Probate Court research and zoning. Prior to joining the firm, he practiced civil litigation and corporate law, in addition to real estate law, with firms in Boston, until opening an office of his own in 2008.

Bob earned his degree of Juris Doctor from Massachusetts School of Law at Andover, and holds a Bachelor of Arts degree in History from Merrimack College, where he earned membership in the national history honor society, Phi Alpha Theta. He is admitted to practice before the courts of the Commonwealth of Massachusetts, the U.S. District Court for the District of Massachusetts, and the U.S. Court of Appeals for the First Circuit. He is a long-time agent for Connecticut Attorneys Title Insurance Company (CATIC).

Education:

- B.A., Merrimack College (North Andover, Massachusetts)
  - J.D., Massachusetts School of Law (Andover, Massachusetts)
-

**Katherine M. Feodoroff**

*Senior Attorney*

*Director, Labor & Personnel*

Katherine McNamara Feodoroff has been practicing law for over thirteen years, twelve specializing in municipal law. Having served as the Senior Assistant Solicitor for the seventh largest city in the Commonwealth, Kate has a breadth of knowledge and deep experience in areas including labor and employment disputes, labor negotiations, open meeting law and public records, licensing and code enforcement, contract negotiation and drafting and zoning and planning appeals. Kate's broad experience has enabled her to provide quick and thoughtful advice to her clients on many topics routinely faced by municipalities.

Additionally, Kate has appeared frequently before the Housing Court, District Court, Land Court, Superior Court and U.S. District Court. Kate has also argued several times before the Massachusetts Appeals Court.

Kate received her Juris Doctor from Seton Hall University School of Law. She received her Bachelor of Arts degree from Boston College in Economics and German. She studied abroad in Frankfurt and Berlin, spending a year in Munich as an exchange student at the Ludwig Maximilian Universität.

Education:

- B.A., Boston College (Chestnut Hill, Massachusetts)
- J.D., Seton Hall University School of Law (Newark, New Jersey)

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**Ginny Kremer**

*Senior Attorney*

Ginny Kremer has been serving as counsel to government entities for nearly two decades. She has served as lead Town Counsel to the Town of Grafton since 2007 and the Town of Newbury since 2012. Ginny provides a full range of proactive, high-quality municipal legal services with unsurpassed accessibility and responsiveness to client needs.

Prior to joining the firm, Ginny served for nearly a decade as an Assistant Attorney General in the Government Bureau of the Massachusetts Attorney General's Office. In that capacity, she provided legal representation directly to the Commonwealth's officials and agencies, most often in the context of litigation in the state and federal trial and appellate courts. This representation encompassed a wide variety of complex subject areas, and required expertise in all areas of litigation, brief writing and settlement negotiations/mediations of complex lawsuits, including school financing law and human services law. Ginny is highly experienced in general litigation and appellate litigation, as well as the provision of general town counsel services. Ginny earned her Bachelor of Arts degree, *cum laude*, at the University of Massachusetts at Amherst, and her Juris Doctor at Boston University's School of Law.

Education:

- B.A., University of Massachusetts, cum laude (Amherst, Massachusetts)

- J.D., Boston University School of Law (Boston, Massachusetts)

Selected Significant Cases and Reported Decisions:

- Hancock v. Commissioner of Department of Education, served as trial counsel for the Commonwealth in the complex constitutional challenge to the Massachusetts School Finance law and formula (2001-04)
- Goodridge v. Department of Public Health, served on the brief writing team for the Commonwealth of Massachusetts in the same-sex marriage case (2004)
- Rolland v. Cellucci, served as trial counsel in the federal constitutional class action challenging the Massachusetts Medicaid financing formula and policies for individuals with disabilities (1999-2003)
- Becker v. Town of Newbury, 72 Mass. App. Ct. 807 (2008) (successfully represented Town against challenge to Town's calculation of 111F benefits and denial of 85H benefits)
- Covell v. Department of Social Services, 439 Mass. 766 (2003) (successfully represented Department of Social Services against challenge to policy of registry listing of alleged perpetrator)
- Greaney v. Massachusetts State Police, 52 Mass. App. Ct. 781 (2001) (successfully represented State Police against challenge to Colonel's orders of demotion)
- Hosking v. Contributory Retirement Appeals Board, 732 N.E.2d 346 (Mass. App. Ct. 2000) (successfully representing the Massachusetts Turnpike Authority in challenge to denial of early retirement)

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**Sarah Bellino**

*Associate*

Sarah Bellino is an Associate in the firm with a practice primarily focused on providing municipal government clients with a comprehensive package of legal services including ethics opinions, public procurement counseling, construction project development and claims/litigation resolution. She also has experience representing private clients in local permitting matters.

Sarah earned her Juris Doctor at Roger Williams University School of Law in Bristol, Rhode Island and her Bachelor of Arts degree at Wells College in Aurora, New York. She is a member of the Massachusetts Bar, New Hampshire Bar and the Massachusetts Federal District Court. Before joining Mead, Talerman & Costa, LLC, Sarah served as Assistant City Solicitor for the City of Brockton, Massachusetts. In her capacity there, she strategized, researched and rendered opinions on key legal issues impacting the City. She previously worked as a Guardian Ad Litem for the Boston Housing Court.

Education:

- B.A., Wells College (Aurora, New York)
  - J.D., Roger Williams University (Bristol, Rhode Island)
-

## **Michael Kennefick**

### *Associate*

Michael Kennefick is a Senior Associate in the firm and a leader in the firm's litigation practice. He has significant trial experience before the District, Housing, Superior and Land Courts and also represents clients before local and state boards. In addition to his litigation practice, Mike has substantial experience in general municipal, employment, construction and land use and planning law. He regularly meets with and counsels the firm's municipal clients on a variety of topics.

Mike was formerly employed with Perry, Hicks, Crotty and Deshaies, LLC, and then the Law Offices of Thomas P. Crotty & Associates, PLLC, where he represented several communities in Southeast Massachusetts. He was a member of the Rochester Zoning Board of Appeals from 2006 through 2013 and sat as the Chairman of the Board of Public Works for the Town of Acushnet from 2002 through 2005. He received his Bachelor of Arts degree from the University of Massachusetts and his Juris Doctor from Roger Williams University. He has served as a guest lecturer at the University of Massachusetts School of Law regarding zoning, local and state licensing and municipal employment issues.

### Education:

- B.A., University of New Hampshire (Durham, New Hampshire)
- J.D., Roger Williams University (Providence, Rhode Island)

## **III. FIRM PROJECTS**

### General Municipal Counsel

Ashland, Massachusetts (2008-present): The firm serves as Town Counsel, representing the Town in all phases of municipal law.

Bellingham, Massachusetts (2008-present): The firm serves as Town Counsel, representing the Town in all phases of municipal law.

Berkley, Massachusetts (2011-present): The firm serves as Town Counsel, representing the Town in all phases of municipal law.

Chatham, Massachusetts (2012-2015): The firm served as Town Counsel, representing the Town in all phases of municipal law.

Deerfield, Massachusetts (2004-present): The firm serves as Town Counsel, representing the Town in all phases of municipal law.

Douglas, Massachusetts (2011-2015): The firm served as Town Counsel, representing the Town in all phases of municipal law.

Easton, Massachusetts (2010-present): The firm serves as Town Counsel, representing the Town in all phases of municipal law.

Hanson, Massachusetts (2014-present): The firm serves as Town Counsel, representing the town in all phases of municipal law.

Kingston, Massachusetts (2008-present): The firm serves as Town Counsel, representing the Town in all phases of municipal law.

Marblehead, Massachusetts (2005-present): The firm serves as co-Town Counsel, representing the Town in all phases of municipal law.

Maynard, Massachusetts (2010-present): The firm serves as Town Counsel, representing the Town in all phases of municipal law.

Millis, Massachusetts (2001-2006): Attorney Talerman served as primary municipal law contact for Town. Responsible for coordination of all legal representation. Representation at Town Meeting.

Millville, Massachusetts (2001-2006): Attorney Talerman served as primary municipal law contact for Town. Responsible for coordination of all legal representation. Representation at Town Meeting.

Norton, Massachusetts (2004-2006): Attorney Talerman served as primary municipal law contact for Town. Responsible for coordination of all legal representation. Representation at Town Meeting.

Rehoboth, Massachusetts (2012-present): The firm serves as Town Counsel, representing the Town in all phases of municipal law. Currently recodifying subdivision regulations.

Scituate, Massachusetts (2004-present): Attorney Talerman represents the Town of Scituate on a variety of general municipal matters, ranging from tax issues to sewer construction.

Somerville, Massachusetts (2002-2004): Attorney Mead served as City Solicitor, in charge of all legal affairs for city.

Southborough, Massachusetts (2013-present): The firm serves as Special Town Counsel for regional school district and land use matters.

Southbridge, Massachusetts (2009-2014): The firm served as co-Town Counsel, representing the Town in all phases of municipal law.

Templeton, Massachusetts (2011-2012): The firm served as Town Counsel, representing the Town in all phases of municipal law.

Wareham, Massachusetts (2011-2013). The firm served as Town Counsel, representing the Town in all phases of municipal law.

Yarmouth, Massachusetts (2016-present). The firm serves as Town Counsel, representing the Town in all phases of municipal law.

### Town Meetings

In addition to the foregoing, Attorney Talerma has served as Town Counsel at Town Meetings in the following Towns: Blandford, Chelmsford, Edgartown, Oak Bluffs, Tisbury, Westport and Winchester.

### Drafting Municipal Bylaws, Ordinances, Etc.

In addition to drafting by-laws for the Towns for which the firm serves as Town Counsel, the firm has drafted bylaws, ordinances, rules and regulations for the following municipalities:

Cambridge, Massachusetts (2016): Drafted suggested modifications to Outdoor Lighting Ordinance on behalf of neighborhood organization.

Clinton, Massachusetts (2011): Drafted Zoning and General Bylaw amendments to streamline permitting for designated commercially- and industrially-zoned properties.

Dighton, Massachusetts (2007): Completely recodified Subdivision Rules and Regulations for Planning Board. Enacted 2007.

Douglas, Massachusetts (2007-2010): Drafted Zoning and General Bylaw amendments to expedite the permitting process for designated industrially-zoned properties. Drafted Residentially- and Commercially-Scaled Wind Energy Conversion Facility Bylaws.

Gardner, Massachusetts (2005): Completely recodified Zoning Ordinance with Taintor & Associates. Adopted 2006.

Grafton, Massachusetts (2008): Prepared Operations and Maintenance Manual for Affordable Housing Trust.

Greenfield, Massachusetts (2009): Drafted Zoning Ordinance and General Code amendments to expedite the permitting process for designated commercially- and industrially-zoned properties.

Groveland, Massachusetts (2006): Completely recodified Zoning Bylaw.

Methuen, Massachusetts (2008): Completely recodified Zoning Ordinance. Enacted 2008.

Natick, Massachusetts (2006): Drafted Comprehensive Permit Rules of the Zoning Board of Appeals.

Needham, Massachusetts (2011): Drafted both General Rules and Regulations and Comprehensive Permit Rules of the Zoning Board of Appeals, together with Community Opportunities Group, Inc.

Norwood, Massachusetts (2010): Drafted Zoning and General Bylaw amendments for the Vanderbilt Expedited Permitting District.

Uxbridge, Massachusetts (2008): Completely recodified Zoning Bylaw.



### Legal Assistance to Local Boards and Commissions

The members of the firm have served as City Solicitor, Town Counsel and Special Town Counsel to land use boards and commissions, (i) assisting in the review of permit applications, subdivision plan submittals, Notices of Intent and Title V applications; (ii) preparing written decisions under the direction of the board or commission; and (iii) representing these boards and commissions, if necessary, in appeals before the courts and administrative agencies of the Commonwealth.

The members of the firm have successfully handled the following matters on behalf of governmental clients:

#### *Land Use, Zoning, Environmental and Energy Law*

Representation of boards and commissions in land use, zoning, environmental and energy law matters including applications for zoning relief, ANR and subdivision applications, site assignments, reviews of renewable energy projects and appeals of all of the foregoing, in the following municipalities:

- Acushnet
- Amesbury
- Ashland
- Aquinnah
- Bellingham
- Berkley
- Blackstone
- Boxford
- Brockton
- Burlington
- Chatham
- Chelmsford
- Chilmark
- Clinton
- Cohasset
- Concord
- Dedham
- Deerfield
- Dighton
- Douglas
- Easton
- Edgartown
- Franklin
- Freetown
- Grafton
- Great Barrington
- Hadley
- Hamilton
- Haverhill
- Holliston
- Ipswich
- Kingston
- Lancaster
- Malden
- Mansfield
- Marblehead
- Maynard
- Medway
- Mendon
- Merrimac
- Methuen
- Millis
- Millville
- Natick
- Newburyport
- Norfolk
- Norton
- Oak Bluffs
- Provincetown
- Quincy
- Rochester
- South Hadley
- Sterling
- Stoughton
- Sturbridge
- Templeton
- Tewksbury
- Tisbury
- West Boylston
- Westford
- Westport
- West Tisbury
- Winchester

#### *Wetlands and Sewage Disposal Systems*

Representation of Conservation Commissions regarding filings and/or enforcement under the Wetlands Protection Act and local wetlands bylaws, as well as representation of Boards of Health in Title V matters, in the following municipalities:

- Acushnet
- Ashland
- Amesbury
- Bellingham
- Carver
- Chatham
- Chelmsford
- Douglas
- Easton
- Edgartown
- Freetown
- Holbrook

- Kingston
- Marblehead
- Mattapoisett
- Mendon
- Millis
- Millville
- Norton
- Provincetown
- Rehoboth
- Scituate
- Tisbury
- Upton
- Westport
- Yarmouth

*Comprehensive Permit Law*

Comprehensive permit review (G.L. c. 40B, §§ 20-23) with a team of interdisciplinary professionals including civil engineers, traffic engineers, wetlands specialists, landscape architects, financial consultants and others, as required, as legal counsel to Zoning Boards of Appeals in the following municipalities:

- Amesbury
- Ashland
- Bellingham
- Blackstone
- Boxborough
- Boxford
- Brookline
- Chelmsford
- Dartmouth
- Deerfield
- Douglas
- Franklin
- Freetown
- Georgetown
- Great Barrington
- Groton
- Groveland
- Haverhill
- Holliston
- Kingston
- Lakeville
- Lancaster
- Longmeadow
- Mansfield
- Marblehead
- Marion
- Mashpee
- Medfield
- Medford
- Melrose
- Mendon
- Merrimac
- Methuen
- Millis
- Natick
- Needham
- Newburyport
- Norfolk
- North Andover
- North Attleboro
- Norwell
- Pembroke
- Petersham
- Provincetown
- Rochester
- Sandwich
- Scituate
- Sterling
- Sunderland
- Templeton
- Tewksbury
- Tisbury
- Tyngsborough
- Upton
- West Boylston
- Westford
- West Newbury
- Westport

*Smart Growth Zoning and Housing*

Smart growth overlay district review (G.L. c. 40R) with a team of interdisciplinary professionals including planners, architects, engineers and others, as required, in the following cities and towns, either as municipal counsel or working cooperatively with the municipality on behalf of a private party:

- Andover
- Dartmouth
- Easton
- Foxborough
- Grafton
- Hingham
- Kingston
- Methuen
- Northampton
- Norwood
- Pittsfield
- Sharon
- Walpole

### *Expedited Permitting*

Assistance with the adoption and implementation of the expedited permitting program (G.L. c. 43D) for commercial, industrial and/or mixed-use development of priority development site(s), as designated by the following municipalities:

- Ashland
- Boylston
- Clinton
- Deerfield
- Douglas
- Greenfield
- Norwood
- Uxbridge
- Worcester

### Legal Counsel to Housing Authorities

The members of the firm have served as general legal counsel to housing authorities covering all aspects of day-to-day operations along with special projects. They include:

Newburyport Housing Authority (2005-present): Provide general counsel to the Housing Authority on all matters.

Franklin Housing Authority (2015-present): Provide general counsel to the Housing Authority on all matters.

### Collective Bargaining and Labor Representation

Members of the firm have been involved with collective bargaining and other labor issues with the IAFF, SEIU, LIUNA, and Police Patrolmens' Associations.

## Sandy Robinson

---

**From:** Joe Powers  
**Sent:** Wednesday, January 18, 2017 9:32 AM  
**To:** Sandy Robinson  
**Subject:** Re: Appointment Notice

Hi Sandy -

Yes, I would be very interested in moving to full member. Please let me know if you need anything from me to facilitate this move.

Thank you,

Joe

On Wed, Jan 18, 2017 at 9:30 AM, Sandy Robinson <[srobinson@town.harwich.ma.us](mailto:srobinson@town.harwich.ma.us)> wrote:

Hi Joe –

I have been asked to let you know that there is now a vacancy as a full member on the HDHC. The Board of Selectmen would like to put your appointment as a full member (from an alternate) on the January 23 agenda. I just want to confirm that you are willing to move up as a full member. Please let me know at your earliest convenience.

Thank you! Sandy

*Sandra Robinson*

*Administrative Secretary*

*Selectmen/Administrator's Office*

*[srobinson@town.harwich.ma.us](mailto:srobinson@town.harwich.ma.us)*

*[\(508\) 430-7513](tel:5084307513)*

TOWN OF HARWICH  
LEGAL NOTICE  
APPLICATION FOR AMENDMENT OF LIQUOR LICENSE

Notice is hereby given under Chapter 138 of the General Laws as amended that application has been made to this Board by Arthur J. Luke, President and Christina A. Luke, Treasurer of A.J. Luke's of Harwich, Inc. for the change of ownership of all shares of stock from Arthur J. Luke and Christina A. Luke to Luke Beverage Inc. at the following described premises located at 224 Route 28, West Harwich: 2 rooms, 7,000 sq. ft. including cold box and 2,000 sq. ft. retail space, 1 exit and 2,000 sq. ft. retail space, 1 exit and 2,000 sq. ft. storage room with 2 loading docks.

The Board of Selectmen will hold a Public Hearing upon this application on Monday, January 23, 2017 no earlier than 6:30 P.M. in the Donn B. Griffin Room at Town Hall, 732 Main Street, Harwich, at which time all interested parties will be heard.

Board of Selectmen  
Local Licensing Authority

Cape Cod Times  
Monday, January 9, 2017

Cape Cod Chronicle  
Thursday, January 12, 2017

**TOWN OF HARWICH  
LEGAL NOTICE  
APPLICATION FOR AMENDMENT OF LIQUOR LICENSE**

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Board of Selectmen  
Local Licensing Authority

The Cape Cod Chronicle  
Jan. 12, 2017



The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 239 Causeway Street  
 Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

**AMENDMENT APPLICATION FOR A CHANGE OF BENEFICIAL INTEREST OR  
 TRANSFER/ISSUANCE OF STOCK**

Please complete this entire application, leaving no fields blank. If field does not apply to your situation, please write N/A.

**1. NAME OF LICENSEE** (Business Contact)

**ABCC License Number**  **City/Town of Licensee**

**2. APPLICATION CONTACT**

The application contact is required and is the person who will be contacted with any questions regarding this application.

First Name:  Middle:  Last Name:

Title:   Primary Phone:

Email:

**3. BUSINESS CONTACT**

Please complete this section **ONLY** if there are changes to the Licensee phone number, business address (corporate headquarters), or mailing address.

