

SELECTMEN'S MEETING AGENDA*

Donn B. Griffin Room, Town Hall

732 Main Street, Harwich, MA

Executive Session 5:00 P.M.

Regular Meeting 6:30 P.M.

Monday, August 20, 2018

**As required by Open Meeting Law, you are hereby informed that the Town will be video and audio taping as well as live broadcasting this public meeting. In addition, anyone in the audience who plans to video or audio tape this meeting must notify the Chairman prior to the start of the meeting.*

I. CALL TO ORDER

- II. EXECUTIVE SESSION – 1. Pursuant to M.G.L. c. 30A, §21(a)(3), review current status and strategy recommendations with Town Counsel with respect to pending litigation matters for which a discussion in open session would have a detrimental effect on the litigation position of the Town. These matters include the listing below. 2. Pursuant to M.G.L. c. 30A, §21(a)(3), to discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining position of the Town; Police Chief Performance Evaluation; Water Union M.O.U. with job description changes. 3. Approval of Executive Session Minutes for June 4, 2018

MATTERS BEING HANDLED BY TOWN COUNSEL

1. Cuddy, Trustee v. Harwich Planning Board
2. Daks et al. v. Town of Harwich Conservation Commission and Walter Diggs, et al.
3. DeSimone and Trustees of the DeSimone Family Living Trust v. Town of Harwich and through the Harwich Board of Selectmen
4. Eldredge, et al. v. Town of Harwich, et al.
5. Fire Station Bid Protest
6. Gavin v. Harwich Board of Appeals
7. First Congregational Church of Harwich v. Eldredge, et al
8. Gavin v. Harwich Board of Appeals
9. Hershey v. Carriero, et al (Zoning Board of Appeals of the Town of Harwich)
10. Jones v. Harwich Board of Health and Town of Harwich
11. Jeffrey A. King and James M. Kelly v. Paula F. McGuire, et al. (Harwich Conservation Commission)
12. King and Kelly v. Walter Diggs et al. and the Harwich Conservation Commission,
13. Rego, et al. v. Hilliard, et al.
14. Viprino v. David J. Guillemette, Town of Harwich Chief of Police
15. Viprino v. Diggs, et al. (Harwich Conservation Commission)
16. Walsh Brothers Building Company, Inc., et al. v. Harwich Conservation Commission, and Town of Harwich
17. Watkins, et al. v. Town of Harwich, et al.
18. Bardsley, Trustee of the Herring Realty Trust v. Town of Harwich Conservation Commission, et al
19. Eveland v. Town of Harwich, Lt. John F. Sullivan, David Guillemette, Chief of Police and the Orleans District Court
20. First Congregational Church of Harwich v. Eldredge, et al.
21. Jalkut, Trustee, et al. v. Town of Harwich, et al.
22. Needham v. David J. Guillemette, as Chief of the Harwich Police Department
23. Smith v. Harwich Chief of Police

MATTER BEING HANDLED BY INSURANCE COUNSEL

1. Viprino v. Town of Harwich

III. PLEDGE OF ALLEGIANCE

IV. WEEKLY BRIEFING

- A. Solar Massachusetts Renewable Target/SMART Program – Larry Cole

V. PUBLIC COMMENTS/ANNOUNCEMENTS

VI. CONSENT AGENDA

- A. Approve Minutes – July 9, 2018 Regular Meeting
B. Accept the resignation of Joan Felahi as a full member of the Council on Aging

- C. Accept the resignation of Mark Koopman as a full member of the Treasure Chest Committee
- D. Approve Caleb Chase Request in the amount of \$700.00
- E. Approve Caleb Chase Request in the amount of \$700.00
- F. Approve Caleb Chase Request in the amount of \$580.79
- G. Vote to sign a proclamation in honor of Peter Cobb's 80th birthday

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

- A. Public Hearing (continued from August 6) – Building Department Fees
- B. Dennis/Harwich/Yarmouth Special Legislation with section by section summary – John Giorgio
- C. Presentation – Permanent Protection for Nantucket Sound – Audra Parker

VIII. **NEW BUSINESS**

- A. Harwich Parking Committee Charge
- B. Committee Appointments:
 - 1. Historic District/Historical Commission
 - 2. Golf Committee
- C. Liquor/Entertainment License Violation – Mad Minnow Restaurant – *recommend referring this matter to Hearing Officer/Town Administrator*
- D. Harwich Pines Association – Application for Special Purpose Mooring Permits – Attorney Brian Wall/Harbormaster John Rendon
- E. West Harwich School Building - general discussion of future plans for the site
- F. Entertainment Licenses – discussion on outside noise after 10:00 p.m.

IX. **OLD BUSINESS**

- A. Continuation of the CVEC Round 1 Adder for FY20 – Liz Argo
- B. Fraud Assessment Policy – reporting issues
- C. Overview of land use controls for wastewater purposes
- D. Sunday opening for Community Center – update

X. **CONTRACTS**

- A. Change Order #2 (C.C. Construction) for the Saquatucket Harbor Septic System project in the amount of \$86,890

XI. **TOWN ADMINISTRATOR'S REPORT**

- A. Resignation of Council on Aging Director
- B. CDM Smith Progress Report – Sewer Collection System Phase II
- C. Departmental Reports

XII. **SELECTMEN'S REPORT**

- A. K P Law contract - *discussion*

XIII. **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:

Sandra Robinson, Admin. Secretary

Posted by: _____
Town Clerk

Date: _____
August 16, 2018

From: Christopher Clark
Sent: Thursday, August 02, 2018 7:58 AM
To: Larry Cole
Cc: Julie Kavanagh; Charleen Greenhalgh; Evan Melillo; Larry Ballantine; Sandy Robinson; Link Hooper
Subject: Re: SMART

Hi Larry,

I think it makes sense to provide overview Monday. We should get together to work on bid materials. Early next week.

Chris

Sent from my iPhone

On Aug 1, 2018, at 11:37 PM, Larry Cole <coleslawone@yahoo.com> wrote:

Hi Chris,

The State has a new program called Solar MAssachusetts Renewable Target in the works. It is currently stalled in the Legislature, but only temporarily. It offer powerful incentives for solar farm installers to build arrays. The Harwich Energy Committee last week met with a representative of Sun Power from Boston, a company ramping up to take advantage of the incentives. His rough guesstimate is that the parcel the Town zoned for a large scale solar array to meet a Green Community criterion could generate \$100,000 per year lease payments under the best case scenario. Two conditions of that case are: (1) the land be cleared to minimize site prep costs. It is fully treed now. (2) The project there get in the queue for the first tranche in Eversource's serving area, which offers the highest incentives in the state: 17 cents per kWh. AS with other State energy projects, a tranche is a block of a certain number of megawats worth of projects. When that block is filled, the process moves on to the next block and lower payout rate: 15 cents per kWh.

Such a project would have to go out to competitive bid, but I don't know whether a developer has to have been selected for the project to get in the SMART queue. In any case, the Town should get moving on it, in my opinion. Therefor, I'd like to make a very short weekly briefing next Monday evening just to alert the Board to the program's existence and the magnitude of the likely lease payments. Is that OK with you?

Larry

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, JULY 9, 2018
6:30 P.M.**

SELECTMEN PRESENT: Ballantine, Howell, Kavanagh, MacAskill, McManus

OTHERS PRESENT: Town Administrator Christopher Clark, Assistant Town Administrator Evan Melillo, Chief Clarke, Chief Guillemette, Carolyn Carey, Cyndi Williams, Richard Waystack, and others.

Chairman Kavanagh reported that the Board had just come out of Executive Session where they approved the order of taking for 4 Central Avenue.

WEEKLY BRIEFING

Chief Clarke thanked the Town of Dennis and their Fire Chief who let us use one of their ambulances while two of ours were out of commission.

PUBLIC COMMENTS/ANNOUNCEMENTS

Bob Cohn of 29 Pleasant Street spoke on behalf of the neighbors noting that they had just sent in a letter requesting that the Schoolhouse parking lot expansion project be put on hold and asked that the matter be placed on an agenda as soon as possible. Rosemary O'Neill discussed concerns on recently added parking in the area of The Anchorage and related safety concerns including the ability for emergency vehicles to access the area. Marilyn MacElaney, President of The Anchorage Board of Directors reiterated these concerns and stressed that it is a road not a parking lot. Les Parmalee of 15 Pleasant Street said the parking in the middle of Schoolhouse parking lot has created a serious hazardous for the residents which obstructs access in and out of the lot.

CONSENT AGENDA

- A. Approve Minutes:
 - 1. June 4, 2018 Regular Session
 - 2. June 11, 2018 Regular Session
- B. Approve request by Building Commissioner to waive building permit fees for the Brooks Free Library renovation project
- C. Approve Election Officers as recommended by the Democratic & Republican Town Committees
- D. Approve request for various fee waivers for The Big Fix project
- E. Approve the Petition from Nstar Electric to install approximately 30 feet of conduit under the roadway and one handhole to provide service to 36 Northern Avenue
- F. Approve appointment:
 - 1. Larry Brophy to the Affordable Housing Trust – Full member to June 30, 2020
 - 2. Val Peter to the Wastewater Support Committee – Full member to June 30, 2021

Mr. McManus moved the adoption of the Consent Agenda. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

NEW BUSINESS

- A. Approve application for Sunday Entertainment by Port Restaurant & Bar and request to extend starting time on Weekday Entertainment License

Judd Brackett, applicant, was present and outlined the request noting that they would like to start entertainment at 11:30 a.m. Mr. Howell noted that whatever the hours are changed to, the rest of the restrictions would still apply. Mr. McManus moved approval of the application for Sunday Entertainment License by Port Restaurant & Bar and to extend the starting time on the Weekday Entertainment License. Mr. MacAskill seconded the motion for discussion. Marcia Casey of 29 Pleasant Street pointed out that they hear the music from The Port and Ember in their back yard and front porch at night and she thinks this extension of hours is too much. She added that they are well over 150 feet away. Mr. Casey of 29 Pleasant Street suggested having acoustic music only. Mr. Howell asked Mr. McManus to add "all previous terms and conditions shall also apply" to his motion and Mr. McManus agreed to amend his motion as such. Mr. MacAskill seconded the amendment. Chief Guillemette said the Police Department has been responsive to the calls that come in and have had proactive meetings with the businesses in Town on the rules and regulations. He encouraged people to call the Police Department if they hear the music over 150 feet away or after 10:00 p.m. and they will respond. He said he has concerns but doesn't have strong objections to this application. The amended motion carried by a unanimous vote.

- B. Approve application for Sunday Entertainment by Ember Restaurant and request to extend starting time on Weekday Entertainment License

Mr. McManus moved approval of the application for Sunday Entertainment by Ember Restaurant and request to extend starting time on the Weekday Entertainment License subject to all the restrictions and previous limitations on the license. Mr. MacAskill seconded the motion and the motion carried by a unanimous vote.

- C. Approve and accept changes to House Bill H4437 relative to Senior Tax Exemption

Mr. Ballantine moved to approve the text changes in House Bill H4437. Mr. Howell seconded the motion. Mr. Waystack noted that the Board of Assessors has reviewed the changes and they would like to get this done as soon as possible. The motion carried by a unanimous vote.

- D. Acknowledgement of Purchase and Sale Agreement and approval of Order of Taking for 4 Central Avenue

Mr. Clark reported that the Board voted this item in Executive Session. He stated that it was approved by Town Meeting and described the bid process noting that the sale amount was \$51,111.12.

- E. Housing Trust overview and vote to sign Declaration of Trust

Chairman Kavanagh explained that we created a Housing Trust at Town Meeting and now we are working on getting people to volunteer to be on the Trust. Mr. Clark noted that the Trust would identify different locations and partnerships for creating affordable housing and CPC has authorized \$500,000 for this purpose and to fund a regional administrator to assist in that development. Mr.

Howell moved to accept the Trust Agreement as written. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

F. Final FY 18 Budget Adjustments – *vote to authorize the Chair to sign*

Mr. Clark noted that the Finance Committee will be voting on this on Thursday. Ms. Coppola and Mr. Clark outlined the final FY18 budget adjustments and took questions and comments from the Board. With regard to the proposed transfer for the pet burial ground, Mr. Howell said it's a bad idea to use a revolving fund to build something and that nothing that passes as a Town Meeting article can suggest you are going to violate the Charter or MGL. He added that we had a capital requirement and promised to wait until Town Meeting to put this on the capital plan to come up with a solid funding source. He commented that he doesn't want anyone to think that this transfer is a blessing that we are good to go now. Mr. McManus commented that this was unfortunate, the advice by Town Counsel changed through the process, we didn't hide anything, and there were a lot of failures in the process that everybody participated in and nobody caught the mistake. Mr. MacAskill agreed with Mr. McManus' remarks. Mr. MacAskill asked why there is an adjustment to the school retirement health insurance as he thought we were independent of the school. Mr. Clark responded that we retained the liability when we were one system, so those people that worked for the Harwich system prior to Monomoy were still on our books as our obligation. Mr. McManus moved to approve the recommended budget transfers. Mr. Ballantine seconded the motion and the motion carried by a 3-2-0 vote with Mr. MacAskill and Mr. Howell in opposition.

G. Letter to legislative delegation regarding permanent protection for Nantucket Sound

Mr. Clark said this was a request from a private entity. With no one present to discuss, this item was tabled to the next agenda.

H. Summer shuttle bus service to Harwich Port from 203 Bank St. to Bank St. Beach

Mr. Clark noted that it is about a mile walk to the beach from this location at 203 Bank Street and would be even shorter to the restaurants in Town. He said he has spoken to the Chamber about the concept for a shuttle bus and Ms. Williams indicated that it was attempted in the past and was not totally successful. He reported that Chatham has set up valet bus service and we have requested the RFP from them. He suggested looking at other sites such as the Community Center or High School. Mr. Howell said he thought the Schoolhouse parking lot was for economic activity for businesses and restaurants in Harwich Port and the point was that the parking lot was getting filled and we were trying to deliver people to Harwich Port, not to give them an opportunity to get on a bus to go to the beach. Chairman Kavanagh responded that if the lots are filling up, the people are parking there to go to the beach, so any opportunity we have to alleviate the parking stress we have to address. Mr. Howell said he likes the idea in concept but we have to have a discussion about our priorities. Mr. McManus said the original proposal is attempting to expand the lot for the businesses because it was being used by beachgoers and locking it up for the entire day and this would eliminate pressure on the lot. He added that he doesn't think that a shuttle bus is critically necessary and suggested using loaner bikes and to make a fee lot at 203 Bank Street. Mr. MacAskill said it's a great idea and we need to explore the shuttle bus. Mr. Ballantine said we need to get started and come up a plan with priorities and concrete proposals. Mr. Waystack noted that a lot of the parking at Schoolhouse parking lot is being used by employees of the businesses down there. He suggested putting together a working group comprised of people who are dealing with this issue all the time and Chairman Kavanagh agreed this was a great idea. Mr. Clark said the suggestion to use 203 Bank Street was temporary fix and he was planning on

bringing back an RFP for the sale of the property. The Board took comments from Carla Burke who expressed concern that there is no sidewalk or crosswalk there and neighbors are already concerned about traffic and speeding along Bank Street. Bob Piantedosi of 89 Bank Street said the beach is already standing room only and he is confused why we would bring in more people. He discussed the results of a speed detector that was used in the area. Rosemary O'Neill of 15 Pleasant Street said she can envision a lot more traffic with the expansion of facilities at Saquatucket Harbor. She asked that residents be considered for any working group that is created. Jack Walton of 244 Bank Street discussed keeping businesses vibrant. He suggested that Earle Road and Red River have a similar situation and we shouldn't solve all beach parking problems on Bank Street's back. He further suggested that people can park at Bank Street beach in the evening and suggested a sign for that. Donna Hansen of 24 Pleasant Street suggested getting people aware of where all the other parking areas are. Mary Beth Walton of 244 Bank Street stressed that this is a commercial problem and Bank Street is residential. Cyndi Williams said the Chamber will have a map indicating the different parking options as part of a grant. Chairman Kavanagh said they would bring this item back at a later date.

I. Fire Station 2 Contract Award Approval – Request to sign the Contract between the Town of Harwich and Mill City Construction, Inc. in the amount of \$6,750,000

Mr. Clark provided an overview and discussed bid concerns noting that the AG has said we can go ahead with the bid award. Chief Clarke explained that we are in a bid dispute with the sheet metal workers over the exhaust removal system and we will deal with the bid dispute going forward. He said it will affect the overall price of the contract as the contract was timed out for good weather. He stated that Town Meeting approved the entire amount and we need approve the contract amount with Mill City. Mr. Howell moved to approve the contract with Mill City in the amount of \$5,996,000. Mr. MacAskill seconded the motion and the motion carried by a unanimous vote.

J. Brooks Free Library Generator Contract Approval – Request award of contract to Eastward Companies in the amount of \$103,174

Mr. Howell said he would like to see the certification of funds and review by Town Counsel in the packet. Mr. Clark noted that we do have it and in the future we will get the materials in the packet. Mr. Melillo said he will be revising the checklist again. Mr. McManus moved to approve the contract with Eastward Companies in the amount of \$103,174 for the provision and installation of a generator at Brooks Free Library. Mr. Howell seconded the motion and the motion carried by a 4-1-0 vote with Mr. MacAskill in opposition.

K. Green Fleet – Fuel Efficient Vehicle Replacement Policy – *first reading*

Mr. Melillo outlined the policy and took questions from the Board. Mr. McManus said #3 should be restated as it's not only Police cruisers that we don't want to be turned in to be used by our regulatory inspectors, but the Fire vehicles as well. Mr. Clark said we are looking at installing a charging plug in the parking lot. Mr. MacAskill said the Town Administrator's Report indicates that we are buying a vehicle but we are only in the first reading of this policy. Mr. Clark explained that we have an opportunity as the company providing it gets federal tax credits so the price drops from \$18,000 to \$11,000 and we identified available funds to purchase this year to start to change out the fleet. He pointed out that it will decrease mileage costs for the Community Development departments. Mr. MacAskill said he couldn't accept this as most of the vehicles never move and Mr. Clark couldn't find the money at budget time. Mr. Ballantine said he would need to see more justification. Mr. Clark noted that this is one of the 5 elements of being a Green Community. Mr. Ballantine said he doesn't

see it as contributing to the efficiency or operation of the town. Mr. Clark said there was some money left in the budget from mileage reimbursement and things of that nature so we thought we would kick start the program now and we will have a formal capital budget for the balance of the vehicles. Chairman Kavanagh said to be a Green Community we do have to complete this step at some point. Mr. Howell agreed with Mr. McManus that item #3 had to be changed. He commented that the policy doesn't necessarily mean anything with regard to the vehicle and we are discussing the policy. Mr. McManus moved approval of the Fuel Efficiency Vehicle Policy first reading and to bring it back for a second reading. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

L. Gift from Agway of Cape Cod for booth space at Paw Palooza Cape Cod on July 14-15, 2018 at the Dennis Yarmouth High School

Ms. Kelley said Agway gifted the booth and she was just going to give information. She said she will not be selling lots but will be talking about plans for future development of the pet burial ground. Mr. Howell said this might be an opportunity to find out interest as she will have to put together a business plan for Town Meeting. Mr. McManus moved to authorize the Cemetery Administrator to attend the Paw Palooza Cape Cod on July 14-15, 2018 at the Dennis Yarmouth High School and to accept the gift from Agway of Cape Cod. Mr. Ballantine seconded the motion and the motion carried by a 4-1-0 vote with Mr. Howell in opposition.

