

SELECTMEN'S MEETING AGENDA*

*Griffin Room, Town Hall
Regular Meeting 6:30 P.M.
Monday, February 29, 2016*

I. **CALL TO ORDER**

II. **PLEDGE OF ALLEGIANCE**

III. **WEEKLY BRIEFING**

IV. **PUBLIC COMMENT/ANNOUNCEMENTS**

V. **CONSENT AGENDA**

- A. Approve Minutes – February 10, 2016 Regular Meeting
- B. Approve application for Road Race by National MS Society for September 9, 2016
- C. Approve application by Local Flavor Lunch & Bagel, 403 Route 124, for 10:00 a.m. opening time on Sundays

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

A. **West Harwich/Route 28 Forum – Visions, Plans, Status and Schedules –**

(Limited to 10 minutes per discussion item)

- 1. Road Improvements – *Chris Clark*
- 2. Willow Street Land – *Chris Clark*
- 3. Affordable Housing Fund Policy – *Chris Clark*
- 4. Planning and Zoning – *David Spitz/Jim Atkinson*
- 5. HECH Houses & Habitat Proposed Re-Use – *Leedara Zola/Robin Wilkins*
- 6. West Harwich Schoolhouse – *Lou Urbano*
- 7. Historic District Concept – *Lou Urbano*
- 8. Public Safety Issues – *Chief Guillemette*
- 9. Questions and Answers

VII. **OLD BUSINESS**

VIII. **NEW BUSINESS**

- A. Review of Annual Town Meeting Warrant Articles – *discussion and possible vote*
 - 1. Door to Door Solicitation By-Law – *Chief Guillemette*

IX. **TOWN ADMINISTRATOR'S REPORT**

X. **SELECTMEN'S REPORT**

XI. **ADJOURNMENT**

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

Authorized Posting Officer:

Posted by: _____
Town Clerk

Ann Steidel, Admin. Secretary

Date: February 25, 2016

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
WEDNESDAY, FEBRUARY 10, 2016
6:30 P.M.**

SELECTMEN PRESENT: Brown, Cebula, Hughes, LaMantia, MacAskill

OTHERS PRESENT: Town Administrator Christopher Clark, Assistant Town Administrator Charleen Greenhalgh, Andy Gould, Dana DeCosta, Jack Brown, and others.

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

Chairman Hughes reported that at 5:30 the Board had convened an Executive Session regarding the Town Administrator's Contract and an extension of the Sutphin property Purchase and Sale Agreement.

Chairman Hughes called for a moment of silence on the passing of Arv Groswald, former Finance Committee member.

CONSENT AGENDA

- A. Vote to waive the policy deadline and approve the nomination of David R. Scannell to the Harwich Hall of Fame
- B. Approve and sign the Presidential Primary Warrant

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

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

- A. Public Hearing – Application for a Seasonal, Common Victualler, All Alcoholic Beverages License for Hot Stove, Inc. d/b/a Hot Stove at Cranberry Valley

Ms. Brown read the hearing notice into record and Chairman Hughes opened the hearing. Mr. Clark noted that the file is in order. Chairman Hughes called for comments from the public and no one appeared before the Board. He closed the public hearing. Ms. Cebula moved to approve the application for a Seasonal, Common Victualler, All Alcoholic Beverages License for Hot Stove, Inc. d/b/a Hot Stove at Cranberry Valley. Ms. Brown seconded the motion and the motion carried by a unanimous vote.

- B. Public Hearing – Application for a Seasonal, Common Victualler, All Alcoholic Beverages License for Ember Pizza, Inc. d/b/a Ember

Ms. Brown read the hearing notice into record and Chairman Hughes opened the hearing. Joseph Fritz of South Side Condominiums appeared before the Board. He stated that his condo unit abuts Ember's parking lot said he has no objection to the license. He asked if this is going to change the hours of operation and noted concerns with overflow parking as many time cars are parking on the

sidewalk on Bank Street in front of their condo, will this cause them to have more patrons and is the parking sufficient to handle it. He also noted he has concerns with alcohol being tossed in their fire pit as it is more flammable than beer and wine. He stated that he had an issue when someone tossed a cigarette into the mulch that abuts the property causing the mulch and sections of fence to go on fire and that he had to replace the sections of fence. He added that increased patronage will increase the noise. Chairman Hughes asked the applicant to address the concerns. Griffin Brackett said parking and seating will remain the same. He stated that they are just adding liquor as some people prefer a cocktail rather than beer and wine. With regard to parking, he noted that they tell people they can't park anywhere but their lot and he doesn't think this will cause any changes to occur. He said he saw the fence but didn't know what happened or where the fire started. Chairman Hughes suggested that Mr. Brackett speak to Mr. Fritz about this and Mr. Brackett agreed. Mr. Brackett added that they haven't had issues with people putting stuff in the fire pit. Chairman Hughes closed the hearing. Ms. Brown moved to approve the application for a Seasonal, Common Victualler, All Alcoholic Beverages License for Ember Pizza, Inc. d/b/a Ember. Mr. MacAskill seconded the motion and the motion carried by a unanimous vote.

C. Presentation of the FY 17 Budget and Budget Message to the Selectmen and Finance Committee by the Town Administrator

Mr. Clark provided a Power Point presentation of the FY 17 Budget and Budget Message and took questions and comments from the Board and Finance Committee.

OLD BUSINESS

A. Non-Binding Ballot Question for the Harwich Middle School Building – *discussion and possible vote*

Ms. Greenhalgh outlined her memo to the Board on this subject dated February 4, 2016. Chairman Hughes said that this needs to be run by Town Counsel. Ms. Brown questioned why a \$1 million dollar figure is cited in question 3 when there has never been an offer for that. She pointed out that Ms. Cebula had previously stated that the \$20-\$30K tax estimate in that same question seemed low. Ms. Brown further commented that there has been discussion in the community about not having 4 detailed questions but instead having there just be two choices, do you want to retain the property perhaps for relocation of Town Hall or other private and/or non-profit use or do you want to sell. She said there is also a third question of demolition. Chairman Hughes said the question could just say do you favor the sale of the building and the land to an outside developer for affordable or senior housing purposes and leave out the dollar value and Ms. Cebula agreed. Ms. Brown suggested melding together questions 1 and 4 and Mr. LaMantia disagreed and said they are different. Ms. Cebula questioned if explanations will be in the warrant. Mr. Clark said there is no issue with having the explanations in the warrant. Mr. LaMantia stated that in question 2, we should add that this reduces the Town's expenses each year by \$125K and the Board agreed. Chairman LaMantia said the range of \$650K to \$1 million should remain in question 3. Chairman Hughes suggested changing it to \$650K or better. Ms. Brown disagreed and Chairman Hughes suggested adding that the Town previously received an offer of \$650K. Ms. Cebula clarified that it is \$672K. Chairman Hughes suggested adding after Harwich Middle School Building in the introduction "which currently costs the Town \$125K" and Mr. MacAskill said that it makes more sense to put that in question 2 and Ms. Brown and Chairman Hughes disagreed. The Board discussed amending the agreement as to how the

property gets split up and they requested to see the map of the property. The Board discussed adding the words “as is” to question 4 and Ms. Greenhalgh noted that it was there and the Board had already requested to remove it. Ms. Brown stated that question 4 should state that lease revenue would be generated for the Town.

NEW BUSINESS

- A. Request by Housing Committee to remove member because of lack of attendance –
discussion and possible vote

Mr. MacAskill move to approve the request by the Housing Committee to remove a member because of lack of attendance (John McGillen). Mr. LaMantia seconded the motion and the motion carried by a unanimous vote.

- B. Refer proposed Zoning Code Amendments to the Planning Board for Public Hearing –
discussion and possible vote

Mr. LaMantia suggested adding “with the authorization of the property owner” under Section G. Mr. Spitz said that would be fine but they are planning to put forward the wording as presented to the initial public hearing. He said he doesn’t want to change the language and come back to the Board again. Chairman Hughes said that this is just feedback and Mr. Spitz said he would take it to the Public Hearing as feedback. Ms. Cebula moved to refer the proposed Zoning Code Amendments as presented to the Planning Board for a public hearing. Ms. Brown seconded the motion and the motion carried by a 3-2-0 vote with Mr. LaMantia and Mr. MacAskill in opposition.

TOWN ADMINISTRATOR’S REPORT

- A. Enterprise Fund and Solar Revenue

Mr. Clark said he would provide the email from John Giorgio on this topic that was received today. He noted that the Board had asked him to have Mr. Giorgio weigh in with regard to the money being refunded to the Water Department and he basically came back and said that is the process you should utilize and if there was a contrary opinion from the Department of Revenue, then he wanted to review it.

- B. MRSD Charter School and School Choice Summary

Mr. Clark noted that the Board has been provided with a summary on School Choice and Ms. Cebula asked him to get the beginning and end balances.

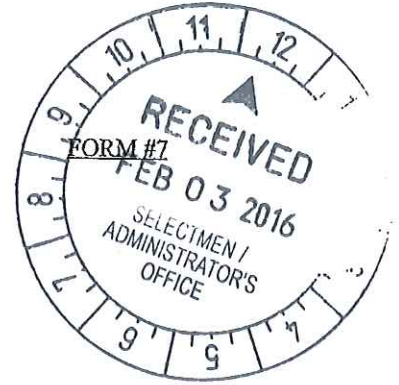
ADJOURNMENT

Chairman Hughes adjourned the meeting at 8:12 p.m.

Respectfully submitted,
Ann Steidel
Recording Secretary



OFFICE OF THE SELECTMEN
732 MAIN STREET
HARWICH, MA 02645
Telephone: (508) 430-7513



APPLICATION FOR LICENSE/PERMIT

PLEASE CHECK

ROAD RACE

CRAFT FAIR

OTHER

IN ACCORDANCE WITH THE PROVISIONS OF THE STATUTES RELATING THERETO, APPLICATION AS STATED ABOVE IS HEREBY MADE BY:

NAME OF BUSINESS National Multiple Sclerosis Society PHONE 81-693-5158

BUSINESS ADDRESS 101A First Ave Suite 6 Waltham, MA 02451

MAILING ADDRESS same

PLEASE STATE THE PURPOSE FOR WHICH LICENSE/PERMIT IS REQUESTED We would like our charity walk (MS challenge walk) to be able to pass through town on Friday, September 9th, 2016

DESCRIPTION OF ROAD RACE/CRAFT FAIR/OTHER EVENT TO BE LICENSED, PLEASE LIST DATE, TIME, LOCATION/ROUTE, ETC.