Entity Name:

Primary Phone:  Fax Number:

Alternative Phone:  Email:

**Business Address (Corporate Headquarters)**

Street Number:  Street Name:

City/Town:  State:

Zip Code:  Country:

**Mailing Address**  Check here if your Mailing Address is the same as your Business Address

Street Number:  Street Name:

City/Town:  State:

Zip Code:  Country:

**AMENDMENT APPLICATION FOR A CHANGE OF BENEFICIAL INTEREST OR  
TRANSFER/ISSUANCE OF STOCK**

**4. CURRENT OWNERSHIP (Before Change in Beneficial Interest)**

Please list all individuals or entities with a direct or indirect, beneficial or financial interest in this license. This pertains to the current licensee (before change in beneficial interest occurs).

Name	Title / Position	% Owned	Other Beneficial Interest
Arthur J. Luke	Stockholder <input type="checkbox"/>	50%	
Christina A. Luke	Stockholder <input type="checkbox"/>	50%	
	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		

**PROPOSED OWNERSHIP (After Change in Beneficial Interest)**

Please list all individuals or entities with a direct or indirect, beneficial or financial interest in this license.

An individual or entity has a direct beneficial interest in a license when the individual or entity owns or controls any part of the license. For example, if John Smith owns Smith LLC, a licensee, John Smith has a direct beneficial interest in the license.

An individual or entity has an indirect beneficial interest if the individual or entity has 1) any ownership interest in the license through an intermediary, no matter how removed from direct ownership, 2) any form of control over part of a license no matter how attenuated, or 3) otherwise benefits in any way from the license's operation. For Example, Jane Doe owns Doe Holding Company Inc., which is a shareholder of Doe LLC, the license holder. Jane Doe has an indirect interest in the license.

- A. All individuals listed below are required to complete a Beneficial Interest Contact - Individual form.
- B. All entities listed below are required to complete a Beneficial Interest Contact - Organization form.
- C. Any individual with any ownership in this license and/or the proposed manager of record must complete a CORI Release Form.

Name	Title / Position	% Owned	Other Beneficial Interest
Luke Beverage Inc.	Stockholder <input type="checkbox"/>	100%	
	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		



**APPLICANT'S STATEMENT**

I, Arthur J. Luke the:  sole proprietor;  partner;  corporate principal;  LLC/LLP member  
Authorized Signatory

of A. J. Luke's of Harwich, Inc., hereby submit this application for Transfer of Stock  
Name of the Entity/Corporation Transaction(s) you are applying for

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

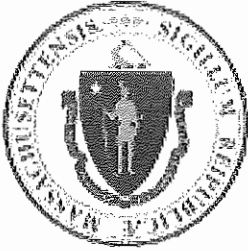
I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statement and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and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

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises does not violate any requirement of the ABCC or other state law or local ordinances;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the Application information as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of, the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.

Signature: Arthur J. Luke

Date: 12/28/2016

Title: President



**The Commonwealth of Massachusetts  
William Francis Galvin**

Minimum Fee: \$250.00

Secretary of the Commonwealth, Corporations Division  
One Ashburton Place, 17th floor  
Boston, MA 02108-1512  
Telephone: (617) 727-9640

**Articles of Organization**

(General Laws, Chapter 156D, Section 2.02; 950 CMR 113.16)

**Identification Number:** 001252850

**ARTICLE I**

The exact name of the corporation is:

LUKE BEVERAGE INC.

**ARTICLE II**

Unless the articles of organization otherwise provide, all corporations formed pursuant to G.L. C156D have the purpose of engaging in any lawful business. Please specify if you want a more limited purpose:

**ARTICLE III**

State the total number of shares and par value, if any, of each class of stock that the corporation is authorized to issue. All corporations must authorize stock. If only one class or series is authorized, it is not necessary to specify any particular designation.

Class of Stock	Par Value Per Share Enter 0 if no Par	Total Authorized by Articles of Organization or Amendments		Total Issued and Outstanding Num of Shares
		Num of Shares	Total Par Value	
CNP	\$0.00000	30,000	\$0.00	0

G.L. C156D eliminates the concept of par value, however a corporation may specify par value in Article III. See G.L. C156D Section 6.21 and the comments thereto.

**ARTICLE IV**

If more than one class of stock is authorized, state a distinguishing designation for each class. Prior to the issuance of any shares of a class, if shares of another class are outstanding, the Business Entity must provide a description of the preferences, voting powers, qualifications, and special or relative rights or privileges of that class and of each other class of which shares are outstanding and of each series then established within any class.

**ARTICLE V**

The restrictions, if any, imposed by the Articles of Organization upon the transfer of shares of stock of any class are:

**ARTICLE VI**

Other lawful provisions, and if there are no provisions, this article may be left blank.

**Note: The preceding six (6) articles are considered to be permanent and may be changed only by filing appropriate articles of amendment.**

#### ARTICLE VII

The effective date of organization and time the articles were received for filing if the articles are not rejected within the time prescribed by law. If a *later* effective date is desired, specify such date, which may not be later than the 90th day after the articles are received for filing.

**Later Effective Date: Time:**

#### ARTICLE VIII

The information contained in Article VIII is not a permanent part of the Articles of Organization.

**a,b. The street address of the initial registered office of the corporation in the commonwealth and the name of the initial registered agent at the registered office:**

Name: ARTHUR J. LUKE  
No. and Street: 6 NARROWS LANE  
City or Town: SOUTH YARMOUTH State: MA Zip: 02664 Country: USA

**c. The names and street addresses of the individuals who will serve as the initial directors, president, treasurer and secretary of the corporation (an address need not be specified if the business address of the officer or director is the same as the principal office location):**

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
PRESIDENT	ARTHUR J LUKE	6 NARROWS LANE SOUTH YARMOUTH, MA 02664 USA
TREASURER	CHRISTINA A LUKE	6 NARROWS LANE SOUTH YARMOUTH, MA 02664 USA
SECRETARY	CHRISTINA A LUKE	6 NARROWS LANE SOUTH YARMOUTH, MA 02664 USA
VICE PRESIDENT	ARTHUR J LUKE	6 NARROWS LANE SOUTH YARMOUTH, MA 02664 USA
DIRECTOR	ARTHUR J LUKE	6 NARROWS LANE SOUTH YARMOUTH, MA 02664 USA
DIRECTOR	CHRISTINA A LUKE	6 NARROWS LANE SOUTH YARMOUTH, MA 02664 USA

**d. The fiscal year end (i.e., tax year) of the corporation:**  
December

**e. A brief description of the type of business in which the corporation intends to engage:**

LIQUOR RETAIL

**f. The street address (post office boxes are not acceptable) of the principal office of the corporation:**

No. and Street: 6 NARROWS LANE  
City or Town: SOUTH YARMOUTH State: MA Zip: 02664 Country: USA

**g. Street address where the records of the corporation required to be kept in the Commonwealth are located (post office boxes are not acceptable):**

No. and Street: 6 NARROWS LANE  
City or Town: SOUTH YARMOUTH State: MA Zip: 02664 Country: USA

**which is**

its principal office  
 an office of its secretary/assistant secretary  
 an office of its transfer agent  
 its registered office

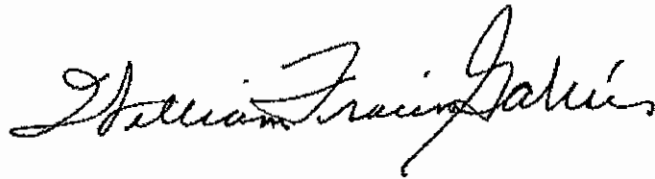
**Signed this 22 Day of December, 2016 at 11:29:45 AM by the incorporator(s).** *(If an existing corporation is acting as incorporator, type in the exact name of the business entity, the state or other jurisdiction where it was incorporated, the name of the person signing on behalf of said business entity and the title he/she holds or other authority by which such action is taken.)*

ARTHUR J. LUKE

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are deemed to have been filed with me on:

December 22, 2016 11:27 AM

A handwritten signature in black ink, reading "William Francis Galvin". The signature is written in a cursive style with a large, prominent initial "W".

WILLIAM FRANCIS GALVIN

*Secretary of the Commonwealth*

## AGREEMENT AND PLAN OF REORGANIZATION

Agreement and Plan of Reorganization ("Plan") dated December 2<sup>o</sup>, 2016 between four corporations: A.J. Luke's Of 132, Inc., having its principal office at 6 Narrows Lane, South Yarmouth, MA, 02664 (hereinafter "132"); A.J. Luke's of Harwich, Inc., having its principal office at 224 Route 28, West Harwich, MA, 02671 (hereinafter "Harwich"); A.J. Luke's of Dennis, Inc., having its principal office at 6 Narrows Lane, South Yarmouth, MA, 02664 (hereinafter "Dennis"); and A.J. Luke's of Hyannis, Inc., having its principal office at 6 Narrows Lane, South Yarmouth, MA, 02664 (hereinafter "Hyannis") (collectively the "Subsidiaries"); and Luke Beverage Inc., having its principal office at 6 Narrows Lane, South Yarmouth, MA 02664.

WHEREAS, Arthur J. Luke ("A.J.") and Christina A. Luke ("Christina") are the owners of the Subsidiaries and the Parent, and

WHEREAS, each of the subsidiaries owns and operates a retail package store, and

WHEREAS, A.J. and Christina seek to reorganize the corporate structure in order to achieve more efficient management and operation of the Subsidiaries and to facilitate greater economic efficiency of the combined enterprises, and

WHEREAS, three of the Subsidiaries, Dennis, 132 and Hyannis each have 2,500 authorized shares of common stock, and the fourth Subsidiary, Harwich, has 200,000 authorized shares of common stock, and

WHEREAS, the Parent has 30,000 authorized shares of voting stock, and

WHEREAS, the Board of Directors of the Subsidiaries has adopted the Plan and the shareholders of the Subsidiaries have approved the Plan, and the Board of Directors of the Parent

has adopted the Plan and the shareholders have approved the Plan set forth below, all set forth under the provisions of Massachusetts General Laws Chapter 156D.

NOW, THEREFORE, the parties hereto hereby agree as follows:

A. Plan Of Reorganization.

A.J. and Christina (the "Stockholders") are the owners of all of the issued and outstanding stock of the Subsidiaries. It is the intention of the parties hereto that all of the issued and outstanding stock of the Subsidiaries shall be acquired by the Parent in exchange solely for a portion of the Parent's voting stock.

B. Exchange Of Shares.

Parent and the Subsidiaries agree that all of the shares of the Subsidiaries shall be exchanged for 20,000 shares of the voting stock of the Parent to achieve a Type B reorganization. The Parent shall make an S-Election and will also make a "Qualified Subchapter S Subsidiary election. The following numbers of the Parent's voting shares shall, on the closing date, be delivered to the Stockholders in exchange for all of their shares in the Subsidiaries as follows:

<u>Subsidiaries</u>	<u>Number of Subsidiary Shares</u>	<u>Number of Parent Shares</u>
Dennis	2,500 shares	5,000 shares
132	2,500 shares	5,000 shares
Hyannis	2,500 shares	5,000 shares
Harwich	200,000 shares	5,000 shares

Such shares shall be issued in certificates of such denominations, amounts and names as may be requested by the Stockholders. The Stockholders represent and warrant that they will hold the Parent's voting shares for investment.

C. Delivery Of Shares.

On the closing date, the Subsidiaries shall deliver certificates for all of their shares duly endorsed with signatures guaranteed and with documentary stamps affixed at the Subsidiaries' expense so as to make the Parent the sole owner thereof, free and clear of all claims and encumbrances. And on that closing date, delivery of the Parent's voting stock, on which documentary stamp taxes will

have been paid by the Parent, will be made to the Subsidiaries as above set forth. The delivery of the Subsidiaries' shares is conditioned upon the approval of the Local Licensing Authority and the Alcoholic Beverages Control Commission ("Commission") pursuant to M.G.L. Ch. 138, Section 15A.

D. Representations Of Subsidiaries.

The Subsidiaries represent and warrant as follows:

- (1.) As of the closing date they will be the sole owners of the shares of record. Such shares shall be free from claims, liens or other encumbrances. The Subsidiaries shall have the unqualified right to transfer such shares, subject to the approval of the Local Licensing Authority and the Commission.
- (2.) The shares constitute validly issued shares of the Subsidiaries, *fully paid and nonassessable*.
- (3.) The Subsidiaries are not involved in any pending litigation or governmental investigation or proceeding, and to the knowledge of the Subsidiaries and the Stockholders, no litigation or governmental investigation or proceeding is threatened against the Subsidiaries.
- (4.) As of the closing date the Subsidiaries will be in good standing as Massachusetts corporations.

E. Representations of Parent.

The Parent represents and warrants as follows:

- (1.) As of the closing date, the Parent's voting shares to be delivered to the Subsidiaries will constitute the valid and legally issued shares of the Parent, fully paid and unassessable, and will be legally equivalent in all respects to the voting stock of the Parent issued and outstanding as of the date hereof.
- (2.) The officers of the Parent are duly authorized to execute this agreement pursuant to the *authorization of its shareholders*.
- (3.) There are no substantial liabilities, fixed or contingent, other than contracts or obligations in the usual course of business; and there are no liens or other liabilities which would alter substantially the financial condition of the Parent.



(4.) The Parent is not involved in any pending litigation or governmental investigation or proceeding.

(5.) As of the closing date, the Parent will be in good standing as a Massachusetts corporation.

(6.) The shares of the Subsidiaries are being acquired by the Parent as an investment, and there is no present intention on the part of the Parent to dispose of such shares.

F. Conditions of Closing.

The closing date shall be (date), or such other date as the parties hereto may mutually agree upon. All representations and covenants herein made shall survive the closing. At the closing the Subsidiaries hereby designate, nominate, constitute and appoint A.J. and Christina and each of them as their agents and attorneys in fact to accept delivery of the certificates of the Parent's voting stock, and to give a good and sufficient receipt for same, and to make delivery of all of their shares in the Subsidiaries. The obligations of the Subsidiaries are conditioned upon the approval of the transfer of the Subsidiaries' shares by the Local Licensing Authority and the Commission pursuant to M.G.L. Ch. 138, Section 15A. The obligations of the Parent and the Subsidiaries are further conditioned upon the receipt of a favorable tax ruling regarding the tax-free character of the Reorganization. However, if the issuance of such a tax ruling does not occur before (date), then this condition may be waived upon submission of a written statement by A.J. and Christina stating that, in their opinion, such favorable treatment should result.

G. Prohibited Acts.

The Subsidiaries agree not to engage in any of the following acts prior to the closing date, and the Stockholders agree that prior to the closing date they will not request or permit the Subsidiaries to do any of the following things:

(1.) Declare or pay any dividends or other distributions on their stock, or purchase or redeem any of their stock;

(2.) Issue any stock or other securities, including any right or option to purchase or otherwise acquire any of their stock, or issue any notes or other evidences of indebtedness not in the usual course of business;

(3.) Make capital expenditures in excess of an aggregate of \$10,000.00 except with the written consent of the Parent.

H. Delivery Of Records.

The Subsidiaries agree that on or before the closing date they will cause to be delivered to the Parent such corporate records or other documents of the Subsidiaries as the Parent may request.

I. Any notice which any of the parties may desire to serve upon any other party shall be in writing and shall be conclusively deemed to have been received by the receiving party if mailed, postage prepaid, U.S. Registered Mail, or via Federal Express with signature required, to the following addresses:

Luke Beverage Inc., 6 Narrows Lane, South Yarmouth, MA 02664 Attention: A.J. or Christina Luke;


Harwich, 132, Dennis or Hyannis, at the addresses set forth in the first paragraph above, c/o A.J. or Christina Luke.

J. Successors.


This agreement shall be binding upon and inure to the benefit of the heirs, personal representatives, successors and assigns of the parties.

Executed as of the date first written above.

Luke Beverage Inc.

  
\_\_\_\_\_. President  
a duly authorized signatory

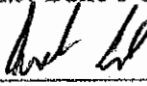
A.J. Luke's of 132, Inc.

  
\_\_\_\_\_. President  
Arthur J. Luke  
a duly authorized signatory

Parent Stockholders:

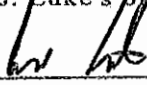
  
\_\_\_\_\_  
Arthur J. Luke

A.J. Luke's of Hyannis, Inc.

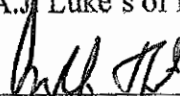
  
\_\_\_\_\_. President  
Arthur J. Luke  
a duly authorized signatory

  
\_\_\_\_\_  
Christina A. Luke

A.J. Luke's of Dennis, Inc.

  
\_\_\_\_\_. President  
Arthur J. Luke  
a duly authorized signatory

A.J. Luke's of Harwich, Inc.

 \_\_\_\_\_, President

Arthur J. Luke

a duly authorized signatory

Luke Beverage Inc.  
SHAREHOLDERS' CONSENT

To The Secretary of the Corporation:  
Luke Beverage Inc.  
6Narrows Lane  
South Yarmouth, Ma 02664


The undersigned, being the only shareholders of Luke Beverage Inc., hereby consent to the following action, and the following votes, and direct the secretary to include this consent with the records of meetings:


VOTED: To approve the Agreement And Plan of Reorganization ("Plan") in the form attached hereto.

VOTED: That the Parent enter into the Plan and that the Directors of the Parent be, and hereby are authorized to take such action deemed necessary or appropriate to consummate the Reorganization contemplated by the Plan.

VOTED: To ratify and confirm all that the Directors and Officers have done in connection with the Reorganization on behalf of the Parent.

Dated: December 23, 2016

  
\_\_\_\_\_  
Arthur J. Luke, as Shareholder

  
\_\_\_\_\_  
Christina A. Luke, as Shareholder

**CONSENT OF THE  
SUBSIDIARY SHAREHOLDERS**

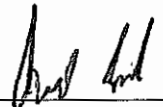
The undersigned, being the only shareholders of A.J. Luke's of 132, Inc., A.J. Luke's of Harwich, Inc., A.J. Luke's of Dennis, Inc., and A.J. Luke's of Hyannis, Inc. (the "Subsidiaries") hereby consent to the following action, and the following votes, and direct the Secretary of each of the Subsidiaries to include this consent with the records of each Subsidiary:

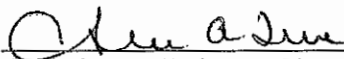
VOTED: To approve the Agreement And Plan Of Reorganization ("Plan") in the form attached hereto.

VOTED: That the Subsidiaries enter into the Plan and that the Directors of the Subsidiaries be, and hereby are, authorized to take such action deemed necessary or appropriate to consummate the Reorganization contemplated by the Plan.

VOTED: To ratify and confirm all that the Directors and Officers have done in connection with the Reorganization on behalf of the Subsidiaries.

Dated: December 9, 2016

  
\_\_\_\_\_  
Arthur J. Luke, as Shareholder

  
\_\_\_\_\_  
Christina A. Luke, as Shareholder

**CONSENT OF DIRECTORS  
OF THE SUBSIDIARY CORPORATION**

The undersigned, being the only Directors of A.J. Luke's of 132, Inc., A.J. Luke's of Harwich, Inc., A.J. Luke's of Denis, Inc., and A.J. Luke's of Hyannis, Inc. (the "Subsidiaries") hereby consent to the following action, and the following votes:

VOTED: That the Directors of the Subsidiaries adopt the Agreement And Plan of Reorganization ("Plan") in the form attached hereto, and that the Directors shall submit the Plan to the Shareholders of the Subsidiaries for approval.