TOWN ADMINISTRATOR'S REPORT

A. Lease of a Green Vehicle for the Community Development Department

Mr. Clark reported that we did have some availability when we looked at the budget and it was his intent to award the lease agreement for the Mitsubishi and get us into the business of having fuel efficient vehicles for the departments where the policy would apply. He said he would do a one for one replacement. Mr. MacAskill voiced his objections and reiterated his earlier remarks. Mr. Howell said this is coming from FY18 funds and therefore would not be cascading to free cash the following year. He questioned if it can wait. Mr. Melillo responded that he is not sure how long this would be around for. Mr. McManus said there is savings to be had from fuel savings. Mr. Ballantine said he wants to be sure we aren't using this to sidestep our overall planning process. Chairman Kavanagh said it would helpful to see what we are spending on mileage, fuel and insurance and suggested bringing it back. Mr. MacAskill said we should see how much the vehicles we have now are driven based on mileage. Mr. Melillo said the quote is good for a month. Mr. Howell suggested putting it on next meeting agenda.

B. Piping Plovers at Red River Beach

Mr. Clark reported that Mass Audobon has asked them to have barriers remain a few more days and hopefully by end of week the barriers will be gone and birds will have taken flight.

C. Renewal of vendor at Cultural Center

Mr. Clark reported that we have a person who does pole dancing as an exercise at the Cultural Center and someone from the public had concerns about the advertising of an event at another location related to this service. He said we spoke with the renter and reminded them that the Cultural Center is for private use and not for any pay activity.

D. Cultural Council Grant (\$10,000)

Mr. Clark reported that the Town has a Cultural Council grant for \$10,000 which gets us maps, some improvements to the Chamber's website, and some improvements to the kitchen to get us closer to renting it out.

E. MIIA Additional FY19 Participation Credits

Mr. Clark reported that our staff attends quite a bit of MIIA training to protect the Town's interest from liability and this year our participation credits were just shy of \$9,000.

F. Departmental Reports – recommend monthly reports in lieu of weekly reports

There was no action or discussion on this item.

SELECTMEN'S REPORT

A. Committee Vacancy Report for July 2018

Mr. Howell noted that we have vacancies on the Zoning Board of Appeals, Planning Board, and Board of Health and he urged the public to volunteer.

Mr. Ballantine said we have discussed the Communications Outreach Coordinator with the Wastewater Support Committee and he has sent some dot points to Mr. Clark to come back as a draft RFP at the next meeting.

ADJOURNMENT

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

Respectfully submitted,

Ann Steidel
Recording Secretary

Sandy Robinson

From: Judi Wilson
Sent: Wednesday, August 01, 2018 12:54 PM
To: Sandy Robinson
Cc: Richard Waystack
Subject: COA Board Member Resignation

Sandy,

At this morning's COA Board meeting, COA Board member Joan Felahi resigned. Joan is a caregiver for her husband and the Board meetings conflict with her caregiving responsibilities and she asked that I pass the information along to Town Hall. Perhaps we could use Jim Mangan to fill this opening?

Thank you,

Judi

Judi Wilson, Director
Harwich Council on Aging
100 Oak Street
Harwich, MA 02645
Tel: 508-430-7550 - Ext. 10
jwilson@town.harwich.ma.us



Aug 5, 2018

To City of Harwich,

To Who It MAY CONCERN I AM
Resigning my POSITION ON THE TROUSSE

Chest Community AS OF Aug 5, 2018

STILL WILL WORK AS A Volunteer

Sincerely
Mark Koopman



PROCLAMATION FOR MAESTRO PETER COBB

WHEREAS, Peter and Sharon Cobb washed ashore in Orleans in 2002 after Peter's long career as a music educator, and

WHEREAS, Peter, after graduation from Newton North High School in 1957, attended Harvard College, where he student-conducted the Harvard Band, under the direction of legendary composer and conductor Leroy Anderson. Peter received a Master of Arts in Teaching from Harvard University in 1962, and

WHEREAS, Peter taught music and directed the Secondary School Bands from 1962 to 1967 in Newton, Massachusetts, and

WHEREAS, Peter headed to the University of Chicago as a student in the Doctoral Program in School Administration in 1967. Although he didn't complete those studies, he did meet Sharon and they married in 1975, and

WHEREAS, Peter was High School Administrative Assistant at the University High School of the University of Chicago Lab School from 1967 to 1972. Peter served as a Teacher of Gifted and Talented from 1975 to 2001 in the Middle Schools of East Hartford and Wethersfield, Connecticut, and

WHEREAS, Peter became conductor of the Harwich Town Band in 2006 and currently serves in that position, and

NOW, THEREFORE, We the Harwich Board of Selectmen recognize Peter on the occasion of his 80th birthday on August 21, 2018, and wish him many more years as Harwich's Music Man.

Julie E. Kavanagh, Chair

Larry G. Ballantine, Vice Chair

Edward J. McManus, Clerk

Donald F. Howell

Michael D. MacAskill

HARWICH BOARD OF SELECTMEN

Given this 20th day of August 2018

Proposed Building Permit

Fee Increase FY 2019

Goal – To Fund the Cost of Operating the Building Department with User Fees

- ✓ Current Building Department revenue from permit fees is less than Building Department operating costs
- ✓ Building department fees to defray the cost of operating a building department meet the 3 required criteria set by the Massachusetts Supreme Judicial Court in the Emerson Case (Emerson v. Boston, 391 Mass. 415 – 1984)
 - The Fee must be for a particular benefit or service and
 - The Fee must be paid by choice (voluntary) and
 - The Fee must be collected to defray expenses

The proposed fee increase is in line with the average building permit fees charged by surrounding municipalities

Building Department Expenditures

Department	FY 2019 Budget
Town Administrator	16,792
Accounting	10,083
Treasurer & Collector	10,253
IT Services	12,474
Building S&W	436,352
Total Departmental	485,955
Insurance & Expenses	
Health Insurance	58,428
Life Insurance	246
Retirement	21,818
Unemployment	300
Vehicle Insurance	2,702
Workers' Compensation Insur	4,950
Medicare	6,327
Legal	5,100
Building Expense	20,906
Total Insurance & Expenses	120,777
Total Building Costs	606,732

Notes

Assumes 3% allocated to building based on FTE count 5.5/217.5

Fringe benefit analysis for FY 19 = 37%

Does not include allocation for costs of Town Hall

Building Department Revenue

Revenue	FY 16 Actual	FY 17 Actual	FY 18 Actual	FY 19 Budget	57 % Incr
Building Permits	\$ 245,357	\$ 270,535	\$ 278,699	\$261,750	\$410,948
Gas Inspection	\$ 38,864	\$ 41,025	\$ 47,545	\$40,000	\$40,000
Plumbing Inspection	\$ 48,146	\$ 45,685	\$ 49,765	\$45,000	\$45,000
Electric Inspection	\$ 83,629	\$ 77,095	\$ 75,745	\$75,000	\$75,000
Total Revenue	\$ 415,996	\$ 434,340	\$ 451,754	\$421,750	\$570,948
Surplus/(Deficit)				(\$184,982)	(\$35,785)

Note

Building Permit Fee increase, no other fee increases in proposed model

**HARWICH BOARD OF SELECTMEN
NOTICE OF PUBLIC HEARING**

**Building Department Fees
Monday, August 6, 2018**

The Harwich Board of Selectmen will hold a Public Hearing on Monday, August 6, 2018, no earlier than 6:30 P.M. during their regularly scheduled meeting. This hearing will be held in the Donn B. Griffin Room located at Town Hall, 732 Main Street, Harwich for the purpose of reviewing proposed amendments to the Building Department fees. All members of the public having an interest in this topic are cordially invited to attend the public hearing and provide information and testimony relevant to these proposals. Additional information is available at the Office of the Town Administrator.

HARWICH BOARD OF SELECTMEN

The Cape Cod Chronicle
July 19, 2018

**HARWICH BOARD OF SELECTMEN
NOTICE OF PUBLIC HEARING
Building Department Fees
Monday, August 6, 2018**

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HARWICH BOARD OF SELECTMEN

The Cape Cod Chronicle
July 19, 2018



ph: 508-430-7506 fax: 508-430-4703

July 16, 2018

Christopher Clark
Town Administrator
Town of Harwich

Dear Chris;

As you and I have previously discussed, the fee structure for building permits in Harwich has not been reviewed by the town since FY 2012. Following up on your request, the attached Building Permit Fee Comparison Chart plots the building permit fee charged by ten surrounding towns for a typical single family house. Please note that, Harwich charges 57.2% less than the average of all the surrounding Cape Cod towns.

I intentionally omitted Barnstable, Falmouth and Provincetown from this chart as their fees tend to be much higher than the other towns and they would skew the average higher. Also, of the three towns that charge the lowest fee, only Harwich includes basement area in the fee calculation. If basement floor area was removed from the Harwich calculation, the town would have the lowest fees on Cape Cod.

I analyzed our approximate cost to perform an inspection. This cost has many variables but I think it too should be reviewed by the Board of Selectmen.

Lastly, I have included our current Building Permit Fee Schedule annotated in red with my suggested fee changes for consideration.

Please feel free to contact me with any other questions you may have.

Very Truly,

Raymond G. Chesley
Building Commissioner



Building Permit Fee Schedule:

All New Construction/Additions/Alterations		\$50.00 Non-refundable Application fee PLUS
Fees due at issuance of permit		
+	Commercial Buildings	\$0.50 \$ 0.75 per square foot
+	New Dwellings, Additions, Alterations, Finished Basements	\$0.35 \$ 0.55 per square foot
+	Unconditioned Accessory Structures > 200 SF; Unfinished Basement, Full Foundation	\$0.25 \$ 0.40 per square foot
+	Towers: cell or wind	\$10.00 per foot of height
+	Docks, Piers	\$2.00 per square foot
+	Town of Harwich Technology fee or its successor	\$5.00 per \$100.00 of total permit fee

Technology fee (or Successor) included in the following		\$55.00 \$75.00 Non-refundable fee
Above ground swimming pool	Foundations: Short wall & sonatube	Signs (per sign)
Building Relocation (moving)	Gazebos	Site Trailer
Chimneys	Greenhouses	Solar Panel Replacement
Commercial Type Tents	Mechanical	Temporary Mobile Homes
Deck ≤ 200 SF	Retaining Wall	Tennis Court (fence) >7 Foot Height
Demolition Permit	Roof or Siding Replacement	Wood/Coal Stove
Door/Window Replacement	Shed	
In-ground swimming pool (minimum of 2 inspections)		\$55.00 \$75.00 per inspection

Other Fees	
Re-inspection fee	\$55.00 \$75.00
Replacement of Building or Occupancy Permit	\$55.00
Working without a permit	\$100.00 plus twice the regular permit fee

Plumbing and Gas Permit Fee Schedule:

	\$60.00 Application fee (includes first fixture)	+ \$10.00 for each additional fixtures
	\$80.00 Emergency Inspection	+ \$50.00 per hour plus mileage
	\$35.00 \$60.00 (per Department) Boiler or water heater replacement	+ \$60.00 for each added Inspection

Electrical Permit Fee Schedule:

\$10.00 Application fee		
+	\$150.00 New Dwelling: Service, Rough and Final	
+	\$120.00 Commercial: First 1,000 square feet - plus \$2.00 for every additional 100 square feet of floor area	
+	\$50.00 Service – plus \$10.00 per 100 amps of additional service over 200 amps	
+	\$50.00 Service change	
+	\$50.00 Per visit for alterations and additions	
+	\$50.00 Alarm system per inspection	
+	\$50.00 Temporary service	
+	\$50.00 Underground service trench	
+	\$50.00 Above ground pool	
+	\$100.00 In-ground pool (2 inspections)	
+	\$50.00 Generators	
	\$80.00 Emergency Inspection	+ \$50.00 per hour plus mileage



Building Permit Fee Schedule:

All New Construction/Additions/Alterations		\$50.00 Non-refundable Application fee PLUS
Fees due at issuance of permit		
+	Commercial Buildings	\$0.50 \$ 0.75 per square foot
+	New Dwellings, Additions, Alterations, Finished Basements	\$0.35 \$ 0.55 per square foot
+	Unconditioned Accessory Structures > 200 SF; Unfinished Basement, Full Foundation	\$0.25 \$ 0.40 per square foot
+	Towers: cell or wind	\$10.00 per foot of height
+	Docks, Piers	\$2.00 per square foot
+	<i>Town of Harwich Technology fee or its successor</i>	\$5.00 per \$100.00 of total permit fee

Technology fee (or Successor) included in the following		\$55.00 \$75.00 Non-refundable fee
Above ground swimming pool	Foundations: Short wall & sonatube	Signs (per sign)
Building Relocation (moving)	Gazebos	Site Trailer
Chimneys	Greenhouses	Solar Panel Replacement
Commercial Type Tents	Mechanical	Temporary Mobile Homes
Deck ≤ 200 SF	Retaining Wall	Tennis Court (fence) >7 Foot Height
Demolition Permit	Roof or Siding Replacement	Wood/Coal Stove
Door/Window Replacement	Shed	
In-ground swimming pool (minimum of 2 inspections)		\$55.00 \$75.00 per inspection

Other Fees	
Re-inspection fee	\$55.00 \$75.00
Replacement of Building or Occupancy Permit	\$55.00
Working without a permit	\$100.00 plus twice the regular permit fee

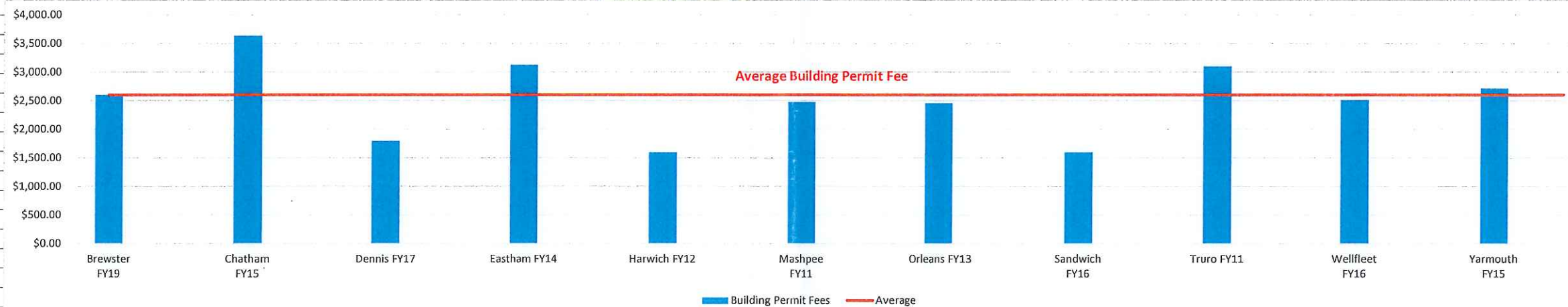
Plumbing and Gas Permit Fee Schedule:

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+	\$100.00 In-ground pool (2 inspections)	
+	\$50.00 Generators	
	\$80.00 Emergency Inspection	+ \$50.00 per hour plus mileage

Building Permit Fee Comparison																						
Single Family Dwelling		No Deck or Porch; 2,500 sq. ft. Living Space; 1500 sq ft Basement Storage; 528 sf ft Garage (24 x 32); 240 sq ft Finished over Garage (10 x 24)																				
Note: Barnstable, Falmouth and Provincetown omitted intentionally as their fees tend to be much higher than the other towns and average would be skewed																						
Town/ Permit Fee last adjusted	Brewster FY19		Chatham FY15		Dennis FY17		Eastham FY14		Harwich FY12		Mashpee FY11		Orleans FY13		Sandwich FY16		Truro FY11		Wellfleet FY16		Yarmouth FY15	
	Unit	Total	Unit	Total	Unit	Total	Unit	Total	Unit	Total	Unit	Total	Unit	Total	Unit	Total	Unit	Total	Unit	Total	Unit	Total
Application Fee		\$25.00		\$100.00		\$26.00		\$25.00		\$50.00		0		\$50.00	1st 100sf	\$200.00		0		0		\$120.00
2500sf Living Space	\$0.70/sf	\$1,750.00	\$0.90/sf	\$2,250.00	\$0.54/sf	\$1,350	\$0.65/sf	\$1,625.00	\$0.35/sf	\$875.00	\$0.55/sf	\$1,375.00	\$0.54/sf	\$1,350.00	\$50/100sf	\$1,200.00	\$0.65/sf	\$1,625.00	\$0.65/sf	\$1,625.00	\$0.55/sf	\$1,375.00
1500sf Basement Storage	\$0.35/sf	\$525.00	\$0.50/sf	\$750.00	0	0	\$0.65/sf	\$975.00	\$0.25/sf	\$375.00	\$0.55/sf	\$825.00	\$0.54/sf	\$810.00	0	0	\$0.65/sf	\$975.00	\$0.40/sf	\$600.00	\$0.55/sf	\$825.00
528sf Garage	\$0.25/sf	\$132.00	\$0.60/sf	\$317.00	\$0.56/sf	\$296.00	\$0.65/sf	\$344.00	\$0.25/sf	\$132.00	\$0.55/sf	\$142.00	\$0.44/sf	\$114.00	Flat	\$75.00	\$0.65/sf	\$344.00	\$0.25/sf	\$132.00	\$0.50/sf	\$264.00
240sf Finished over Garage	\$0.70/sf	\$168.00	\$0.90/sf	\$216.00	\$0.54/sf	\$120.00	\$0.65/sf	\$156.00	\$0.35/sf	\$84.00	\$0.55/sf	\$132.00	\$0.54/sf	\$130.00	\$0.50/sf	\$120.00	\$0.65/sf	\$156.00	\$0.65/sf	\$156.00	\$0.55/sf	\$132.00
Technology Fee \$5.00/\$100.00										\$80.00												
Building Permit Fee		\$2,600.00		\$3,633.00		\$1,792.00		\$3,125.00		\$1,596.00		\$2,474.00		\$2,454.00		\$1,595.00		\$3,100.00		\$2,513.00		\$2,716.00
Average Building Permit Fee		\$2,508.91		\$2,508.91		\$2,508.91		\$2,508.91		\$2,508.91		\$2,508.91		\$2,508.91		\$2,508.91		\$2,508.91		\$2,508.91		\$2,508.91
Difference from Average		\$91.09		\$1,124.09	*	-\$716.91		\$616.09		-\$912.91		-\$34.91		-\$54.91	*	-\$913.91		\$591.09		\$4.09		\$207.09
Percent Below Average										57.20%												



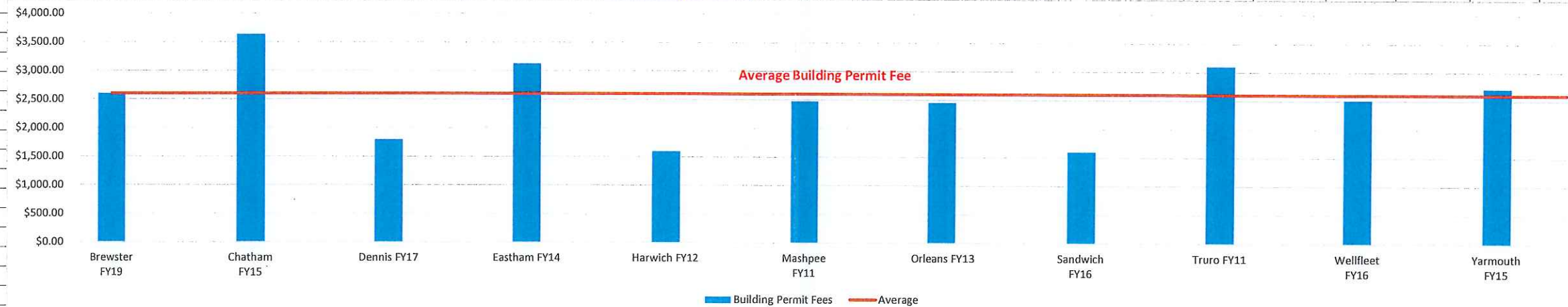
* Dennis and Sandwich do not include basement area in fee calculation. (Harwich along with the other towns include the basement area)

Inspection Fee Analysis

Building Inspection:

Building Inspector FY19	\$35.37
Building Commissioner FY19	\$47.79
	\$83.16
Average Cost Inspector per hour	\$41.58
Administrative Cost 1/2 hr@ \$25.00/hr	\$12.50
Subtotal	\$54.08
Total= Subtotal X 1.37% Burden	\$74.09

Building Permit Fee Comparison																						
Single Family Dwelling		No Deck or Porch: 2,500 sq. ft. Living Space; 1500 sq ft Basement Storage; 528 sf ft Garage (24 x 32); 240 sq ft Finished over Garage (10 x 24)																				
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1500sf Basement Storage	\$0.35/sf	\$525.00	\$0.50/sf	\$750.00	0	0	\$0.65/sf	\$975.00	\$0.25/sf	\$375.00	\$0.55/sf	\$825.00	\$0.54/sf	\$810.00	0	0	\$0.65/sf	\$975.00	\$0.40/sf	\$600.00	\$0.55/sf	\$825.00
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Average Building Permit Fee		\$2,508.91		\$2,508.91		\$2,508.91		\$2,508.91		\$2,508.91		\$2,508.91		\$2,508.91		\$2,508.91		\$2,508.91		\$2,508.91		\$2,508.91
Difference from Average		\$91.09		\$1,124.09	*	-\$716.91		\$616.09		-\$912.91		-\$34.91		-\$54.91	*	-\$913.91		\$591.09		\$4.09		\$207.09
Percent Below Average										57.20%												



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Building Commissioner FY19	\$47.79
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Average Cost Inspector per hour	\$41.58
Administrative Cost 1/2 hr@ \$25.00/hr	\$12.50
Subtotal	\$54.08
Total= Subtotal X 1.37% Burden	\$74.09

Draft as of 07-11-18

AN ACT ESTABLISHING THE DHY CLEAN WATERS COMMUNITY PARTNERSHIP FOR THE TOWNS OF DENNIS, HARWICH AND YARMOUTH.