DATE Friday, September 9th 2016

TIME 10am - 2pm

ROUTE/LOCATION Route enclosed

(please use reverse side if necessary)

[Signature]
Signature of Applicant

Director of Logistics
Title

04217 8884
Social Security Number of Federal Identification Number

Tax Exempt ID (for non-profit organizations)

Signature of Individual or Corporate Name

By Corporate Officer (if applicable)

*****REGULATORY COMPLIANCE FORM*****

THE EVENT(S) TO BE LICENSED AS DESCRIBED HEREIN HAVE BEEN REVIEWED AND APPROVED BY:

[Signature] 2/16/16
Police Department Date

[Signature] 2-17-16
Recreation & Youth Commission Date

Building Commissioner Date

Board of Health Date

[Signature] 2/16/16
Fire Department Date

***Required signatures are to be obtained by the Applicant prior to submission of application with the Selectmen's Office.

For Office Use Only

FEE _____ CASH _____ CHECK _____

FOR _____

REVIEWED BY _____

DATE LICENSE ISSUED _____

The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

**RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
MONETARY TRANSMITTAL FORM**

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

REVENUE CODE: RETA

CHECK PAYABLE TO ABCC OR COMMONWEALTH OF MA:

NO FEE

A.B.C.C. LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY):

050600092

LICENSEE NAME:

Pekarkill Inc. d/b/a/ Local Flavor Lunch & Bagel

ADDRESS:

403 Pleasant Lake Ave.

CITY/TOWN:

Harwich

STATE MA

ZIP CODE

02645

TRANSACTION TYPE (Please check all relevant transactions):

- Change of Hours
 Change of DBA
 Charity Wine License

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

**ALCOHOLIC BEVERAGES CONTROL COMMISSION
P. O. BOX 3396
BOSTON, MA 02241-3396**

Change of Hours Checklist

This application will be returned if the following documentation is not submitted:

Vote of Corporate Board or LLC

C

Note: No fee is required for this transaction as formal ABCC approval is not necessary

0506 00092

Pekarkill Inc.

Action by Written Consent of the Board of Directors

January 28, 2016

The Undersigned, being all of the Directors of Pekarkill Inc., a Massachusetts Corporation, do hereby adopt and consent to the following votes and actions and direct the Clerk to make this instrument a part of the records of the Board of Directors of the Corporation.

VOTED: To change Sunday opening hours from 12:00pm to 10:00am.

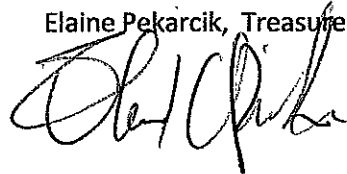
VOTED: To adjourn.

IN WITNESS WHEREOF, the undersigned, being all of the Directors of this corporation, have hereunto set their hands as of the day above-written.

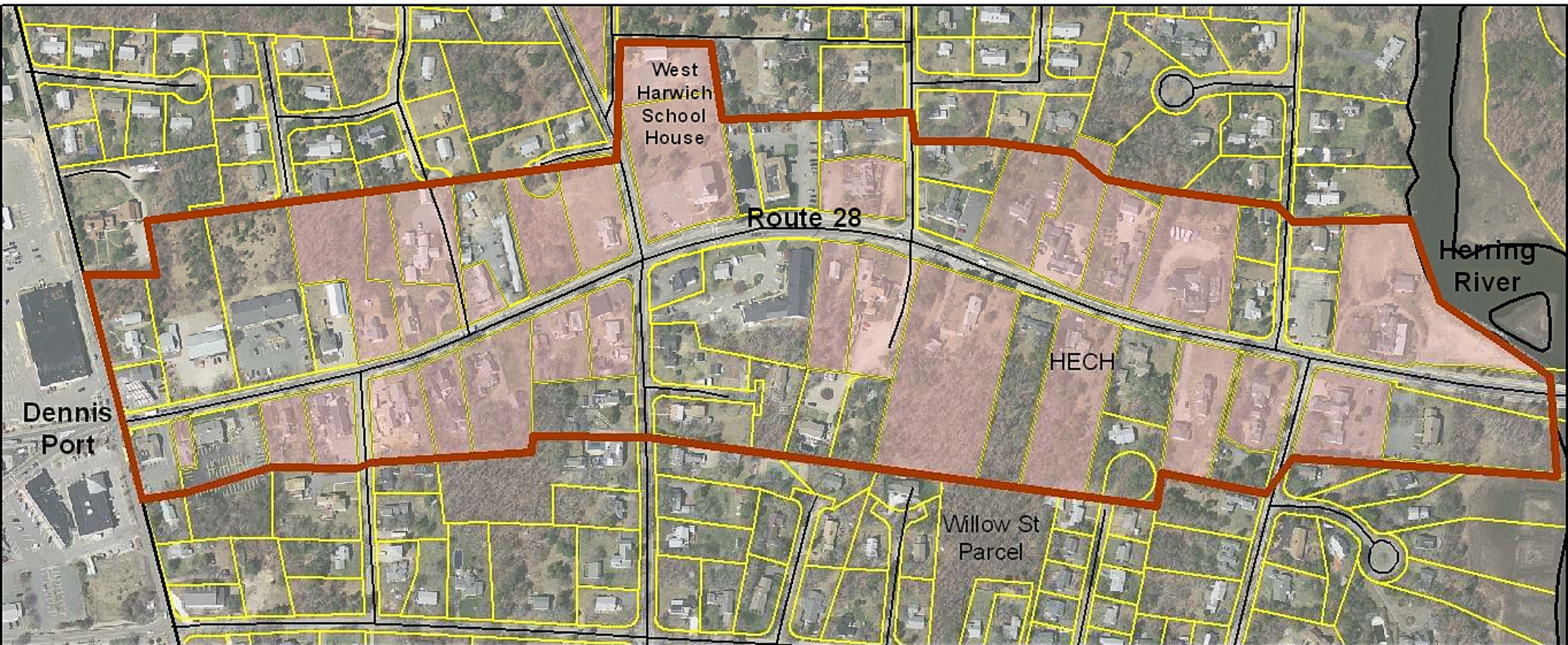
Heather Gaskill, President




Elaine Pekarcik, Treasurer



West Harwich - Route 28 Corridor



Legend

 Parcels with Buildings Constructed Prior to 1900

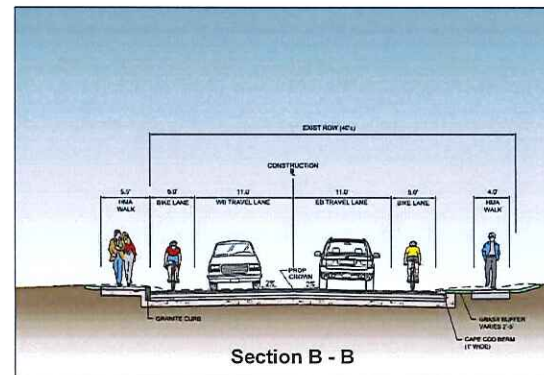
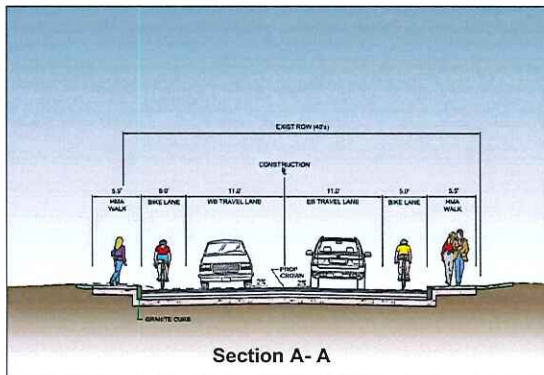
Main Street (Route 28) Harwich, Massachusetts

Conceptual Vision Plan Enlargement Plan



Main Street (Route 28) Harwich, Massachusetts

Conceptual Vision Plan

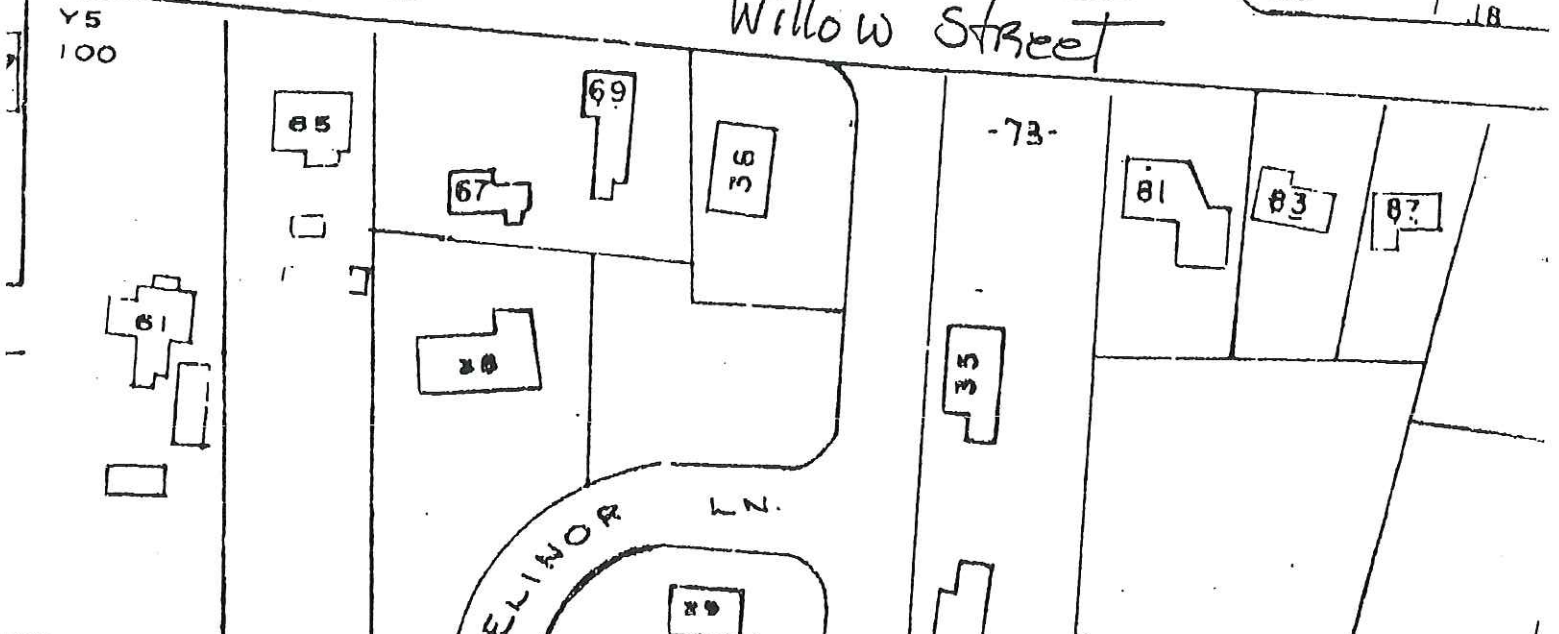




STREET

WAY

Willow Street



ELINOR LN.