VOTED: That, after Shareholder approval, the Subsidiaries enter into the Plan, and that the appropriate officers of the Subsidiaries be, and hereby are, authorized to take such actions deemed necessary or appropriate to consummate the Reorganization contemplated by the Plan, and that the Plan is hereby approved.

VOTED: That the officers of the Subsidiaries are, and each of them is authorized to take such further action deemed appropriate to effectuate the transactions contemplated by the foregoing.

VOTED: To ratify and confirm all that each of the officers of the Subsidiaries has done in connection with the Plan, Reorganization and Reorganization Documents on behalf of the Subsidiaries.

VOTED: To fix as the record date for determining the Shareholders entitled to vote upon the approval of the Reorganization Agreement the time immediately after the votes in this consent become effective.

VOTED: To waive any restrictions upon transfer in the Subsidiaries' Articles of Organization and give to the Subsidiaries' Shareholders the right to dispose of their stock at their pleasure.

Dated: December 29, 2016

 DIRECTOR  
\_\_\_\_\_  
Arthur J. Luke, as Director

  
\_\_\_\_\_  
Christina A. Luke, as Director

**CONSENT OF DIRECTORS**

OF

**Luke Beverage Inc.**

To The Secretary of the Corporation:  
Luke Beverage Inc.  
6 Narrows Lane  
South Yarmouth, Ma 02664

The undersigned being the only directors of Luke Beverage Inc. , a Massachusetts  
corporation ("Parent") hereby consent to the following action and the following votes:

VOTED: That the Board of Directors hereby adopts the Agreement And Plan of Reorganization ("Plan") in the form attached hereto, and that the Board of Directors shall submit the Plan to the Parent's Shareholders for approval.

VOTED: That, after Shareholder approval, the Parent enter into the Plan, and that the appropriate officers of the Parent be, and hereby are authorized to take such actions as each may deem necessary or appropriate to consummate the Reorganization contemplated by the Plan and that the Plan is hereby approved.

VOTED: That the execution and delivery of the Plan, after Shareholder approval, and such other documents and instruments which the officers of the Parent deem appropriate (collectively the "Reorganization Documents") be hereby approved.

VOTED: That the officers of the Parent are hereby authorized to execute and deliver the Reorganization documents on behalf of the Parent in such form as each may approve, the execution and delivery of each such Reorganization Document to be conclusive evidence that the same has been approved hereby.

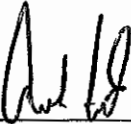

VOTED: That the officers of the Parent are and each of them is authorized to take such further action deemed appropriate to effectuate the transactions contemplated by the foregoing.

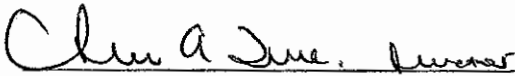
VOTED: To ratify and confirm all that each of the officers of the Parent has done in connection with the Plan, Reorganization and Reorganization Documents on behalf of the Parent.

VOTED: To fix as the record date for determining the shareholders entitled to vote upon the approval of the Reorganization Agreement the time immediately after the votes in this consent become effective.

VOTED: To waive any restrictions upon transfer contained in the Parent's Articles of Organization and give to the Parent's Shareholders the right to dispose of their stock at their pleasure.

Dated: December 29, 2016

   
\_\_\_\_\_  
Arthur J. Luke, as Director

  
\_\_\_\_\_  
Christina A. Luke, as Director



ALCOHOLIC BEVERAGES CONTROL COMMISSION

**BENEFICIAL INTEREST CONTACT - Individual** (Formerly known as a Personal Information Form)

Please complete a Beneficial Interest - Individual sheet for all individual(s) who have a direct or indirect beneficial interest, with or without ownership, in this license. This includes people with a financial interest and people without financial interest (i.e. board of directors for not-for-profit clubs). All individuals with direct or indirect financial interest must also submit a CORI Authorization Form.

An individual with direct beneficial interest is defined as someone who has interest directly in the proposed licensee. For example, if ABC Inc is the proposed licensee, all individuals with interest in ABC Inc are considered to have direct beneficial interest in ABC Inc (the proposed licensee).

An individual with indirect beneficial interest is defined as someone who has ownership in a parent level company of the proposed licensee. For example, if ABC Inc is the proposed licensee and is 100% owned by XYZ Inc, all individuals with interest in XYZ Inc are considered to have an indirect beneficial interest in ABC Inc (the proposed licensee).

Salutation  First Name  Middle Name  Last Name  Suffix

Title:  Social Security Number  Date of Birth

Primary Phone:  Email:

Mobile Phone:  Fax Number

Alternative Phone:

**Business Address**

Street Number:  Street Name:

City/Town:  State:

Zip Code:  Country:

**Mailing Address**

Check here if your Mailing Address is the same as your Business Address

Street Number:  Street Name:

City/Town:  State:

Zip Code:  Country:

**Types of Interest (select all that apply)**

- Contractual
- Director
- Landlord
- LLC Manager
- LLC Member
- Management Agreement
- Officer
- Partner
- Revenue Sharing
- Sole Proprietor
- Stockholder
- Other

**Citizenship / Residency Information**

Are you a U.S. Citizen?  Yes  No      Are you a Massachusetts Resident?  Yes  No

**Criminal History**

Have you ever been convicted of a state, federal, or military crime?  Yes  No      If yes, please provide an affidavit explaining the charges.

**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

**BENEFICIAL INTEREST CONTACT - Individual (continued)**

**Ownership / Interest**

Using the definition above, do you hold a direct  Direct  Indirect or indirect interest in the proposed licensee?

If you hold a direct beneficial interest in the proposed licensee, please list the % of interest you hold. 50%

If you hold an indirect beneficial interest in this license, please complete the Ownership / Interest Table below.

**Ownership / Interest**

If you hold an indirect interest in the proposed licensee, please list the organization(s) you hold a direct interest in which, in turn, hold a direct or indirect interest in the proposed licensee. These generally include parent companies, holding companies, trusts, etc. A Beneficial Interest - Organization Form will need to be completed for each entity listed below.

Name of Beneficial Interest - Organization	FEIN
Luke Beverage Inc.	814766166

**Other Beneficial Interest**

List any indirect or indirect beneficial or financial interest you have in any other Massachusetts Alcoholic Beverages License(s).

Name of License	Type of License	License Number	Premises Address
A.J. Luke's of 132, Inc.	\$15 Off Premises <input type="checkbox"/>	7000119	1166 Iyannough Road, Hyannis, Ma 02601
A.J. Luke's of Dennis, Inc.	\$15 Off Premises <input type="checkbox"/>	027800063	444 Route 28, Dennisport, Ma 02639
A.J. Luke's of Hyannis, Inc.	\$15 Off Premises <input type="checkbox"/>	007000115	395 Barnstable Road, Hyannis, Ma 02601
	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		

**Familial Beneficial Interest**

Does any member of your immediate family have ownership interest in any other Massachusetts Alcoholic Beverages Licenses? Immediate family includes parents, siblings, spouse and spouse's parents. Please list below.

Relationship to You	ABCC License Number	Type of Interest (choose primary function)	Percentage of Interest
Father	013400018	Direct	100%
Father	151800069	Direct	100%

**Prior Disciplinary Action**

Have you ever been involved directly or indirectly in an alcoholic beverages license that was subject to disciplinary action? If yes, please complete the following:

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



Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
239 Causeway Street, First Floor  
Boston, MA 02114

DEBORAH B. GOLDBERG  
TREASURER AND RECEIVER GENERAL

CORI REQUEST FORM

KIM S. GAINSBORO, ESQ.  
CHAIRMAN

The Alcoholic Beverages Control Commission has been certified by the Criminal History Systems Board to access conviction and pending Criminal Offender Record Information. For the purpose of approving each shareholder, owner, licensee or applicant for an alcoholic beverages license, I understand that a criminal record check will be conducted on me, pursuant to the above. The information below is correct to the best of my knowledge.

**ABCC LICENSE INFORMATION**

ABCC NUMBER: <small>(IF EXISTING LICENSEE)</small>	050600026	LICENSEE NAME:	A. J. Luke's of Harwich, Inc.	CITY/TOWN:	Harwich
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**APPLICANT INFORMATION**

LAST NAME:	Luke	FIRST NAME:	Arthur	MIDDLE NAME:	Joseph
MAIDEN NAME OR ALIAS (IF APPLICABLE):		PLACE OF BIRTH:	Hyannis, Massachusetts		
DATE OF BIRTH:	[REDACTED]	SSN:	[REDACTED]	ID THEFT INDEX PIN (IF APPLICABLE):	
MOTHER'S MAIDEN NAME:	[REDACTED]	DRIVER'S LICENSE #:	[REDACTED]	STATE LIC. ISSUED:	Massachusetts
GENDER:	MALE	HEIGHT:	[REDACTED]	WEIGHT:	[REDACTED]
EYE COLOR:	[REDACTED]				
CURRENT ADDRESS:	6 Narrows Lane				
CITY/TOWN:	South Yarmouth	STATE:	Ma	ZIP:	02664
FORMER ADDRESS:	14g Willowood Drive (Buck Island Village)				
CITY/TOWN:	West Yarmouth	STATE:	Ma	ZIP:	02673

**PRINT AND SIGN**

PRINTED NAME:	Arthur J. Luke	APPLICANT/EMPLOYEE SIGNATURE:	<i>Arthur J. Luke</i>
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**NOTARY INFORMATION**

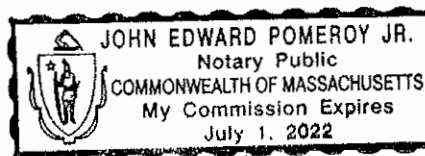
On this 30th of December 2016 before me, the undersigned notary public, personally appeared Arthur J. Luke  
(name of document signer), proved to me through satisfactory evidence of identification, which were MA Driver's License  
to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

*[Signature]*  
NOTARY

**DIVISION USE ONLY**

REQUESTED BY:	[REDACTED]
<small>SIGNATURE OF CORI AUTHORIZED EMPLOYEE</small>	

The DCJ Identify Theft Index PIN Number is to be completed by those applicants that have been issued an Identify Theft PIN Number by the DCJ. Certified agencies are required to provide all applicants the opportunity to include this information to ensure the accuracy of the CORI request process. ALL CORI request forms that include this field are required to be submitted to the DCJ via mail or by fax to (617) 660-4514.



ALCOHOLIC BEVERAGES CONTROL COMMISSION

**BENEFICIAL INTEREST CONTACT - Individual** (Formerly known as a Personal Information Form)

Please complete a Beneficial Interest - Individual sheet for all individual(s) who have a direct or indirect beneficial interest, with or without ownership, in this license. This includes people with a financial interest and people without financial interest (i.e. board of directors for not-for-profit clubs). All individuals with direct or indirect financial interest must also submit a CORI Authorization Form.

An individual with direct beneficial interest is defined as someone who has interest directly in the proposed licensee. For example, if ABC Inc is the proposed licensee, all individuals with interest in ABC Inc are considered to have direct beneficial interest in ABC Inc (the proposed licensee).

An individual with indirect beneficial interest is defined as someone who has ownership in a parent level company of the proposed licensee. For example, if ABC Inc is the proposed licensee and is 100% owned by XYZ Inc, all individuals with interest in XYZ Inc are considered to have an indirect beneficial interest in ABC Inc (the proposed licensee).

Salutation  First Name  Middle Name  Last Name  Suffix

Title:  Social Security Number  Date of Birth

Primary Phone:  Email:

Mobile Phone:  Fax Number

Alternative Phone:

**Business Address**

Street Number:  Street Name:

City/Town:  State:

Zip Code:  Country:

**Mailing Address**

Check here if your Mailing Address is the same as your Business Address

Street Number:  Street Name:

City/Town:  State:

Zip Code:  Country:

**Types of Interest (select all that apply)**

- Contractual
- Director
- Landlord
- LLC Manager
- LLC Member
- Management Agreement
- Officer
- Partner
- Revenue Sharing
- Sole Proprietor
- Stockholder
- Other

**Citizenship / Residency Information**

Are you a U.S. Citizen?  Yes  No      Are you a Massachusetts Resident?  Yes  No

**Criminal History**

Have you ever been convicted of a state, federal, or military crime?  Yes  No      If yes, please provide an affidavit explaining the charges.



**ALCOHOLIC BEVERAGES CONTROL COMMISSION**

**BENEFICIAL INTEREST CONTACT - Individual (continued)**

**Ownership / Interest**

Using the definition above, do you hold a direct  Direct  Indirect or indirect interest in the proposed licensee?

If you hold a direct beneficial interest in the proposed licensee, please list the % of interest you hold. 50%

If you hold an indirect beneficial interest in this license, please complete the Ownership / Interest Table below.

**Ownership / Interest**

If you hold an indirect interest in the proposed licensee, please list the organization(s) you hold a direct interest in which, in turn, hold a direct or indirect interest in the proposed licensee. These generally include parent companies, holding companies, trusts, etc. A Beneficial Interest - Organization Form will need to be completed for each entity listed below.

Name of Beneficial Interest - Organization	FEIN
Luke Beverage Inc.	814766166

**Other Beneficial Interest**

List any indirect or indirect beneficial or financial interest you have in any other Massachusetts Alcoholic Beverages License(s).

Name of License	Type of License	License Number	Premises Address
A. J. Luke's of 132, Inc.	\$15 Off Premises <input type="checkbox"/>	7000119	1166 Iyannough Road, Hyannis, Ma 02601
A.J. Luke's of Dennis, Inc.	\$15 Off Premises <input type="checkbox"/>	027800063	444 Route 28, Dennisport, Ma 02639
A. J. Luke's of Hyannis, Inc.	\$15 Off Premises <input type="checkbox"/>	007000115	395 Barnstable Road, Hyannis, Ma 02601
	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		

**Familial Beneficial Interest**

Does any member of your immediate family have ownership interest in any other Massachusetts Alcoholic Beverages Licenses? Immediate family includes parents, siblings, spouse and spouse's parents. Please list below.

Relationship to You	ABCC License Number	Type of Interest (choose primary function)	Percentage of Interest
Father-in law	013400018	Direct	100%
Father-in law	151800069	Direct	100%

**Prior Disciplinary Action**

Have you ever been involved directly or indirectly in an alcoholic beverages license that was subject to disciplinary action? If yes, please complete the following:

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



Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
239 Causeway Street, First Floor  
Boston, MA 02114

DEBORAH B. GOLDBERG  
TREASURER AND RECEIVER GENERAL

CORI REQUEST FORM

KIM S. GAINSBORO, ESQ.  
CHAIRMAN

The Alcoholic Beverages Control Commission has been certified by the Criminal History Systems Board to access conviction and pending Criminal Offender Record Information. For the purpose of approving each shareholder, owner, licensee or applicant for an alcoholic beverages license, I understand that a criminal record check will be conducted on me, pursuant to the above. The information below is correct to the best of my knowledge.

ABCC LICENSE INFORMATION

ABCC NUMBER: <small>(IF EXISTING LICENSEE)</small>	050600026	LICENSEE NAME:	A. J. Luke's of Harwich, Inc.	CITY/TOWN:	Harwich
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APPLICANT INFORMATION

LAST NAME:	Luke	FIRST NAME:	Christina	MIDDLE NAME:	Anne
MAIDEN NAME OR ALIAS (IF APPLICABLE):	[REDACTED]	PLACE OF BIRTH:	Hyannis, Massachusetts		
DATE OF BIRTH:	[REDACTED]	SSN:	[REDACTED]	ID THEFT INDEX PIN (IF APPLICABLE):	
MOTHER'S MAIDEN NAME:	[REDACTED]	DRIVER'S LICENSE #:	[REDACTED]	STATE LIC. ISSUED:	Massachusetts
GENDER:	FEMALE	HEIGHT:	[REDACTED]	WEIGHT:	[REDACTED]
EYE COLOR:	[REDACTED]				
CURRENT ADDRESS:	6 Narrows Lane				
CITY/TOWN:	South Yarmouth	STATE:	Ma	ZIP:	02664
FORMER ADDRESS:	14g Willowood Drive (Buck Island Village)				
CITY/TOWN:	West Yarmouth	STATE:	Ma	ZIP:	02673

PRINT AND SIGN

PRINTED NAME:	Christina A. Luke	APPLICANT/EMPLOYEE SIGNATURE:	<i>Christina A. Luke</i>
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NOTARY INFORMATION

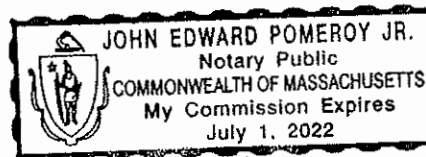
On this 30th of December 2016 before me, the undersigned notary public, personally appeared Christina Luke  
(name of document signer), proved to me through satisfactory evidence of identification, which were MA Driver's License  
to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

*[Signature]*  
NOTARY

DIVISION USE ONLY

REQUESTED BY:	[REDACTED]
<small>SIGNATURE OF CORI-AUTHORIZED EMPLOYEE</small>	

The DCJ Identify Theft Index PIN Number is to be completed by those applicants that have been issued an Identify Theft PIN Number by the DCJ. Certified agencies are required to provide all applicants the opportunity to include this information to ensure the accuracy of the CORI request process. ALL CORI request forms that include this field are required to be submitted to the DCJ via mail or by fax to (617) 660-4614.



## APPLICATION FOR A NEW RETAIL ALCOHOLIC BEVERAGE LICENSE

### **BENEFICIAL INTEREST - Organization**

Please complete a Beneficial Interest - Organization sheet for all organization(s) who have a direct or indirect beneficial interest, with or without ownership, in this license.

#### Example:

ABC Inc. is applying for a liquor license. ABC Inc. is 100% owned by XYZ Inc., which is 100% owned by 123 Inc. XYZ Inc. is considered to have a direct beneficial interest in the proposed licensee (ABC Inc.) and 123 Inc. is considered to have indirect beneficial interest in the proposed licensee (ABC Inc.). Both XYZ Inc. and 123 Inc. should complete a Beneficial Interest - Organization Form.

Entity Name:	Luke Beverage Inc.	FEIN:	814676166
Primary Phone:	508-760-1812	Fax Number:	
Alternative Phone:		Email:	

### **Business Address**

Street Number:	6	Street Name:	Narrows Lane
City/Town:	South Yarmouth	State:	Massachusetts
Zip Code:	02664	Country:	USA

### **Mailing Address**

Check here if your Mailing Address is the same as your Business Address

Street Number:		Street Name:	
City/Town:		State:	
Zip Code:		Country:	

### **Publicly Traded**

Is this organization publicly traded?  Yes  No

### **Ownership / Interest**

Using the definition above, does this organization hold a direct or indirect interest in the proposed licensee?  Direct  Indirect

If this organization holds a direct beneficial interest in the proposed licensee, please list the % of interest it holds.

100%

If you hold an indirect beneficial interest in this license, please complete the Ownership / Interest Table on the next page.

**Ownership / Interest**

If this organization holds an indirect interest in the proposed licensee, please list the organization(s) it holds a direct interest in which, in turn, hold a direct or indirect interest in the proposed licensee. These generally include parent companies, holding companies, trusts, etc. A Beneficial Interest - Organization Form will need to be completed for each entity listed below.