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Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. There shall be a regional wastewater district for the towns of Dennis, Harwich and Yarmouth, to be known as the DHY clean waters community partnership, which shall be a body politic and corporate and political subdivision of the commonwealth. Notwithstanding the procedural requirements of section 25 of chapter 40N or sections 28 to 33, inclusive, of chapter 21 of the General Laws all actions taken by the towns of Dennis, Harwich and Yarmouth which are not inconsistent with this act are hereby validated, ratified and confirmed in all respects. The purpose of the partnership shall be to: (i) manage and control the common pumping stations, interceptors and force mains, wastewater treatment plant, effluent recharge and reuse system and appurtenances; (ii) act as a regional wastewater district; and (iii) provide for the collection, treatment, discharge, recharge and reuse of effluent for the member towns.

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SECTION 2. For the purposes of this act, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

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“Agreement”, the agreement to be entered into by and among the towns of Dennis, Harwich and Yarmouth and approved at town meetings of said towns, as supplemented and amended by said towns in accordance with section 7.

“Commission”, the commission established in section 3.

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“District” or “partnership”, the DHY clean waters community partnership established in section 1.

“Treasurer”, the treasurer appointed by the commission pursuant to section 23.

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SECTION 3. (a) The powers, duties and liabilities of the partnership shall be vested in and exercised by a commission organized in accordance with this section and the agreement. The commission shall choose a chair and secretary from its membership. The commission shall appoint a treasurer, who shall not be a member of the commission. The treasurer shall receive and take charge of all money belonging to the partnership and shall pay any bill of the partnership which shall have been approved by the commission. The treasurer may, by vote of the commission, be compensated for services. The treasurer shall be subject to sections 35, 52 and 109A of chapter 41 of the General Laws, provided that in applying said sections to said treasurer, the word “partnership” shall be substituted for “town” and “commission” shall be substituted for “selectmen”.

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(b) The number of commissioners representing each town shall be as defined in the

agreement. The commission members shall be appointed by the local board having the authority of sewer commissioners.

SECTION 4. Notwithstanding the last sentence of section 25 of chapter 40N of the General Laws, the partnership shall have the following powers and duties:

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- (1) adopt a name and a corporate seal, and the engraved or printed facsimile of such seal appearing on a bond or note of the partnership shall have the same legal effect as such seal would have if it were impressed on the bond or note;
- (2) sue and be sued, but only to the same extent and upon the same conditions that a city or town may be sued, and plead and be impleaded;
- (3) purchase, take by eminent domain under chapters 79 and 80A of the General Laws or otherwise acquire land within the member towns, or an interest in land within those towns, for the purposes of the partnership to construct, reconstruct, replace, rehabilitate, repair, equip, operate and maintain wastewater treatment, pumping and collection and effluent recharge and reuse facilities for the benefit of said towns, or any other facilities necessary to carry out the purposes of the partnership; and make any necessary contracts in relation to those purposes; provided, however, that at least 1 commission member from the town in which the land is located shall vote in the affirmative; and provided, further, that land may be taken by eminent domain only if the partnership first requests, in writing, that the town take such land and the town does not take such land within 180 days after the partnership has requested;
- (4) purchase or otherwise acquire land outside the member towns for the purposes stated in clause (3), but only if the partnership first obtains approval, in writing, of the board of selectmen or equivalent for each town in which the land is located;
- (5) incur debt for the purpose of acquiring land, or an interest in land, and constructing, reconstructing, replacing, rehabilitating, repairing and equipping wastewater treatment, pumping, collection and effluent recharge and reuse facilities and any other capital improvements, assets or facilities necessary to carry out the purposes of the partnership, including debt for the purposes of designing and otherwise planning any such improvements, for a term not exceeding 30 years; provided, that written notice of the amount of the debt and of the general purposes for which it was authorized shall be given to the board of selectmen of member town and to each town's board exercising the powers of sewer commissioners not later than 30 business days after the date on which said debt was authorized by the commission, and no debt shall be incurred until the expiration of 45 days from the date said debt was authorized by the commission; provided, that an engraved or printed facsimile signature shall have the same validity and effect as the chairman's written signature provided that said signature complies with all requirements of this clause;
- (6) borrow money at such rate or rates of interest as the partnership may determine; issue bonds, notes and other obligations to evidence such indebtedness in the name and upon the full faith and credit of the partnership and each issue of bonds or notes shall be a separate loan; provided, that said bonds or notes shall be signed by the chairman and the treasurer of the commission; provided, further that the chairman shall authorize the treasurer to cause to be engraved or printed on

said bonds or notes a facsimile of the chairman's signature; and provided, further that the chairman's authorization shall be in writing, bearing the chairman's written signature, filed in the office of the treasurer, and open to public inspection;

(7) receive and disburse funds for a purpose of the partnership, and invest funds in an investment legally permitted for a city or town;

(8) incur temporary debt in anticipation of revenue to be received from the member towns or from any other source;

(9) assess member towns for any expenses of the partnership;

(10) maintain a reserve fund, and carry over the remaining balance of such fund into the ensuing fiscal year, subject to the limitations in section 5;

(11) apply to receive and expend or hold a grant or gift for the purposes of the partnership;

(12) engage and fix the compensation for legal counsel, financial advisors, engineers, accountants, consultants, agents and other advisors;

(13) submit an annual report to each of the member towns, containing a detailed financial statement and a statement showing the method by which the annual charges assessed against each town were computed;

(14) appoint, employ, prescribe the qualifications and fix the compensation of an executive director and such other employees as necessary to operate the partnership and pay the same out of funds of the partnership;

(15) make and execute contracts, project labor agreements and other instruments that are necessary or convenient to carrying out the powers of the partnership, including, but not limited to, contracts with a person, firm, corporation, municipality, commonwealth agency, governmental unit or other entity, foreign or domestic;

(16) make and execute contracts for the purchase or for the environmental remediation, construction, operation and management of the sewer, wastewater treatment plant, collection, treatment, reuse and recharge facilities of the partnership, or for services to be performed thereon, and rent parts thereof and grant concessions thereon, on such terms and conditions as the partnership may determine, in accordance with the agreement;

(17) enact by-laws and rules concerning the management and regulation of its affairs and the use of its facilities and the provision of its services;

(18) convey, sell, lease or otherwise dispose of any partnership real or personal property, or interests in such property, no longer needed for purposes of the partnership;

(19) own, acquire, manage, operate, convey or lease any capital improvements, assets or facilities as contemplated by this act and the agreement;

(20) invest and reinvest its funds in such investments as may be lawful for fiduciaries in the commonwealth, and take and hold property as security for the payment of funds so invested, as provided in section 55 of chapter 44 of the General Laws;

(21) procure insurance against any loss in connection with its property, capital improvements, assets or facilities in such amounts and from such insurers, including the federal government and directors and officers liability insurance, as it seems necessary and desirable, and to pay any premiums therefor;

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Deleted: provided, however that any such transaction shall be exempt from the public bidding and procurement requirements applicable to *hodies* politic and corporate of the commonwealth imposed by general or special law, including without limitation, chapter 7, 30 and 149 of the General Laws, but subject to section 28 and 29 of said chapter 149, and regulations promulgated thereunder; provided, that the partnership has, pursuant to an affirmative vote and by stating the public convenience and necessity therefore, exempted such transaction from such requirement;

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- (22) assume responsibility for maintaining, monitoring and conducting other activities imposed by any condition of any license, permit or approval or by any institutional control arising under any environmental law or regulation with respect to the capital improvements undertaken by the partnership in accordance with this act and the agreement; and
- (23) take any and all other actions necessary and convenient to carry out the powers and purposes of the partnership, and all other actions incidental and related to the powers of the partnership.

SECTION 5. The commission shall annually determine the amounts necessary to be raised to maintain and operate the partnership during the ensuing fiscal year, plus a reserve fund not to exceed 20 per cent of the annual budget for the ensuing year, and shall apportion the amounts so determined among the several member towns based on each town's overall allocation of flow capacity in accordance with the terms of the agreement. The amounts for the upcoming fiscal year so apportioned for each town shall, prior to February 1 in each year, be certified by the treasurer to the treasurers of the member towns and the sewer commissioners or board exercising the powers of sewer commissioners of the member towns. Except to the extent that the treasurer's certification provides a credit from sewer system revenues and other sources, the sewer commissioners or board exercising the powers of sewer commissioners of each member town shall, without further vote, include each amount so certified in the amounts to be assessed annually in such town upon sewer users and others assessable pursuant to sections 14 to 24, inclusive, of chapter 83 of the General Laws and section 23 of chapter 59 of the General Laws, and with or without a town appropriation, the town treasurer shall pay to the partnership the amounts so apportioned at the times specified in the agreement. The amounts apportioned or to be apportioned under the agreement shall not be included in calculating total taxes assessed in paragraph (b) of section 21C of said chapter 59, or the maximum levy limit in paragraph (f) of said section 21C of said chapter 59. The amounts certified by the treasurer shall be deemed to be for services customarily provided locally or subscribed to at local option and shall not be subject to the limitation of section 20B of said chapter 59.

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SECTION 6. Notwithstanding chapter 44 of the General Laws, only sections 16 to 28, inclusive, of said chapter 44, shall apply to the partnership; provided, however, that the provisions of section 16 of said chapter 44 relating to the countersigning of bonds and notes and the provisions of section 24 of said chapter 44 relating to the countersigning and approval of notes and the certificates of the clerk relating to notes shall not apply to the partnership; and provided, further, that notwithstanding section 19 of said chapter 44 to the contrary, the maturities of each issue of bonds and notes of the partnership shall be arranged so that for each issue the amounts payable in the several years for principal and interest combined shall be as nearly equal as practicable, in the opinion of the treasurer, or in the alternative, in accordance with a schedule providing for a more rapid amortization of principal. Any debt incurred by the partnership shall not be subject to the limit of indebtedness prescribed in sections 9 and 10 of said chapter 44.

SECTION 7. The member towns shall adopt an agreement consistent with this act prior to organization of the commission under section 2 and may from time to time amend the agreement provided,

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~~Deleted: Nothing in this act shall prevent a member town from establishing and maintaining a sewer enterprise fund pursuant to section 53F of said chapter 44 as the mechanism for assessing, collecting and paying the amounts certified by the treasurer pursuant to sections 5 and 8.~~

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that the amended agreement is consistent with this act. The agreement shall not take effect unless it is approved by a majority vote at town meeting by each of the towns participating in the agreement.

SECTION 8. If a member town, which has received a certification of the partnership's charges, shall fail to pay the same to the partnership when due after demand by the partnership, the partnership may, not less than 60 days after such demand and without any requirement of election of remedy; provided, that there is no duplication of recovery: (i) certify to the state treasurer the amount owing to the partnership by the member town, whereupon the state treasurer shall promptly pay over to the partnership any amount otherwise certified to the state treasurer for payment to the member town as unrestricted general government aid and any other amount for local reimbursement, grant or assistance programs entitled to be received by the member town until such time as any deficiency in the member town's payment of charges to the partnership shall be set off by such payments from the state treasurer; and (ii) recover from the member town in an action in superior court the amount of such unpaid charges together with such lost interest and other actual damages the partnership shall have sustained from the failure or refusal of the member town to pay over said amount. Any amount paid to the partnership by the state treasurer as a set off under this section which is later determined, upon audit, to be in excess of the actual amount of charges, interest and damages due to the partnership, shall, upon demand of the member town, be repaid by the partnership to the member town.

SECTION 9. The partnership shall adopt such by-laws as may be necessary and proper for the effective functioning of the partnership and its operations, capital improvements and finances, including, but not limited to, by-law provisions as put forth in the agreement. The by-laws may also provide for appointment of alternate members of the commission and such other matters relative to the business and affairs of the partnership as may be appropriate to exercise all powers necessary, convenient or incidental to the purposes for which the partnership was formed.

SECTION 10. The partnership may prescribe rules and regulations regarding the use of common sewers to prevent the entrance or discharge in the sewers of any substance which may tend to interfere with the flow of wastewater or the proper operation of the wastewater system and the treatment and disposal works, for the connection of estates and buildings with sewers, for the construction, alteration and use of all connections entering into such sewers, and for the inspection of all materials used in the sewers; and may prescribe civil penalties, not exceeding \$5,000 per violation for each day of violation of any such rule or regulation. The rules and regulations shall be published once in a newspaper of general circulation within each of the member towns, and shall include a notice that the rules and regulations shall be available for inspection by the public, and shall not take effect until such publication has been made. The rules and regulations shall conform with state and federal law.

SECTION 11. Notwithstanding this act or any general or special law to the contrary, the towns of Dennis, Harwich and Yarmouth, acting individually through the local board having the authority of sewer commissioners in the town and not acting in concert through the partnership, in order to fairly recover the costs of expanding the regional wastewater

Commented [JG4]: This additional sentence in combination with the revision to Section 12 is consistent with the original town meeting votes. The added language will allow two out of the three towns to enter into an agreement if the third town ultimately decides not to participate.

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treatment works as described in this act, may assess charges, assessments, betterments or privilege fees for new connections to the town's local sewer system or for expanded uses of the sewer system by existing users in accordance with chapters 80 or 83 of the General Laws. The sewer connection charges, assessments, betterments or privilege fees may include such respective town's proportionate share of the costs to the town under this act for the construction, expansion or upgrade of the regional wastewater facilities and may also include the proportionate share of such respective town's costs for any local wastewater facilities, including, but not limited to, pumping stations, equipment and intercepting sewers. Nothing in this act shall prevent the local board having the authority of sewer commissioners in the member towns from raising local revenue from or continuing to engage in the constructing, operating, maintaining, expanding and funding of each respective town's local municipal wastewater facilities located entirely in each town separate from and independent of the regional facilities and the partnership.

SECTION 12. This act shall take effect upon its passage.

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Deleted: simple majority approval of the agreement at an annual or special town meeting by each member town.

DHY CLEAN WATERS COMMUNITY PARTNERSHIP

PROPOSED SPECIAL LEGISLATION

SECTION BY SECTION SUMMARY

The attached draft of the legislation contains revisions recommended by House legislative counsel. In addition, the redlined changes shown on the attached draft are recommended by KP Law after consultation with the Town Administrators of Harwich and Dennis.

The primary purpose of the legislation is to fulfill the intent of the town meeting votes in each of the three 2018 annual town meetings held in Dennis, Harwich and Yarmouth. The draft legislation, if enacted by the General Court, will create an independent governmental entity that will have governance over wastewater treatment and disposal generated in each of the three towns pursuant to each town's Comprehensive Wastewater Management Plan, and sets up a financing structure to insure that the Partnership will have the authority and independence to achieve the purposes of the legislation.

The following bullets are intended to highlight the significant provisions of the draft legislation:

- Section 1 creates a body politic and corporate known as the DHY Cleans Waters Community Partnership. The Partnership will be a political subdivision of the Commonwealth. As such, it will be an independent governmental body apart from the towns. Although not expressly stated in the legislation, the Partnership will be a governmental body for purposes of the General Laws and will, therefore, be subject to the Open Meeting Law, the Public Records Law, and its employees will be subject to the Conflict of Interest Law.
- Section 3 creates a commission which is empowered to perform all of the duties and responsibilities of the Partnership. The number of commissioners will be established in the Agreement which will be negotiated among the three towns once the legislation is enacted.
- Section 4 enumerates the powers and duties of the Partnership which include:
 - purchase or acquire land by eminent domain or otherwise
 - to borrow money and to issue bonds and notes therefor, after notifying the towns of its intent to incur debt.
 - There is no requirement that the member towns approve the incurring of debt by the Partnership.
 - assess the member towns for all capital costs and operating expenses
 - hire employees and consultants
 - execute contracts in accordance with procurement laws
 - dispose of real and personal property
 - take any other action necessary and convenient to carry out its purposes.
- Section 5 authorizes the commission to apportion its expenses among the three towns. Each town is required to pay its apportioned share "with or without appropriation." This means that even if town meeting does not vote the appropriation, the town will still be legally liable to pay the assessment. The amounts so apportioned to each town will not be included in the town's calculation of the total taxes assessed under Proposition 2 ½. It is envisioned that the Partnership will incur debt for the design and construction of the facilities. In turn, the Partnership will assess

debt service and operating costs on the member towns each year. Such assessments must be paid by each member Town. There will be no requirement for the towns to obtain voter approval for any debt exclusions or overrides under Proposition 2½. To the extent any of the apportioned costs are not covered by user fees, the towns can raise the remaining amounts of the assessment outside of their respective levy limits under Proposition 2½.

- Section 7 requires the Towns to adopt an agreement consistent with the act. The Agreement must be approved in each town meeting in those towns participating in the final Agreement. This will enable two towns to proceed if the third town decides not to participate in the final agreement.
- Section 8 provides that if a member Town does not pay its apportioned share of the assessment by the Partnership, the State Treasurer is required to deduct the amount of the assessment from state aid and grants otherwise due the town. The Partnership may also seek recovery of the assessed costs in Superior Court.
- Section 9 authorizes the Partnership to adopt bylaws for the effective functioning of the commission.
- Section 10 authorizes the Partnership to adopt regulations governing discharges into the sewer system and to assess penalties for non-compliance. The towns will still be authorized to enact sewer use regulations which the agreement will provide must be as stringent as the Partnership's regulations.
- Section 11 allows the towns to assess betterments and assessments upon persons who connect to the sewer system that will be served by the Partnership's wastewater treatment plant and related facilities. This will enable the towns to recover their respective apportioned capital costs through betterments.