OWNER/PETITIONER-
TOWN OF HARWICH
732 MAIN STREET
HARWICH, MA 02645

TOTAL AREA-
99,791 SQ. FT. ±
2.29 ACRES ±

FOR REGISTRY USE ONLY

DEED REFERENCE-
BK. 384 PG. 153
BK. 384 PG. 224
BK. 417 PG. 272

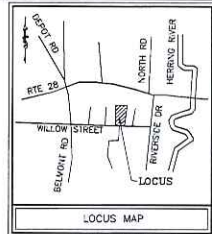
APPROVAL NOT REQUIRED UNDER
THE SUBDIVISION CONTROL LAW

APPLICATION DATE: _____
ENDORSED DATE: _____

HARWICH PLANNING BOARD
NO DETERMINATION OF CONFORMANCE WITH ZONING
REQUIREMENTS HAS BEEN MADE OR IS BEING MADE

I CERTIFY THAT THIS PLAN CONFORMS TO THE
1978 RULES AND REGULATIONS OF THE REGISTRARS
OF DEEDS.

DATE _____ PROFESSIONAL LAND SURVEYOR



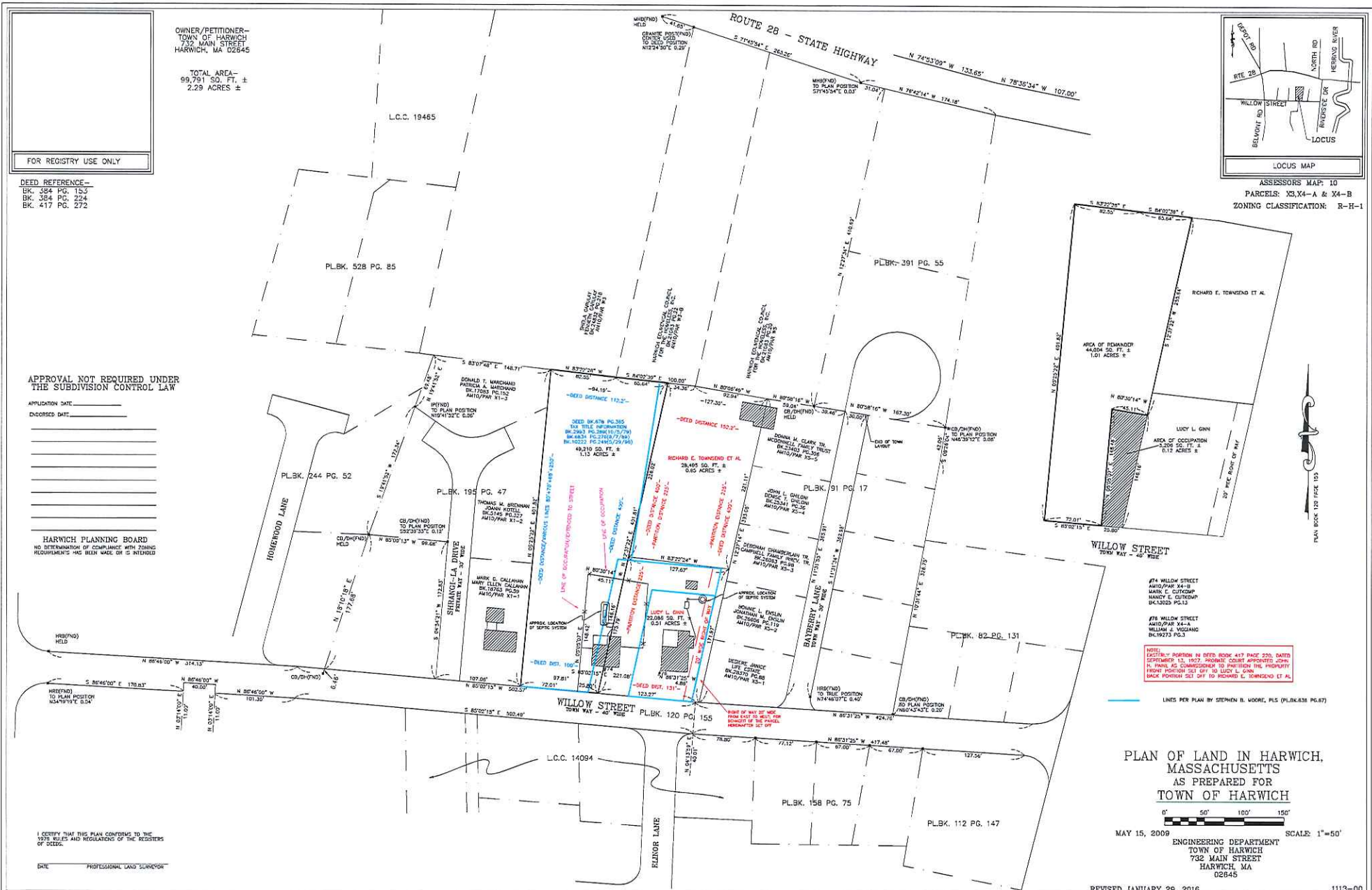
ASSESSORS MAP: 10
PARCELS: X3, X4-A & X4-B
ZONING CLASSIFICATION: R-H-1

PLAN BOOK 102 PAGE 153

PLAN OF LAND IN HARWICH, MASSACHUSETTS AS PREPARED FOR TOWN OF HARWICH

0' 50' 100' 150'
SCALE: 1"=50'
MAY 15, 2009
ENGINEERING DEPARTMENT
TOWN OF HARWICH
732 MAIN STREET
HARWICH, MA
02645

REVISED JANUARY 28, 2016 1113-00





AREA OF REMAINDER
44,004 SQ. FT. ±
1.01 ACRES ±

#74 WILLOW STREET
AM10/PAR X4-B
MARK E. CUTKOMP
NANCY E. CUTKOMP
BK.13025 PG.13

#76 WILLOW STREET
AM10/PAR X4-A
WILLIAM J. VICSIANO
BK.19273 PG.3

NOTE:
EASTERLY PORTION IN DEED BOOK 417 PAGE 220, DATED
SEPTEMBER 13, 1927, PROBATE COURT APPOINTED JOHN
H. PAINE AS COMMISSIONER TO PARTITION THE PROPERTY
FRONT PORTION SET OFF TO LUCY L. GINN
BACK PORTION SET OFF TO RICHARD E. TOWNSEND ET AL

LINES PER PLAN BY STEPHEN B. MOORE, PLS (PL.BK.636 PG.6)

PLAN OF LAND IN HARWICH
MASSACHUSETTS
AS PREPARED FOR
TOWN OF HARWICH

**BOARD OF SELECTMEN POLICY
HARWICH AFFORDABLE HOUSING FUND**

PURPOSE

To preserve, promote, and increase affordable housing within the Town of Harwich, the Board of Selectmen is authorized to expend fund monies to pay for planning, research, acquisition, creation, construction, repair, maintenance, rehabilitation, program administration, legal and engineering costs associated with and incurred for affordable housing, and to fund grants to the Harwich Housing Authority for any low-income rental assistance program sponsored by said Housing Authority. These activities may be further defined or expanded from time to time by policy of the Board of Selectmen.

REVENUE SOURCES

Notwithstanding the provisions of any general or special law to the contrary, the Town of Harwich may establish and maintain a fund to be known as the Affordable Housing Fund (referred to as the Fund). The following monies shall be deposited into the Fund: (1) the lease payments received pursuant to the terms of the lease agreement between the Town and Sprint Spectrum, L.P., for the lease of Town land located off Route 137 as authorized under Article 4 of the 2001 Special Town Meeting (action taken under Article 56 of the Town Meeting of 2004); (2) the proceeds from the sale of six Great Western Road parcels authorized under Article 55 of the 1999 Annual Town Meeting and approved for transfer for affordable housing purposes under Article 6 of the 2004 Special Town Meeting; (3) the proceeds from the sale of six lots authorized under Article 73 of the 2007 Annual Town Meeting; (4) the proceeds from the sale of any land and/or buildings provided that Town Meeting specifically authorizes the dedication of the sale proceeds to the Fund; (5) any monies received through private and public gifts, contributions and grants for affordable housing purposes; and (6) appropriations made to the Fund by Town Meeting

AUTHORIZATION FOR EXPENDITURE

Requests for expenditure from the Fund shall be submitted in writing to the Board of Selectmen with a proposed payment schedule. The Selectmen's Office will forward copies of the request to the Housing Committee and Housing Authority at least fourteen (14) days prior to any consideration by the Board of Selectmen. The date and time that the Board of Selectmen intends to consider the proposal shall also be forwarded to the Housing Committee and Housing Authority at the same time. The results of their deliberations will be presented to the Board of Selectmen in writing at least 4 days prior to the Selectmen's meeting at which the request will be heard.

Approval of any expenditure shall require a majority vote of the Board of Selectmen. The Board of Selectmen shall solicit the advice of the Housing Committee and Housing Authority prior to making a final decision and may call for a Public Hearing to generate additional public input if this is deemed necessary by a vote of the Board.

Time constraints or any other reason deemed to be in the best interest of the Town by the

Board of Selectmen shall be deemed sufficient cause to suspend the rules to reduce the notice period to the Housing Committee and Housing Authority and/or to approve a proposal at a single meeting. Suspension of the rules shall require a unanimous vote of the Board of Selectmen. To help avoid time constraints, a copy of this policy will be forwarded to local agencies that may have interest in requesting funds and both the Housing Committee and Housing Authority will be asked to provide a copy to all groups that may indicate to them that they will be requesting funds.

CUSTODIAN

The Town Treasurer of the Town of Harwich shall be custodian of the Fund and may deposit proceeds in national banks or invest the same in securities as are legal for the investment of funds or savings banks under the laws of the Commonwealth or in Federal Savings and Loan Associations situated in the Commonwealth. Any interest earned on the fund shall be retained by the Fund. Treasurer's disbursement only in accordance with a Selectmen approved payment schedule.

First Reading: June 16, 2008

Adopted: June 30, 2008



HABITAT FOR HUMANITY of CAPE COD

TOWN OF HARWICH, Affordable Housing Fund

Habitat for Humanity Program

- Sweat Equity: a partnership with our families; households work 250/500 hours
- Community Engagement: a partnership
- Tools: education and support
- Home Ownership at affordable prices: \$126,000 or \$140,250 and with affordable mortgages
- Affordability in perpetuity: protected with a deed rider





Current Harwich Home



Oak Street Blitz!

93 & 97 West Main Street History:

- Purchased by HECH in 2008, a Bob Murray project - two lots, totaling approx. 2.5 acres
- Original intention was 20 rental units, demo of Chase
- Between changes in funding landscape, changes in HECH organizational focus, rising interest in historic nature of Chase and Bob Murray's illness and passing, HECH has looked for alternatives
- Both homes have been on the market since 2015, listed at \$389,000 and \$289,000.