Name of Beneficial Interest - Organization	FEIN

**Other Beneficial Interest**

List any indirect or indirect beneficial or financial interest this entity has in any other Massachusetts Alcoholic Beverages License(s).

Name of License	Type of License	License Number	Premises Address
A.J. Luke's of 132, Inc.	\$15 Off Premises <input type="checkbox"/>	7000119	1166 Iyannough Road, Hyannis, Ma 02601
A.J. Luke's of Dennis, inc.	\$15 Off Premises <input type="checkbox"/>	027800063	444 Route 28, Dennisport, Ma 02639
A.J. Luke's of Hyannis, Inc.	\$15 Off Premises <input type="checkbox"/>	007000115	395 Barnstable Road, Hyannis, Ma 02601
	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		

**Prior Disciplinary Action**

Has this entity ever been involved directly or indirectly in an alcoholic beverages license that was subject to disciplinary action? If yes, please complete the following:

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



## **Ann Steidel**

---

**From:** H. Glenn Alberich <galberich@galberichlaw.com>  
**Sent:** Thursday, January 19, 2017 4:27 PM  
**To:** Ann Steidel  
**Subject:** Jan. 23, 2017 Licensing Hearing  
**Attachments:** Harwich Licensing Authority Memorandum Sch A ltr 1-23-17.pdf

Ms. Steidel:

As discussed during our recent telephone conversation, attached please find my Memorandum, with cover letter, on behalf of A.J. Luke's of Harwich, Inc. for the licensing authority hearing scheduled for January 23, 2017 at 6:30 p.m. Thank you for your assistance in this matter.

Best regards,

H. Glenn Alberich, Esq.  
PO Box 2132  
Tisbury, MA 02568  
508-696-4666 (phone)  
508-696-4665 (fax)  
[galberich@galberichlaw.com](mailto:galberich@galberichlaw.com)

H. GLENN ALBERICH, ESQ.  
P. O. Box 2132  
Tisbury, Massachusetts 02568  
Tel: 508-696-4666  
Fax: 508-696-4665

January 19, 2017

Via Email

Michael D. MacAskill, Chairman  
Harwich Licensing Authority  
732 Main Street  
Harwich, MA 02645

RE: A.J. Luke's of Harwich, Inc./January 23, 2017 hearing

Dear Chairman MacAskill:

Attached please find a Memorandum which I am submitting on behalf of A.J. Luke's of Harwich, Inc. for the licensing authority hearing scheduled for January 23, 2017 at 6:30 p.m.

Thank you for your attention to this matter.

Very truly yours,

*H. Glenn Alberich* /LAR

H. Glenn Alberich

**MEMORANDUM**

To: Town of Harwich Licensing Authority  
From: H. Glenn Alberich, Esq.  
Applicant: A.J. Luke's of Harwich, Inc.  
Re: Application For Stock Transfer Pursuant To G.L. c. 138, Sec. 15A  
Hearing Date: January 23, 2017

**I. ACTION REQUESTED**

A.J. Luke's of Hariwch, Inc. ("Luke's") requests approval to transfer all of its shares of stock to Luke Beverage, Inc. ("LBI") in exchange for 5,000 shares of LBI.

**II. BACKGROUND**

Arthur J. Luke ("A.J.") and Christina A. Luke ("Tina") are each fifty percent (50%) shareholders in the following corporations: A.J. Luke's of Hyannis, Inc., A.J. Luke's of 132, Inc., A.J. Luke's of Harwich, Inc. and A.J. Luke's of Dennis, Inc. Each of these corporations operates a package store pursuant to a G.L. c. 138, Sect. 15 all alcoholic beverage package store license. Luke's operates a package store in Harwich.

Upon the advice of tax experts and legal counsel, A.J. and Tina have decided to enter into an Agreement And Plan Of Reorganization ("Reorganization"). The purpose of the Reorganization is to achieve more efficient management and operation of their businesses and to facilitate greater economic efficiency through the combined enterprises.

### **III. THE REORGANIZATION**

To achieve the goals of the Reorganization A.J. and Tina have formed a corporation, LBI, which will function as a parent, or holding company. A.J. and Tina will each be fifty percent (50%) owners of LBI. Each of the corporations currently operating a package store will transfer all of its shares of stock to LBI in exchange for five-thousand (5,000) shares of LBI stock. As a result of these stock swaps all of the corporations currently operating package stores will become wholly owned subsidiaries of LBI. Attached as Exhibit A to this Memorandum is a diagram showing the current corporate structure and the proposed corporate structure of the businesses. It is important to note that upon the execution of the Reorganization Plan, A.J. and Tina will retain full ownership and control the package store operations. No new individuals, either directly or indirectly, will obtain any ownership interest or control over the package store businesses.

### **IV. OPERATION OF G.L. c. 138, SECT. 15A**

The legislative intent of Section 15A, as it applies to this Application, is to assure that any new individuals or entities that become involved in the operation of a licensed business are identified and made subject to the same level of scrutiny as those who originally applied for the license pursuant to G.L. c. 138, Sect. 15. The goal of Sections 15 and 15A is to assure that individuals and entities that are engaged in the sale of alcoholic beverages are responsible and trustworthy, and capable of operating the licensed business.

The transfer of shares of a corporate entity licensed to sell alcoholic beverages could result in a transfer of control of the entity that was previously approved to hold the license. Without the provisions in Section 15A local licensing boards and the Alcoholic Beverages

Control Commission (“Commission”) would have no means of screening and assessing individuals or entities that become involved in a licensed business through a sale of transfer of shares.

**V. APPLYING SECTION 15A TO THE STOCK TRANSFER AT ISSUE**

Pursuant to G.L. c. 138, Sect. 23 a local licensing authority shall grant an original license or approve the transfer of a license “with a view only to serve the public need in such a manner as to protect the common good.” A number of factors may be considered by the licensing authority in determining whether the grant of a license to a particular individual or entity protects the common good. Ballarin, Inc. v. Licensing Board of Boston, 49 Mass. App. Ct. 506, 511(2000), citing Connolly v. Alcoholic Beverages Control Commission, 334 Mass. 613, 617-618 (1956). Some of those factors, such as traffic, noise and size of the business operation, are not relevant to the concerns of Section 15A. However, in considering the transfer of shares of a licensed corporation to a new individual or entity the factors to be considered are the reputation of the applicant and the type of operation that has the license. Ballarin, at p. 511.

**A. Reputation Of Applicants/Type Of Operation**

As noted above, A.J. and Tina are the sole shareholders of Luke’s. They are also: (1) the sole shareholders of the other three package store corporations involved in the Reorganization, and (2) the sole shareholders of the new proposed parent corporation, LBI. Therefore the proposed transfer of shares between Luke’s and LBI will not introduce any new individual or outside entity.

1. Experience

A.J. and Tina have owned and operated package stores for 25 years. They owned a package store in Pembroke, Massachusetts from 1991 until 2001 when they sold the business. In 2002 they opened their Harwich store. Thereafter, they opened their Dennis store in 2006 and their Hyannis store in 2007. Needless to say they have substantial knowledge and experience in the ownership and operation of package stores.

2. Attention to Proper Store Operations

In their twenty-five years of store ownership, A.J. and Tina have never been charged with a violation of the alcoholic beverages laws. Their entire livelihood is derived from their stores, and they understand that, pursuant to G.L. c. 138 § 23, their licenses are revocable “for any violation of this chapter” (i.e. G.L. c. 138).


To assure that their store operations are proper and that the stores serve the public interest, all of their employees are trained and certified in the lawful sale of alcoholic beverages (“TAM” trained). In fact, one of the employees of the company is certified as a trainer of package store employees. Another employee works full time maintaining security in all of the stores to guard against the theft of alcoholic beverage products by minors and others who may be under the influence of alcohol or other substances. In summary, A.J. and Tina have gone the extra mile to assure that their package stores serve the public interest.

**VI. CONCLUSION**

The relevant factors to be considered in assuring that the “public interest” is served by the proposed transfer of stock weigh heavily in favor of allowing the transfer. The reputation of the

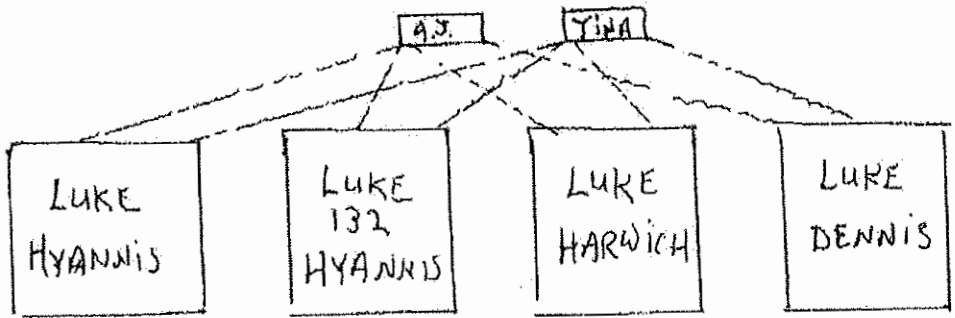
applicants is beyond reproach and the Reorganization will not adversely impact the operation of the businesses which have proven to be responsible and first rate.

Respectfully submitted,  
A.J. Luke's of Harwich, Inc.  
By Its Attorney

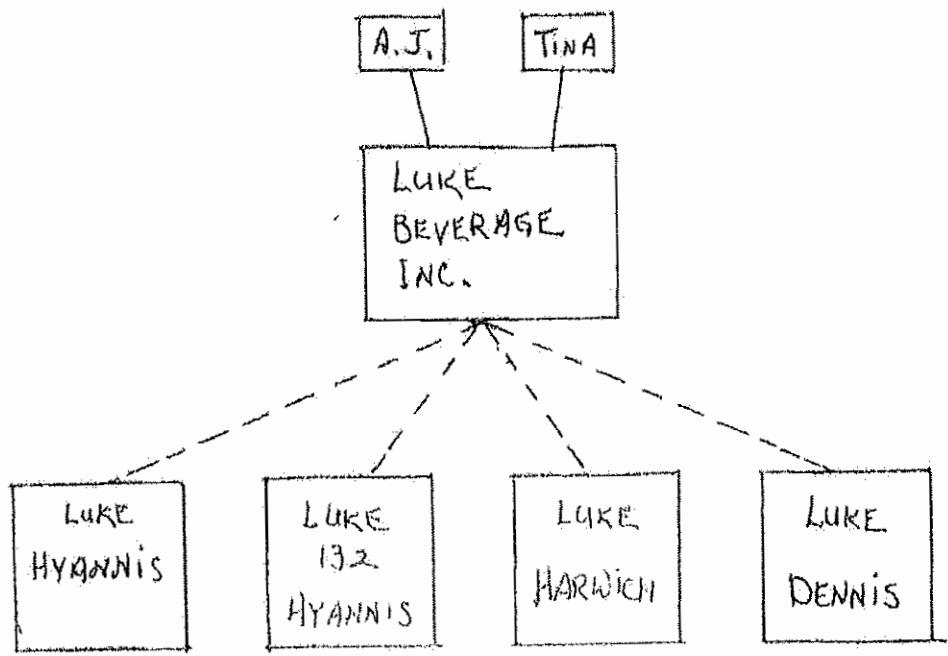
  
H. Glenn Alberich - BBO #013880  
P. O. Box 2132  
Tisbury, Massachusetts 02568  
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[galberich@galberichlaw.com](mailto:galberich@galberichlaw.com)

CURRENT CORPORATE STRUCTURE

EXHIBIT  
A



PROPOSED CORPORATE STRUCTURE





## Ann Steidel

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**From:** Charleen Greenhalgh  
**Sent:** Thursday, January 19, 2017 4:18 PM  
**To:** Ann Steidel; Sandy Robinson  
**Cc:** John Rendon; Christopher Clark  
**Subject:** FW: SAQ Marina Project  
**Attachments:** Congressional.SAQ Marina.doc; Saquatucket dredge support.docx

**Importance:** High

Hi Ann and Sandy,

Chris asked that I forward this along to you. If you would please put this onto letterhead. Letters will be going to Congressman Keating; Senator Warren; Senator Markey; Governor Baker; State Senator Cyr and Representative Peake (6 letter total).

If you have any question please let me know. John has class tomorrow so will not be available. I will be checking my email periodically.

Thanks!  
Charleen

Charleen L. Greenhalgh  
Assistant Town Administrator  
Town of Harwich  
732 Main Street  
Harwich, MA 02645  
508-430-7513  
508-432-5039 (Fax)  
cgreenhalgh@town.harwich.ma.us

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**From:** John Rendon  
**Sent:** Thursday, January 19, 2017 4:11 PM  
**To:** Christopher Clark <cclark@town.harwich.ma.us>; Charleen Greenhalgh <cgreenhalgh@town.harwich.ma.us>  
**Subject:** SAQ Marina Project  
**Importance:** High

Chris, Charleen,

As requested I have drafted a letter for BOS Chair signature to be sent to the various political offices as agreed upon at the last BOS meeting. It my understanding that the letter needs to be included in the BOS package by tomorrow morning deadline. I have drafted the text of the letter, but I request that either Sandy or Ann format as required and address to those political offices that the Board has decided on (Keating, Peake, Cyr, Markey, etc). I have class all day tomorrow so I won't be available. Please make whatever changes you deem necessary to the letter. I've also included for your information a draft of the letter that is being sent to the Army Corps Navigation Section from the Cape Cod Commercial Fisherman's Alliance in support of the project... the letter is being sent upon my request. I have asked that the BOS Chair be copied on the letter. Thanks very much. v/r,

**John C. Rendon**  
Harbormaster

January 18, 2017

Congressman Bill Keating  
2351 Rayburn House Office Building  
Washington, DC 20515

Dear Congressman Keating,

The Town of Harwich respectfully requests your support and assistance with obtaining the necessary permits from the US Army Corps of Engineers (USACE) to reconstruct the Saquatucket Municipal Marina, which is a valued asset to the character and economy of the town. The project includes partial dredging of the harbor, and the replacement and reconfiguration of the entire marina to bring it into compliance with the American with Disability Act and the Massachusetts Architectural Access Board requirements. This major capital project is being funded by the town, and with the support of a \$1 million MA Seaport Economic Council grant; no federal funds are being requested.

A portion of Saquatucket Harbor is a designated Federal Navigation Project (FNP) area, so the town has requested permission from the USACE under Section 408 to reconstruct and further expand the marina within this federally controlled area. The existing marina already extends into the FNP area, as authorized and permitted by the USACE in 1983. According to the USACE - New England District navigation section project manager, the Section 408 review process has recently changed and requests to construct within FNP areas are not likely to be approved without a compelling need to do so. We respectfully submit that the following justification, the first being improved safety, is very compelling and well supports the need to reconstruct this important municipal marina that is home to a diverse and mixed recreational and commercial user group:

1. Portions of the current docks are over 40 years old and are well beyond their useful life. The docks are extremely unstable and pose a safety concern for the hundreds of patrons that walk the docks on a daily basis during the boating season. With the replacement of the aging marina comes the federal and state requirement to provide handicap accessibility, and that is not possible to construct within the existing marina footprint without a reduction in the number of boat slips. Not only would this result in lost revenue, but it would be extremely unfair to take boat slips away from existing slip permit holders.
2. Reconfiguration of the marina is essential to bring the marina into compliance with the American with Disability Act (28CFR35) and the Massachusetts Architectural Access Board (521CMR) requirements. Operating out of Saquatucket Municipal Marina is an 80 passenger island ferry that is 65' in length and four other passenger boats that are 40' or greater in length that currently have no handicap access.
3. Saquatucket Municipal Marina has been increasingly utilized by the Chatham commercial fishing fleet for dockage during the off-season (Oct – May) due to the hazardous shoaling conditions of the Chatham Bar. Chatham town officials have recently expressed serious concerns over the deteriorating condition of the

bar as it relates to the safety of operations, and the potential economic impact on the local fishing industry. The reconstruction and expansion of the marina will provide an increased capacity for the Chatham fishing fleet to safely operate from during the off-season.

4. All Saquatucket Marina boat slips are open to all on equal terms. There is a tremendous demand for boat slips on Cape Cod, as evident from the 15-20 year wait list for a boat slip at the marina. In addition, there is a huge demand for transient or visitor dockage from the boating public. The proposed reconfiguration would add eleven additional slips to the existing marina.

The engineering design for the reconstruction of the Saquatucket Municipal Marina is complete. The intended start date for the project was mid-October 2016, yet it has been pushed a year due to unanticipated delays in receiving required permits from USACE. The initial project permit request was sent to USACE on March 31, 2016. After some delay we were notified of the need to submit a separate request letter for the Section 408 review, which was sent on September 1, 2016. This marina reconstruction project is well supported by the citizens of the town, it is an important regional waterfront infrastructure, and it is critically important to the economy of the town. It is our sincere hope that further delays to the start of the project will not be necessary due to permitting delays. Thank you for your consideration, support and efforts in helping the town receive the required USACE permits in a timely manner.

Sincerely,

Michael MacAskill  
Chairman, Harwich Board of Selectmen

LETTERHEAD

ARMY CORPS CONTACT/ADDRESS COMING FROM JOHN RENDON

January 19, 2017

NAME,

Please consider this our strongest possible endorsement of the efforts of the Town of Harwich to dredge, overhaul, and improve Saquatucket Harbor, the town's largest harbor and most important marine access for both recreational and commercial fleets.

As chief executive officer of the Cape Cod Commercial Fishermen's Alliance, with a 25-year history working with and representing the fishing community, I know that Saquatucket plays a crucial role for our working fishermen. Members of our fleet rely on Saquatucket's facilities. In recent years, particularly in winter, that use has taken on increased importance because of the shifting shoals of the Chatham Bar, which create serious danger for any vessel attempting to reach open ocean leaving from the Chatham Pier, and stop virtually all traffic at certain tides and weather conditions. Saquatucket provides a safe and accessible alternative. This is important to the physical well-being of our fleet, as well as key infrastructure and economic support for our industry. As many as 20 commercial vessels are docked at Saquatucket just this month.

In addition, Saquatucket is a model for how commercial and recreational fleets can co-exist with smart management and a thoughtful distribution of resources. Plans for dredging, overhaul and reconstruction, the result of a lengthy local and state process, accomplish these and other public policy goals in a careful and thorough manner. Town funding, as well as support from the Massachusetts Seaport Economic Council, is approved and in place to move forward.

We would urge the Army Corps of Engineers to expedite its process to review all relevant materials, in hopes that a permit to proceed could be issued from your office at the earliest possible convenience.

Sincerely,

John Pappalardo, CEO

Cape Cod Commercial Fishermen's Alliance



December 20, 2016

Bill Kavanaugh  
Project Manager  
USACE-New England District  
Programs and Project Management  
Navigation Section  
696 Virginia Road  
Concord, MA 01742-2751

Re: USACE Permit Application NAE-2016-00019 , Section 408 Permission request to re-construct and further expand the Municipal Marina in Saquatucket Harbor.

Dear Mr. Kavanaugh,

On behalf of the Massachusetts Department of Conservation and Recreation, I write in support of the Town of Harwich and their project to replace and reconfigure the entire marina and to dredge the marina footprint as well as the Federal Anchorage. The Town of Harwich is fully funding the project.