Sandy Robinson

From: Sandy Taylor <sandyt@saveoursound.org>
Sent: Friday, August 10, 2018 10:55 AM
To: Julie Kavanagh; Evan Melillo; Christopher Clark; Sandy Robinson; Ann Steidel
Cc: Audra Parker
Subject: RE: Permanent Protection for Nantucket Sound
Attachments: Group support letter Aug 9.docx

Chris,

Thank you for the opportunity to present the group letter to the Board of Selectmen on 8/20/18 for permanent protection for Nantucket Sound. Audra Parker will make the presentation.

I have attached a copy of the most recent version of the letter with all of the signers to date. If you would like, I can share the draft bill also.

Please let me know if you would like this too.

Will you be able to give me an approximate time that Audra will be on the agenda to make her presentation.

Thank you again,
Sandy

-----Original Message-----

From: Sandy Taylor <sandyt@saveoursound.org>
Sent: Tuesday, August 7, 2018 3:57 PM
To: Audra Parker <audra@saveoursound.org>
Subject: FW: Permanent Protection for Nantucket Sound

Would you be able to make a presentation on the 20th? I will get the time...usually in the evening 7 or so. If so, what would you suggest sending to them on or before 8/15?

-----Original Message-----

From: Christopher Clark <cclark@town.harwich.ma.us>
Sent: Tuesday, August 7, 2018 3:12 PM
To: Sandy Taylor <sandyt@saveoursound.org>; 'Audra Parker' <audra@saveoursound.org>; Evan Melillo <emelillo@town.harwich.ma.us>
Cc: Julie Kavanagh <jkavanagh@townofharwich.us>; Sandy Robinson <srobinson@town.harwich.ma.us>; Ann Steidel <asteidel@town.harwich.ma.us>
Subject: RE: Permanent Protection for Nantucket Sound

Sandy,

The Board of Selectmen had questions on your request and would like a presentation. The next meeting is August 20, 2018. You will need to provide any presentation materials by Wednesday at noon before.

Chris

Christopher Clark

Town Administrator
Town of Harwich
732 Main Street
Harwich, MA 02645
Tel. 508.430.7513
Fax.508.432.5039
cclark@town.harwich.ma.us

-----Original Message-----

From: Sandy Taylor [mailto:sandyt@saveoursound.org]
Sent: Friday, August 03, 2018 2:59 PM
To: 'Audra Parker' <audra@saveoursound.org>; Evan Melillo <emelillo@town.harwich.ma.us>
Cc: Christopher Clark <cclark@town.harwich.ma.us>; Julie Kavanagh <jkavanagh@townofharwich.us>
Subject: RE: Permanent Protection for Nantucket Sound

Julie,

I am following up on the group letter that the town is reviewing to sign onto for permanent protection for Nantucket Sound.

I have attached the most recent version of the letter. We have added the Town of Dennis, the Town of Nantucket, the Town of Oak Bluffs, and the Town of Yarmouth since the last version I shared with you. We still have some time to add more groups.

Please advise where this stands,

Thank you very much

Sandy

-----Original Message-----

From: Audra Parker <audra@saveoursound.org>
Sent: Monday, July 16, 2018 7:13 PM
To: 'Evan Melillo' <emelillo@town.harwich.ma.us>
Cc: sandyt@saveoursound.org; 'Christopher Clark' <cclark@town.harwich.ma.us>; 'Julie Kavanagh' <jkavanagh@townofharwich.us>
Subject: RE: Permanent Protection for Nantucket Sound

Yes - we are looking to pass federal legislation to prohibit any federal agency from authorizing an energy generation facility in the Sound in the future. Attached is the latest support letter. Thank you so much for your interest and help.

-----Original Message-----

From: Evan Melillo <emelillo@town.harwich.ma.us>
Sent: Monday, July 16, 2018 8:40 AM
To: audra@saveoursound.org
Cc: sandyt@saveoursound.org; Christopher Clark <cclark@town.harwich.ma.us>; Julie Kavanagh <jkavanagh@townofharwich.us>
Subject: RE: Permanent Protection for Nantucket Sound

Hi Audra,

Just so I'm more clear on this agenda item, it's looking to prohibit development in the Nantucket Sound correct?

Thanks,

Evan N. Melillo
Assistant Town Administrator
Harwich, MA 02645
(508)430-7513 x3315

-----Original Message-----

From: Julie Kavanagh
Sent: Friday, July 13, 2018 4:24 PM
To: Sandy Taylor <sandyt@saveoursound.org>
Cc: Michael D. MacAskill <mmacaskill@townofharwich.us>; Christopher Clark <cclark@town.harwich.ma.us>; Audra Parker <audra@saveoursound.org>; Ann Steidel <asteidel@town.harwich.ma.us>; Sandy Robinson <srobinson@town.harwich.ma.us>
Subject: Re: Permanent Protection for Nantucket Sound

Hi Sandy,

We held b/c we thought there would be a representative to address the BOS & discuss the content of the letter. It can be added to our next agenda if you will have somebody available on 7/23. Please confirm.

Thank you,

Julie Kavanagh

Sent from my iPhone

> On Jul 13, 2018, at 3:08 PM, Sandy Taylor <sandyt@saveoursound.org> wrote:
>
> Julie,
> I called your office this week and was told that the discussion on the
Town of Harwich to sign onto the group letter urging permanent protection for Nantucket Sound was tabled.
>
> Could you let Audra Parker, our President & CEO (on this email) know
> what
the concerns were or if the board had any questions that she could answer, so the request could move forward
again.
>
> I will be out the week of 7/13-7/20. Please respond to Audra.
>
> Thank you very much!
>
> Sandy
>
> From: Sandy Taylor <sandyt@saveoursound.org>
> Sent: Wednesday, June 27, 2018 10:20 AM

> To: 'Julie Kavanagh' <jkavanagh@townofharwich.us>
> Cc: 'Michael D. MacAskill' <mmacaskill@townofharwich.us>; 'Christopher
> Clark' <cclark@town.harwich.ma.us>
> Subject: RE: Permanent Protection for Nantucket Sound

>
> Julie,
> Thank you very much! I will follow-up with you on the 10th to get
> their
> decision.
> If have any questions before, please let me know.

>
> Sandy
> From: Julie Kavanagh
> <jkavanagh@townofharwich.us<mailto:jkavanagh@townofharwich.us>>
> Sent: Tuesday, June 26, 2018 4:50 PM
> To: Sandy Taylor
> <sandyt@saveoursound.org<mailto:sandyt@saveoursound.org>>
> Cc: Michael D. MacAskill
> <mmacaskill@townofharwich.us<mailto:mmacaskill@townofharwich.us>>;
> Christopher Clark
> <cclark@town.harwich.ma.us<mailto:cclark@town.harwich.ma.us>>
> Subject: Re: Permanent Protection for Nantucket Sound

>
> Hi Sandy,
>
> We will try to add it to our agenda for 7/9. Our agenda for last
> night's
> meeting was very lengthy.

>
> Julie
>
> Sent from my iPhone

>
> On Jun 26, 2018, at 3:09 PM, Sandy Taylor
> <sandyt@saveoursound.org<mailto:sandyt@saveoursound.org>> wrote:
> Here is the updated letter.
> Hope to hear from you soon.

> Sandy
>
> From: Sandy Taylor
> <sandyt@saveoursound.org<mailto:sandyt@saveoursound.org>>
> Sent: Tuesday, June 26, 2018 3:10 PM
> To: 'Michael D. MacAskill'
> <mmacaskill@townofharwich.us<mailto:mmacaskill@townofharwich.us>>;
> 'Julie Kavanagh'
> <jkavanagh@townofharwich.us<mailto:jkavanagh@townofharwich.us>>
> Subject: RE: Permanent Protection for Nantucket Sound

>
> Michael and Julie,
> Can you give me an update on Harwich signing onto he group letter?

> I have attached the most recent version. We have now have 27 groups onboard and still working on many others.

>
> Thank you very much for the update.

> Sandy

> From: Michael D. MacAskill

> <mmacaskill@townofharwich.us<mailto:mmacaskill@townofharwich.us>>

> Sent: Thursday, June 14, 2018 7:49 AM

> To: Julie Kavanagh

> <jkavanagh@townofharwich.us<mailto:jkavanagh@townofharwich.us>>;

> sandyt@saveoursound.org<mailto:sandyt@saveoursound.org>

> Subject: Fw: Permanent Protection for Nantucket Sound

>

>

>

>

>

>

> Agenda item? Please let me know if this is something you think the board

should discuss. I have Copied Sandy Taylor in this email and I'm sending to you as the new Chair.

>

>

>

> Michael

>

>

> From: Sandy Taylor

> <sandyt@saveoursound.org<mailto:sandyt@saveoursound.org>>

> Sent: Monday, June 11, 2018 3:12 PM

> To: Michael D. MacAskill

> Subject: Permanent Protection for Nantucket Sound

>

>

> Selectman Macaskill,

>

>

>

> With Cape Wind over, the Alliance is now focusing on the final phase of

our mission - to secure permanent protection for Nantucket Sound. We are trying to accomplish this goal through federal legislation. To that end, I have attached a group letter addressed to the Massachusetts delegation supporting permanent protection through designation of Nantucket Sound as a National Historic Landmark as well as prohibition of federal authority to issue another lease for an energy project in the Sound. I am trying to get as many stakeholder groups on board as possible by the end of month.

>

>

>

> Please share with your fellow selectmen and advise me if and when you have

discussed and made a decision to join the group letter.

>

>
>
> If you have any questions, please give me a call or email me.
>
>
>
> Thank you very much for considering this request.
>
> Sandy
>
>
>
> Sandy Taylor
>
> Executive Assistant
>
> Alliance to Protect Nantucket Sound
>
> 4 Barnstable Road
>
> Hyannis, MA 02601
>
> 508-775-9767
>
> 508-775-9725 (f)
>
> sandyt@saveoursound.org<mailto:sandyt@saveoursound.org>
>
> www.saveoursound.org<http://www.saveoursound.org/>
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> <Group support letter June 26 2018.docx> <Group support letter July 12
> 2018 revised by AP.docx>

Alliance to Protect Nantucket Sound
American Bird Conservancy
Barnstable Clean Water Coalition
Barnstable Municipal Airport Commission
Cape Cod Chamber of Commerce
Cape Cod Marine Trades Association
Cape Cod Maritime Museum
Cape Wildlife Center
Cetacean Society International
Crosby Yacht Yard
Earth Island Institute/ International Marine Mammal Project
Gloucester Fishermen's Wives Association
Greater Hyannis Chamber of Commerce
Hy-Line Cruises
Hyannis Marina
Hyannis Port Civic Association
Mashpee Wampanoag Tribe
Massachusetts Commercial Fishermen
Massachusetts Competitive Partnership
Massachusetts Fishermen's Partnership
Massachusetts Lobstermen's Association
Martha's Vineyard Chamber of Commerce
Nantucket Anglers' Club
Nantucket Chamber of Commerce
Orenda Wildlife Land Trust
Osterville Anglers' Club
Osterville Historical Museum
Pegasus Foundation
Port of New Bedford
Save Popponesset Bay
South Shore Lobster Fishermen's Association
Town of Barnstable
Town of Dennis
Town of Edgartown
Town of Mashpee
Town of Nantucket
Town of Oak Bluffs
Town of Tisbury
Town of Yarmouth
The Trustees
Vineyard Conservation Society
Vineyard Wind
Wampanoag Tribe of Gay Head (Aquinnah)
Yarmouth Chamber of Commerce

August 9, 2018

Dear Senator Markey, Senator Warren and Congressman Keating:

We the undersigned write to you to urge you to introduce and support federal legislation to secure permanent protection for Nantucket Sound. Nantucket Sound and its historic, environmental, wildlife and cultural resources are of great importance to the regional economy - supporting commercial and recreational fishing, tourism, marine transportation, aviation, marine trades, and other businesses and industries that are vital to the Cape and Islands.

Permanent protection would preserve Nantucket Sound's rich cultural and tribal heritage and the historic features of its maritime history, including the role of our fishing industry. It would maintain the Sound's unique environment with respect to fish, marine mammals and birds. The area is a recognized habitat for many state and federally protected species, including roseate terns, piping plovers, sea turtles, right whales and grey seals. Protection would also promote tourism and benefit the regional economy of the Cape and Islands. As historic preservation advocates, environmentalists, commercial fishermen, tribes, businesses, chambers of commerce, municipalities, environmentalists, elected officials and others, we fully embrace this important preservation goal.

Nantucket Sound, Cape Cod and the Islands of Martha's Vineyard and Nantucket form an integral part of the maritime history of this country. The adjacent land areas are home to numerous historic properties, including the National Historic Landmarks of Nantucket Island and the Kennedy Compound in Hyannis Port. This unique ecosystem is home to many different species of wildlife, including federally protected birds, and several types of seals, porpoises, turtles and whales. The Sound supports a fishing industry that is of historic significance and continuing economic importance, and it attracts millions of visitors each year to drive our local tourist economy. Nantucket Sound also has sacred value to the Native American people of the region and, as such, has been designated a traditional cultural property eligible for listing on the National Register of Historic Places.

We fully support protection for the historic, environmental, cultural and tribal resources of Nantucket Sound while allowing for continued commercial and recreational fishing activities and other ecologically and economically sustainable uses of the marine environment, including the siting of electrical transmission infrastructure from responsibly-sited clean energy projects. We urge you to designate the Sound as a National Historic Landmark to recognize this unique cultural, tribal, environmental and maritime history. We also urge you to prohibit the issuance of any leases or permits authorizing energy generation projects in the Sound while ensuring that no regulatory or management authority of commercial or recreational fishing activities is added through this legislation. Furthermore, we urge that this legislation not in any way prohibit or otherwise impact the installation of transmission infrastructure that is used exclusively to connect to the mainland grid offshore wind generation facilities whose turbine arrays are located more than 10 miles from an inhabited area or that are located in upland locations.

Such a bill would be precedent-setting legislation that achieves protection of the many public interest values of an entire marine ecosystem and does so without imposing additional cost or management responsibilities on government or new regulatory requirements on businesses or the public. We appreciate your prompt attention to enactment of federal legislation to preserve this national treasure in perpetuity. Thank you.

Audra Parker
President and Chief Executive Officer
Alliance to Protect Nantucket Sound

Steve Holmer
Vice President of Policy
American Bird Conservancy

Zenas Crocker
Executive Director
Barnstable Clean Water Coalition

John T. Griffin, Jr.
Chairman
Barnstable Municipal Airport Commission

Wendy Northcross
Executive Director
Cape Cod Chamber of Commerce

Scott Zeien
President
Cape Cod Marine Trades Association

David McCaskey
Executive Director
Cape Cod Maritime Museum

Zak Mertz
Executive Director
Cape Wildlife Center

David Kaplan
President
Cetacean Society International

Gregory R. Egan
Vice President
Crosby Yacht Yard

Dave Phillips
Executive Director
Earth Island Institute/ International Marine Mammal Project

Angela Sanfilippo
Executive Director
Gloucester Fishermen's Wives Association

Todd Deluca
Executive Director
Greater Hyannis Chamber of Commerce

R. Murray Scudder, Jr.
Vice President/Operation
Hy-Line Cruises

Wayne Kurker
President
Hyannis Marina

Jake Filoon
President
Hyannis Port Civic Association

Nancy Gardella
Executive Director
Martha's Vineyard Chamber of Commerce

Chuckie Greene
Director Natural Resources
Mashpee Wampanoag Tribe

Ron Borjeson
Vice President
Massachusetts Commercial Fishermen

Dan O'Connell
President and Chief Executive Officer
Massachusetts Competitive Partnership

Angela Sanfilippo
Executive Director
Massachusetts Fishermen's Partnership

Arthur "Sooky" Sawyer
President
Massachusetts Lobstermen's Association

Kris Wiggin
President
Nantucket Anglers' Club

David W. Martin
President/CEO
Nantucket Island Chamber of Commerce

Theresa M. Barbo
Executive Director
Orenda Wildlife Land Trust

Bruce Cunningham
President
Osterville Anglers' Club

Jennifer Morgan Williams
Executive Director
Osterville Historical Museum

Barbara Birdsey
Founder
Pegasus Foundation

Ed Anthes-Washburn
Port Director and NBPA Executive Director
Port of New Bedford

Mike Oleksak
President
Save Popponesset Bay

John Haviland
President
South Shore Lobster Fishermen's Association

Mark Ells
Town Manager
Town of Barnstable

Board of Selectmen
Town of Dennis

Board of Selectmen
Town of Edgartown

Board of Selectmen
Town of Mashpee

Select Board
Town of Nantucket

Board of Selectmen
Town of Oak Bluffs

Board of Selectmen
Town of Tisbury

Dan Knapik
Town Administrator
Town of Yarmouth

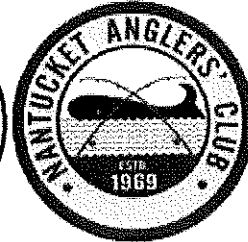
Barbara J. Erickson
President & CEO
The Trustees

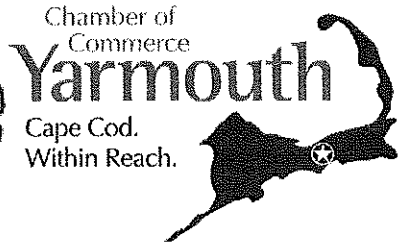
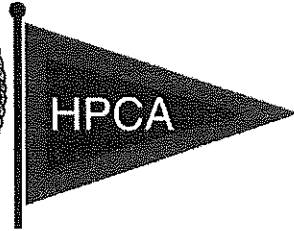
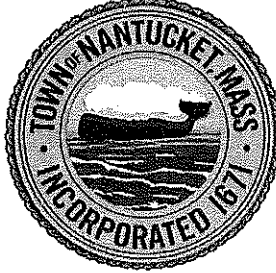
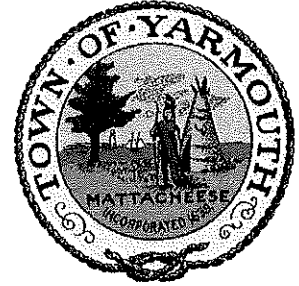
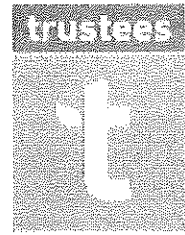
Brendan O'Neill
Executive Director
Vineyard Conservation Society

Erich Stephens
Chief Development Officer
Vineyard Wind

Cheryl Andrews-Maltais
Chairwoman
Wampanoag Tribe of Gay Head (Aquinnah)

Board of Directors
Yarmouth Chamber of Commerce





A Bill

To establish the Nantucket Sound National Historic Landmark, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1: SHORT TITLE.

This Act may be cited as the “Nantucket Sound National Historic Landmark Act.”

SECTION. 2: FINDINGS, PURPOSES AND POLICY.