93 & 97 Main Street, West Harwich



Existing Structures

93 & 97 West Main Street Habitat Project:

- MOU between HECH and Habitat
- 40B permitting to create new lots
- Habitat to take back portion of property
- 4 – 6 affordable homes in back; access drive likely on west edge of property;
- Leaves front 2 lots/homes (Chase and ranch) with HECH
- HECH to issue RFP for Historic Preservation for Chase



A note on the HECH RFP for Chase Home

- HECH to issue RFP for Historic Preservation
- Habitat development enables HECH to offer Chase at lower price
- RFP is opportunity and possibility for historic buyer/developer to preserve Chase



93 & 97 West Main Street Process:

Habitat needs Project Support/Acquisition Funding, funding would be contingent on feasibility and permitting:

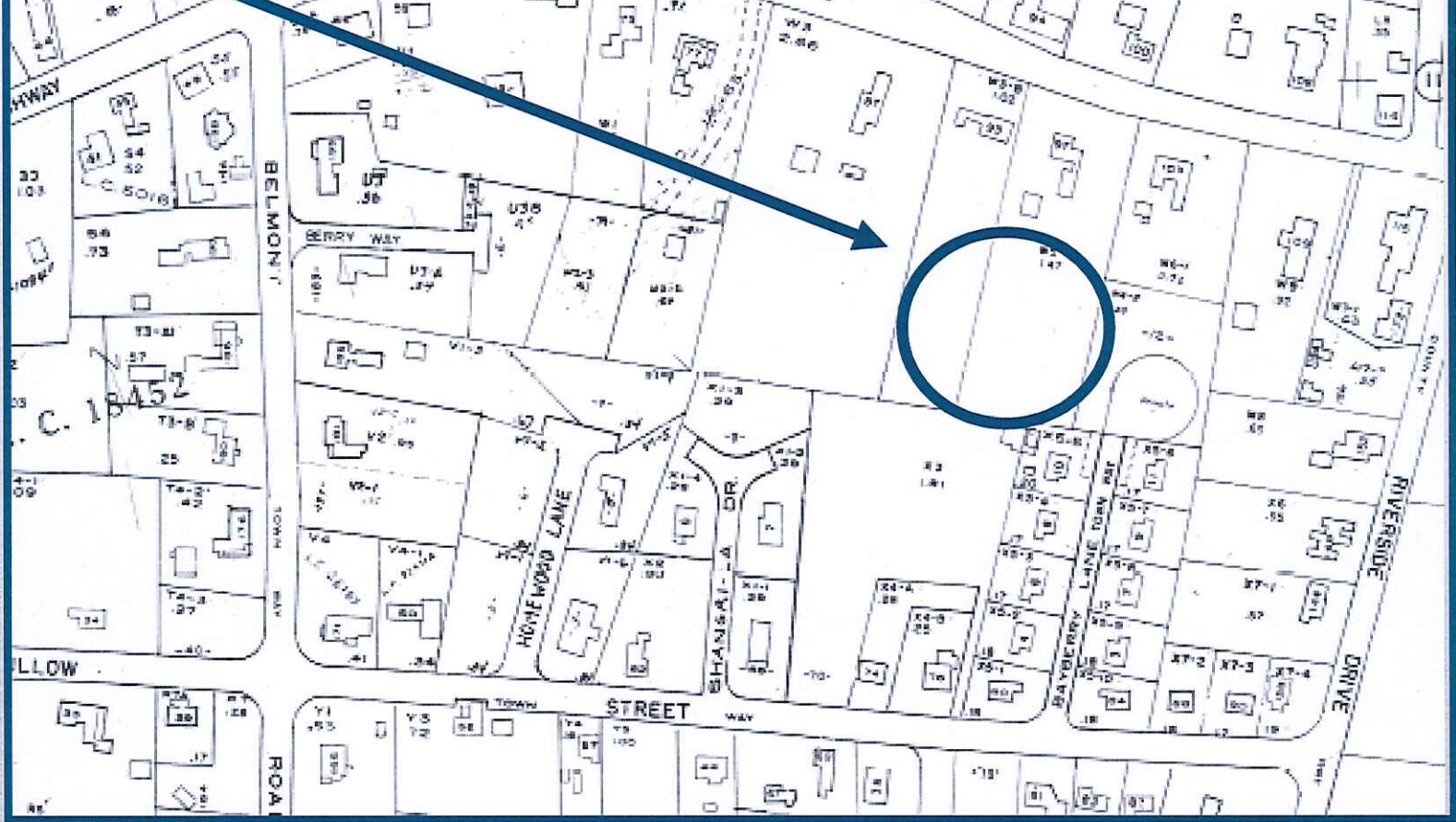
- Engineering and Site Planning
- Local Initiative Program (LIP) application submitted for approval to Housing Committee and Board of Selectmen
- LIP to State/Project to Zoning Board of Appeals/40B

Only after permitting are acquisition funds are released and Habitat takes title

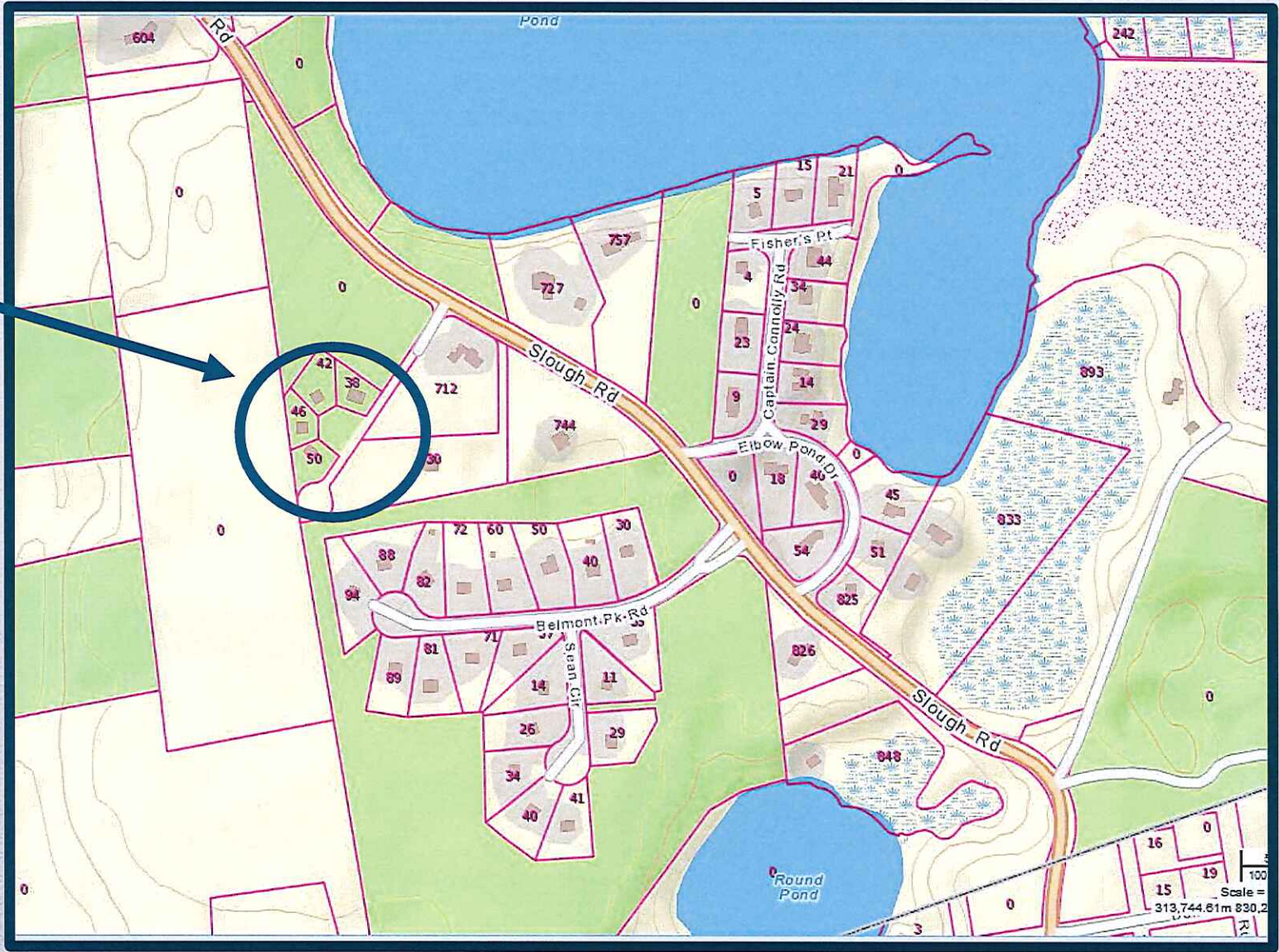


Where's the Site Plan?

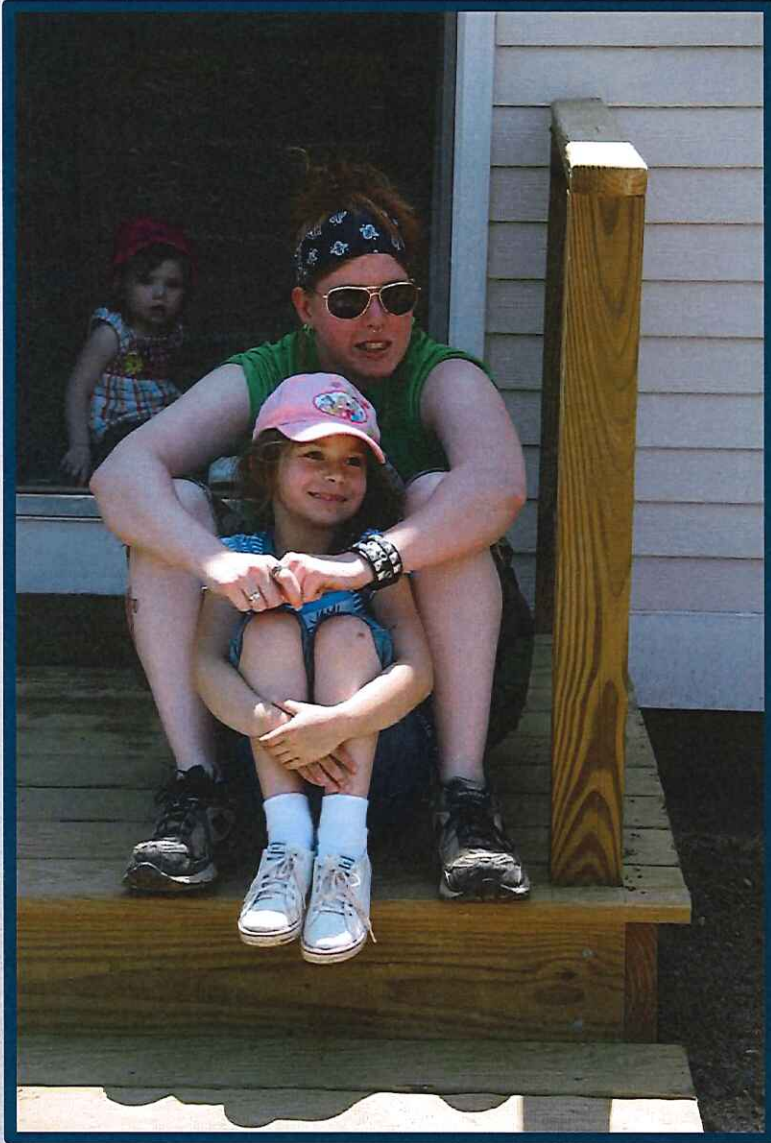




|







Habitat Experience and Success:

- 94 Homes Sold Affordable since 1988
- 21 Active/Open Building Permits
- 27 Homes in Predevelopment



FHLBoston



FEDERAL HOME LOAN BANK OF BOSTON

ADVISORY COUNCIL 2013 ANNUAL REPORT



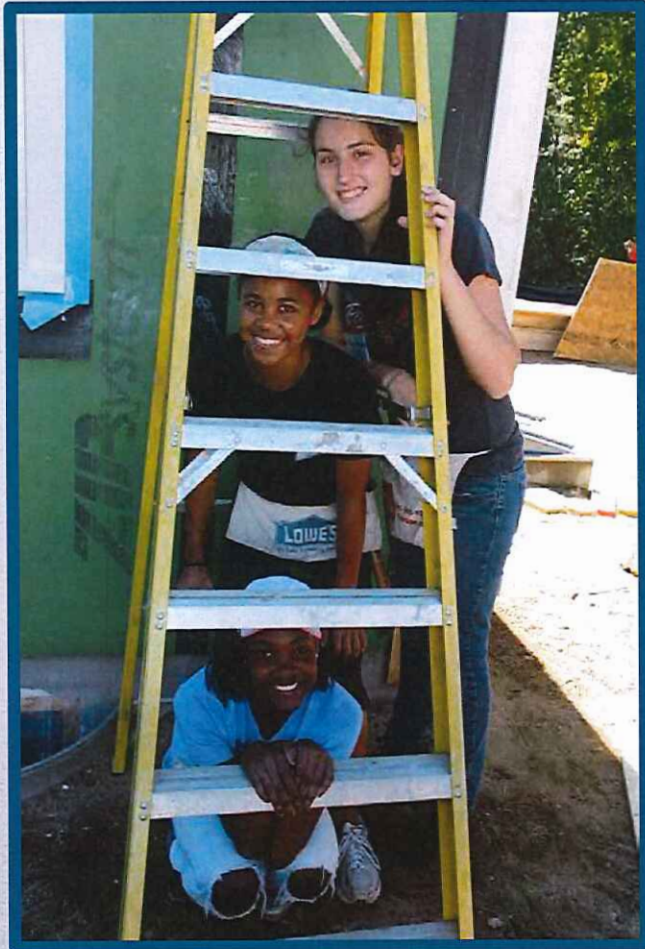




The Habitat/HECH 93&97 Main Street Project is a win-win-win-win

- Harwich: Community wide benefit, W. Harwich benefit
- Habitat: Another great Harwich Habitat neighborhood
- HECH: Site developed for Bob Murray's original intent
- Historic: HECH can offer Chase via RFP at reduced price to an entity interested in historic preservation





**The Whole is
Greater
than the Sum of
its Parts**



Habitat for Humanity

Proposal has unanimous support from

- Harwich Housing Committee
- Harwich Housing Authority

**Habitat seeks \$300,000 from the
Affordable Housing Fund**

Without this support, the project will not happen





**Habitat for Humanity of Cape Cod
works in partnership with families
in need to build homes, hope,
lives and community.**

Thank You



ANNUAL TOWN MEETING
WARRANT



MAY 2, 2016

 **DRAFT**

2-24-16



SPECIAL TOWN MEETING
WARRANT



MAY 3, 2016

with
RECOMMENDATIONS

TABLE OF CONTENTS
ANNUAL TOWN MEETING
May 2, 2016

Voting Procedures.....
Motion Chart.....
Tax Rate Chart.....
Municipal Finance Terms.....
Proposition 2 ½ Terms.....

ARTICLES

1. Town Officers & Committees.....
2. Reports of Town Officers & Committees.....
3. Elected Officials Salaries.....

BUDGETS

4. Town Operating Budget.....
5. Fund Snow and Ice Deficit.....
6. Monomoy Regional School District Budget.....
7. Cape Cod Regional Technical School District Budget.....
8. Water Department Budget.....

CAPITAL BUDGET

9. Adopt the Capital Plan.....

ADMINISTRATION

10. Amend the Personnel By-Law.....
11. Capital Items Funded From Free Cash.....
12. Facility Maintenance and Repair Fund.....

FIRE CAPITAL BUDGET

13. Fund New Ambulance.....

GOLF CAPITAL BUDGET

14. Supplement Landscape Reclamation from Golf Capital Improvement Fund.....
15. Approve the Use of the Golf Improvement Fund to Construct New Tees.....
16. Establish a New Capital Infrastructure Revitalization Fund at Golf Course.....

HARBOR CAPITAL BUDGET

17. Reconstruction of Saquatucket Municipal Marina.....
18. Saquatucket Harbor Landside Renovations – Engineering Design.....

PUBLIC WORKS CAPITAL BUDGET

- 19. Fund the Road Maintenance Program.....
- 20. Fund New Vehicles for the DPW
- 21. Fund New Equipment for the DPW.....

WATER/WASTEWATER CAPITAL BUDGET

- 22. Fund the Purchase of a New Excavator
- 23. Rehabilitation of the Lothrop Avenue Water Storage Tank
- 24. Replace Existing Supervisory Control and Data Acquisition (SCADA) System.....
- 25. Harwich and Chatham Inter-municipal Agreement.....
- 26. Enact a Sewer Use General By-Law.....

COMMUNITY PRESERVATION ARTICLES

- 27. Approve Administrative Costs for the Purchase of Tax Title Properties
- 28. Reserve for Future Appropriation amounts from FY 2016 Community Preservation Fund
Estimated Annual Revenues
- 29. Fund Land Bank Debt Service.....
- 30. Restoration of the Chase Library Fireplace Hearth and Base.....
- 31. Restoration of Harwich Historical Society Artifacts
- 32. Restoration of Appearance of the Albro House and Accessibility Modifications.....
- 33. Update of the Town Historical Property Inventory
- 34. West Harwich School House Preservation and Rehabilitation.....
- 35. Historic Restoration and Preservation of Burial Crypts
- 36. South Harwich Meeting House Restoration and Preservation.....
- 37. Whitehouse Field Fencing Replacement
- 38. Queen Anne Road Bike Trail Crossing Lights
- 39. Brooks Park Expansion/Improvement Phase 3.....
- 40. Purchase of Land for Open Space Purposes – Acquire Marini Property at Muddy Creek
Headwaters.....
- 41. Brooks Free Library Restoration
- 42. Repeal Article 42 of the May 2006 ATM.....

CHARTER/ZONING/M.G.L. AMENDMENTS

- 43. Accept M.G.L. Chapter 111, §26 – Board of Health Provisions.....
- 44. Adopt M.G.L. Chapter 59, §5, Clause 56 – Personal Property Tax Abatement.....
- 45. Amend M.G.L. Chapter 59, §5, Clause 41C – Senior Exemptions.....
- 46. Create Supplemental Senior Exemption.....
- 47. Amend the General By-Laws to Add New Door to Door Sales By-Law.....
- 48. Amend the Code of Harwich Chapter 325 Zoning – Building/Structure Height in Flood
Hazard Areas.....

- 49. Amend the Code of the Town of Harwich, Chapter 325 Zoning – Various Zoning By-Law Amendments
- 50. Proposed Amendments to the Harwich Home Rule Charter - Various Amendments
- 51. Proposed Amendments to the Harwich Home Rule Charter – Chapter 3, § 6 Alternate Members
- 52. Proposed Amendments to the Harwich Home Rule Charter – Chapter 7, § 7-14-2

PRIVATE PETITIONS

- 53. Ginger Plum Lane Private Road Betterment
- 54. Defray Costs for Chase and Harwich Port Libraries
- 55. Promote the Town of Harwich.....
- 56. Supplement Annual Allocation of Mass Cultural Council for Local Cultural Council Grants
- 57. Amend the Charter - Establish a Charter Enforcement Commission
- 58. Demolition of Residential Buildings By-law.....

MISCELLANEOUS ARTICLES

- 59. Transfer Parcel of Town-Owned Land to the Cemetery Department for Pet Crematory and Cemetery
- 60. Annual Revolving Fund Authorization.....
- 61. Establish a Wetlands Revolving Fund
- 62. Stabilization Fund
- 63. OPEB Trust Fund.....
- 64. Fund Prior Year’s Unpaid Bills

CUSTOMARY ARTICLES

- 65. Compensating Balance Agreement.....
- 66. Liability Tidal/Non Tidal Rivers
- 67. Herring Fisheries.....

SPECIAL TOWN MEETING

May 3, 2016

ARTICLES

- 1.

APPENDIX A – Sample Ballot.....

APPENDIX B – Budget.....

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

BARNSTABLE, ss:

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

Greetings:

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

ARTICLES

TOWN OFFICERS AND COMMITTEES

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

REPORTS OF TOWN OFFICERS AND COMMITTEES

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

ELECTED OFFICIALS SALARIES

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

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

TOWN OPERATING BUDGET

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

FUND THE SNOW AND ICE DEFICIT

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

MONOMOY REGIONAL SCHOOL DISTRICT BUDGET

ARTICLE 6: To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money as may be required to pay for the Monomoy Regional School District Assessment for Fiscal Year 2017, and to act fully thereon. By request of the Monomoy Regional School Committee and Superintendent. Estimated: 36,354,036.

CAPE COD REGIONAL TECHNICAL SCHOOL DISTRICT BUDGET

ARTICLE 7: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money as may be required to pay for the Cape Cod Regional Technical High School District Assessment for Fiscal Year 2017, and to act fully thereon. By request of the Cape Cod Regional Technical High School District. Estimated: \$14,459,000.

WATER BUDGET

ARTICLE 8: To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money as may be required to defray Water Department Operating Budget for Fiscal Year 2017, and to act fully thereon. By request of the Water Commissioners and Superintendent. Estimated cost: \$8,155,267

ADOPT THE CAPITAL PLAN

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

INSERT CAPITAL PLAN HERE

AMEND THE PERSONNEL BY-LAW

ARTICLE 10: To see if the Town will vote to amend the Personnel By-Law by adding new language as follows:

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

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

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

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

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

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

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

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

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

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

ARTICLE 11: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to fund the items in the table below, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$89,900

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

FACILITY MAINTENANCE AND REPAIR FUND

ARTICLE 12: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money as may be required to defray costs related to Facility Maintenance and Repair for FY 17, and to act fully thereon. By request of the Board of Selectmen. Estimated cost \$513,000.