The proposed marina expansion should not impair the usefulness of the Federal Navigation Project (FNP). The FNP provides an area of refuge which would allow approximately thirteen (13) vessels to utilize the space on conventional moorings. The reconstruction and expansion of the municipal marina would provide approximately forty (40) slips within the Federal portion of the harbor in addition to increase navigable water around the floats, providing access to the unloading dock for the commercial fisherman, boat ramp, ADA accessible ramping, as well as shore amenities and supporting features.

The expansion of the public marina will enhance the Federal Project by allowing more vessels to occupy the harbor and Federal Anchorage. The facilities offered are open to the public including the state boat ramp, a pump out and commercial fishing unloading.

DCR endorses the Town of Harwich's project to enhance the Municipal Marina in Saquatucket Harbor. The town is funding the whole project and in doing so will create a functional marina with greater capacity and generate revenue for the Town of Harwich.

Very Truly Yours,

Leo Roy  
Commissioner  
Department of Conservation and Recreation

COMMONWEALTH OF MASSACHUSETTS · EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS

Department of Conservation and Recreation  
251 Causeway Street, Suite 600  
Boston MA 02114-2119  
617-626-1250 617-626-1351 Fax  
www.mass.gov/dcr



Charles D. Baker  
Governor

Karyn E. Pollito  
Lt. Governor

Matthew A. Beaton, Secretary, Executive  
Office of Energy & Environmental Affairs

Leo Roy, Commissioner  
Department of Conservation & Recreation

HARWICH BOS / TA ACTION ITEMS REPORT

Item Number	Action Item	Criticality (1, 2 or 3)	Lead Responsibility	Date Assigned	Due Date	Status	Comments
16-001	Disability Access to Brook Park Bandstand			7/11/2016		Referred to Recreation for inclusion in the next phase of Brooks Park Improvements.	No funding available at this time to cover cost of ramp.
16-002	Lighting at Brook Park Bandstand/Parking		TA, ATA, Town Eng., Rec. Dir.	7/11/2016		Spoke with Town Engineer. Came up with concept for 2 lights in keeping with the Historic Dist. Cost \$2500/ea. <b>Status Complete</b>	No funding available at this time to cover costs of lights. Path behind ballfield fence is not formal to make more accessible & add lighting would require a fence along the bank, t-base walkway 5' wide, electricity, etc.
16-003	West Harwich Plume+B4:B29 +B4:B21		TA, ATA, Health Dir.	7/11/2016		Paula completed review week of August 15; meeting with Chair, TA and Asst. TA on 8/24/16. Paula made presentation to the BoS on 9/26/16 - <b>Status Complete</b>	Paula Champagne asked to research all applicable reports and to report back her findings/recommendations/plan.
16-004	Committees: Vacancies; Charge Updates: Members being Sworn-in.		Selectmen	7/25/2016		On-going	
16-005	Track Additional Costs at Middle School		Selectman LaMantia, TA	7/25/2016		On-going	
16-006	Embers: Outside Bar Status		ATA	8/8/2016		Completed 8/10/16- <b>Status Complete</b>	Consulted Licensing Secretary; Building Comm; Health Agent. Mr. Nickerson contacted.
16-007	Dedicated Turn Signal North on Rte 124 at Queen Anne Road		DPW Director	8/8/2016		Completed 8/10/16- <b>Status Complete</b>	DPW Director contacted consulting Engineer. The trip counts do not warrant a dedicated signal. Mr. Nickerson Contacted.
16-008	Perk - Public Hearing for Entertainment License potential violation(s)		TA; Licensing Secretary	8/22/2016		Hearing to be scheduled for 9/19/16 - <b>Status Complete</b>	
16-009	Waterways - Slip Regulations		TA; Harbormaster; Waterways Committee	10/17/2016			
16-010	Entertainment Licenses (Rte 28 HP) - Public Hearing for uniform hours		TA	10/17/2016		Public Hearing Schedule for November 14, 2016 - <b>Status Complete</b> -- Licensees (Rt 28 HP) to be notified	Advertising and posting on Website completed. Licensees to be notified.
<b>Goal 1. Financial Leadership and Stability - Provide financial leadership and stability to all Town departments and Town sanctioned boards and committees. (Primary responsibility is with TA although the Finance Team, Capital Outlay Committee and the Finance Committee provide significant input)</b>							
<b>Objective A: Develop FY2018 budget within the limits of Proposition 2 1/2 that minimizes the use of capital exclusions.</b>							
16-011	G1-A(1) Provide Seven Year Capital Plan, 2018-2024		TA	7/25/2016		<b>Status Complete</b>	
16-012	G1-A(2) Report: Estimated Free Cash		Town Accountant	7/25/2016		<b>Status Complete</b>	
16-013	G1-A(3) Report: FY2018 TA Budget Message		TA	7/25/2016		<b>Status Complete</b>	
16-014	G1-A(4) Provide Initial Budget & additional updates as needed		TA	7/25/2016		On-going	
<b>Objective B: Provide transparency in town finances.</b>							
16-015	G1-B(1) Provide quarterly expense & revenue reports for each Town department.		Town Accountant & TA	7/25/2016		<b>Status Complete</b> - Provided Monthly	
16-016	G1-B(2) Provide revenue sources & expenses for each department.		Town Accountant & TA	7/25/2016		<b>Status Complete</b> - Provided Monthly	
16-017	G1-B(3) Further implement the visual software package to better inform the taxpayers where their tax dollar is being spent.		Town Accountant & TA & Selectmen	7/25/2016		On-going	
16-018	Examine 1-3 years of auditors' reports & document how Finance Dept. has resolved auditor's suggestions/recommendations.		Town Accountant & TA	7/25/2016		Pending	



HARWICH BOS / TA ACTION ITEMS REPORT

Item Number	Action Item	Criticality (1, 2 or 3)	Lead Responsibility	Date Assigned	Due Date	Status	Comments
16-019	G1-B(5) Evaluate the need to form an insurance advisory committee to work with the TA to identify, develop options & implement town insurance matters		LaMantia, Finance, TA	7/25/2016			
<b>Objective C: Develop specific financial strategies to increase S&amp;P Bond rating</b>							
16-020	G1-C(1) Provide memo identifying potential savings that could result over the next 5-10 years of planned borrowing if Harwich rating was increased.		MacAskill, TA, Finance	7/25/2016			
16-021	G1-C(2) Identify specific, sustainable revenue sources to fund annual contributions to Other Post Employment Benefits (OPEB).		MacAskill, TA, Finance	7/25/2016			
<b>Goal 2. Governance - Communicate and conduct Town government business in an efficient, effective, transparent and responsive manner.</b>							
<b>Objective A: Conduct Town government business in an efficient and effective manner</b>							
16-022	G2-A(1) Implement Accela		TA	7/25/2016		Status Complete	
16-023	G2-A(2) Request Charter Review Committee to assess Charter to identify needed changes/improvement.		LaMantia & MacAskill	7/25/2016		On-going	
16-024	G2-A(3) Direct Town boards & committees to review Charges for appropriateness or modifications.		LaMantia & MacAskill	7/25/2016			
16-025	G2-A(4) Ensure Town boards & committees conduct meetings/public hearings in accordance with Charter, Regulations & MGL.		LaMantia & MacAskill	7/25/2016			
16-026	G2-A(5) Assess document storage needs.		TA	7/25/2016		Funding Deny by CPC	
16-027	G2-A(6) Review & reevaluate BOS policies.		LaMantia & MacAskill	7/25/2016			
<b>Objective B: Conduct Town government business in a transparent manner</b>							
16-028	G2-B(1) Develop & implement informational meetings ("pre-annual town meetings) to improve understanding & assess potential impacts of the Harwich budget & selected warrant articles.		BoS	7/25/2016		Voter Information Committee has scheduled a series of voter information work shops: 4/11: Finance, 4/25: Warrants Articles, 5/9: Candidates	
16-029	G2-B(2) Public Awareness & Outreach: improve awareness & understanding of the BOS, other Town-sanctioned groups, & Town departments.		TA w/Voter Info Comm., BoS	7/25/2016		Voter Information Committee holding a Town Committee Volunteer Recruitment Fair 1/28/17	
16-030	G2-B(2)(a) Two memos, co-authored by Administration & Dept. Head selected to participate in outreach activity describing activities planned, resources & schedules required to achieve this objective.		LaMantia, MacAskill, TA, Finance	7/25/2016			
16-031	G2-B(2)(b) Periodic status reports on media projects, site visits, & initial feedback from residents/visitors.		LaMantia, MacAskill, TA, Finance	7/25/2016			
16-032	G2-B(3)(c) End-of-year report on lessons learned.		LaMantia, MacAskill, TA, Finance	7/25/2016			
<b>Objective C: Conduct Town government business in a responsive manner</b>							
16-033	G2-C(1) Establish Harwich-specific email addresses (4 memos).		Brown, IT, TA	7/25/2016			
16-034	G2-C(2) Reevaluate Town Hall hours: 8 PM on Monday & noon on Friday.		Brown, BoS, TA	7/25/2016			



**HARWICH BOS / TA ACTION ITEMS REPORT**

<b>Item Number</b>	<b>Action Item</b>	<b>Criticality ( 1, 2 or 3 )</b>	<b>Lead Responsibility</b>	<b>Date Assigned</b>	<b>Due Date</b>	<b>Status</b>	<b>Comments</b>
16-035	G2-C(3) Evaluate improvements to Griffin Room audio reception, recording & broadcasting.		Brown, IT, TA, Cable	7/25/2016		On-going; Ms. Goodwin has made many updates to the system.	
16-036	G2-C(4) Develop agreement for classroom use at MRHS & Harwich Elementary (fee/no fee) for Town-sanctioned groups meetings.		Brown, BoS	7/25/2016			
<b>Goal 3: Infrastructure - Work with and support the design, construction and renovation activities of the Harbormaster, Department of Public Works, Board of Water Commissioners, Library and other departments conducting major projects</b>							
16-037	<b>G3 Objective A:</b> Support and report periodically on the water side rebuilding project at Saquatucket Harbor.		MacAskill, TA, Harbor	7/25/2016			No Action Items or Deliverables Provided
16-038	<b>G3 Objective B:</b> Support and report on the land side design project		Harbor & Conservation	7/25/2016			No Action Items or Deliverables Provided
16-039	<b>G3 Objective C:</b> Investigate renovation project proposed for Lower County Road.		Hughes, TA, DPW, Highway & Engineering	7/25/2016			No Action Items or Deliverables Provided
16-040	<b>G3 Objective D:</b> Determine appropriate distribution of CVEC energy savings		MacAskill, TA, BoS	7/25/2016			
<b>Goal 4: Natural Resources - Continue to implement the Comprehensive Wastewater Management Plan</b>							
<b>Objective A: Wastewater planning and implementation</b>							
16-041	G4-A(1) Attempt to finalize IMA negotiations with Chatham BOS		Hughes, LaMantia, TA	7/25/2016		<b>Staff has completed in responsibilities.</b>	
16-042	G4-A(2) Convene preliminary discussions with Dennis & Yarmouth		Hughes, LaMantia, TA	7/25/2016		<b>Status Complete</b>	Initial Meeting held, discussions continuing
16-043	G4-A(3) Document results of Muddy Creek projects & support Cold Brook mitigation planning & implementation		Hughes, LaMantia, TA	7/25/2016			
16-044	G4-A(4) Continue ongoing pollution mitigation efforts & implementation of new technologies.		Hughes, LaMantia, TA	7/25/2016			
<b>Objective B: Wastewater Education and Outreach</b>							
16-045	G4-B(1) Using available information develop guidelines for environmentally-appropriate fertilization of lawns & gardens		BoS, TA, WIC, IT, Nat'l Resources, Health/Conservation	7/25/2016			
16-046	G4-B(2) Plan & implement wastewater education program for residents & nonresidents to explain the need for the project, the process & next activities planned		BoS, TA, WIC, IT, Nat'l Resources, CDM Smith	7/25/2016		On-Going	
<b>Goal 5: Planning and Economic Development - Actively participate in development of housing, business, transportation and historic and cultural enhancements. Establish working relationships with officials of nearby towns, Barnstable County, State and Federal agencies, as appropriate.</b>							
<b>Objective A: Investigate improved utilization, sale or lease of several properties in Town.</b>							
16-047	G5-A(1) Develop plans on how to use, sell or lease the Albro House, Bank Street Fire Station, Old Recreation Building, West Harwich Schoolhouse & Harwich Middle School.		TA	7/25/2016		On-going	
16-048	G5-A(2) Support community involvement, State compliance, planning, & public information activities in the Rt. 28 reconstruction project from Herring River to the Dennis line		TA	7/25/2016		On-going	
16-049	G5-A(3) Support community involvement in the HECH/Chase House historic preservation & Chapter 40B development at 93 & 97 Rt. 28		TA	7/25/2016		On-going	



HARWICH BOS / TA ACTION ITEMS REPORT

Item Number	Action Item	Criticality ( 1, 2 or 3 )	Lead Responsibility	Date Assigned	Due Date	Status	Comments
<b>Objective B: Create and maintain a strong business and job growth environment</b>							
16-050	G5-B(1) Explore creation of an economic development committee		Brown, MacAskill, BoS	7/25/2016			
16-051	G5-B(2) Create & maintain positive Town & business relationships		Brown, MacAskill, BoS	7/25/2016			TA meets monthly with Chamber Director.
16-052	G5-B(3) Assist Town departments & Town sanctioned groups with grants & pursue funding opportunities in support of town priorities & policy goals		Brown, MacAskill, BoS	7/25/2016			
16-053	G5-B(4) Develop educational program agreements with MRSD & CCTech whereby special projects can be conducted coincident with major capital projects in Town		Brown, MacAskill, BoS	7/25/2016			
16-054	G5-B(5) Investigate novel ideas to promote Harwich & attract tourists, such as painting/decorating fire hydrants		Brown, MacAskill, BoS, TA, Chamber	7/25/2016			
16-055	G5-B(6) Explore affordable & senior housing options where the Town may retain the property		Brown, MacAskill, BoS	7/25/2016			
16-056	G5-B(6)(a) Memorandum #1: TA shall outline a plan to identify proven & novel approaches to develop Affordable housing in Harwich.		Brown, MacAskill, BoS	7/25/2016			
<b>Goal 6: Quality of Life and Public Safety - Develop and support programs that improve quality of life for Harwich residents and visitors. (Public Safety Departments have the primary responsibility for progress and accomplishments. TA has coordination, support and reporting responsibility)</b>							
<b>Objective A: Provide high quality, cost-effective public safety services to residents and visitors.</b>							
16-057	G6-A(1) Assess public safety signage throughout the Town for adequacy & consistency		Kavanagh, TA, Highway	7/25/2016			
16-058	G6-A(2) Investigate options, including increased police surveillance, low cost, automatic speed detection systems, raised crosswalks or speed bumps to lower vehicle speed on town streets.		Kavanagh, TA, Highway, CCC	7/25/2016			
16-059	G6-A(2)(a) Memorandum #1: Define near-term options that could be implemented in 30 days or less		Kavanagh, TA, Highway, CCC	7/25/2016			
16-060	G6-A(2)(b) Memorandum #2: Identify steps & resources needed to develop a comprehensive safety improvement plan for Harwich		Kavenagh, TA	7/25/2016			
<b>Objective B: Support the Fire Station #2 Renovation Project.</b>							
16-061	G6-B(1) Apply Town resources (Planning, Engineering, etc.) to support conduct & documentation of needs assessment, preliminary design & alternatives development, cost estimation & preparation of periodic presentations & open meetings & final recommendations to the Selectmen & Town voters		Brown, TA, Station 2 Comm.	7/25/2016		<b>Status Complete: Station 2 Committee made presentation to BoS on 1/17/17.</b>	

HARWICH BOS / TA ACTION ITEMS REPORT

Item Number	Action Item	Criticality ( 1, 2 or 3 )	Lead Responsibility	Date Assigned	Due Date	Status	Comments
16-062	<i>G6-B(1)(a) Station Needs Assessment - provide operational requirements that drive the need and design of enhancements and expansions</i>		Brown, TA, Station 2 Comm.	7/25/2016		Status Complete: Station 2 Committee made presentation to BoS on 1/17/17.	
16-063	<i>G6-B(1)(b) Alternatives analysis and preliminary design</i>		Brown, TA, Station 2 Comm.	7/25/2016			
16-064	<i>G6-B(1)(c) Cost Estimates</i>		Brown, TA, Station 2 Comm.	7/25/2016			
16-065	<i>G6-B(1)(d) Final Recommendations</i>		Brown, TA, Station 2 Comm.	7/25/2016			

## Ann Steidel

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**From:** Donald F Howell <dhowell@meganet.net>  
**Sent:** Thursday, January 19, 2017 8:17 AM  
**To:** Ann Steidel  
**Subject:** Re: Board of Selectmen agenda item  
**Attachments:** 2017-HARWcharter\_change omnibus final 1.18 voted 1.17.17.docx

Yup. But there will be a companion change to the Town's by-laws that we have yet to vote on. We will be discussing that next Wednesday.

Don

On 1/19/2017 8:01 AM, Ann Steidel wrote:

Don,

I don't have any back up for the Board's packet, do you??

*Ann Steidel  
Administrative Secretary  
Board of Selectmen/Town Administrator's Office  
Town of Harwich  
732 Main Street  
Harwich, MA 02645  
Phone 508-430-7513 x2  
Fax 508-432-5039*

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**From:** Donald F Howell [<mailto:dhowell@meganet.net>]  
**Sent:** Wednesday, January 18, 2017 4:17 PM  
**To:** Ann Steidel <[asteidel@town.harwich.ma.us](mailto:asteidel@town.harwich.ma.us)>  
**Subject:** Re: Board of Selectmen agenda item

Yes, I already had a heads up.

Don

On 1/18/2017 11:30 AM, Ann Steidel wrote:

Hi Don,

The Board of Selectmen has the following item on their agenda for Monday, January 23:

“By-Law Charter Review Committee potential charter changes”

Can you attend?

*Ann Steidel*

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 subsection 3-7-3, Prohibitions, as follows:**

Members of the board of selectmen shall be eligible to serve, ~~to the extent permitted by law, as ex-officio members of~~ as liaisons to appointed and elected town agencies. A liaison for any elected town agency or committee shall be appointed by a majority vote of the entire board of selectmen and shall be for the sole purpose of efficient communication between the board of selectmen and the affected appointed and/or elected town agency.

**2. Amend Chapter 3 subsection 3-6-1, Powers of Appointment, as follows:**

3-6-1 Except as may otherwise be provided by General Laws, this charter, or the personnel by-law, the board of selectmen shall have the power to appoint and remove: a) a town administrator as provided in chapter 4; b) a town counsel; c) a ~~town accountant~~ a finance director; d) a police chief; e) a fire chief; f) 3 assessors for overlapping 3-year terms; g) 3 members of a board of registrars of voters for overlapping 3-year terms; h) election officers; and i) 1 or more constables.