(a) FINDINGS

The Congress finds and declares that:

- (1) Nantucket Sound, Cape Cod and the Islands of Martha’s Vineyard and Nantucket form an integral part of the maritime history of this country. Archeological resources and shipwrecks within the Sound are of historic and educational value in interpreting the maritime history of America, and the Sound supports a fishing industry that is of historic significance and continuing economic importance.
- (2) The adjacent land areas are home to numerous historic properties, including the National Historic Landmarks of Nantucket Island and the Kennedy Compound.
- (3) Nantucket Sound has sacred value to the Indian Tribes and Native American people of the region surrounding the Sound, including for providing an unobstructed view of the Sound to carry out their spiritual sun greeting and as the burial ground of ancestors on the seafloor that was once exposed land.
- (4) In recognition of its role as a traditional cultural property for the Native American exploration and settlement of Cape Cod and the Islands of Martha’s Vineyard and Nantucket, Nantucket Sound has been determined to be eligible for listing on the National Register of Historic Places.
- (5) Nantucket Sound and its historic and cultural resources are of great importance to the regional economy, supporting tourism, fishing, recreational, marine transportation, aviation, marine trades, and other businesses and industries that are vital to the Cape and Islands.

(b) PURPOSES

The purposes of this Act are to:

- (1) Preserve the cultural and tribal heritage of Nantucket Sound;
- (2) Preserve the unique historic features of Nantucket Sound’s maritime history, including the role of the fishing industry; and

- (3) Promote tourism and the regional economy associated with the historic and cultural attributes of Nantucket Sound.

(c) POLICY

It is further declared to be the policy of Congress that protection should be provided to the historic, cultural and tribal resources of Nantucket Sound while allowing for continued fishing activities and other ecologically and economically sustainable uses of the marine environment for future generations.

SECTION. 3: DEFINITIONS.

In this Act:

Nantucket Sound -- The term "Nantucket Sound" means the water body located below the mean low-water line that lies between the southern shore of Cape Cod (between Monomoy and Mashpee) and the Islands of Martha's Vineyard and Nantucket. The underlying seabed and Muskeget Channel are not within the scope of this definition.

SECTION. 4: PROHIBITIONS.

- (a) No federal agency shall issue a lease, permit or otherwise authorize, fund or carry out any action for an energy generation project or facility located within Nantucket Sound.
- (b) The prohibition of subsection (a) shall not apply to the installation and operation of any subsea cable on or below the seabed that transmits electricity to or from an upland area or an offshore renewable energy project located more than 10 miles from any inhabited area.

SECTION. 5: NANTUCKET NATIONAL HISTORIC LANDMARK.

Pursuant to 54 U.S.C. § 306107, Nantucket Sound shall be designated as a National Historic Landmark.

SECTION. 6: FISHING, CABLE INFRASTRUCTURE NOT AFFECTED

(a) Nothing in this Act shall be construed as modifying or affecting, or conferring additional authority for, the management and regulation of fishing activities or cable infrastructure as defined in section 4 (b) of this legislation under any state or federal law, within Nantucket Sound.

(b) Cable infrastructure as defined in section 4(b) shall be subject to the National Historic Preservation Act, to the extent it is applicable to any reviews or approvals for cable installation and operation, in accordance only with Nantucket Sound's designated status as a

traditional cultural property eligible for listing on the National Register of Historic Places in effect as of the date of enactment.

DRAFT

Town of Harwich Ad Hoc Harwich Port Parking Committee

Background In recent years the Village of Harwich Port has experienced municipal parking problems which have impacted local public ways. These problems are not uniformly felt throughout the area during all times or seasons. Nonetheless, the problem is cause for concern for the local residents and businesses worrying about parking availability and safety as parked cars overflow onto local roads and private parking facilities.

Ad Hoc Committee membership and terms. The committee shall consist of 7 members as follows: The Town Planner, The Chamber of Commerce Executive Director, Two (2) members of the local business community, and Three (3) local residents. As this is not a standing committee, appointments thereto shall not exceed August 31, 2019, prior to which recommendations shall be developed, presented and discussed with the Board of Selectmen.

Charge. The committee shall explore the most impacted areas of Harwich Port. When studying the scope of the problem, the committee shall give due consideration to stress factors, including seasonal variations in parking patterns, changes to parking patterns in the daytime versus the night and event-driven parking. In the course of considering recommendations, the committee shall explore alternate municipal parking availability throughout all the Villages of Harwich, efficient short term movement of people via vans, trolleys or bus accommodations, bicycling and/or walking from remote parking sites and seasonal parking time limits and/or fees. As part of the problem is caused by the increasing popularity of Harwich Port as a resort and its vibrant dining and shopping options, due consideration must be given to solutions which will not impede such activities but rather make them integrate better into daily life.

Meetings and Recommendations. The committee shall meet at sufficient intervals to submit a report no later than May 15th of 2019, but shall meet no less than once a month to that end. Periodic status reports shall be made to the Board of Selectmen at no less than 60 days intervals.

**Selectmen's Interview/Nominations Subcommittee
Selectmen's Office, Town Hall
Wednesday, August 15, 2018
9:00 a.m.**

AGENDA

I. CALL TO ORDER

II. NEW BUSINESS

- A. Interview applicant(s) for various committee vacancies including, but not limited to:
 - 1. Historic District/Historical Commission
 - 2. Golf Committee

- C. Miscellaneous discussion regarding appointments and/or procedure

III. 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 are a person with a disability who requires an accommodation, contact the Selectmen's Office at (508) 430-7512 ext. 2

Authorized Posting Officer:

Posted by: _____
Town Clerk

Sandra Robinson, Admin. Secretary

Date: August 9, 2018

INTERVIEWS – Wednesday, August 15, 2018 – 9:00 am

<u>TIME</u>	<u>APPLICANT:</u>	<u>VACANCY</u>	<u>TERM</u>
9:00 am	Julia Eldredge	<u>Historic District/Historical Commission</u> 2 Full Member vacancies One unexpired to 2019 3 Alternate Member vacancies	Full - Term to Expire 6/30/21
9:15 am	Steven Bilotta	<u>Golf Committee</u> 2 Full Member vacancies 3 year terms	Full - Term to Expire 6/30/21
9:30 am	John Connolly	<u>Golf Committee</u> 2 Full Member vacancies 3 year terms	Full - Term to Expire 6/30/21



HARWICHPolice
DEPARTMENT
183 Sisson Road, Harwich, MA 02645
Tel 508-430-7541 Fax 508-432-2530



DAVID J. GUILLEMETTE
Chief of Police

THOMAS A. GAGNON
Deputy Chief

Memorandum

TO: Board of Selectmen

Christopher Clark
Town Administrator

FROM: David J. Guillemette
Chief of Police

DATE: August 3, 2018

SUBJECT: **Liquor / Entertainment License violation report**



In accordance with Town of Harwich Liquor License Regulations section 1.16 I would like to bring to the board's attention entertainment license violations, in the form of music plainly audible beyond 150 feet, which occurred at The Mad Minnow Restaurant on various dates from July 3 through July 29, 2018.

The attached violation reports are for your consideration as to whether to hold a public hearing on the matter.

- Officers involved in responding to noise complaints can be made available for testimony at any hearing.



HARWICH Police

DEPARTMENT

183 Sisson Road, Harwich, MA 02645

Tel 508-430-7541

Fax 508-432-2530



MEMORANDUM

Date: July 31, 2018
To: Chief David J. Guillemette
From: Lt. Considine *K*
Re: Entertainment Violations at Mad Minnow Bar and Kitchen

Chief,

Please find below the entertainment violations we have had at the Mad Minnow Bar and Kitchen. All three complaints were received from the same reporting party.

1. On July 3, 2018 at 21:16 we received a call from Mr. Robert Coan at 29 Pleasant Street calling in a noise complaint. Officer Larivee investigated and the music from the outside patio and it was clearly audible at a distance of more than 150 feet from the Mad Minnow. Officer Larivee made contact with the owner Michael Strangfeld. Mr. Strangfeld was made aware of the violation and the music was lowered. I was also on duty that night and I also spoke to Mr. Strangfeld to advise him of the valid noise complaint and that he would be receiving a letter to document the incident and this would be the establishments one written warning for their first offense. Mr. Strangfeld stated he understood.
2. On July 10, 2018 at 19:21 a call was received from Mr. Robert Coan reporting a noise complaint from the Mad Minnow. When Officer Ruggiero arrived, he could not hear music. When Officer Ruggiero went to speak to the reporting party, he could now hear music. This music was confirmed to be from the Mad Minnow at a distance greater than 150 feet. Mr. Strangfeld was advised of the complaint and the speakers were turned down. It appears that when the officer drove by prior to going to the reporting party's residence the musician was on a break.
3. On July 29, 2018 at 17:43 a call was received from Mr. Robert Coan reporting a noise complaint at the Mad Minnow. The officer could not hear any music as he drove by the Mad Minnow but when he arrived at the reporting party's residence, he could hear music coming from the Mad Minnow at a distance greater than 150 feet. It appears that when the officer drove by prior to going to the reporting party's residence the musician was on a break.

4. NARRATIVE OF LT. KEVIN CONSIDINE: On July 31, 2018 20:20 hours we received a call from Mr. Coan reporting noise from outside entertainment at the Mad Minnow. When I drove by the Mad Minnow there was no noise and the musician, who was a lone acoustic guitar player, was on a break. As soon as I drove to Mr. Coan's house, I could clearly hear the music playing. I spoke to Mr. Coan and advised him of our process for these noise violations. After speaking to Mr. Coan I went to the intersection of Miles and Cross and could still clearly hear the music from the Mad Minnow.

I responded to the Mad Minnow and spoke to managing partner Tony. I advised Tony of the valid noise complaint and he was going to shut the music down for the night. I also told Tony that I had spoken to the owner Michael on July 3 (the first noise complaint of the summer). Tony was not aware of this or other times HPD officers have spoken to ownership about the noise.



HARWICH Police

DEPARTMENT

183 Sisson Road, Harwich, MA 02645

Tel 508-430-7542

Fax 508-432-2530



Sent cent-copy
7/24/18

Kmc

MT Group d/b/a Mad Minnow Bar and Kitchen
Michael Strangfeld, Manager
554 Route 28
Harwich Port, Ma 02646

Dear Mr. Strangfeld,

This letter is to follow up on our conversation on the night of July 3, 2018 regarding the noise complaint at Mad Minnow.

On July 3, 2018 the Harwich Police received a call from a resident on Pleasant Street calling in the noise complaint. The officer made contact with the resident. The officer indicated the music was clearly audible at a distance of more than 150 feet away from the Mad Minnow. A separate officer on duty also heard the music in the area of Cross and Miles Street.

The officer traveled to the Mad Minnow to confirm that he was hearing the same music and it was confirmed that the music was coming from the Mad Minnow.

The officer and myself both spoke to you about the violation and you were very helpful and you immediately offered to lower the music which took care of the problem.

As our procedure with these violations, we offer the establishment one written warning per season. This serves as your written warning for the violation on July 3, 2018.

I wish to thank you for your immediate attention to this complaint on that night, it is very much appreciated.

Sincerely,

Lt. Kevin Considine
Operations Division



Incident Report

08/01/2018

Incident #: 18-7948-OF

Call #: 18-7948

Date/Time Reported: 07/03/2018 2116
Report Date/Time: 07/04/2018 0759
Status: No Crime Involved

Reporting Officer: Patrol John Larivee
Approving Officer: Sergeant Adam Hutton

Signature: _____

Signature: _____

Table with columns: # INVOLVED, SEX, RACE, AGE, SSN, PHONE. Row 1: STRANGFELD, MICHAEL, M, W, 00, NOT AVAIL. Includes additional fields: Military Active Duty: N, BODY: NOT AVAIL, DOB: NOT AVAIL, LICENSE NUMBER: NOT AVAIL, COMPLEXION: NOT AVAIL, PLACE OF BIRTH: NOT AVAIL, ETHNICITY: NOT HISPANIC.

EVENTS (S)

LOCATION TYPE: Restaurant/Cafeteria Zone: HARWICHPORT
MAD MINNOW
554 RT 28
HARWICH MA 02645

1 NOISE COMPLAINT

On 07/03/18, at approximately 9:16 pm, I, Officer Larivee, was dispatched to the Mad Minnow, 554 Route 28, for a noise complaint.

Upon arrival in the area, I first drove past the callers residence, 29 Pleasant Street. I noticed that there were two people sitting outside at the residence. I noted that the music did not appear excessive but was clearly audible. Sergeant Brackett however indicated that he was in the area a short time earlier and could clearly hear the music from the area of Cross Street and Miles Street. Both locations are more than 150 feet away from the Mad Minnow. This would be a violation of the current town By-Law Chapter 189-1.

I then continued to the Mad Minnow where I confirmed it was the same music that I could hear. I noted that there was musician playing a guitar and singing on the outdoor patio, closest to the building. The music was amplified by a speaker.

A male who was standing outside the establishment, closest to the patio entrance, greeted me when I arrived. He indicated that he worked there and I asked him who the manager was. The male indicated that he was the manager and verbally provided me with his name, Michael Strangefeld. I advised him of the complaint and he was cooperative. He immediately offered to turn down the speaker and did.

I returned to the callers residence. He was still outside and I made contact with him. He indicated that he had called the business twice and asked them to turn down the music. He indicated that the music volume did not change so he called the police. While talking to the caller, I noted that I could no longer hear the music. I could however hear the sounds of fireworks in the area due to it being July 3rd.

The following is a narrative from a noise complaint that occurred on July 10, 2018:

On July 10, 2018 at 1921hrs. I, Officer Ron Ruggiero, was dispatched to the Mad Minnow, 554 Route 28, for a noise complaint. Upon my arrival to the area, I traveled in from the west down Pleasant Street. I took a right onto Schoolhouse Road and was unable to hear any music playing. As I continued on through the Schoolhouse parking lot, I still could not hear any music.

I parked directly behind the Mad Minnow patio and shortly thereafter a male started playing a guitar. A few moments later he began singing into a microphone. I entered the establishment and spoke with the manager, Michael Strangefeld. I advised Mr. Strangefeld of the complaint. Mr. Strangefeld stated that he did not want any problems with the neighbors and proceeded outside to turn the speakers down.

I then proceeded to speak with the reporting party, Robert Cohan, who resides at 29 Pleasant Street. Mr. Cohan led me to his back yard where the music could be heard faintly. Mr. Cohan claimed that his backyard is 600 feet away from the Mad Minnow's patio. I could not confirm this distance. I informed Mr. Cohan that the violation would be documented and told him to call back should he have any further issues.

Respectfully Submitted,

Officer Ronald Ruggiero - #195

This report is for a noise violation that occurred on Sunday July 29, 2018 at the Mad Minnow restaurant.

On Sunday July 29, 2018 at approximately 1743 hours I was dispatched to the area of the Mad Minnow restaurant for a noise complaint. I proceeded down Route 28 and passed directly through the parking lot of the restaurant at which time they had no music playing.

I went to the RP's residence and explained to him my findings. I could then hear music coming from the area of the Mad Minnow. Again, the RP, Robert Cohan informed me that his residence was 600 feet from the restaurant. I could not confirm this distance. I advised him of what the by-law is and how it would be handled.

The music was audible outside the 150 foot radius.

Respectfully Submitted, _____ 198
Daniel J Donovan

Patrol

Report of Lt. Kevin Considine concerning the noise complaint at the Mad Minnow.

On July 31, 2018 20:20 hours we received a call from Mr. Coan reporting noise from outside entertainment at the Mad Minnow. When I drove by the Mad Minnow there was no noise and the musician, who was a lone acoustic guitar player, was on a break. As soon as I drove to Mr. Coan's house, I could clearly hear the music playing. I spoke to Mr. Coan and advised him of our process for these noise violations. After speaking to Mr. Coan I went to the intersection of Miles and Cross and could still clearly hear the music from the Mad Minnow.

I responded to the Mad Minnow and spoke to managing partner Tony. I advised Tony of the valid noise complaint and he was going to shut the music down for the night. I also told Tony that I had spoken to the owner Michael on July 3 (the first noise complaint of the summer). Tony was not aware of this or other times HPD officers have spoken to ownership about the noise.

NUMBER
18-03S

THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF HARWICH

FEE
\$75.00

**LICENSE FOR INNOLDERS, COMMON VICTUALLERS
AND OTHER KEEPERS OF RESTAURANTS AND OTHER ESTABLISHMENTS**

In accordance with the provisions of Chapter 140 of the General laws as amended by Chapter 299 of the Acts of 1926, and amendments thereto, LICENSE is hereby granted to:

Mad Minnow Bar & Kitchen

to conduct the amusements as herein described in connection with his regular business of innholder, common victualler, or owner, manager or controller of a café, restaurant or other eating or drinking establishment, on the premises owned by Same

of Harwich Port located at 554 Route 28

Description of Premises: Same

Description of amusements to be conducted: Recorded or live music.

To be conducted on week days between the hours of: 12:00 p.m. to 10:00 p.m. inside and outside

This LICENSE is granted as subject to the provisions of the General Laws, chapter one hundred and forty, sections twenty-two to thirty-two inclusive, and of chapter two hundred and seventy-two, sections twenty-five to twenty-seven inclusive, and amendments thereto, and shall not be valid for a location other than as herein described.

Date: April 1, 2018

License granted by:



J. Ballantyne

EXPIRES DECEMBER 31, 2018

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE

Inside Entertainment - Noise from entertainment may not create a nuisance or be heard outside the boundaries of the premises. **Outside Entertainment** - Noise from entertainment must be at reasonable sound levels which are not plainly audible at a distance of 150 feet from boundary line or source of sound amplification system whichever is further.

Suggested Minimum Regulations which will be required by the Licensing Authorities before approval of Licenses issued in accordance with the provisions of Chapter 299, Acts of 1926 and amendments thereto.

1. This license is granted and approved subject to compliance with the laws of this Commonwealth relative to the exposing, sale and keeping of liquor or other intoxicating beverages and with compliance with the following conditions: —

2. The premises shall be open at all times to inspection by any police officer or constable of the town, or by any State Police Officer.

3. No person or persons under the influence of intoxicating liquor or other intoxicating beverage, or having the appearance thereof, shall be granted admittance to or be permitted to remain in or upon any of the premises described in this license.

4. No dialogue, gesture, song, language or conversation of any description which is directly or indirectly obscene, lascivious or suggestive, shall be permitted to be used by any person or persons while in or upon the premises.

5. Music or suggestive dancing or any description or form is prohibited.

6. Gaming of any description, games at which a prize is offered, any game where money is exposed as a prize or inducement, wheels of change and jingle boards are prohibited.

7. Private dining rooms, booths or enclosures for the accommodation of less than four persons shall not be permitted and not less than four persons shall be allowed or permitted to occupy any such room or enclosure.

8. Rooms used for dining rooms and for dancing shall be so lighted as to render it possible to distinguish any person by every other person therein at all times.

9. The license will be suspended for non-compliance with any of the laws of this Commonwealth relating to this particular establishment, and may, after a hearing, be revoked.

10. Non-compliance with the provisions of any of the above regulations will be sufficient cause for suspension, and after hearing the license may be revoked.

By authority of and in compliance with the provisions of Chapter 299, Acts of 1926, and amendments thereto, the above minimum rules and regulations are hereby prescribed and approved.

Board of Selectmen

Sandy Robinson

From: Brian Wall <bjw@troywallassociates.com>
Sent: Tuesday, July 03, 2018 3:29 PM
To: Sandy Robinson
Cc: Christopher Clark
Subject: RE: Harwich Pines Association, Inc. Appeal

Sandy:

This serves to confirm receipt of your email and to acknowledge the new date for the hearing.

Thank you.

Brian

From: Sandy Robinson <srobinson@town.harwich.ma.us>
Sent: Tuesday, July 3, 2018 2:46 PM
To: Brian Wall <bjw@troywallassociates.com>
Cc: Christopher Clark <cclark@town.harwich.ma.us>
Subject: Harwich Pines Association, Inc. Appeal

Mr. Wall:

I am writing to let you know that the matter of the Harwich Pines Association Mooring Permit appeal will **not** be on the July 9 Board of Selectmen agenda. Rather, it will be placed on the following agenda for July 23, 2018. Please confirm receipt of this mail.