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

FUND ADDITIONAL FIRE DEPARTMENT AMBULANCE

ARTICLE 13: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to purchase or lease one ambulance for the Fire Department, and to act fully thereon. By request of the Fire Chief. Estimated cost: \$290,000

SUPPLEMENT LANDSCAPE RECLAMATION FROM GOLF CAPITAL IMPROVEMENT FUND

ARTICLE 14: To see if the Town will vote to approve of the distribution of a sum of money from the Golf Capital Improvement Fund to supplement the ongoing landscape reclamation (restoration of areas adjacent to primary turf with necessary tree removal at Cranberry Valley Golf Course as outlined in the USGA 2015 report to the Town and the Golf Committee, and to act fully thereon. By request of the Golf Director and Golf Committee. Estimated cost: \$35,000.

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

APPROVE USE OF THE GOLF IMPROVEMENT FUND TO CONSTRUCT NEW TEES

ARTICLE 15: To see if the Town will vote to approve the distribution of a sufficient sum of money from the Golf Improvement Fund to construct five new “Forward Tees” in conjunction with the USGA initiative known as “playing it forward”, and to act fully thereon. By request of the Golf Director and the Golf Committee. Estimated cost: \$30,000.

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

ESTABLISH NEW CAPITAL INFRASTRUCTURE REVITALIZATION FUND AT
CRANBERRY VALLEY GOLF COURSE

ARTICLE 16: To see if the Town will vote to establish a new Capital Fund to be known as the “*Capital Infrastructure Revitalization Fund*” at Cranberry Valley Golf Course pursuant to the provisions of Massachusetts General Laws Chapter 40, 5F, to be funded by a new surcharge on all green fees collected in the amount of \$2 and a \$1 surcharge on all cart fees starting in 2016 golf season, and to act fully thereon. By request of the Golf Director and the Golf Committee

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

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

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

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

RECONSTRUCTION OF SAQUATUCKET MUNICIPAL MARINA

ARTICLE 17: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to fund the reconstruction of the Saquatucket Municipal Marina docks, piles and services, to include a handicap accessible ramp system that brings the marina in compliance with the American with Disability Act (ADA) and dredging of approximately 12,500 cubic yards of material to bring marina within permitted depth, and to act fully thereon. The appropriation authorized by this vote

shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by M.G.L. Chapter 59, Section 21C (Proposition 2 ½) the amounts required to pay the principal of any interest on any borrowing authorized under this article, and further authorize the Board of Selectmen to accept any State, Federal or private grant monies available for this purpose. By request of the Harbormaster. Estimated cost: \$7,000,000.

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

SAQUATUCKET HARBOR LANDSIDE RENOVATIONS – ENGINEERING DESIGN

ARTICLE 18: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to fund the engineering design and associated permitting for Saquatucket Harbor landside renovations, to include the old Downey Property, per the approved site plan proposed by the Saquatucket Harbor Development Committee, and to act fully thereon. By request of the Harbormaster. Estimated cost: \$250,000.

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

ROAD MAINTENANCE PROGRAM

ARTICLE 19: To see if the Town will vote to raise and appropriate and/or transfer from available funds in accordance with Ch.44 of the M.G.L., or any other authorizing authority, the sum of \$700,000 to fund the Road Maintenance Program as requested in the Capital Plan for FY17. The appropriation authorized by this vote shall not take effect until the Town votes to exempt from the limitation on total taxes

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

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

PURCHASE AND EQUIP VEHICLES FOR THE DPW

ARTICLE 20: To see if the Town will vote to raise and appropriate a sufficient sum of money to purchase and equip the following vehicles:

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

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

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

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

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

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

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

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

PURCHASE AND EQUIP NEW EQUIPMENT FOR THE DPW

ARTICLE 21: To see if the Town will vote to raise and appropriate a sufficient sum of money to purchase and equip the following:

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

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

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

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

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

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

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

PURCHASE NEW EXCAVATOR FOR THE WATER DEPARTMENT

ARTICLE 22: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to purchase a John Deere 2016 85G Excavator, and to act fully thereon. By request of the Water Commissioners and Superintendent. Estimated cost: \$125,000.

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

REHABILITATE THE LOTHROP AVENUE WATER STORAGE TANK

ARTICLE 23: To see if the Town will vote to reauthorize the remaining \$1.4M May 2013 Special Town Meeting appropriation/article to rehabilitate the Lothrop Avenue water storage tank and vote to appropriate \$1.6M for tank replacement and for the payment of all other costs incidental and related thereto, and to determine whether this amount shall be raised by taxation, transfer from available funds, or borrowing or otherwise provided, and to act fully thereon. By request of the Water Commissioners and Superintendent. Estimated cost: \$1,600,000.

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

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

ARTICLE 24: To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to fund the replacement of the existing Supervisory Control and Data Acquisition (SCADA) System, and to act fully thereon. By request of the Water Commissioners and Superintendent. Estimated cost: \$300,000.

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

INTERMUNICIPAL AGREEMENT WITH THE TOWN OF CHATHAM

ARTICLE 25: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of \$9,000,000, or any other sum, to pay the entrance fee costs that the Town will be required to make for the connection of the Town's wastewater collection system to the Town of Chatham's wastewater treatment plant, including all costs incidental and related thereto, pursuant to an intermunicipal agreement between the Towns of Harwich and Chatham, to be entered into by the Board of Selectmen pursuant to General Laws Chapter 40, Section 4A; provided that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 ½ debt exclusion vote, and provided further that the payment of said amount and the issuance of debt therefor shall be in accordance with the schedule of payments anticipated to be set forth in the intermunicipal agreement, a copy of which will be on file with the Office of the Town Clerk prior to Town Meeting; and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$9,000,000.

ENACT A SEWER USE GENERAL BYLAW

ARTICLE 26: To see if the Town will vote to enact a Sewer Use General By-law, governing the establishment, construction and operation of a wastewater collection and treatment system, a copy of which will be on file with the Office of the Town Clerk prior to Town Meeting; and to act fully thereon. By request of _____

FUND ADMINISTRATIVE COSTS FOR THE ACQUISITION OF TAX TITLE PROPERTIES

ARTICLE 27: To see if the Town will vote to transfer from Community Preservation Act funds, the sum of \$50,000 from the appropriation under Article 9 of the May 2011 Special Town Meeting , for Community Preservation Committee administrative costs for professional/legal services related to the potential acquisition of specific parcels of land that are in tax title or owners unknown and/or other related disputes, which would qualify for CPA finding, and that the Community Preservation Committee has made a finding that the specific parcels qualify for a CPA purpose, and to act fully thereon. By request of the Community Preservation Committee. Estimated Cost: \$50,000

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

ARTICLE 28: To see if the Town will vote to reserve for future appropriations amounts from the FY 2016 Community Preservation Act Fund estimated annual revenues as recommended by the Community Preservation Committee as follows:

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

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

FUND LAND BANK DEBT SERVICE

ARTICLE 29: To see if the Town will vote to appropriate from Community Preservation Act Funds-Undesignated Fund Balance, \$633,400 to fund the Debt Service on the outstanding Land Bank Debt. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Undesignated Fund Balance, and to act fully thereon. By request of the Community Preservation Committee and the Town Administrator. Estimated Cost: \$633,400

RESTORATION OF THE CHASE LIBRARY FIREPLACE HEARTH AND BASE

ARTICLE 30: To see if the Town will vote to appropriate from Community Preservation Act Funds-Historic Reserve, \$3,100 to fund the restoration of the original fireplace hearth, firebox base and foundation at the Chase Library and to authorize the Board of Selectmen to enter into a grant agreement with the Chase Library. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Historic Reserve, and to act fully thereon. By request of the Community Preservation Committee and the Chase Library Trustees. Estimated Cost: \$3,100

RESTORATION OF HARWICH HISTORICAL SOCIETY ARTIFACTS

ARTICLE 31: To see if the Town will vote to appropriate from Community Preservation Act Funds-Historic Reserve, \$11,000 to fund the restoration of an 18th Century Cannon and a 19th Century Millstone maintained by the Harwich Historical Society and to authorize the Board of Selectmen to enter into a grant agreement with the Harwich Historical Society. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Historic Reserve, and to act fully thereon. By request of the Community Preservation Committee and the Harwich Historical Society. Estimated Cost: \$11,000.

RESTORATION OF APPEARANCE OF THE ALBRO HOUSE AND ACCESSIBILITY MODIFICATIONS

ARTICLE 32: To see if the Town will vote to appropriate from Community Preservation Act Funds-Historic Reserve, \$18,700 to fund the restoration of elements of the front porch, addition of a rear porch and access ramp and modifications to four (4) doors of the Town owned Albro House. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Historic Reserve, and to act fully thereon. By request of the Community Preservation Committee and the Historic District/Historical Commission. Estimated Cost: \$18,700.

UPDATE OF TOWN HISTORICAL PROPERTY INVENTORY

ARTICLE 33: To see if the Town will vote to appropriate from Community Preservation Act Funds-Historic Reserve, \$20,000 to fund continuing work on the inventory of structures in Harwich that are at least 99 years old, specifically adding 60 parcels to the Massachusetts Cultural Resource Information System (MACRIS) and performing more detailed work on a cluster of properties within the inventory. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Historic Reserve, and to act fully thereon. By request of the Community Preservation Committee and the Historic District/Historical Commission. Estimated Cost: \$20,000.

WEST HARWICH SCHOOLHOUSE PRESERVATION AND REHABILITATION

ARTICLE 34: To see if the Town will vote to appropriate from Community Preservation Act Funds-Historic Reserve, \$203,500 to have certain specific work performed on the interior and exterior of the West Harwich Schoolhouse. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Historic Reserve, and to act fully thereon. By request of the Community Preservation Committee and Town Administration and Planning Department. Estimated Cost: \$203,500.

HISTORIC RESTORATION AND PRESERVATION OF BURIAL CRYPTS

ARTICLE 35: To see if the Town will vote to appropriate from Community Preservation Act Funds-Historic Reserve, \$25,000 to repair and restore four (4) burial crypts in Mount Pleasant and Island Pond Cemeteries. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Historic Reserve, and to act fully thereon. By request of the Community Preservation Committee and the Harwich Cemetery Commission. Estimated Cost: \$25,000.