**3. Amend Chapter 7 subsection 7-1-2, Advertising of Vacancies and Appointing Town Agencies, as follows:**

7-1-2 To further promote a maximum level of qualified, active, and interested citizen participation on appointed town agencies, the board of selectmen shall advertise all vacancies and impending appointments. This advertising shall enumerate the vacancies that are to be filled and shall solicit the submission of a citizen activity record form from persons willing and able to serve. The advertisements shall be posted in a manner consistent with open meeting law postings (including on the Town's web site) and may be published in a newspaper of general circulation in the town. and shall be made once a week for a minimum of two weeks after the vacancy arises Vacancies shall remain posted/advertised a minimum of two weeks prior to an appointment by the board of selectmen.

**4. Amend Chapter 7 subsection 7-2-2, General Provisions, as follows:**

7-2-2 All town agencies ~~of the town~~ shall; a) organize annually at the first meeting after the beginning of the town's fiscal year (July 1 - June 30); b) elect ~~necessary officers~~ a chair, a vice-chair and a clerk; c) adopt rules of procedure and voting; d) maintain minutes and records of attendance, copies of which shall be a public record and regularly filed with the town clerk; and e) nominate prospective employees of their choice, who shall be considered for appointment by the town administrator, as provided in clause 4-4-2.

**5. Amend Chapter 7 subsection 7-4-1, Board of Health, as follows:**

7-4-1 A board of health of ~~5 members~~ shall be appointed in such numbers as outlined in chapter 7, Article III, Boards and Committees, of the Town's by-laws by the board of selectmen for 3-year overlapping terms. One member, at least, shall be a doctor of medicine, or a person with significant experience in public health.

**6. Amend Chapter 7 subsection 7-5-1, Planning Board, as follows:**

7-5-1 A planning board of ~~9 members and 2 alternate members~~ shall be appointed in such numbers as outlined in chapter 7, Article III, Boards and Committees, of the Town's by-laws by the board of selectmen for 3-year overlapping terms.

**7. Amend Chapter 7 subsection 7-6-1, Board of Assessors, as follows:**

7-6-1 A board of assessors of ~~3 members~~ shall be appointed in such numbers as outlined in chapter 7, Article III, Boards and Committees, of the Town's by-laws by the board of selectmen for 3-year overlapping terms. One member, at least, shall be professionally qualified for the duties of the office.

**8. Amend Chapter 7 subsection 7-7-1, Conservation Commission, as follows:**

7-7-1 A conservation commission of ~~7 members and 2 alternate members~~ shall be appointed in such numbers as outlined in chapter 7, Article III, Boards and Committees, of the Town's by-laws by the board of selectmen for 3-year overlapping terms.

**9. Amend Chapter 7 subsection 7-8-1, Council on Aging, as follows:**

7-8-1 A council on aging of ~~9 members~~ shall be appointed in such numbers as outlined in chapter 7, Article III, Boards and Committees, of the Town's by-laws by the board of selectmen for 3-year overlapping terms.

**10. Amend Chapter 7 subsection 7-9-1, Historic District and Historical Commission, as follows:**

7-8-1 A historic district and historical commission shall be appointed ~~by the Board of Selectmen in accordance with the provisions of this charter and the General Laws as outlined in Article V of the By laws~~ in such numbers as

outlined in chapter 7, Article III, Boards and Committees, of the Town's by-laws by the board of selectmen for 3-year overlapping terms.

**11. Amend Chapter 7 subsection 7-10-1, Recreation and Youth Commission, as follows:**

7-10-1 A recreation and youth commission ~~of 7 members~~ shall be appointed in such numbers as outlined in chapter 7, Article III, Boards and Committees, of the Town's by-laws by the board of selectmen for 3-year overlapping terms.

**12. Amend Chapter 7 subsection 7-11-1, Cultural Council, as follows:**

A cultural council ~~of 5 members~~ shall be appointed in such numbers as outlined in chapter 7, Article III, Boards and Committees, of the Town's by-laws by the board of selectmen for 3-year overlapping terms in accordance with the General Laws of the Commonwealth of Massachusetts. Members shall not be eligible to serve more than 2 consecutive terms.

**13. Amend Chapter 7 subsection 7-12-1, Zoning Board of Appeals, as follows:**

A zoning board of appeals ~~of 5 members and 5 associate members~~ shall be appointed in such numbers as outlined in chapter 7, Article III, Boards and Committees, of the Town's by-laws by the board of selectmen for 3-year overlapping terms.

**14. Amend Chapter 7 section 7-13, Golf Committee, as follows:**

7-13-1 A golf committee ~~of 7 members~~ shall be appointed in such numbers as outlined in chapter 7, Article III, Boards and Committees, of the Town's by-laws by the board of selectmen for 3-year overlapping terms.

7-13-2 The committee shall ~~have full power and responsibility for~~ recommend governing policies relating to the maintenance and operation of the municipal golf course for consideration by the board of selectmen.

**15. Amend Chapter 7 subsection 7-14-1, Waterways committee, as follows:**

7-14-1 waterways committee ~~of 7 members and 2 alternate members~~ shall be appointed in such numbers as outlined in chapter 7, Article III, Boards and Committees, of the Town's by-laws by the board of selectmen for 3-year overlapping terms and shall be advisory to that board.

**16. Amend Chapter 7 subsection 7-15-1, Cemetery Commission, as follows:**

A cemetery commission ~~of 3 members~~ shall be appointed in such numbers as outlined in chapter 7, Article III, Boards and Committees, of the Town's by-laws by the board of selectmen for 3-year overlapping terms.

**17. Amend Chapter 7 subsection 7-16-1, By-law/Charter Review Committee, as follows:**

A by-law/Charter Review Committee ~~of 5 members~~ shall be appointed in such numbers as outlined in chapter 7, Article III, Boards and Committees, of the Town's by-laws by the board of selectmen for 3-year overlapping terms. The committee shall regularly review the by-laws of the town and submit proposed revisions to the town meeting at least once every 5 years. In addition, the committee shall regularly review the charter and submit proposed amendments to it to the board of selectmen under section 2 of chapter 10 of this charter.



**Town of Harwich**  
*Protecting our Water Resources*

# Wastewater Education Handbook

January 2017



Herring River  
at Route 28





## Introduction

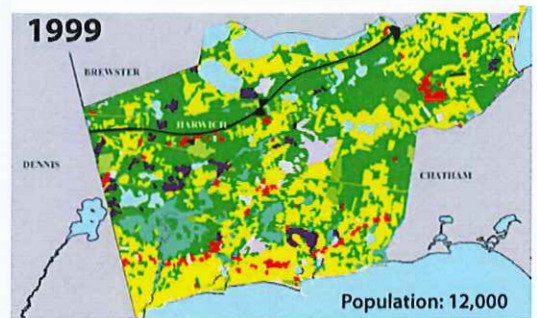
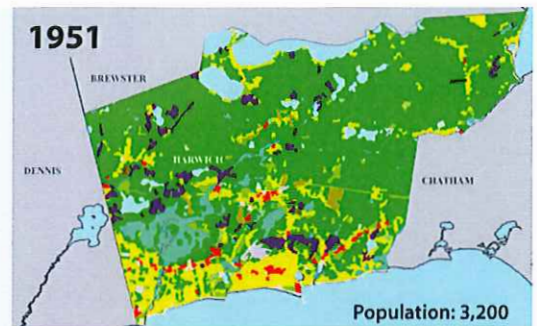
# The Town of Harwich has undergone significant growth over the past 50 plus years.

The population has increased nearly 400 percent from 1951 to 1999. That growth has resulted in various water quality issues that now must be addressed. Historically, Harwich has dealt with wastewater by installing Title 5 septic systems on each individual property. These systems were designed to remove solids and pathogens and do a very good job at it. However, they do very little to reduce nutrients in the liquid waste. The nitrogen level in the liquid waste which infiltrates into the ground and eventually flows through our watersheds and into the saltwater estuaries is over fertilizing these water bodies resulting in negative impacts. In addition, phosphorus in the liquid waste, if not absorbed in the surrounding soils can cause water quality issues in our freshwater ponds and streams.

In the past few years, the negative impact of excess nitrogen has become the driving force for Cape Cod towns to begin implementing wastewater programs. Harwich has developed a town-wide comprehensive plan to address wastewater management needs to protect our drinking water sources and restore our freshwater pond and saltwater estuaries. Protection and restoration of these valuable water resources is extremely important to maintain the quality of life and economic wellbeing of the Town. Since 2007, these efforts have been coordinated predominantly by the Wastewater Implementation Committee (WIC) and the Board of Selectmen

(BOS). The Wastewater Implementation Committee (WIC), consulting with CDM Smith, and with over \$1.2M has recommended a program for addressing Harwich's wastewater issues with phased implementation over the next 40 years. This Comprehensive Wastewater Management Plan (CWMP) calls for a conventional wastewater collection and treatment system connecting approximately 50% of the properties in Harwich. The Capital Cost is estimated to be between \$180M and \$230M.

The approved CWMP is available on the town website at: <http://bit.ly/HarwichCWMP>





In 2013, the Massachusetts Department of Environmental Protection (MassDEP) directed the Cape Cod Commission (CCC) to prepare an update to the 1978 Water Quality Management (WQM) plan for Cape Cod to address the degradation of Cape Cod's water resources from excessive nutrients, with a primary focus on nitrogen. The Massachusetts Water Pollution Abatement Trust committed to provide the CCC with \$3.35 million to fund an update to the 1978 plan in accordance with Section 208 of the Federal Clean Water Act, referred to as the 208

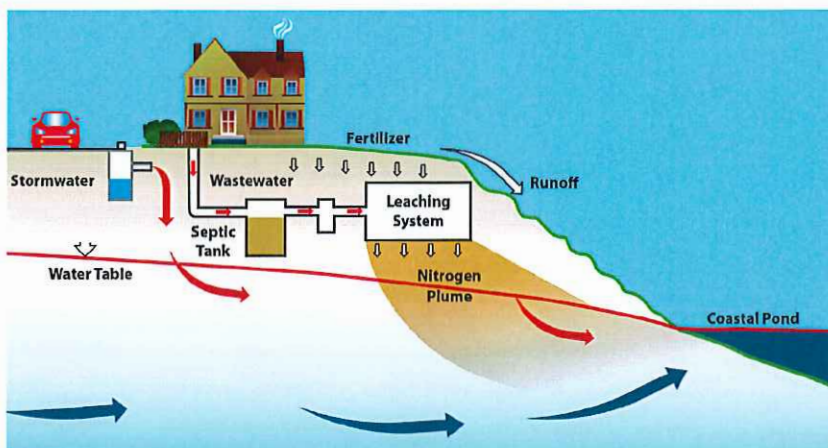
Plan. This Plan is a resource to the communities to help better understand how to manage the Total Maximum Daily Load (TDML) thresholds established by the Massachusetts Estuary Project (MEP) reports. The TMDL is the amount of nutrients that can enter a water body and still maintain a healthy environment in that pond or estuary (<http://bit.ly/MEPTMDLs>).

The Harwich CWMP received regulatory approval from The Commonwealth of Massachusetts Environmental Policy Act

(MEPA) Office and the (CCC) on May 13, 2016 and Aug, 18, 2016 respectively, and is in full compliance with the 208 Plan. The wastewater management program put forth in the CWMP is a guide for the Town to follow based on current conditions and regulations. Should the Town desire to make changes to the program in the future, based on water quality monitoring feedback, changing community interests, growth or other pertinent factors, it may do so by revising the CWMP using the appropriate regulatory review procedures.

## Key Factors

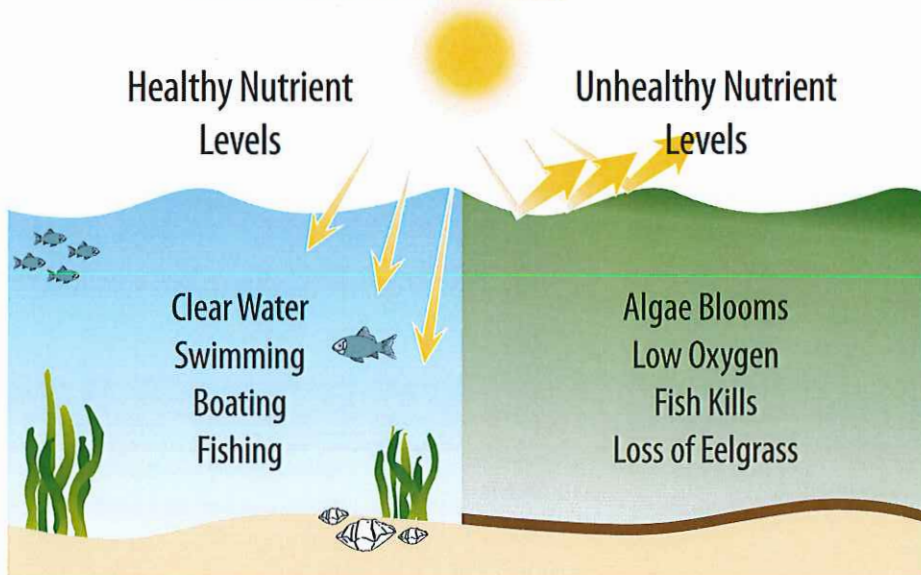
Most homes in Harwich rely on traditional Title 5 on-site septic systems for wastewater management. Title 5 septic systems are not effective at reducing the level of nitrogen in the wastewater. The liquid or effluent exiting the septic system leaching field contains high concentrations of nitrogen. This liquid eventually flows in the groundwater to our estuaries and results in over-fertilized / unhealthy conditions. It doesn't matter whether a home is located next to the estuary or two miles inland since the groundwater collects and conveys the nitrogen to the watershed outlet or in this case the saltwater estuary.



Since 2002, the MEP has developed and published a series of reports that assess the nature and extent of nutrient influence within saltwater estuaries and embayments. Reports available at: [www.oceanscience.net/estuaries](http://www.oceanscience.net/estuaries)

### Beaches, rivers and harbors are severely impacted by nitrogen pollution.

Nitrogen from septic systems allows algae to flourish. The algae clouds the water and blocks sunlight, causing aquatic grasses and other plant life to die. As the algae uses all available nutrients and dies, decomposing algae (and dead grasses) depletes dissolved oxygen in the water which results in further loss of fish and bay organisms and an unhealthy environment.

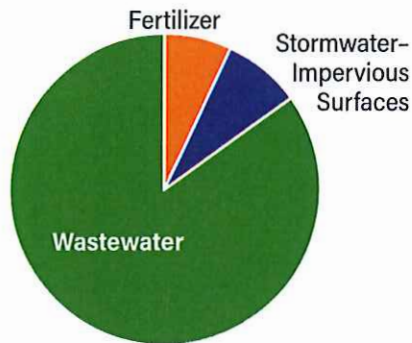




The Town of Harwich has 5 watersheds that terminate in estuaries which require nitrogen (N) reduction. These levels of remediation have been determined through an extensive and longterm water sampling program and computer water quality modeling of the watersheds. These results are documented in the MEP reports.

- **Allen Harbor** - 78% Reduction in Septic Nitrogen
- **Wychmere Harbor** - 100% Reduction in Septic Nitrogen
- **Saquatucket Harbor** - 58% Reduction in Septic Nitrogen
- **Pleasant Bay** - 65% Reduction in Septic Nitrogen
- **Herring River** - 58% Reduction in Septic Nitrogen

Approximately 85 percent of the controllable nitrogen in a given watershed comes from septic systems. Stormwater run-off and fertilizer account for about 7 to 8 percent each of the remaining sources. Thus, the focus is on removing nitrogen from septic systems.

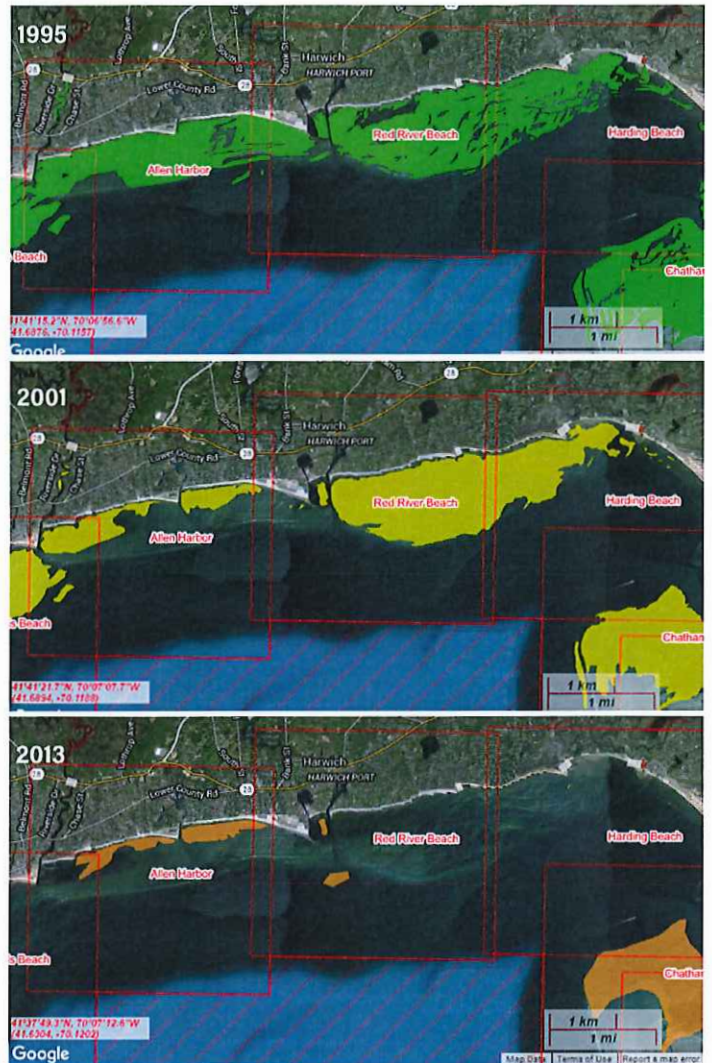


An indicator of a healthy saltwater environment is whether Eel Grass exists in those waters. It is similar to the "canary in the mine" concept as shown on the DEP photos Harwich has lost several acres of Eel Grass near its estuary outlets indicating degraded water quality exists.

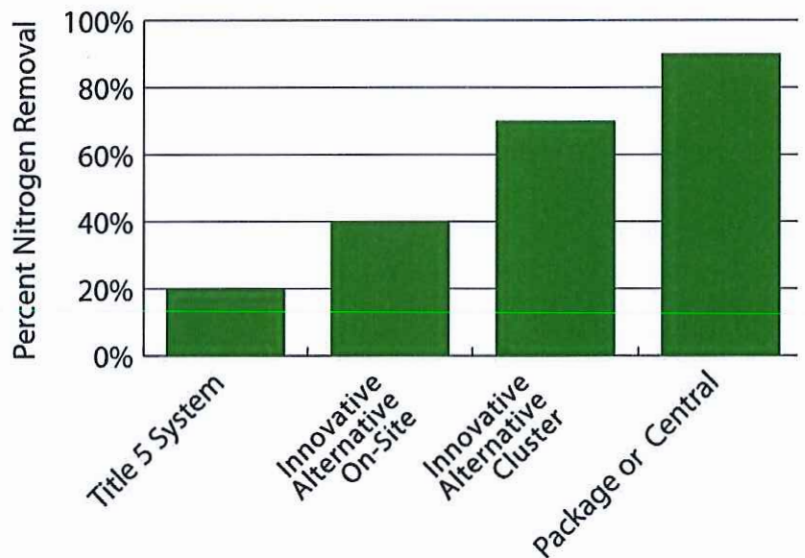
The Town evaluated several options presented in the 208 plan in order to meet the nitrogen removal requirements. However, either insufficient treatment levels as shown in the Wastewater Treatment Facility figure (right) or cost analyses as documented in the CWMP resulted in a core program that utilizes collection systems and centralized treatment.