Thank you.
Sandy

*Sandra Robinson
Selectmen/Administrator's Office
srobinson@town.harwich.ma.us
(508) 430-7513 ext. 3320*

TW TROY WALL ASSOCIATES

ATTORNEYS AND COUNSELLORS AT LAW
A PROFESSIONAL ASSOCIATION OF INDIVIDUAL PRACTITIONERS*

90 ROUTE 6A, SANDWICH, MASSACHUSETTS 02563
TELEPHONE: (508) 888-5700

ROBERT S. TROY
rst@troywallassociates.com

BRIAN J. WALL
bjw@troywallassociates.com

June 14, 2018



Julie E. Kavanagh, Chair
Board of Selectmen
Town of Harwich
732 Main Street
Harwich Center, MA 02645

Re: **Harwich Pines Association, Inc.**
Appeal of Harbormaster Decision to Deny Mooring Permit
And Application for Special Purpose Mooring Permit

Dear Chair Kavanagh:

Please be advised that this office represents the Harwich Pines Association, Inc. ("Association"). This serves as the Association's appeal, pursuant to Section 21.0 of the Harwich Harbor Management Plan and Mooring and Slip Regulations ("Regulations"), of a decision of the Harbormaster denying the Association Mooring Permits for two moorings. In the alternative, this serves as the Association's request for a Special Purpose Mooring Permit for two moorings pursuant to Section 3.13 of the Regulations.

FACTUAL AND PROCEDURAL BACKGROUND

The Association is a non-profit homeowners' association comprised of fourteen residential properties situated on Harwich Pines, a private way in Harwich. Six of the properties have waterfront on Long Pond; the other eight properties are on the opposite side of the way and are not waterfront. A copy of the subdivision plan showing the properties is attached as **Exhibit 1**.

The Association's purpose is to maintain the amenities within the subdivision, including the roads, and to provide and maintain recreational facilities, including a common beach situated on a 0.2 acre lot with waterfront on Long Pond owned by the Association. See, **Exhibit 1**. A copy of the Association Articles of Organization is attached as **Exhibit 2**. All fourteen property owners have deeded rights to use the lot and the common beach "for all the usual purposes for which beaches are used in the Town of Harwich." An exemplar Deed is attached as **Exhibit 3**.

The non-waterfront residents have, from time to time, moored boats in the waters of Long Pond off the common beach. Each summer season since the 1970's, one or two moorings have been in the water and between one to four boats have been moored on the moorings. This use has continued without issue for more than forty years.

In 2012, Harbormaster Tom Leach retired after four decades of service and John Rendon became the new Harbormaster. Upon assuming his new position, Mr. Rendon adopted an interpretation of the Regulations that was different from that of Harbormaster Leach. Acting on the new interpretation, Harbormaster Rendon issued warnings to Association members' boats on the grounds that the moorings were not permitted and he informed the Association that he interpreted the Regulations as allowing owners of properties with frontage on a waterbody to have moorings, but not owners of properties with deeded access to waterfront lot.

The Association has had multiple discussions with the Harbormaster regarding the moorings off the Association beach, but the Harbormaster maintains that the Association is ineligible for a permit under Section 3.9(I) of the Regulations. More specifically, the Harbormaster deems the Association ineligible because the Harbormaster does not consider the Association's common lot as being "residential property [that] has waterways frontage."

The Association is aggrieved by the Harbormaster's decision and appealed to the Waterways Committee. After a hearing on December 6, 2017, the Waterways Committee affirmed the Harbormaster's decision.

Pursuant to Section 2.0 of the Regulations, the Association now appeals to the Board of Selectmen.

In the alternative, the Association requests the Board of Selectmen, pursuant to Section 3.13 of the Regulations, to approve a Special Purpose Mooring Permit for two moorings for the Association.

ARGUMENT

I. The Relevant Provisions Of The Regulations.

The Regulations were adopted by the Town in 2004 "to promote public safety, define proper area usages and encourage mariner awareness through local Water By-Laws and Harwich Harbor rules and regulations." § 1.0(a). The Regulations are expressly intended to "make assignment of moorings ... fair, equitable and transparent" and to

“enhance the enjoyment of the harbors for the recreational boater and the usability/functionality for all commercial boaters and the benefit of the Harwich residents.” Id.

The Regulations provide that the Harbormaster “shall assign moorings on an annual basis including moorings furnished or controlled by private clubs, private boat yards, marinas, and individual owners.” § 3.9(A). No person may “cause a mooring to be placed in Harwich waters except as assigned by the Harbormaster.” Id.

Private property moorings are permitted pursuant to § 3.9(I) of the Regulations, which provides, in relevant part:

If the following three (3) criteria apply, the Harbormaster may consider a private property mooring:

- 1. The residential property has waterways frontage*
- 2. The residential property does not border on an established mooring area*
- 3. The residence is located more than one-half mile by water from a town landing (this does not apply to moorings in Long Pond)*

The property owner may apply to the Harbormaster for a mooring permit to be assigned to the vessel owned by the property owner. The Harbormaster shall determine if the placement of the mooring is appropriate in his sole determination. The Harbormaster may, at his sole discretion, allow up to two such mooring permits per property. The mooring shall be set back a minimum of 15 feet from the side yard property lines as extended into the water.

II. The Association Is Eligible For A Private Property Mooring Permit Under The Plain Meaning Of The Regulation.

The Harbormaster denied the Association’s request for a Mooring Permit on the grounds that the Association’s common lot did not meet criterion 3.9(I)(2), which requires that the property at issue be “residential property” and that it have “waterways frontage.”

The term “residential property” is not defined in the Definitions section of the Regulations. *See*, § 2.0. Thus, the Harbormaster’s denial decision is based upon his interpretation of the words “residential property.” The Association respectfully contends that the Harbormaster’s interpretation is incorrect legally and factually.

When called upon to interpret statutory language, Massachusetts Courts look “to the intent of the Legislature ascertained from all its words construed by the ordinary and approved usage of the language, considered in connection with the cause of its enactment, the mischief or imperfection to be remedied and the main object to be accomplished, to the end that the purpose of its framers may be effectuated.” Franklin Office Park Realty Corp. v. Comm'r of the Dep't of Env'tl. Prot., 466 Mass. 454 (2013), *quoting* Boston Police Patrolmen's Ass'n, Inc. v. Boston, 435 Mass. 718, 719–720 (2002).

“A fundamental tenet of statutory interpretation is that statutory language should be given effect consistent with its plain meaning and in light of the aim of the Legislature unless to do so would achieve an illogical result.” Herrick v. Essex Reg'l Ret. Bd., 77 Mass.App.Ct. 645, 666 (2010), *quoting*, Sullivan v. Brookline, 435 Mass. 353, 360 (2001). “[W]hen the meaning of a statute is at issue, the initial inquiry focuses on the actual language of that statute. ‘Where the language of a statute is clear and unambiguous, it is conclusive as to legislative intent.’” Martha's Vineyard Land Bank Commn. v. Board of Assessors of West Tisbury, 62 Mass.App.Ct. 25, 27 (2004), *quoting from* Pyle v. School Comm. of S. Hadley, 423 Mass. 283, 285 (1996). “A statute is plain and unambiguous if ‘virtually anyone competent to understand it, and desiring fairly and impartially to ascertain its signification, would attribute to the expression in its context a meaning such as the one we derive, rather than any other; and would consider any different meaning, by comparison, strained, or far-fetched, or unusual, or unlikely.’” Martha's Vineyard, *supra* at 28 n. 4, *quoting from* New England Med. Center, Inc. v. Commissioner of Rev., 381 Mass. 748, 750 (1980).

Since the terms at issue are not defined in the Regulations, the plain and ordinary meaning of the words should be utilized. Lussier v. Zoning Board of Appeals of Peabody, 447 Mass. 531, 34 (2006) (Meanings of words used, but not defined in the ordinance or bylaw, are determined according to common and approved usages).

Webster’s Dictionary defines “residential” and “property”, in pertinent part, as follows:

Residential

- 1.a: used as a residence or by residents
- 2: restricted to or occupied by residences; a residential neighborhood
- 3: of or relating to residence or residences.

Property

- 2.a: something owned or possessed; specifically: a piece of real estate
- b: the exclusive right to possess, enjoy, and dispose of a thing: ownership
- c: something to which a person or business has a legal title

The Association's common lot meets the definition of "property" because it is "a piece of real estate" which is "owned or possessed" by the Association and to which the members have the "exclusive right to possess and enjoy." Similarly, the Association's common lot meets the definition of "residential" because it is in a "residential neighborhood;" it "relates to the residences" that are in the neighborhood; and it is "used by the residents." Thus, under the plain and ordinary meaning of the words in the Regulation, the Association's common lot is "residential property." Since the lot fronts upon Long Pond, the lot has "waterways frontage."

Moreover, the Association's common lot is in an R-R Zoning District. Thus, the property is zoned for residential use under the Harwich Zoning Bylaw. Use of the common beach by the members of the Association is certainly not commercial.

The Harbormaster has interpreted the phrase "residential property" with "waterways frontage" to mean a waterfront lot with a residential structure upon it. Given the dictionary definitions referenced above, this is an unnecessarily restrictive interpretation. Indeed, when applied to a vacant waterfront lot, this interpretation would deprive the property owner of eligibility for a mooring.

The interpretation also deprives property owners with deeded easements to access the water the ability to maintain a boat on a mooring because, under the Harbormaster's interpretation, such property owners do not own property with waterways frontage. This interpretation ignores the fact that the easement to use the beach lot is an interest in property and affords legal access the water. In other words, the easement is part of the owners' property and confers access to the water. Thus, the back lot owners do have an ownership interest in a property with frontage on a waterbody. This satisfies the requirements of the Regulation.

III. Interpreting The Regulation To Accomplish Its Purpose Makes It Manifest That The Association Is Eligible For A Mooring Permit.

The objective of statutory construction is "to ascertain the true intent of the Legislature from the words used. If a liberal, even if not literally exact, interpretation of certain words is necessary to accomplish the purpose indicated by the words as a whole, such interpretation is to be adopted rather than one which will defeat that purpose." Deadrick v. Zoning Bd. of Appeals of Chatham, 85 Mass.App.Ct. 539 (2014); *citing* Dennis Hous. Corp. v. Zoning Bd. of Appeals of Dennis, 439 Mass. 71, 83 (2003), *quoting from* Champigny v. Commonwealth, 422 Mass. 249, 251 (1996).

The intent of the Regulations is clearly expressed in the "Purpose" section as follows: to make assignments of moorings "fair and equitable," "to enhance the enjoyment

for the recreational boater,” and “to the benefit of the Harwich residents.” The interpretation suggested by the Association is consistent with and will effectuate the purpose of the Regulations. The Harbormaster’s interpretation is contrary to the purpose of the Regulations and, when applied to the Association’s common lot, defeats the purpose of the Regulations and unnecessarily denies the residents of Harwich Pines the use and enjoyment of a boat on Long Pond.

IV. The Association Was Eligible For A Mooring Permit Under the Historical Interpretation Of The Regulation.

The Association’s assertion that it is eligible for a Mooring Permit is supported by history: The Association has maintained moorings off the common beach for 40+ years. More significantly, the Association’s assertion is supported by the Town’s prior interpretation of the Regulations.

The Regulations were initially adopted by the Board of Selectmen on January 26, 2004. The Regulations were interpreted from 2004 to 2012 as allowing moorings off the Association beach. The provisions of Section 3.9(I) have not changed – only the interpretation has.

The new interpretation is predicated upon the Harbormaster’s construction of the phrase “residential property.” As argued above, the Association asserts that the plain and ordinary meaning of the words in the Regulation does not support the new interpretation and results in the conclusion that Association is eligible for a Mooring Permit. Assuming *arguendo* that there is some ambiguity in the Regulation, the Town’s historical interpretation of the Regulation should be given deference.

REQUEST FOR SPECIAL PURPOSE MOORING PERMIT

Without prejudice to the arguments set forth above, the Association requests, in the alternative, that the Board of Selectmen grant the Association a Special Purpose Mooring Permit for two moorings off the Association’s common beach.

The Regulations define a “Special Purpose Mooring” as follows:

Mooring, Special Purpose: A mooring granted to a yacht club or other business, by the Board of Selectmen. Special purpose moorings are meant to promote water sports and/or boating education. The fee for special purpose moorings shall be the same as the resident mooring fees. Upon any change in ownership of the foregoing entities, the new entity may apply for

June 14, 2018

Page 7

the related mooring permits however; control of the moorings does not automatically transfer. It is intended that special purpose moorings be used only for boats owned, leased or used by special purpose mooring permit holders, or by their patrons, customers or members.

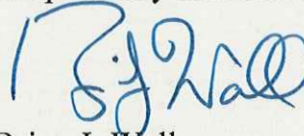
The Association is not a yacht club or a for-profit business, but it is a non-profit corporation duly organized under Massachusetts General Laws Chapter 180 and its business is to provide and maintain the roads and ways, and the beach, for the use and benefit of the members of the Association. See, **Exhibit 1**. Thus, the Association is similar in nature and kind to a yacht club and falls under the aegis of the term "business" and is eligible for a Special Purpose Mooring permit. If granted, the moorings would be used solely for mooring boats owned by members of the Association, consistent with the last sentence in the definition.

There is precedent for granting such Special Purpose Moorings. The Pleasant Bay Cruising Club, assignee of SPM #669, is a private club, not a for-profit business.

CONCLUSION

WHEREFORE, for all the foregoing reasons, the Association respectfully requests the Board of Selectmen (1) to grant their appeal of the decision of the Harbormaster and issue a ruling that the Association shall be issued a Private Property Mooring Permit for two moorings off the Association's common beach, and/or, in the alternative, (2) to issue the Association a Special Purpose Mooring Permit for two moorings off the Association's common beach.

Respectfully submitted,



Brian J. Wall

Enclosures

Cc: Neil Weinbaum, President

EXHIBIT 1

175-93

SUBDIVISION PLAN OF LAND IN EAST HARWICH

AS MADE FOR

JOSEPH H. NICKERSON

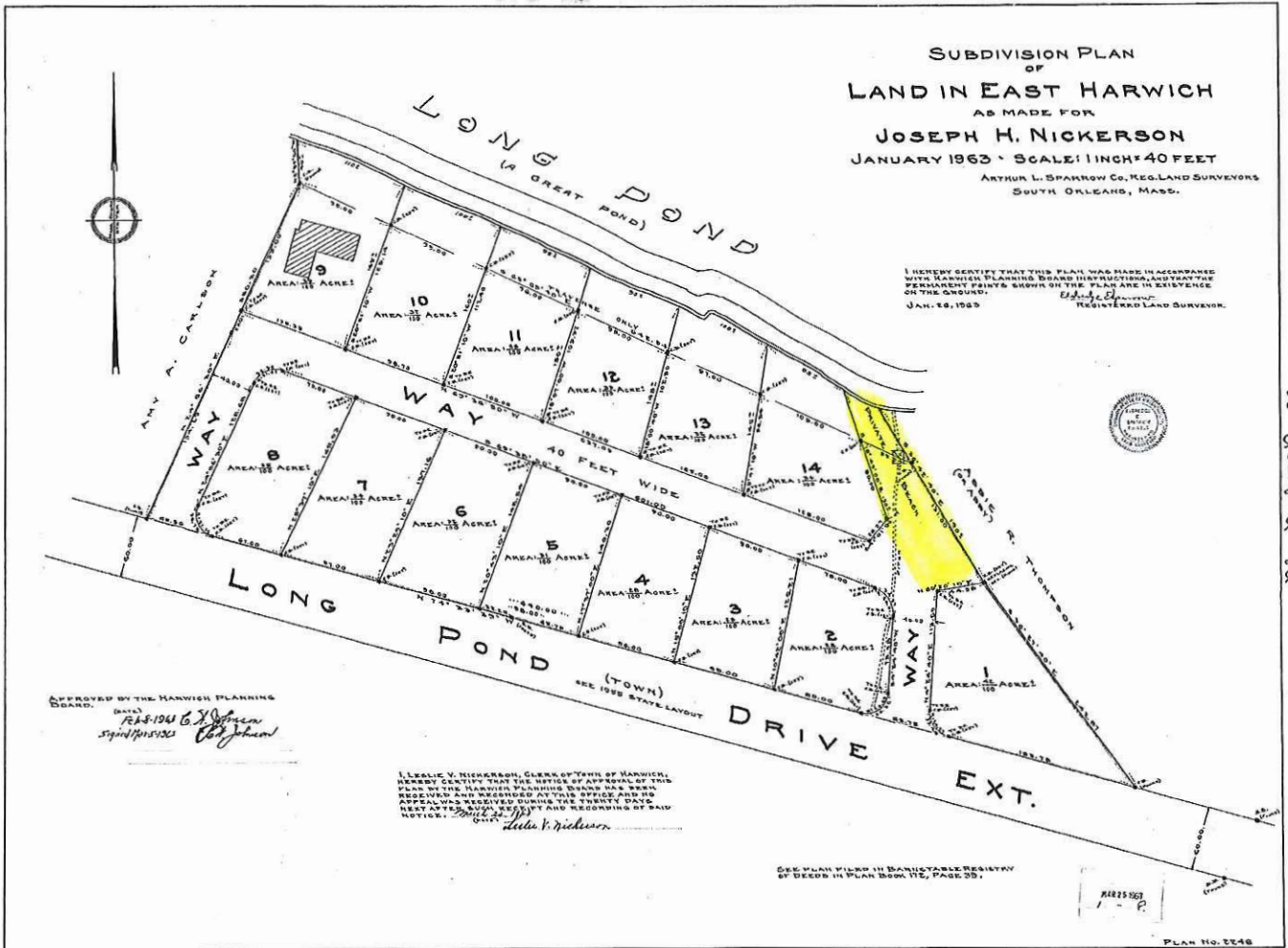
JANUARY 1963 - SCALE: 1 INCH = 40 FEET

ARTHUR L. SPARKOW Co., REG. LAND SURVEYORS
SOUTH ORLEANS, MASS.

I HEREBY CERTIFY THAT THIS PLAN WAS MADE IN ACCORDANCE
WITH HARWICH PLANNING BOARD INSTRUCTIONS, AND THAT THE
PERMANENT MARKS SHOWN ON THE PLAN ARE IN EXISTENCE
ON THE GROUND.
JAN. 20, 1963
Arthur L. Sparkow
REGISTERED LAND SURVEYOR



Plan Book 175 Page 93



APPROVED BY THE HARWICH PLANNING BOARD.
(DATE) 7-28-1961
Signatures: [Illegible]

I, LESLIE V. NICKERSON, CLERK OF TOWN OF HARWICH, HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE HARWICH PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL HAS BEEN RECEIVED DURING THE THREE-DAY PERIOD AFTER THE DATE OF NOTICE AND RECORDING BY SAID NOTICE.
Date: [Illegible]
Leslie V. Nickerson

SEE PLAN FILED IN DUNSTABLE RESERVATION OF DEEDS IN PLAN BOOK 172, PAGE 25.

RECORDS
1 - P

PLAN No. 2246

EXHIBIT 2

The Commonwealth of Massachusetts

JOHN F.X. DAVOREN

Secretary of the Commonwealth

STATE HOUSE
BOSTON, MASS. 02133

ARTICLES OF ORGANIZATION

(Under G.L. Ch. 180)

Incorporators

NAME

RESIDENCE

Include given name in full in case of natural persons; in case of a corporation, give state of incorporation.