SOUTH HARWICH MEETINGHOUSE RESTORATION AND PRESERVATION

ARTICLE 36: To see if the Town will vote to appropriate from Community Preservation Act Funds-Historic Reserve, \$100,000 to fund the final work of restoring the South Harwich Meetinghouse and to authorize the Board of Selectmen to enter into a grant agreement with the Friends of the South Harwich Meetinghouse, Inc. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Historic Reserve, and to act fully thereon. By request of the Community Preservation Committee and Friends of the South Harwich Meetinghouse, Inc. Estimated Cost: \$100,000.

WHITEHOUSE FIELD FENCING REPLACEMENT

ARTICLE 37: To see if the Town will vote to appropriate from Community Preservation Act Funds-Undesignated Fund Balance, \$57,128 to replace the fencing around Whitehouse Field. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Undesignated Fund Balance, and to act fully thereon. By request

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

QUEEN ANNE ROAD BIKE TRAIL CROSSING LIGHTS

ARTICLE 38: To see if the Town will vote to appropriate from Community Preservation Act Funds-Undesignated Fund Balance, \$29,700 to install a solar powered traffic light system where the Cape Cod Rail Trail crosses Queen Anne Road. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Undesignated Fund Balance, and to act fully thereon. By request of the Community Preservation Committee and the Harwich Bikeways Committee. Estimated Cost: \$29,700.

BROOKS PARK EXPANSION/IMPROVEMENT PHASE 3

ARTICLE 39: To see if the Town will vote to appropriate from Community Preservation Act Funds-Undesignated Fund Balance, \$188,000 to resurface 4 tennis courts, half basketball court, tennis practice wall, picnic pavilion, ADA footpath and 20-30 t-base parking spaces at Brooks Park . Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Undesignated Fund Balance, and to act fully thereon. By request of the Community Preservation Committee and the Harwich Recreation and youth Commission. Estimated Cost: \$188,000.

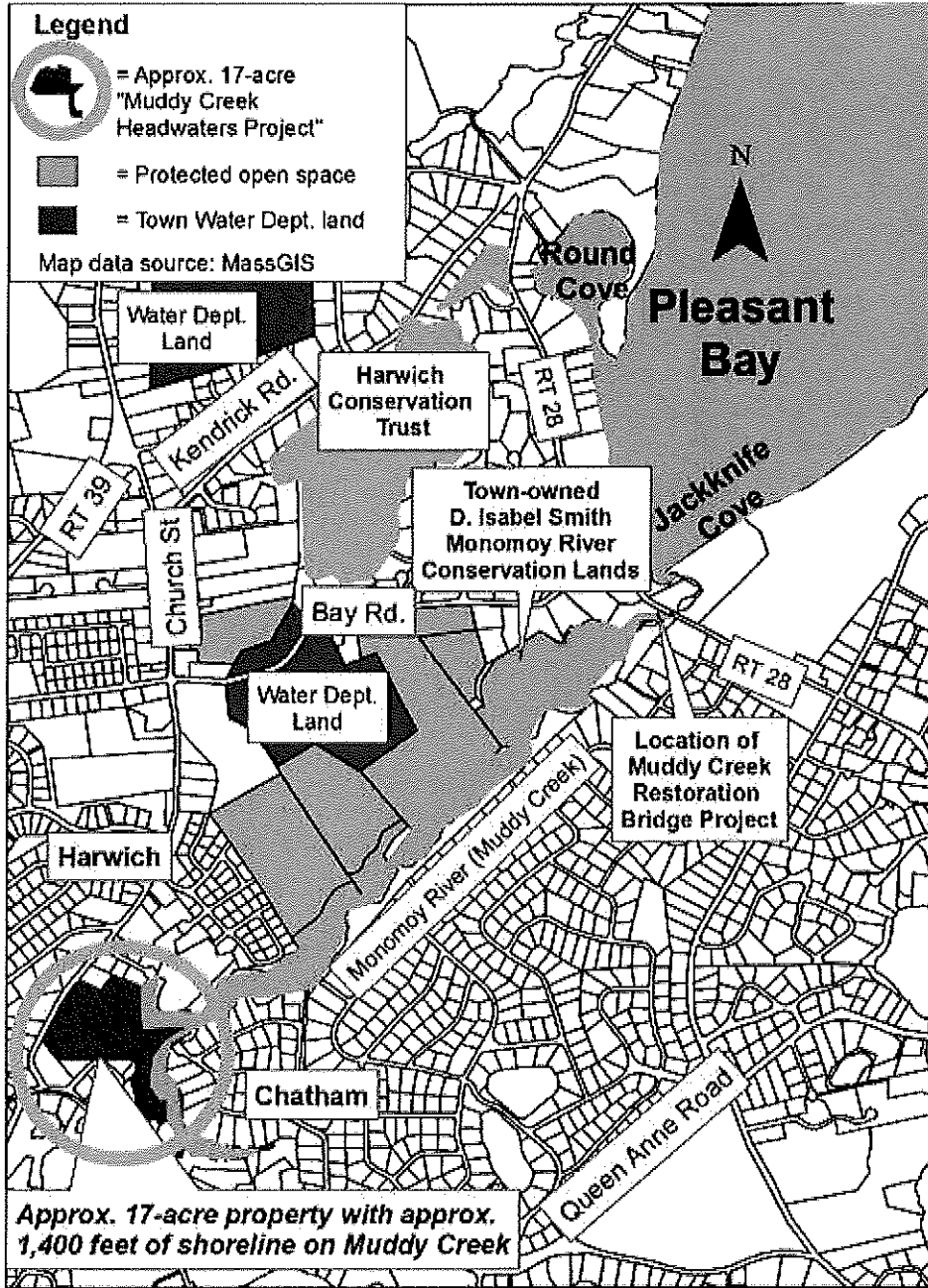
PURCHASE OF LAND FOR OPEN SPACE PURPOSES – ACQUIRE MARINI PROPERTY AT MUDDY CREEK HEADWATERS

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

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

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

17-acre Muddy Creek Headwaters Project



HISTORIC BROOKS FREE LIBRARY RESTORATION

ARTICLE 41: To see if the Town will vote to appropriate from Community Preservation Act Funds-Undesignated Fund Balance, \$540,000 to have certain specific work, including architectural services, paint stripping and painting, column and selective wood repairs, to be performed on the historic portion of the Brooks Free Library building (the so-called Brooks Block and Bank Building). Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Undesignated Fund Balance, and to act fully thereon. By request of the Community Preservation Committee and Brooks Free Library Trustees. Estimated Cost: \$540,000.

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

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

ACCEPTANCE OF GENERAL LAWS CHAPTER 111, §26G

ARTICLE 43: To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 111, Section 26G, to allow a member of the Board of Health who is also a septic system installer to work in the Town in their trained profession, provided that they do not act as the inspector for such work and further that such work is inspected by an inspector from another municipality or a special inspector appointed by the Board of Selectmen as specified in the statute, and to act fully thereon. By request of the Board of Selectmen.

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

ARTICLE 44: To see if the Town will vote to adopt MGL Chapter 59, §5, Clause 56. Upon acceptance of this section by the Town, the Board of Assessors may grant, real and personal property tax abatement up to 100% of the total tax assessed to members of the Massachusetts National Guard and to Reservists on active duty in foreign countries for the fiscal year they performed such service subject to eligibility criteria to be established by the Board of Assessors. The authority to grant abatements under this section shall expire after 2 years of acceptance unless extended by a vote of the city or town. Said change to take effect FY 2017 and act fully thereon. By request of the Harwich Veteran's Agent and Board of Assessors

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

ARTICLE 45: To see if the Town will vote to support the Harwich Board of Selectmen’s request to the State Legislator to pass a bill amending the Senior Exemption (as provided in Chapter 59, §5 Clause 41C) amount from a maximum of \$1000.00 to a maximum of \$1,500.00 as a local option for all cities and towns and/or as a home rule petition for the Town of Harwich, and to act fully thereon. By request of the Harwich Board of Assessors.

CREATE SUPPLEMENTAL SENIOR EXEMPTION

ARTICLE 46: To see if the Town will vote to raise and appropriate or transfer from available funds to provide a sufficient sum of money to grant an additional \$500.00 exemption to each Senior Exemption granted by the Board of Assessors to a maximum of \$1,500.00, and to act fully thereon. (Subject to funding). By request of the Harwich Board of Assessors. Estimated cost: \$40,000 requested (FY15 80 exemptions granted).

DOOR TO DOOR SOLICITATION BY-LAW

ARTICLE 47: To see if the Town will vote to amend the Town General By-Laws by adding new by-law as follows, and to act fully thereon. By request of the Chief of Police.

Title.

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

Finding and intent.

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

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

Definitions.

The following words and phrases shall have the following meanings:

DOOR-TO-DOOR SALES

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

DOOR-TO-DOOR SALES PERMIT

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

NO SOLICITATION LIST

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

SALES ORGANIZATION

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

SALESPERSON

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

SALES SUPERVISOR

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

Administration.

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

Application requirements.

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

Background check.

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

No Solicitation List.

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

Door-to-door sales regulations.

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

Violations and penalties.

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

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

Severability.

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

BUILDING/STRUCTURE HEIGHT IN FLOOD HAZARD AREAS

ARTICLE 48: To see if the Town will vote to amend the Code of the Town of Harwich, Chapter 325 Zoning by adding the bold and underlined language as set forth below and to act fully thereon. By request of the Building Commissioner and Planning Board.

325-2 Word usage and definitions.

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

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

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

PROPOSED ZONING BY-LAW AMENDMENTS

ARTICLE 49: To see if the Town will vote to amend the Code of the Town of Harwich, Chapter 325 Zoning by striking out language and by adding bold and underlined language as set forth below and to act fully thereon. By request of the Building Commissioner and Planning Board.

(A) CONSTRUCTION SIGNS

325-29 Additional requirements for specific signage.

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

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

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

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

Table 2 Area Regulations

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

(C) GUESTHOUSES

325-2. Word usage and definitions.

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

325-39. Off-street parking schedule.
Residential Uses

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

Table 1, Use Regulations

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

Table 2, Area Regulations

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

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

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

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

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

PROPOSED AMENDMENTS TO THE HARWICH HOME RULE CHARTER

ARTICLE 50: To see if the Town will vote to propose the following amendments to the Harwich Home Rule Charter, to be approved by the voters at the next annual Town election as follows (Deletions shown in strike through and new text shown as underlined):

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

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

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

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

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

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

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

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

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

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

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

Amend Section 5-3-1 as follows:

Division of Highways and Maintenance Public Works

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

Amend Section 5-5-1 as follows:

Fire Department

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

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

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

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

AMEND THE HARWICH HOME RULE CHARTER CHAPTER 3, SECTION 6

ARTICLE 51: To see if the Town will vote to propose the following amendment to the Harwich Home Rule Charter, to be approved by the voters at the next Annual Town Election as follows (Deletions shown in strike through and new text shown as underlined)

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

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

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

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

ARTICLE 52: To see if the Town will vote to amend the Town of Harwich Home Rule Charter, Chapter 7 APPOINTED TOWN AGENCIES, Section 7-14-2 by adding “*water dependent structure*” as set forth below and to act fully thereon. By Request of the Harwich Waterways Committee

RECONSTRUCTION OF GINGER PLUM LANE THROUGH PRIVATE ROAD
BETTERMENT

ARTICLE 53: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to repair Ginger Plum Lane in Harwich, subject to repayment through the use of a private way betterment assessment program, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$223,650.