### Drinking Water

Municipal drinking water supply is generally available throughout the Town using source water from 14 gravel-packed groundwater supply wells. These wellfields draw water from the Monomoy Lens Aquifer. Therefore, all of Harwich's residents and businesses are reliant on the groundwater supply for drinking water, whether through public or private sources of the supply.

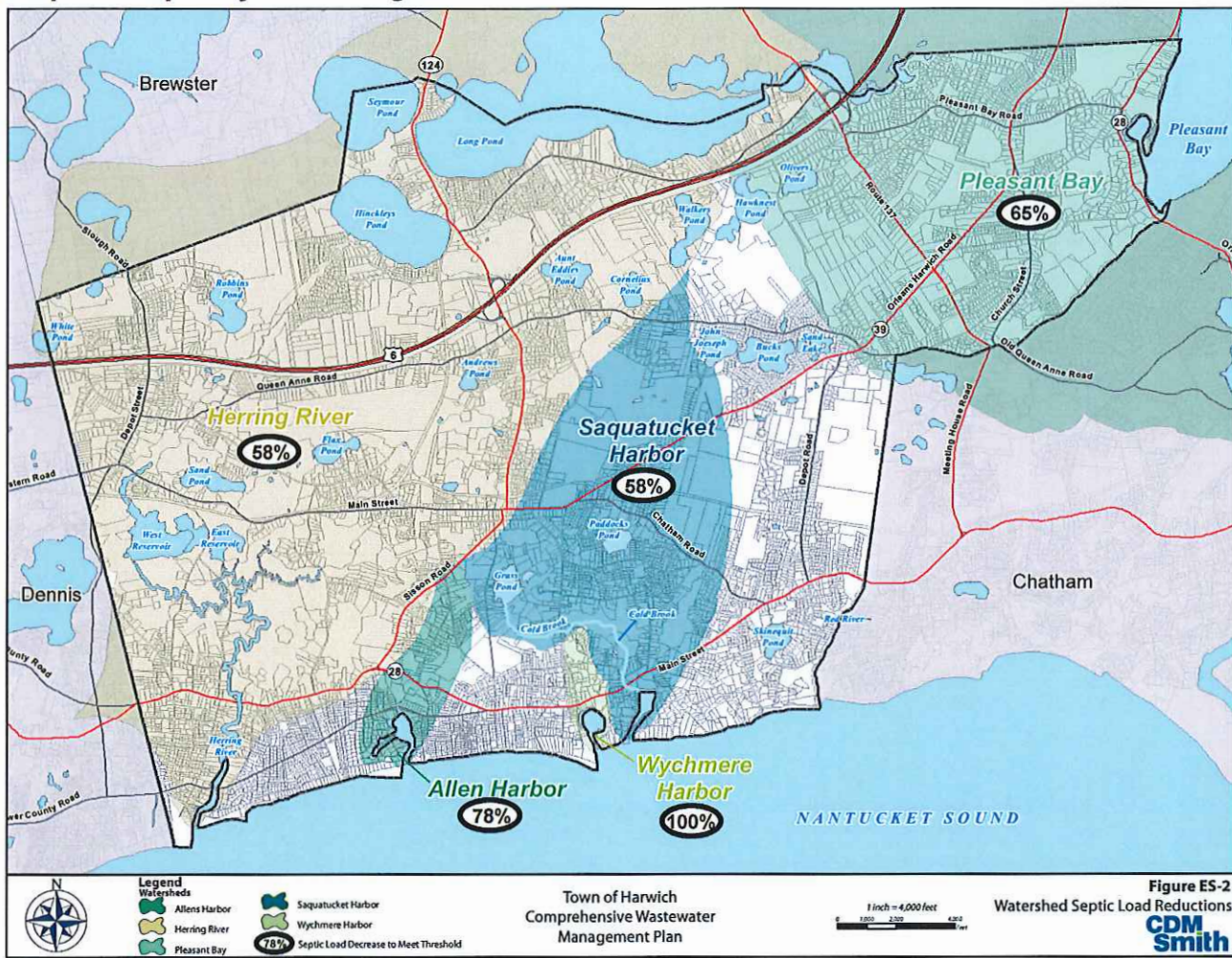


MassDEP Eel Grass Mapping (from top, 1995, 2001 and 2013).





## Required Septic System Nitrogen Removal



While the location of public water supply wells in Harwich do not drive a specific need for sewerage in any particular area of the Town, a couple wells in the Pleasant Bay Watershed have shown nitrogen levels above background concentrations as a result of development in the area. Therefore, a reduction in on-site septic system inputs into the groundwater, especially in well zones of contribution, will result in a beneficial reduction in potential contaminants to the aquifer. These include nutrients like nitrogen and phosphorus, bacterial and viral constituents and potential contaminants of emerging concern (CECs).

## Freshwater Ponds

In freshwater ponds, the overabundance of phosphorus (P) is the main concern. Phosphorus is typically a nutrient in limited supply. Therefore an increase can result in significant plant and algae growth which can cause a shift in the health status of the pond from healthy to fairly healthy, to degraded.

Four ponds in Harwich which were identified as degraded, or at risk of moving toward degraded, are the primary potential

cause for concern: Cornelius Pond, Grass Pond, Hinckleys Pond and Skinequit Pond.

In 2008 the towns of Brewster and Harwich jointly implemented an alum treatment program to restore and improve water quality in Long Pond. That same treatment is recommended for Hinckleys Pond.



Long Pond clear, algae bloom in Hinckleys Pond, June, 2009.



## Natural Nitrogen Attenuation

Natural attenuation occurs to some degree in the watersheds. However this has been accounted for in the results of the MEP nitrogen models and therefore further work is required to meet the TMDLs. A cooperative endeavor between Harwich and Chatham to widen the Muddy Creek inlet to increase flushing to improve the estuary habitat and decrease nitrogen levels was completed and opened for traffic in May 2016. This project results in an offset for Harwich of not having to sewer approximately 230 homes. The total project costs was about \$6.3 Million with Harwich paying half the cost.

The Town in FY15 and FY16 funded a study entitled "Bank Street Bogs at Cold Brook – Evaluation of Natural Nitrogen Attenuation/ Baseline Assessment" dated September, 2016. (<http://bit.ly/BankStBogs>) This study collected additional field data on groundwater flow and nitrogen concentrations among many other parameters for over a one year period to help supplement information gathered during the earlier MEP report. This site is owned by the Harwich Conservation Trust (HCT) and they are developing plans for the area to restore it back to natural conditions. So all work is being coordinated with the HCT. The

results of the study indicate that there are some natural nitrogen attenuation options available that would increase the nitrogen removal and help offset the need to sewer approximately 240 homes in the Saquatucket Harbor Watershed. These scenarios are being discussed with HCT representatives to try and develop one that meets the goals of the Town and the HCT.

## Strategy

Since everyone in the Town of Harwich contributes to the nitrogen problem, we all need to contribute to the solution. It is anticipated that real estate taxes will be the source of funding for the design and construction of the system and user fees will eventually support the operation and maintenance costs. Our wastewater consulting firm, CDM Smith, was hired by the Town of Harwich to help with the development of the program to address these issues. The CWMP is proposed to be implemented in 8 phases over 40 years. Many variables will change over this timeframe. This program is very similar to our municipal water system which was built over 40 years and is valued at around \$225 Million.



Before (top) and After (bottom) Muddy Creek Inlet Widening.



Nitrogen Reduction by Natural Attenuation in Cold Brook at Bank Street bogs – Existing conditions.



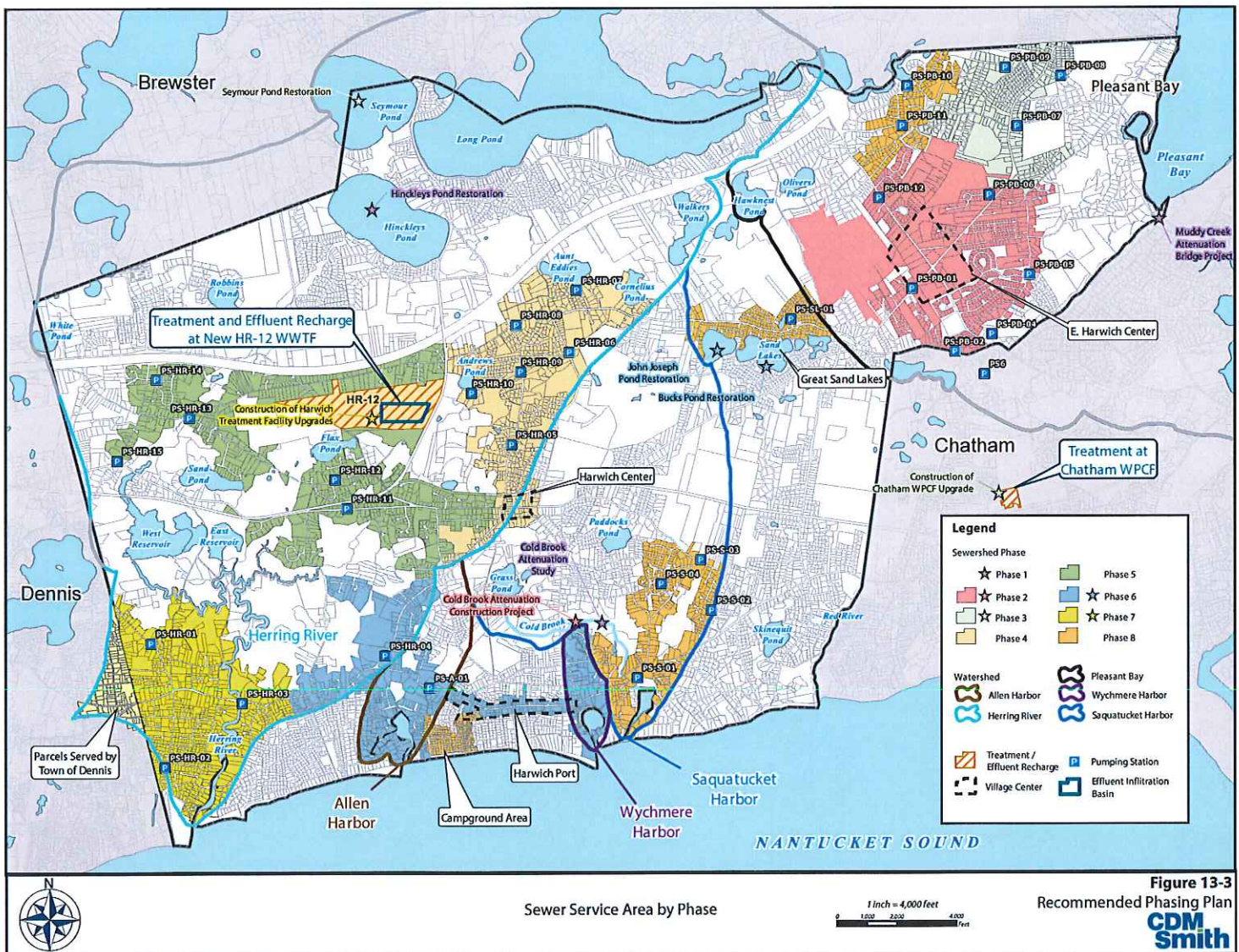
# CWMP Overview

The recommended plan includes the use of two treatment facilities: one located at the Harwich public works facility near the landfill site, and the other one being the existing Chatham Water Pollution Control Facility (WPCF) which has excess capacity.

The near term focus of the Harwich CWMP seeks to solve the nitrogen loading in the Pleasant Bay (PB) Watershed. In lieu of Harwich building a wastewater treatment facility in East Harwich, we are negotiating with Chatham to purchase up to 300,000 gals/day of wastewater capacity in order to send collected wastewater from the PB watershed to Chatham for treatment. The Chatham facility has a design capacity to handle an annual average daily flow of 1.3 mgd (million/

gals/day). To accomplish this, an Inter-Municipal Agreement (IMA) needs to be agreed upon between the two Towns which includes capital costs and operation and maintenance (O&M) costs associated with the Harwich wastewater flow from the sewered areas of PB conveyed to the Chatham Treatment Facility. This flow is projected to be sufficient to restore the water quality in PB and meet Harwich's share of the TMDL. It will also help protect Harwich drinking water

wells in the area and allow for desired economic growth. If we are able to use the Chatham facility our near term efforts will focus on the wastewater collection system and associated interconnection to the Chatham facility. This will extend the time at which Harwich needs to construct its own treatment facility by approximately 10 years. Current plans identify 2021 as the initiation of wastewater flow from Harwich to Chatham.



**Figure 13-3**  
Recommended Phasing Plan  
CDM Smith

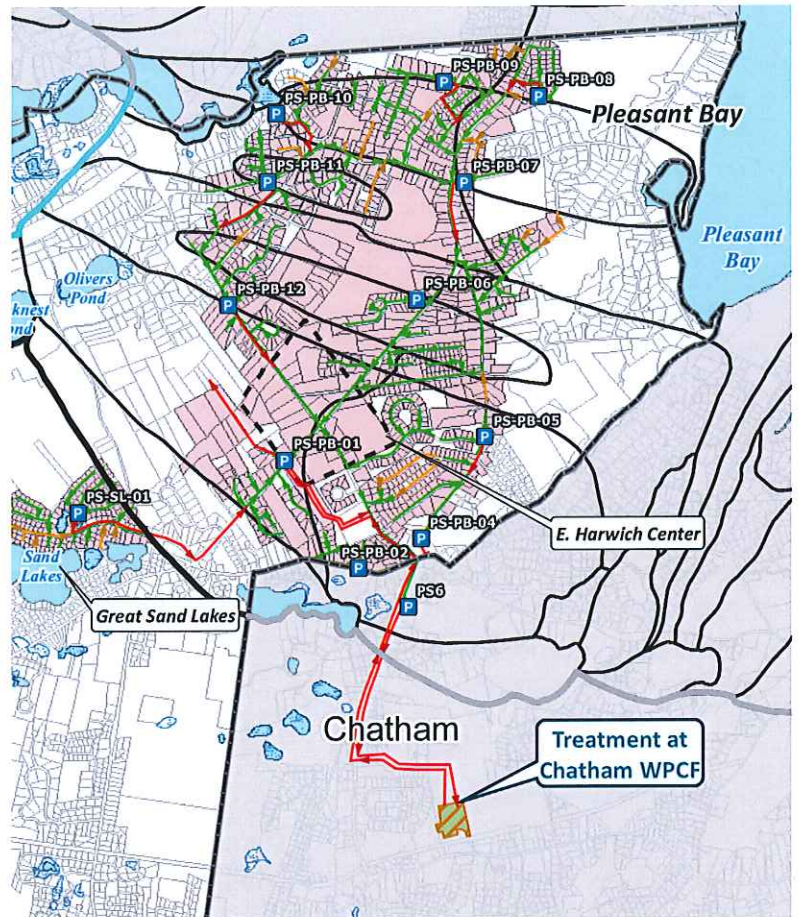


## Regional Opportunities

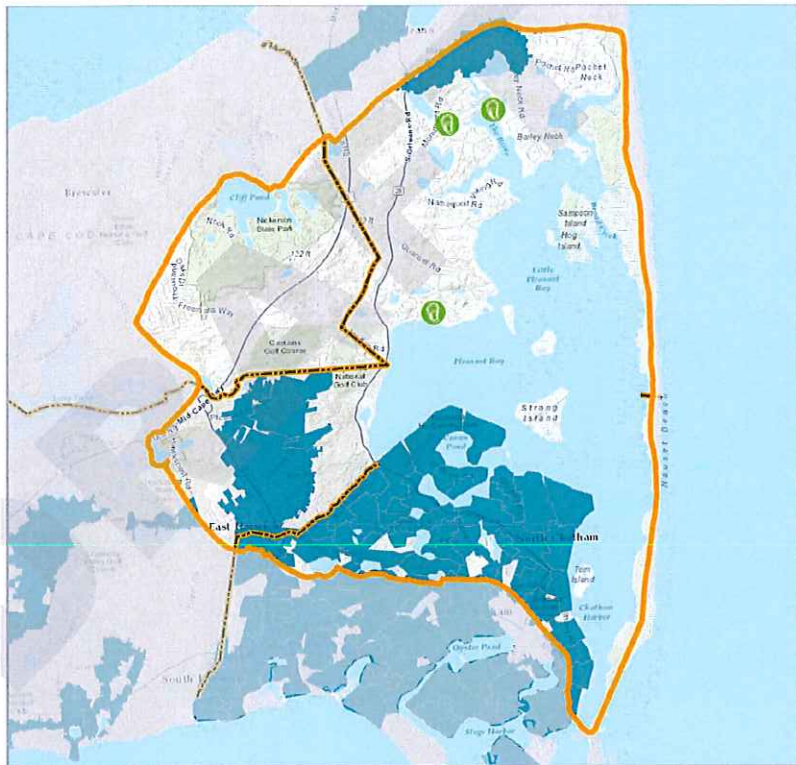
Harwich is also participating in preliminary discussions with the Towns of Dennis and Yarmouth to consider the possibility of a single wastewater treatment facility to be located in Dennis. This would eliminate the need for a treatment facility to be constructed at the Harwich public works facility site near the landfill. These discussions are ongoing, and Harwich has several years before it would need to decide whether to construct its own facility or join in the regional solution.