Willihard T. Ohman, Long Pond Drive, East Harwich, Mass. 02645

Theodora I. Corovillis, Long Pond Drive, East Harwich, Mass. 02645

Edith H. Paulu, Long Pond Drive, East Harwich, Mass 02645

The above-named incorporator(s) do hereby associate (themselves) with the intention of forming a corporation under the provisions of General Laws, Chapter 180 and hereby state(s):

1. The name by which the corporation shall be known is:

Harwich Pines Association, Inc.

2. The purposes for which the corporation is formed are as follows:

To provide and maintain recreational facilities, including but not limited to a beach and other amenities, including roads and ways, for the use and benefit of members and guests of the Harwich Pines Association, Inc.; to raise through solicitation, dues or otherwise collect and receive funds and bequests; and to administer such funds and bequests for the purposes of the Corporation; to acquire or lease property, both real and personal, by purchase, gift, devise or grant, and to maintain, repair, improve, insure, sell, lease or mortgage such property in order to attain the purposes of the Corporation; to do such lawful acts and carry out all lawful purposes as are now permitted by General Laws or may be permitted by amendments thereof, or any additions thereto.

NOTE: If provisions for which the space provided under Articles 2, 3 and 4 is not sufficient, additions should be set out on continuation sheets to be numbered 2A, 2B, etc. Indicate under each Article where the provision is set out. Continuation sheets shall be on 8½" x 11" paper and must have a left-hand margin 1 inch wide for binding. Only one side should be used.

3. If the corporation has more than one class of members, the designation of such classes, the manner of election or appointment, the duration of membership and the qualification and rights, including voting rights, of the members of each class, are as follows:—

One Class Only.

- 4. Other lawful provisions, if any, for the conduct and regulation of the business and affairs of the corporation, for its voluntary dissolution, or for limiting, defining, or regulating the powers of the corporation, or of its directors or members, or of any class of members, are as follows:—

None.

5. By-laws of the corporation have been duly adopted and the initial directors, president, treasurer and clerk or other presiding, financial or recording officers whose names are set out below, have been duly elected.
6. The effective date of organization of the corporation shall be the date of filing with the Secretary of the Commonwealth or if later date is desired, specify date, (not more than 30 days after date of filing.)
7. The following information shall not for any purpose be treated as a permanent part of the Articles of Organization of the corporation.

a. The post office address of the initial principal office of the corporation in Massachusetts is:

Long Pond Drive, East Harwich, Massachusetts 02645

b. The name, residence, and post office address of each of the initial directors and following officers of the corporation are as follows:

NAME	RESIDENCE	POST OFFICE ADDRESS
President: Willihard T. Ohman	Long Pond Drive East Harwich, Mass.	Long Pond Drive East Harwich, Mass. 02645
Treasurer: Theodora I. Corovillis	Long Pond Drive East Harwich, Mass.	Long Pond Drive, East Harwich, Mass. 02645
Clerk: Edith H. Paulu	Long Pond Drive East Harwich, Mass.	Long Pond Drive East Harwich, Mass. 02645

Directors: (or officers having the powers of directors)

Willihard T. Ohman,	Long Pond Drive, East Harwich, Mass.	Long Pond Drive East Harwich, Mass. 02645
Theodora I. Corovillis,	Long Pond Drive East Harwich, Mass.	Long Pond Drive East Harwich, Mass. 02645
Edith H. Paulu,	Long Pond Drive, East Harwich, Mass.	Long Pond Drive East Harwich, Mass. 02645

c. The date initially adopted on which the corporation's fiscal year ends is:

December thirty-first.

d. The date initially fixed in the by-laws for the annual meeting of members of the corporation is:

Fourth Saturday in June.

e. The name and business address of the resident agent, if any, of the corporation is:

None.

IN WITNESS WHEREOF and under the penalties of perjury the above-named INCORPORATOR(S) sign(s) these Articles of Organization this 22nd day of July 19 74

Willihard T. Ohman
 Theodora I. Corovillis
 Edith Paulu

The signature of each incorporator which is not a natural person must be by an individual who shall show the capacity in which he acts and by signing shall represent under the penalties of perjury that he is duly authorized on its behalf to sign these Articles of Organization.

14426

RECORDED
JUL 26 1974
CORPORATION DIVISION
SECRETARY'S OFFICE

THE COMMONWEALTH OF MASSACHUSETTS

ARTICLES OF ORGANIZATION
GENERAL LAWS, CHAPTER 180

I hereby certify that, upon an examination of the within-written articles of organization, duly submitted to me, it appears that the provisions of the General Laws relative to the organization of corporations have been complied with, and I hereby approve said articles; and the filing fee in the amount of \$30.00 having been paid, said articles are deemed to have been filed with me this 23rd day

of July 1974
John F. X. Davoren

Effective date

JOHN F. X. DAVOREN
Secretary of the Commonwealth

TO BE FILLED IN BY CORPORATION
CHARTER TO BE SENT TO

William A. Doherty, Jr., Esquire
Office of Robert D. Hall

561 Main Street

Harwichport, Massachusetts 02646

FILING FEE \$30.00

CHARTER MAILED 8-12-74 MAEC
DELIVERED

EXHIBIT 3

WE, JOHN J. MCKEEVER and MARY ELLEN MCKEEVER, of 112 Woodend Lane, Medfield, Norfolk County, Massachusetts 02052,

for consideration in the amount of ONE HUNDRED EIGHTY-EIGHT THOUSAND FIVE HUNDRED and NO/100 (\$188,500.00) DOLLARS, PAID,

grant to PETER J. ALIZZO and KATHLEEN J. ALIZZO, husband and wife, as tenants by the entirety, of 5 Lantern Lane, Shrewsbury, Worcester County, Massachusetts 01545,

with QUITCLAIM COVENANTS,

The land with the buildings thereon, situated in Harwich (Pleasant Lake), Barnstable County, Massachusetts, bounded and described as follows:

- NORTHERLY by a way as shown on a plan hereinafter mentioned, seventy-eight and 00/100 (78.00) feet;
- NORTHEASTERLY by the arc of a curve whose radius equals 26.51 feet, a distance of thirty-four and 27/100 (34.27) feet;
- EASTERLY by said Way, seventy-three and 58/100 (73.58) feet;
- SOUTHEASTERLY by the arc of a curve whose radius equals 20.60 feet, a distance of thirty-six and 32/100 (36.32) feet; and
- SOUTHERLY by Long Pond Drive Extension, a Town Way, as shown on said plan, eighty-five and 00/100 (85.00) feet;
- WESTERLY by Lot #3 as shown on said plan, one hundred twenty-five and 21/100 (125.21) feet.

And being LOT #2 on a plan entitled: "Subdivision Plan of Land in East Harwich as made for Joseph H. Nickerson, dated January 1963, Scale 1" = 40', Arthur L. Sparrow Co., Reg. Land Surveyors, South Orleans, Mass." said plan being recorded in Plan Book 175, Page 93 in the Barnstable County Registry of Deeds.

Together with the right to use the ways as shown on said plan for all purposes for which ways and roads are commonly used in the Town of Harwich in common with all others now or hereafter entitled thereto.

This land is conveyed subject to restrictions of record insofar as the same may be in force and applicable.

There is also granted as appurtenant thereto, a right to use the "Private Beach" as shown on said plan in common with all others entitled thereto for all the usual purposes for which beaches are used in the Town of Harwich.

For title see deed recorded in Book 6002, Page 053.

WITNESS our hands and seals this 20 day of April, 1992.

John J. McKeever
John J. McKeever

Mary Ellen McKeever
Mary Ellen McKeever

DEED REG 61
BARNSTABLE
CANCELLED
05/01/92
TAX 644.67
CHECK 644.67
82274080 13:51
EXCISE TAX

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

April 20, 1992

Then personally appeared the above-named John J. McKeever and Mary Ellen McKeever and acknowledged the foregoing instrument to be their free act and deed, before me,

John W. Kenney
Notary Public, John W. Kenney
My commission expires: 12/6/98

CANCELLED

RECORDED MAY 1992

Ann Steidel

From: John Rendon
Sent: Tuesday, June 19, 2018 12:12 PM
To: Ann Steidel
Cc: Matthew Hart (mhart2@comcast.net); Michelle Morris
Subject: RE: Appeal by Harwich Pines Assn on BOS Agenda
Attachments: HarwichPines.Ltr dtd 6Sep17.pdf; Harbormaster.Ltr dtd 23Oct17.pdf; TownCounsel.Opinion dtd 27Jun13.pdf; HMP.MooringRegs.pdf; WWC.Minutes dtd 20Dec17.pdf

Ann,
Attached documents provided for BOS package regarding Harwich Pines Assoc appeal. Thanks. regards,

John C. Rendon
Harbormaster
Town of Harwich
774 212-6193 (c)

From: Ann Steidel
Sent: Thursday, June 14, 2018 11:04 AM
To: John Rendon
Subject: Appeal by Harwich Pines Assn on BOS Agenda

Hi John,

Please see attached appeal that was submitted by the attorney for the Harwich Pines Association. I am placing on the June 25th BOS agenda. Please let me know if you have any back up you'd like to submit for the Board's packets.

Below is the agenda item:

Appeal by Harwich Pines Association of Harbormaster decision to deny Mooring Permit and application for Special Purpose Mooring Permit

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

Harwich Pines Association
25 Harwich Pines
Harwich, Ma. 02645

Harbormaster
Mr. John Rendon
Town of Harwich

September 6, 2017

Dear Mr Rendon,

As representatives of the Harwich Pines Association which consists of the homes on Harwich Pines, we have spoken to you several times in the last several years concerning mooring privileges at our deeded association beach on Long Pond. Our history is that dating back to the early 1970's, some of our members have kept boats moored off our beach on a part time basis, without incident or safety issues. Several years ago, because of town by-law changes, you ordered us to remove the moorings. At about that same time, public moorings at several locations around the pond were granted by lottery to various people around Harwich. The net effect of this has been that our members, who live in proximity to the pond, who have had moorings for over 30 years, and who have deeded beach rights, lost our moorings while people who have no deeded beach rights, and no property proximity to the pond, were granted moorings. We feel, after consulting with an attorney, that our request for mooring permits that we can rotate among members of our association, is a reasonable request with legal merit. We feel this way based on the following arguments:

1. Historically, our members have kept boats moored on a part time basis off our beach with no safety issues for 40 years. We feel that by virtue of this history the privilege of mooring our boats has become an appurtenance to this beach front property. As such, the loss of mooring privileges is both inappropriate and unfair. It has been disruptive to the enjoyment of our association members and has the potential to be financially damaging to our property owners.
2. The Mashpa Association, 100 yards away, has continued to have both a dock and boat permits. After review of the appropriate documents, our attorney feels there is no substantial difference between their deeds and ours regarding mooring permits. Therefore to allow substantially different pond access to two adjacent and similar properties appears to be arbitrary and discriminatory.

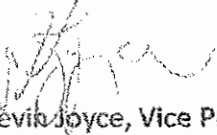
3. Residential waterfront property owners, upon request, are generally granted two mooring permits. Therefore, as an association, we feel we should be allowed the same mooring privileges.

We respectfully ask that you reconsider our request. Please respond in writing with your decision and reasoning. We hope to avoid the appeals process and possible court action, but are prepared to do so with legal representation.

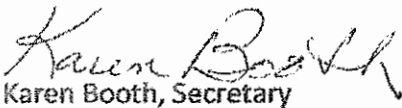
Thank you.



Neil Weinbaum, President, Harwich Pines Association



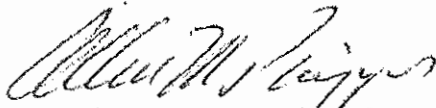
Kevin Joyce, Vice President



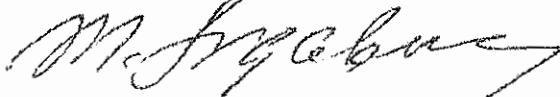
Karen Booth, Secretary



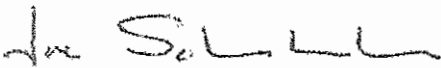
Peter Alizeo, Treasurer



Allen Phipps, interested resident and boat owner



Mike Sigolovsky, interested resident and boat owner



Joseph Scheuchenzuber, interested resident

Harbormaster Department
Town of Harwich
715 Main Street · P.O. Box 207
Harwich Port, MA 02646
(508) 430-7532 · Fax (508) 430-7535



October 23, 2017

Mr. Neil Weinbaum, President
Harwich Pines Association
25 Harwich Pines
Harwich MA, 02645

Dear Mr. Weinbaum,

I provide the following information to address your concerns outlined in your letter dated September 6, 2017 regarding moorings on Long Pond:

1. Section 3.9.I of the Harbor Management Plan (HMP) provides the eligibility criteria for private property mooring:
 - The residential property has waterways frontage.
 - The residential property does not border on an established mooring area.
 - The residence is located more than one-half mile by water from a town landing (this does not apply to moorings in Long Pond).

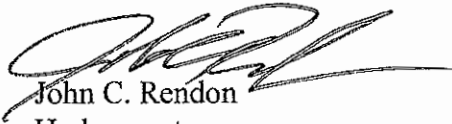
These regulations are not the result of a recent change as you state in your letter, they have been in place since the adoption of the HMP in 2004. Since being hired as the Harbormaster in the summer of 2012, my staff and I have worked to consistently enforce all waterways and harbor regulations. Under the current regulations, homeowners who live in the proximity of the pond with deeded beach rights do not qualify for a private property mooring.

2. Regarding the Mashpa Association, the dock that is present at the Association beach area has been properly permitted by the state (Chapter 91 license). This dock was built before my arrival so I can't speak to the actions of the previous Harbormaster in relation to the permitting process. I did, however, revoke the mooring permit from Mr. Argir because he did not meet the eligibility requirements, and I did this after receiving a legal opinion from town counsel. I can assure you that I have applied the same eligibility requirements to all requests from persons and associations with deeded beach rights, and have not been arbitrary or discriminatory in my enforcement actions.
3. In 2014 the town created three separate mooring fields on Long Pond for public use. The initial assignments of the moorings were done by lottery, and now there are established waitlists for the moorings. These public mooring fields were established to provide those who do not have residential waterways frontage the opportunity to have access to a mooring on the pond.

October 23, 2017

As we have discussed in the past, if you disagree with my interpretation of the regulations, you have the right to appeal my decisions to the Waterways Committee and Board of Selectman per the HMP.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Rendon', with a long horizontal flourish extending to the right.

John C. Rendon
Harbormaster
Town of Harwich

Copy: Waterways Committee

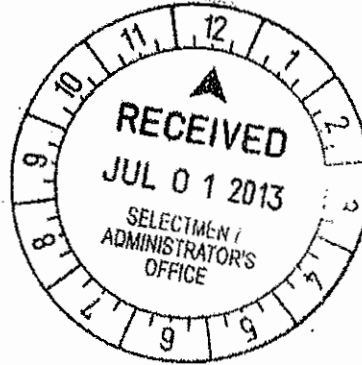


KOPELMAN AND PAIGE, P.C.
The Leader in Municipal Law

101 Arch Street
Boston, MA 02110
T: 617.556.0007
F: 617.654.1735
www.k-plaw.com

June 27, 2013

Mr. John Rendon
Harbormaster
715 Main Street
P.O. Box 207
Harwich Port, MA 02646



John Goldrosen
jgoldrosen@k-plaw.com

Re: Request for Private Mooring at Long Pond

Dear Mr. Rendon:

You have requested an opinion as to whether to approve a request for a permit for a private mooring at Long Pond ("Pond"). According to the information made available to me, James Argir (the "Requestor") owns a life estate in a residential parcel at 2 Mashpa Road ("Parcel") that lacks frontage on the Pond. The Requestor also owns a one-sixth fee interest in a small parcel identified as the "Beach Area" on a Land Court plan of registered land. The Beach Area abuts Long Pond.

Based on my review of the applicable provisions of the Town of Harwich Harbor Management Plan ("Management Plan"), as well as deed information for the Parcel and other parcels with interests in the Beach Area, it is my opinion that the Requestor does not meet the requirements for a permit for a private mooring at the Pond.

1. Provisions of the Management Plan

Section 3.7-I of the Plan provides, in part, as follows:

"If the following three (3) criteria apply, the Harbormaster may consider a private property mooring:

1. **the residential property has waterways frontage**
2. **the residential property does not border on an established mooring area**
3. **the residence is located more than one-half mile by water from a town landing (this does not apply to moorings in Long Pond)"**

Section 3.7-I further provides that the Harbormaster may allow up to two such private mooring permits per property, and that the mooring "shall be set back a minimum of 15 feet from the side yard property lines as extended into the water."

KOPELMAN AND PAIGE, P.C.

Mr. John Rendon
Harbormaster
June 27, 2013
Page 2

2. Property interests in the Parcel, adjacent lots, and the Beach Area

The Requestor is currently the owner of a life estate in the Parcel. The Parcel, which is registered land, was first granted to the Requestor and his late wife by a deed from Edric S. Thompson, Jr. and Charles W. Sullivan, Jr., Trustees of Pleasant Lake Business Trust ("Trustees"), which was filed with the Land Court Department of the Barnstable Registry of Deeds on January 22, 1999, (Document #753663, Certificate of Title 151776). The Parcel is identified in the deed as Lot 2 on Land Court Plan 40424-A ("Land Court Plan"). The same deed also conveyed: "An undivided one-sixth (1/6) interest in fee in the 'Beach Area'," as shown on the Land Court Plan. Exhibit A to that deed restates the one-sixth interest in the Beach Area as an appurtenant right to the "premises" (i.e., the Parcel).

The Land Court Plan, which was filed in 1991, includes seven lots that abut Mashpa Road or Stephen Hopkins Road, and the Beach Area, which abuts Long Pond and includes a five-foot-wide strip connecting to Mashpa Road. The Beach Area appears to be approximately 2,500 square feet in area. The Trustees conveyed the seven lots to individual owners from 1998 to 2003. The initial deeds conveying Lots 2 through 7 granted to each a one-sixth interest in the Beach Area, in language identical to that in the deed for the Parcel. The apparent intent of the Trustees was to provide each of the parcels that lacked frontage on the Pond with a right to use the Beach Area, in my opinion. (Lot 1 on the Land Court Plan is the only one of the seven lots with frontage on Long Pond, and it is the one lot that was not granted any interest in the Beach Area.)

The Assessors' records appear to continue to list the Trustees as the owners of the Beach Area. This may be because the fee ownership of the Beach Area was conveyed in increments to the owners of Lots 2 through 7, and not by a separate deed relating only to the Beach Area.

3. Analysis

Based on the provisions of Section 3.7-I of the Management Plan, it is my opinion that the Requestor's fractional fee interest in the Beach Area does not provide a basis for issuing a permit to him for a private mooring at Long Pond. The first criterion in Section 3.7-I for issuing a private mooring permit is that "the residential property has waterways frontage." In this instance, it is my opinion that the Requestor's "residential property" is the Parcel, which does not have frontage on Long Pond. The Beach Area is an undersized parcel without a residence, and is not, therefore, a "residential property," in my opinion.

Further, it is my opinion that the remaining provisions of Section 3.7-I are, likewise, intended to apply only to residential properties with frontage on a waterway. The second criterion allows such a mooring permit only for a property that "does not border on an established mooring area,"

KOPELMAN AND PAIGE, P.C.