DEFRAY THE EXPENSES OF THE CHASE LIBRARY AND HARWICH PORT
LIBRARY

ARTICLE 54: To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$20,000 to help defray the expenses of the Chase Library and the Harwich Port Library; said funds to be expended under the direction of the Chase Library and Harwich Port Library Trustees, and to act fully thereon. By Petition. Estimated cost: \$20,000.

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

PROMOTE THE TOWN OF HARWICH

ARTICLE 55: To see if the Town will vote to raise and appropriate a sufficient sum of money for the Harwich Chamber of Commerce to promote the Town and its businesses and to advance economic development initiatives for and with the Town of Harwich. Said

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

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

ARTICLE 56: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to supplement the Massachusetts Cultural Council annual allocation for grant awards to artists, performers and interpretive scientists who bring events to local venues which enhance the cultural experience of Harwich citizens of all ages, and to act fully thereon. By request of the Harwich Cultural Council. Estimated Cost: \$3,000.

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

ARTICLE 57: To see if the Town will vote to propose the following amendment to the Harwich Home Rule Charter, to be approved by the voters at the next annual Town election, and to act fully thereon. By Petition.

Chapter 6, Section 9: The Charter Enforcement Commission

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ENACT A GENERAL BY-LAW – DEMOLITION OF RESIDENTIAL BUILDINGS

ARTICLE 58: To see if the Town will vote to enact a General By-Law as follows:

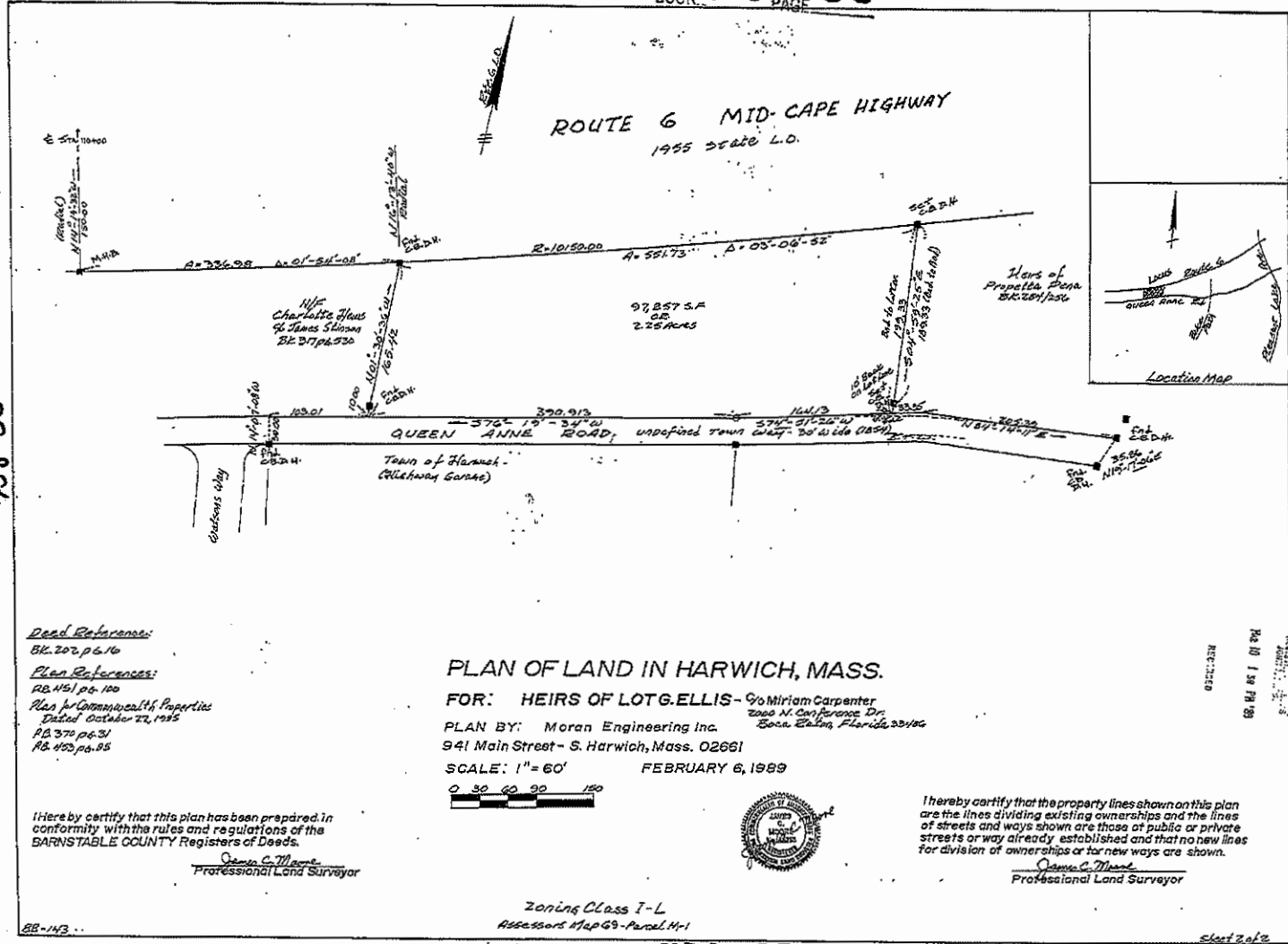
DEMOLITION OF RESIDENTIAL BUILDINGS

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

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

ARTICLE 59: To see if the Town will vote to transfer the care, custody, management and control of 2.25 acres +/- of land located at 276 Queen Anne Road (Map 69, Parcel M1; recorded in the Barnstable Registry of Deeds Book 11666, Pages 103-105), acquired by the Town by eminent domain at the Annual Town Meeting in May, 1997 for open space or other municipal purposes, from the Board of Selectmen to the Cemetery Department for development of a pet crematory and pet scattering grounds, and to act fully thereon. By request of the Cemetery Commission.

ROUTE 6 MID-CAPE HIGHWAY
1955 STATE L.O.



Deed References:
BK 202 p. 6, 7, 6

Plan References:
RB 451 p. 100
Plan of Commonwealth Properties
Dated October 22, 1955
RB 370 p. 31
RB 453 p. 85

PLAN OF LAND IN HARWICH, MASS.

FOR: HEIRS OF LOT G. ELLIS - c/o Miriam Carpenter
2000 N. Conference Dr.
Boca Raton, Florida 33406

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

SCALE: 1" = 60' FEBRUARY 6, 1989



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

James C. Moore
Professional Land Surveyor



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

James C. Moore
Professional Land Surveyor

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

BB-143

Sheet 2 of 2

458-33

38

458-33

DEPARTMENTAL REVOLVING FUNDS AUTHORIZATION

ARTICLE 60: To see if the Town will vote to authorize revolving funds for certain town departments under M.G.L. Ch. 44, § 53E ½ for the Fiscal Year beginning July 1, 2016; and to act fully thereon. By request of the Board of Selectmen

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

ESTABLISH A WETLANDS REVOLVING FUND

ARTICLE 61: To see if the Town will vote to establish a revolving fund, effective FY 2017 under M.G.L. Chapter 44, Section 53E ½ for the purpose of upholding the interests of the Massachusetts Wetlands Protection Act and the Harwich Wetlands Protection By-Law with monies generated by the Town portion of the Notice of Intent filing fees credited to the revolving fund, expenditures approved by the Conservation Administrator and the Conservation Commission in the amount not to exceed what was generated in the ensuing fiscal year, and to act fully thereon. By request of the Conservation Commission.

STABILIZATION FUND

ARTICLE 62: To see if the Town will vote to raise and appropriate or transfer from surplus revenue or available funds a sufficient sum of money to be added to the Stabilization Fund, and act fully thereon. By the request of the Board of Selectmen. Estimated cost: \$ _____

OPEB TRUST FUND

ARTICLE 63: To see if the Town will vote to transfer the balance of funds in the multi-use stabilization fund into the **Other Post Employment Benefits** Trust Fund, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$ _____

FUND PRIOR YEAR'S UNPAID BILLS

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

COMPENSATING BALANCE AGREEMENT

ARTICLE 65: To see if the Town will vote to authorize its Treasurer to enter into a compensating balance agreement or agreements with banking institutions for Fiscal Year 2017 pursuant to Chapter 44, § 53F of the General Laws and to act fully thereon. Customary Article.

LIABILITY TIDAL/NON-TIDAL RIVERS

ARTICLE 66: To see if the Town will assume the liability in the manner provided by § 29 of Chapter 91 of the General Laws as amended by Chapter 516 and 524, Acts of 1950, for all damages that may be incurred by work to be performed by the Department of Public Works of Massachusetts, for improvement, development, maintenance and protection of tidal and non-tidal rivers, streams, harbors, tide waters, foreshore and shores along a public beach outside of Boston Harbor, including the Merrimack and Connecticut Rivers in accordance with § 11 of Chapter 91 of the General Laws and to authorize the Selectmen to execute and deliver a bond of indemnity to the Commonwealth and to act fully thereon. Customary Article.

HERRING FISHERIES

ARTICLE 67: To see what action the Town will take in regard to the Herring Fisheries and to act fully thereon. Customary Article.

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF HARWICH
SPECIAL TOWN MEETING
MAY 5, 2015**

BARNSTABLE, ss:

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

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in elections and Town affairs to meet in the Community Center Gymnasium, 100 Oak Street in said Town on Tuesday, May 5, 2015 at 8:00 P.M., then and there to act on the following articles:

ARTICLES

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

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

DOOR TO DOOR SOLICITATION BY-LAW

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

Title.

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

Finding and intent.

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

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

Definitions.

The following words and phrases shall have the following meanings:

DOOR-TO-DOOR SALES

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

DOOR-TO-DOOR SALES PERMIT

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

NO SOLICITATION LIST

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

SALES ORGANIZATION

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

SALESPERSON

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

SALES SUPERVISOR

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

Administration.

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

Application requirements.

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

Background check.

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

No Solicitation List.

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

Door-to-door sales regulations.

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

Violations and penalties.

- A. Each violation of any provision of this article shall be punished by a fine not to exceed \$300.
- B. Upon the occurrence of a second violation of this article by any salesperson, the Issuing authority may revoke that salesperson's Town of Harwich door-to-door sales permit.

Severability.

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