Chatham Wastewater Treatment Plant (1.1 million gallon per day average flow with open infiltration basins)



## Chatham, Harwich, Orleans and Brewster Proposed Restoration Program Pleasant Bay Watershed Scenario Map



Source: Cape Cod Commission

- Legend**
- Aquaculture
  - Proposed Sewer Sheds
  - Embayment Watersheds

## GLOSSARY

- CCC-Cape Cod Commission
- CWMP-Comprehensive Wastewater Implementation Plan
- Embayment-a recess in a coast line or an indentation off of a shore line that forms a bay
- IMA-Intermunicipal Agreement
- MassDEP - Massachusetts DEP (Department of Environmental Protection)
- MEP-Massachusetts Estuaries Project
- Natural Attenuation-The process by which the concentration of nitrogen in a water body or groundwater is reduced by conversion to nitrogen gas, sediment absorption, and other biological processes when nitrogen-inundated water passes through natural systems such as streams, rivers and ponds
- TDML-Total Maximum Daily Load
- UMASS - University of Mass/Dartmouth
- SMAST (School of Marine Science and Technology)
- Watershed-an area or ridge of land that separates waters flowing to different rivers, basins or seas
- WIC-Wastewater Implementation Committee



Capital Outlay Committee Requirements for CWMP (updated 2017)		
<b>2013 Funding (complete): Phase 1</b>		<b>Total = 1,800,000</b>
✓	n/a	For Recharge Facility Land Purchase
✓	\$100,000	For Cold Brook Attenuation Study
✓	\$1,700,000	For Muddy Creek Attenuation Bridge Project
<b>2016 Funding (Pending): Phase 2</b>		<b>Total = \$34,165,000</b>
1	\$6,765,000	Capacity Purchase at Chatham WPCF
2	\$2,400,000	Tie-in Costs to Pipes and Pump Station
3	\$150,000	CWMP Implementation Services
4	\$22,000,000	Design and Construction of Pleasant Bay (PB) Collection System (South)
5	\$2,000,000	Design and Construction Cold Brook
6	\$550,000	Restoration of Hinkleys Pond
<b>2021 Funding (projected): Phase 3</b>		<b>Total = \$12,900,000</b>
1	\$12,600,000	For Construction of Pleasant Bay Collection System (North)
2	\$300,000	For Seymour Pond Restoration
<b>2026 Funding (projected): Phase 4A</b>		<b>Total = \$34,400,000</b>
1	\$34,400,000	For Design and Construction of Harwich Treatment Facility HR-12
<b>2029 Funding (projected): Phase 4B</b>		<b>Total = \$22,300,000</b>
1	\$22,300,000	Design and Construction of Herring River Collection System (Northeast)
<b>2033 Funding (projected): Phase 5</b>		<b>Total = \$23,200,000</b>
1	\$23,200,000	For Design and Construction of Herring River Collection System (Northwest)
<b>2038 Funding (projected): Phase 6</b>		<b>Total = \$21,200,000</b>
1	\$20,700,000	For Design and Construction of AWS and Herring River (SE) Collection Systems
2	\$250,000	For Bucks Pond Restoration
3	\$250,000	For John Joseph Pond Restoration
<b>2043 Funding (projected): Phase 7</b>		<b>Total = \$47,200,000</b>
1	\$26,500,000	For Design of Harwich WWTF Upgrade and Design and Construction of Herring River Collection System (Southwest)
2	\$20,700,000	For Construction of Harwich Treatment Facility Upgrade
<b>2048 Funding (projected): Phase 8</b>		<b>Total = \$33,900,000</b>
1	\$33,900,000	For Design and Construction of Campground Area, GSL and Final PB Area to Meet TMDL
<b>Total Funding (projected): Phases 1-8</b>		<b>Total= \$230,000,000 (Rounded)</b>

## Financial Impacts

The plan phasing is between \$2.6 to \$47.2 million for each phase of the program for a total cost of \$230 million over 40 years.

The current plan calls for design and construction of the Pleasant Bay watershed sewer collection system such that initial flow to the Chatham facility will start in 2021. Since near term needs are Capital only, property taxes will be used to service the debt. Once customers are connected and utilizing the system, they will be charged for a portion of the system operation and maintenance costs.

## Typical Cost to Homeowner

The typical cost for Phase 2 of the Wastewater Program for a resident in a \$350,000 assessed value home would be about **\$XXX** annually assuming all costs in this phase are recovered via the general property tax. Someone connected to a sewer would also pay a portion of the operation and maintenance costs and the initial hook-up cost to connect their home to the pipe in the street. It is assumed that the Town would utilize the State Revolving Fund (SRF) loan program at 0 to 2 percent interest over a 30 year bond to fund this program.

Go to the Town website at [URLtoBeAdded.com](http://URLtoBeAdded.com) to calculate your specific tax increase.



# Harwich Comprehensive Wastewater Management Plan

## Frequently Asked Questions - Update January 16, 2017

The Town of Harwich (the Town) has developed a town-wide Comprehensive Wastewater Management Plan (CWMP) to address long-term wastewater needs and restore and maintain the quality of all of the town's water resources. The CWMP will provide the flexibility to create a lasting solution by addressing the existing sources of pollution within a given watershed as well as potential sources of pollution posed by changing development patterns. The CWMP seeks to balance water quality needs with the ability to finance necessary improvements. Priorities will be set and an implementation schedule established to maximize the effect of any public improvements within a watershed and between watersheds. The State and County approved CWMP is currently available and posted on the Town's website.

### **Q1. What is the current status of the Comprehensive Wastewater Management Plan (CWMP)?**

A1. The Harwich CWMP received regulatory approval from The Commonwealth of Massachusetts Environmental Policy Act (MEPA) Office and the Cape Cod Commission (CCC) on May 13, 2016 and August 18, 2016, respectively, and is in full compliance with the 208 Plan.

### **Q2. What is the purpose of this project?**

A2. The CWMP is an integral part of the planning process to address Harwich's long-term wastewater and water resource needs over the next 40 years. These critical needs include:

- Addressing existing nitrogen issues that are degrading the water quality of the saltwater harbors and estuaries along the Harwich shore;
- Maintaining the excellent drinking water quality in the Town's 14 municipal groundwater supply wells;
- Preserving and restoring the valuable fresh water pond resources in town;
- Providing future utilities for Harwich to implement smart growth via its Village Centers Initiatives;
- Meeting acceptable wastewater management practices either through continued use of on-site Title 5 subsurface disposal systems and/or an offsite treatment and disposal system; and
- Meet state Total Maximum Daily Load (TMDL) requirements for impaired watersheds.

By addressing these needs Harwich will remain a vibrant tourist community that provides a desired quality of life for year-round and seasonal residents.

### **Q3. What does this Project involve?**

A3. This project consists of two main elements. One is to address the identified nitrogen reductions required in each of the five watersheds. The second is a comprehensive review of wastewater management practices in Harwich to evaluate how those reductions can best be realized. Using available information and planning projections, the future needs of the Town were assessed, and alternatives to address those needs were fully evaluated for effectiveness, implementability and cost.

### **Q4. Who is involved in this Project?**

A4. Several groups are involved at both the local and the state level. Locally, the Wastewater Implementation Committee (WIC), the Board of Selectmen (BOS), Town Administrator's office, several town staff, consultants and many other stakeholders. At the state level the Massachusetts Department of Environmental Protection (MassDEP) is overseeing the Massachusetts Estuaries Project (MEP), which was prepared by the School for Marine Science and Technology (SMAST), the Cape Cod Commission (CCC), the United States Geological Survey (USGS), and several other advisory or peer review groups. The WIC is the lead advisory group for the Town, and it contracted with engineering consultant CDM Smith for technical guidance during this process. Coordination among all the groups was crucial to developing an implementable program that meets Harwich's needs now and into the future. The WIC has been working on this project since 2007.

### **Q5. What is the MEP?**

A5. The MEP is a program to evaluate the nitrogen impacts on up to 89 embayments in the southeastern part of the state, including all of Cape Cod. The MEP is funded by the communities and by the

state. The SMAST is conducting the program in partnership with the local communities, the CCC, the USGS and the MassDEP. The MEP includes five Harwich embayments: Pleasant Bay, Allen, Wychmere and Saquatucket Harbors and Herring River.

The purpose of the MEP is to provide an analytical means to quantify and evaluate nitrogen entering the embayment from the associated watershed and develop nitrogen thresholds for each embayment that will restore or maintain healthy water quality. Ultimately, the MEP will develop an acceptable Total Maximum Daily Load (TMDL) for nitrogen that can enter each of the embayments. Under the Federal Clean Water Act, the EPA and MassDEP have the authority to require communities contributing nitrogen to the particular embayment to meet the TMDL.

### **Q6. Why is nitrogen an issue?**

A6. Nitrogen deposited in an estuary or embayment acts as a fertilizer and stimulates the over production of algae in the salt water. The algae can become so dense that desirable eel grass beds, shellfish resources, and overall water quality (as well as boating, swimming and overall aesthetics) are negatively affected. Also, reduced light penetration affects healthy plant growth, and decaying plants and algae settle to the bottom, using up oxygen in the water, often resulting in fish kills and odors. If nitrogen is allowed to continue to flow to the embayments at excessive levels, the embayments will become severely degraded.

Nitrogen enters the embayments from several sources, including wastewater effluent from on-site Title 5 septic systems, leaching from lawn and garden commercial fertilizers, stormwater runoff from pavements and roofs, and atmospheric deposition. Nitrogen from these sources enters the groundwater or

surface waters that ultimately discharge to the embayments. The first three sources are considered to be controllable while the direct atmospheric deposition is not. A standard Title 5 septic system is designed to remove solids and pathogens and only removes about 10 to 20 percent of the nitrogen entering it while more sophisticated on-site nutrient removal systems can remove up to about 50 percent nitrogen. Studies on the Cape have shown that nitrogen entering the embayments from septic systems account for 75 to 85 percent of the controllable source while fertilizers and stormwater run-off each account for about 7 to 8 percent.

**Q7. Will this plan result in sewers for the entire Town of Harwich?**

A7. No. Based on the MEP report results sewers are recommended as part of the overall strategy to address nitrogen impacts to our estuaries. This recommendation was developed after evaluating several alternatives that would meet the percent nitrogen removals required. However, only specific portions of Harwich are planned to have a new sewer collection system and the areas outside those will remain with on-site septic systems. Approximately 60 percent of the Town will be sewered. The areas selected were determined to be the most cost effective way of nitrogen removal.

**Q8. We pump our home septic system as required and never have problems. Why can't we just leave things as they are? Aren't our beaches and harbors pretty good as is?**

A8. Pumping a septic system removes the solids and should be done approximately every 3 years to keep it in good working order. However the nitrogen is mainly contained in the liquid that leaves the system daily and exists in groundwater ultimately surfacing in our estuaries and harbors which continue to show signs of degradation.

**Q9. Why does Harwich have to do this?**

A9. Harwich representatives and residents understand the need to address this nitrogen issue to maintain the quality of life in town. MassDEP has established a TMDL for each Harwich embayment. That will require the Town to implement a plan to remove the required amount of nitrogen to restore the water quality of the particular embayment. The Town is moving forward now with the CWMP so it can develop the appropriate plan on its own timeline rather than on a MassDEP mandated schedule. The abutting towns of Chatham, Orleans,

Brewster and Dennis are all in various stages of completing CWMPs to address the nitrogen issues in their communities. All the other Cape Cod communities are doing similar CWMPs. Some watersheds are shared by communities such as Pleasant Bay and will require a joint effort to meet the TMDL for that embayment.

**Q10. We've heard solving our wastewater problem will cost tens of millions of dollars. Is that true? Who will pay for this? How will they pay?**

A10. The overall cost of the Harwich recommended wastewater program is estimated to be in the \$180 to \$230 Million range implemented over a 40 year period. The BOS has adopted a policy of using property taxes, infrastructure fund (similar to CPA), and user fees to pay for the program. This overall program is very similar in cost and implementation timeframe to our current municipal water system which was also implemented over 40 years.

**Q11. Can Harwich afford not to do this?**

A11. No. We are all living here because of the beautiful beaches, the active and convenient waterways, the high-quality drinking water, and general access to several recreational activities, all of which lead to a desired quality of life. Our economy is based around tourism for those same reasons. Even if the MassDEP did not regulate implementation of a plan to meet the TMDLs for each embayment, we must maintain the tourism economy and our quality of life.

**Q12. If impacts are affecting estuaries, are the groundwater wells protected?**

A12. Fresh water bodies and groundwater supply wells are more resilient to nitrogen impacts than salt water estuaries. Salt water is much more sensitive to elevated nitrogen levels, since the recommended limits to the estuaries are less than 1.0 mg/L, and limits for drinking water are 10 mg/L. There is an order-of-magnitude higher sensitivity to estuary systems. The most recent five-year average of nitrogen sampling in the Harwich water system is about 0.77 mg/l (Nitrate), indicating the Zone of Contribution to the Town's wells have limited development and are sufficiently protected. However, two Town wells located in the Pleasant Bay watershed do show nitrogen concentrations above background levels and so one of the reasons to sewer that area first is to protect those wells longterm.

**Q13. What is the timeline of the Project?**

A13. Development of the CWMP began in earnest in August, 2007. Water quality sampling for the MEP began a few years before. The CWMP was approved in 2016 by state and county regulators. The plan includes eight phases over 40 years. The Town has already implemented components of Phase 1 (Muddy Creek inlet widening, etc.) and is seeking funding for Phase 2 at Spring 2017 Town meeting.

**Q14. As a Harwich property owner, will my property values be decreased?**

A14. Projects in other communities have demonstrated that sewers and/or enhanced wastewater management actually may increase property values. Improving wastewater management procedures will restore water quality in the embayments and protect the other water resources so that the tourist economy continues to flourish and the quality of life is maintained. All these factors combine to preserve property values. If nothing is done, property values will decrease.

**Q15. How can I get more information, or contact the WIC or BOS to get my opinions heard?**

A15. An important element of this project includes public outreach. Community meetings are being scheduled to keep residents and business owners informed about the progress. Also, check the Town website for important documents. Copies of the CWMP are available at Town Hall and the public library. The WIC typically meets the 3<sup>rd</sup> Wednesday of the month and all meetings are listed on the calendar on the Town's website, and all are welcome.

**Q16. Isn't wastewater a single Cape-wide problem which requires a single Cape-wide solution? Shouldn't the county address this problem and not individual towns? Does the Commonwealth of Massachusetts know about the challenges of wastewater on the Cape? What about the federal government?**

A16. Wastewater Management is an issue being addressed by every town on Cape Cod. While nitrogen coming from septic systems and entering estuaries resulting in degrading water quality is a common theme in the communities, the variables and solutions are different in each community. The nitrogen in groundwater flows by watersheds, not town boundaries. Thus communities are evaluating regional solutions and the County is assisting in that process. Whether a local or regional solution, each town will want to implement an environmentally sound solution for



the least cost. Both the MassDEP and the federal Environmental Protection Agency (EPA) are well aware of the wastewater issues facing Cape Cod. Harwich is working with Chatham during the initial phases and may work with Dennis and Yarmouth in later phases.

**Q17. Are neighboring communities participating where watersheds are shared between adjacent communities?**

A17. Yes, Harwich is participating in a collaborative effort that has been ongoing (Pleasant Bay Alliance) for the Pleasant Bay Watershed. Harwich is one of four communities along with Brewster, Chatham, and Orleans that share this watershed. Small portions of the Herring River Watershed are shared with Dennis and Brewster who will participate in some manner. The watersheds for Allen, Wychmere, and Saquatucket Harbors are all within Harwich.

**Q18. Why not have Harwich pipe its wastewater to the facilities of neighboring towns (like Chatham), and pay them to clean our wastewater?**

A18. The recommended wastewater alternative includes treatment of the Harwich wastewater collected from the Pleasant Bay Watershed at the Chatham wastewater facility with treated effluent recharged in Chatham or back in Harwich. Options to share a future treatment plant are being discussed with Dennis and Yarmouth.

**Q19. This whole wastewater issue has been around for decades, why is it a big deal now?**

A19. The Cape has experienced around 400 percent residential growth over the past 50 years and transitioned to an increased year-round population. The result is more nitrogen entering the groundwater from the septic systems resulting in excessive nitrogen flowing to the estuaries.

**Q20. As a Harwich resident, what can I do to reduce my nitrogen contribution?**

A20. While septic systems contribute 75 to 85 percent of the controllable nitrogen, residents can minimize the remaining contribution sources. Education on the use and types of fertilizers can help. Using slow release fertilizers and not applying commercial fertilizers before a rainstorm (where it can run-off) would help. Also, using alternative landscapes that do not require as much fertilizer would have a positive impact. Channeling run-off from paved surfaces or roofs onto grasses for nitrogen uptake will help compared

with direct discharge into a surface water or coarse sand where it enters the groundwater table. The run-off from these areas or stormwater contains the nitrogen from atmospheric deposition. Although these actions alone will not meet the nitrogen removal recommended in the MEP reports for embayments in Harwich, they will potentially help reduce the amount of sewerage required.

**Q21. Does wastewater include the water which goes into storm drains? Is rain runoff a problem?**

A21. Wastewater is separate from stormwater in new systems built today. Both contain nitrogen, however stormwater collects atmospheric nitrogen deposited on roof tops and pavement and can also collect fertilizers. Thus stormwater should be diverted to vegetative areas instead of directly to water bodies.

**Q22. If wastewater treatment facilities are recommended to be built, will they be an eyesore?**

A22. Through careful planning and site selection the treatment facilities will be designed to be harmonious with the architectural style within the community and employ property-screening techniques to minimize visual and other aesthetic impacts. Also, state-of-the-art odor control measures will address potential odor issues.

**Q23. Will the Harwich wastewater plan be managed by current town departments or will a new organization need to be created?**

A23. The Town currently does not have a wastewater department. Thus, the Town is conducting an evaluation of how best to integrate this department into its organization structure. The BOS will maintain control of the planning, design, and construction phases and the water department may take control during the operation and maintenance phase. Town administrator and staff will be involved in all phases.

**Q24. Can the wastewater just be piped out into the ocean like in Boston?**

A24. No, environmental regulations (Massachusetts Ocean Sanctuaries Act) prohibit new wastewater outfalls (discharge pipes) to the ocean unless an acceptable on land solution cannot be achieved. Some communities such as Boston and Plymouth already had an ocean discharge prior to this regulation being implemented. Thus, they were allowed to continue to use it but only after significantly increasing the treatment level of the effluent and/or relocating the pipe several miles further out into the ocean.

**Q25. Won't the cost of wastewater treatment be so expensive that modest income taxpayers will be forced out of town?**

A25. Multiple cost recovery options are being evaluated now with the goal that no single group is significantly impacted. Several entities are also pursuing potential outside funding sources and Harwich will do everything it can to make sure it qualifies for those funding sources should they become available. This is in part also why a 40 year implementation timeframe has been recommended.

**Q26. Will wastewater treatment lead to explosive growth and development, including condominium developments, large apartment complexes, strip malls, and such. What will happen to the "villages" of Harwich?**

A26. The plan addresses existing needs and future desired needs. Future flows are based on what could be built based on existing zoning. Land use controls and zoning may be evaluated and revised accordingly if the Town decides to encourage smart growth in some village center or commercial areas.

**Restore Harwich Water  
Quality for generations  
to come**





**Interested in getting more involved in your community?**

**Interested in playing a role in your town's government?**



*\*For Harwich residents who are interested in public service*

## **Harwich Town Committee Volunteer Recruitment Fair**

**Saturday, January 28th  
10:00 - noon  
Harwich Community Center**

Join us for a lively and informative event where you can meet town committee representatives - and learn more about committee service and how it contributes to the success of our town.

This is a great opportunity to connect your passions with public service - and learn how your unique skills can benefit the community at large.

This event is being hosted by the *Harwich Voter Information Committee*.

*\*For more information, please contact Chris Joyce: [madawaskamarvel@gmail.com](mailto:madawaskamarvel@gmail.com)*

**TOWN OF HARWICH  
NOTICE OF VACANCIES ON VARIOUS TOWN BOARDS, COMMISSIONS  
AND COMMITTEES**

The Board of Selectmen will give consideration to the appointment of members to the following Boards, Commissions and Committees:

Agricultural Commission.....	1
Appeals Board (alternate) .....	1
Bikeways.....	1
Board of Health.....	1
Brooks Academy Museum.....	1
Building Code Board of Appeals.....	5
Conservation Commission (1 full - 2 alternate).....	3
Council on Aging.....	2
Cultural Council.....	1
Disability Rights Committee.....	5
Forest Committee.....	1
Historic District/Historical Commission (alternate) .....	1
Real Estate and Open Space .....	1
Recreation and Youth .....	1
Traffic Safety Committee .....	2
Trails Committee .....	1
Treasure Chest Committee (1 full – 1 alternate).....	2
Utility and Energy Conservation .....	1
Waterways Committee (alternate) .....	1
Youth Services Committee .....	1

A description of Committee duties and **Citizens Activity Record Forms** are available at the Selectmen’s Office, 732 Main Street, Harwich