Mr. John Rendon
Harbormaster
June 27, 2013
Page 3

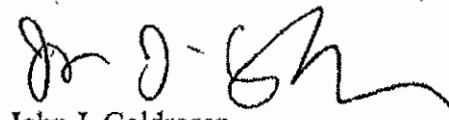
and the third criteria requires that the "residence is located more than one-half mile by water from a town landing[.]" (Emphasis added). In my opinion, these provisions are intended to apply to a residence that is located on waterfront property. Similarly, the provision in Section 3.7-1 that the mooring be set back 15 feet "from the side yard property lines as extended into the water" (emphasis added) can only be understood to apply to a residential parcel that abuts a waterway, in my opinion.

I note, as well, that if Section 3.7-I were interpreted to allow the owners of fractional interests in undeveloped beach parcels to obtain mooring permits, the result might be multiple requests for moorings adjacent to these parcels. This would put the Harbormaster in the position of having to choose among competing applicants (since Section 3.7-I provides that no more than two mooring permits are to be allowed "per property"). It is unlikely that the Management Plan was intended to create such a situation, in my opinion.

In summary, it is my opinion that the provisions of the Management Plan allow a private mooring permit to be issued only to the owner of a residence that is located on waterfront property. A permit, therefore, is not available to the Requestor, whose residential property does not abut Long Pond, notwithstanding that he owns a fractional interest in the non-residential Beach Area.

Please feel free to contact me if you have any further questions concerning this matter.

Very truly yours,



John J. Goldrosen

JJG/eon

cc: Board of Selectmen
Town Administrator

476950/HARW/9999



TOWN OF HARWICH
WATERWAYS COMMITTEE
Harwich Fire Station Conference Room
Wednesday December 20, 2017 6:30 PM
MINUTES

Call to Order: 6:30 pm

Members Present: Matt Hart, Chairman; Steve Root, Vice Chairman; Dan Hall; Joe Johnson; Mort Terry; Tom Themistos; Roger Peterson, Alternate; Jay Walpole, Alternate

Members Absent: Dan Casey

Others Present: John Rendon, Harbormaster; Heinz Proft, Natural Resources Director; Mark Burgess, Shorefront Consulting; Chris Our; Neil Weinbaum, President of Harwich Pines Association (H.P.A.), Karen Booth, H.P.A.; Peter Alizeo, H.P.A.; Michael Sigalovsky, H.P.A.

MINUTES: Motion made by Tom Themistos to Approve the Minutes of November 15, 2017, Seconded by Mort Terry. Approved by all.

CONSENT AGENDA: Nothing this Month

OPEN FORUM: Nothing this Month

FINANCIAL REPORT YTD & MONTHLY:

Presented by the Harbormaster and Steve Root (Copy included with the Minutes).

OLD BUSINESS:

1. Update by the Harbormaster on progress with the Landside Project. Moving forward with Harbormaster office, maintenance facility and boardwalk. Harwich Fire Department will use the buildings for training and then they will be removed.
2. Update and progress with Landside Restaurant Bid. Brief discussion of how the Town approved 60 seat snack shack has potentially changed to a 100 seat Restaurant and the possible issues with parking that may arise.
3. Update by the Harbormaster on the Marina Replacement. The additional scow has been added and everything is on schedule. The project should be completed by January 15, 2018.

NEW BUSINESS: Chairman Hart requested that the order of New Business in the Agenda be changed so that presenter Mark Burgess can attend the Conservation Committee meeting tonight also. All members agreed.

1. Mr. Mark Burgess: Representing Three Projects:
 - a. Skipper Lee, 55 Snow Inn Road; dock rebuild and dredging. A motion from Tom Thermistos, seconded by Dan Hall, all members were unanimous.
 - b. Al Novak, 30 Harbor Road; new dock and dredging. A motion from Joe Johnson, seconded by Roger Peterson, all members were unanimous.
 - c. Richard Turner, 18 Strandway; new dock and dredging. A motion from Dan Hall, seconded by Tom Thermistos, all members were unanimous.
2. Harwich Pines Association: Request for change of Harbor Management Plan for additional moorings on Long Pond. Mr. Neil Weinbaum & Mr. Peter Alizzeo. A motion by Tom Thermistos to decline the request for two moorings on Harwich Pines Association Lot on Long Pond based on the Harbor Management Plan, seconded by Steve Root, all members were unanimous. *RESOLUTIONS STARTED*

MONTHLY REPORTS: No Discussion

CORRESPONDENCE: No Discussion

NEXT MEETING: Wednesday, January 17, 2018 at 6:30pm

ADJOURNMENT: Motion by Dan Hall to adjourn at 8:45, seconded by Mort Terry.

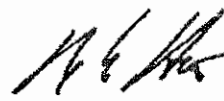
All members voting in favor.

**Harbormaster
Natural Resource Officer
Board of Selectmen**

Minutes recorded by Leah McPherson.

Posting Date: January 17, 2018

The committee 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.



Town of Harwich Harbor Management Plan



Adopted by the Board of Selectmen: January 26, 2004

Effective Date: February 9, 2004

Amendment Dates:

2004: March 15, April 12, August 16
2005: January 18, March 7, July 5, October 11
2006: March 27, October 30
2007: December 17
2008: January 14, May 19
2009: March 30, September 21, November 23
2011: February 28, September 26, October 24
2012: July 23, October 15
2013: February 19, July 29
2014: January 6, March 10, July 14, December 1
2015: May 18, May 26, August 24
2016: January 4, May 9, November 28
2017: January 9, September 11, December 11

This document is available in PDF format on the Town of Harwich website:
www.harwich-ma.gov

Town of Harwich Harbor Management Plan

Table of Contents

Section	Heading	Page
1.0	Purpose	2
2.0	Definitions	2
3.0	Mooring and Slip Permits and Regulations	6
4.0	Mooring Tackle and Equipment	10
5.0	Waiting List, Policy and Ownership Limitation	11
6.0	Town-Owned Dockage Refund Policy; Liens; Collections; Interest	12
7.0	Slip Regulations at Town-Owned Marina	13
8.0	Offloading Permits and Regulations at Town-Owned Facilities	15
9.0	Fueling Area Regulations	18
10.0	Speed Zones and Mooring Areas	19
11.0	Wet bikes and Jet Skis	19
12.0	Long Pond - Regulations for Motorboats	20
13.0	Boat Ramps	20
14.0	Wastes/Trash Disposal and Use of Dumpsters	21
15.0	Waterways and Ponds	21
16.0	Emergency Haul Outs	22
17.0	Sport fishing Boats: Tuna Buyer Permits and Regulations (T-Permits)	22
18.0	Hurricane and Storm Preparation	23
19.0	Removal of Wrecks in Tide Waters; Notice to Owner Causing Obstruction	25
20.0	Towing Policy	25
21.0	Appeals	25
22.0	Severability	26
23.0	Fines & Penalties	26
24.0	Massachusetts Sales Tax	26
Appendix A	Mooring Assignment Lists	27
Appendix B	Marine Fee Schedule	28
Appendix C	Minimum Safety Standards for Boat Moorings in Harwich	31
Appendix D	Boat Ramps	32
Appendix E	Docks and Piers	34
Appendix F	Shellfish Regulations	37
Appendix G	Shellfish Area Closures/Open Areas	42
Appendix H	Herring (Alewife) Regulations	43

1.0: Purpose

- a. The purpose of the Harwich Harbor Regulations is to promote public safety, define proper area usages and encourage mariner awareness of local Waterway By-Laws and Harwich Harbor rules and regulations. The Town of Harwich, through these regulations, intends to make assignment of moorings, slips and commercial permits under its jurisdiction fair, equitable and transparent. A clear goal is to enhance the enjoyment of the harbors for the recreational boater and usability/functionality for all commercial boaters and to the benefit of the Harwich residents.
- b. These regulations are adopted by the Board of Selectmen and the Harbormaster. The Board of Selectman, per the Town Charter, shall enact rules and regulations establishing town policies not otherwise governed by general law, including all policies relating to Municipal waterway fees. The Waterways Committee, with input from the Harbormaster, shall be responsible for the development of regulations and recommendations to the Board of Selectmen on waterway issues. The Harbormaster, per M.G.L. Chapters 102 and 91 Sections 10A and 10C, and its implementing Code of Massachusetts Regulations (310 CMR 9.00), shall adopt regulations for the permitting of moorings and the stationing of vessels, including commercial vessels lying within territorial jurisdiction of the Town of Harwich. Regulations adopted by the Harbormaster that need to be incorporated into the Harbor Management Plan shall be sent to the Board of Selectmen for review. In addition, the Harbormaster and Assistant Harbormasters are responsible for the enforcement of all applicable local and state laws and regulations, including the provisions of M.G.L. Chapter 90B and 323 CMR.
- c. Nothing in this Harbor Management Plan shall be construed as altering in any way the content and/or meaning of the provisions of Chapter 47, Boating and Waterways of the Town of Harwich By-Laws, MA State statute, or Code of Massachusetts Regulations.

2:0: DEFINITIONS

Beam (of a Boat): For the purpose of determining seasonal and year round dockage fees, the extreme straight line measurement in feet and inches perpendicular to the keel centerline from the port gunwale to the starboard gunwale.

Board Boats: For the purposes of these regulations, the following classes of vessels are considered as board boats: inflatables (under 12' feet in length); kayaks; canoes; dinghies; sailing dinghies; windsurfers; sailboards and rafts.

Boat: The term "boat" shall have the same meaning as the term "vessel" defined in General Laws, Chapter 90B, Section 1.

Boating Season: The boating season shall be defined as commencing at 4:00 a.m. on the Friday of Memorial Day weekend and concluding at 4:00 p.m. on the Monday of Columbus Day weekend.

Boat Transportation Agent: An individual or business entity, with liability insurance coverage 1.) Automobile liability coverage of \$1,000,000 minimum, and 2.) Bodily injury, and property damage commercial liability insurance of \$1,000,000 minimum, to qualify for an annual permit to transport, launch and retrieve any boats on the Town ramps. This permit includes the special provisions for stepping and/or removal of masts on sailboats, and any other crane or boom work done on boats at Town-owned properties.

Charter / Fishing / Passenger for Hire Boat: A boat operated as a commercial enterprise that carries passengers for hire for the purpose of fishing on the coastal waters. A "commercial enterprise" is defined as an operation where a person provides fishing guide or charter boat services in exchange for any consideration, including money, goods or services.

Charter Fishing Boat Special Permit: A permit issued by the Harbormaster for one (1) day or one (1) event, not to exceed two (2) days for the purpose of allowing resorts and other organizations to schedule fishing tournaments in the Town of Harwich. The purpose of the Charter Fishing Boat Special Permit is to allow non-Harwich based charter boats to participate in fishing tournaments needing the ability to load, unload and fuel in Harwich. Any organization requesting a Charter Fishing Boat Special Permit shall be responsible for providing the necessary documentation and insurance coverage as outlined under Section 7.0 of the Harbor Management Plan. If applicable, upon issuance of the Charter Fishing Boat Special Permit, the Harbormaster shall send copies to the Waterways Committee and the Board of Selectmen. Charter Fishing Boat Special Permits may be granted only

after all other available charter boats have been booked for the day sought. All Charter Fishing Boat Special Permit applications shall be submitted to and approved by the Harbormaster at least twenty four (24) hours prior to the date of event.

Commercial Fishing Boat: For the purposes of all contracts, lease agreements, mooring and offloading permits and waiting lists any boat that is exclusively engaged in the long lining, jigging, gillnetting, dragging, or potting of ground fish or crustaceans for sale to an authorized Massachusetts fish dealer only. A commercial fishing boat must be used solely for the purpose for which it is intended. Boats maintained for purposes of corporate entertainment under Internal Revenue Service standards shall not be considered commercial fishing boats for purposes of these regulations and waiting lists.

Deck: The surface of a wharf designed as the walkway for persons using same.

Deep Water Channel: The area of a water body wherein the depth of water is three (3') feet or more at mean low water.

Dinghy: Any small rowing skiff that is not to exceed 12' in length.

Ferry: A boat that operates as a commercial operation to transport people across a body of water on a regular schedule.

Floats: A floating platform designed to rise and fall with the tide anchored in position by pilings, chain, or otherwise and used in conjunction with a wharf to moor and give access to a boat.

Foreshore: A strip of land margining a body of water; the part of seashore between high-water and low-water marks.

Fresh Water Mooring Service Fee: Fee assessed for the equipment and maintenance of the Long Pond Public Mooring Fields.

Gangway: A ramp or platform used to provide access between a float or boat and a wharf.

Harbor Boat Tender Service: An individual or business entity, with adequate liability insurance (based on the Board of Selectmen's requirements) to qualify for an annual permit to transport people and goods to and from any boat, at any mooring in the Town of Harwich. This "on call service" using telephone and/or VHF radio will be a private service provided in the Town of Harwich. The individuals operating such boats need to have a current USCG license.

Horsepower: The aggregate rated horsepower of the propellant machinery at maximum operating revolutions per minute.

Length Overall (L.O.A.): For the purpose of determining seasonal and year round dockage fees and/or mooring classification, the extreme fore-aft measurement of a boat in feet and inches in a straight line parallel to the centerline from the top of transom to the foremost extension (includes pulpits or sprits).

Marina: The town-owned harbor marina and any person authorized to represent it shall be referred to herein as "the marina."

Marine Construction Maintenance Business: A business that includes but is not limited to the service of docks and moorings, building piers and bulkheads, towing boats, salvage and underwater services.

Mooring: Lines, cables, chains, mushrooms and anchors that hold a boat in place on the water and any floats, shackles, hardware associated therewith.

Mooring, Boatyard Transient: Moorings, of a transient nature, assigned to waterfront boatyards on an annual basis to accommodate the sale, repair & maintenance of watercraft. A boatyard, after the assignment of the specific number of annual mooring sites by the Board of Selectmen, can manage boatyard transient mooring sites as part of their normal business activities. The mooring inspection process would be the same as any other mooring in the Town of Harwich. Upon any change in ownership of the foregoing corporations, the new corporate entity may apply for the red mooring permits however; control of the moorings does not automatically transfer.

Mooring, Commercial Fishing Vessel: Established to ensure that the long history of commercial fishing vessels operating out of Harwich remains in the years to come. These moorings are permitted from the appropriate waitlists to persons who have indicated their intent to commercially fish. Federal and/or State Commercial Fishing license and a Class E offloading permit are required to be eligible for a Commercial Fishing Vessel Mooring.

Mooring Float or Sailing Changing/Dinghy Storage Float: A floating moored structure that is to be used for the purpose of a floating dock for two boats or for the storage of small sail boats and/or dinghies.

Mooring Hardware Supplier: Any individual or other business entity, that is in the business of selling or renting marine hardware.

Mooring Servicing Agent: An individual, corporation or other business entity with adequate liability insurance to qualify for an annual permit to perform mooring services and inspections in the Town of Harwich. In the Town of Harwich, a mooring servicing agent is an individual or corporation in the business of supplying, servicing and/or renting mooring hardware in the Town of Harwich for fresh and salt water boating use. This individual or corporation must have the required equipment to retrieve, inspect, repair, upgrade and replace the individual mooring to the assigned site (using GPS WAAS navigation). In addition the individual or corporation must certify that the proper mooring tag and mooring, permit sticker and client's name was in compliance with the Town of Harwich Waterways Regulations. This individual or corporation is required to apply for a Mooring Servicing Agent Permit for a term of three years, renewed annually by the Board of Selectmen. The issuance of a permit, to become a mooring servicing agent requires proof of the sufficient marine insurance to protect the Town from liability of the services provided. The Town of Harwich Harbormaster retains authority to manage all mooring activities, permits, inspections and fees, even where a Mooring Servicing Agent has primary responsibility and liability for management of a Mooring Servicing Field. Boat yards, yacht clubs or related commercial enterprises cannot inspect their own moorings; the Harbormaster or another mooring servicing agent must perform this function.

Mooring Servicing Fields: The mooring servicing fields are defined as follows: Allen Harbor; Wychmere Harbor (inner and outer); Pleasant Bay; Round Cove; Herring River. All mooring servicing fields shall be assigned a mooring servicing agent and alternates after a public process. In the event of a dispute between a mooring permit holder and a mooring servicing agent, the Harbormaster may elect to provide required mooring services, at fair market value and at the expense of the mooring permit holder.

Mooring, Special Purpose: A mooring granted to a yacht club or other business, by the Board of Selectmen. Special purpose moorings are meant to promote water sports and/or boating education. The fee for special purpose moorings shall be the same as the resident mooring fees. Upon any change in ownership of the foregoing entities, the new entity may apply for the related mooring permits however; control of the moorings does not automatically transfer. It is intended that special purpose moorings be used only for boats owned, leased or used by special purpose mooring permit holders, or by their patrons, customers or members.

Mooring, Working: Moorings assigned to a boatyard or a marine construction maintenance business for the purposes of operating their businesses and servicing their customers. Working moorings are separate and distinct from boatyard transient moorings. It is intended that working moorings be used only for boats owned, operated or being serviced by the boatyard to which they are assigned. Upon any change in ownership of the foregoing entity, the new entity may apply for the related mooring permits; however control of the moorings does not automatically transfer. See Appendix A for Working Mooring Assignment List.

Mooring/Slip Assignments: With the exception of boat yards, yacht clubs and selected special purpose businesses that have a special purpose mooring assignment, all individuals, business entities (or a combination of the two) and individual families having the same address, are limited to a maximum of two (2) mooring/slip assignments. This shall mean two (2) moorings; two Town (2) slips; or one (1) mooring and one (1) slip except as otherwise provided in these regulations and absent a showing of good cause for non-renewal, individuals or business entities assigned a mooring in one calendar year, shall be offered the same mooring site in the following calendar year. Mooring sites that are assigned but not occupied by mooring tackle and sites that are assigned and occupied by mooring tackle but are unoccupied by a boat for greater than 1 (one) year, shall surrender/lose said site. Any vacated moorings, moorings not renewed, or new moorings that may be added may only be assigned to an individual or corporation or other business entity who obtained such assignment via the Town of Harwich mooring waiting list process.

Motor Boat: Any boat propelled by machinery whether or not such machinery is the principal source of propulsion.

No Discharge Area Pump out Boat(s) And Agreements: A berth, as needed for a pump-out vessel(s) under contract with the Division of Marine Fisheries through the Clean Vessel Act Grant shall be made available and the charges for the storage, dockage and related expenses will be made to the CVA grant. Reimbursements from this grant will be deposited into the "Pump-Out Article" Account.

Owner: The owner of any boat berthed or using the marina or the authorized representative of the owner.

Piling: A column of material (wood, concrete, etc.) used to support the deck or other structural member of a wharf or to serve as a mooring spar or dolphin for boats or floats.

Plug-In, Seasonal: Electric power usage for those boats requiring 30 or 50 ampere hookup on a permanent basis from May 1 through November 15 of the calendar year to maintain basic electrical needs. Electric power usage outside of the defined seasonal period will be charged a nightly rate.

Resident: For the purpose of these regulations, residents shall be defined as:

- A. Property owners who reside year-round in Harwich
- B. Property owners who reside part-time in Harwich
- C. Current year-round leaseholders in Harwich

Proof of residency shall be determined by an applicant providing a Harwich property tax bill or current year-round lease in Harwich and a Massachusetts driver's license or other photo ID (permanently sealed in plastic).

Slip: An extension out into the water that serves as a place for landing or repairing boats.

Slip, Special Purpose Ferry: The Ferry Slip in Saquatucket Harbor is granted to an entity – corporate or otherwise – by the Board of Selectmen. This special purpose slip is meant to promote and maintain the continuity of the Ferry service in Harwich. Upon any change in ownership of the foregoing entity – corporate or otherwise – the new entity purchasing/owning the Ferry may apply for the related Ferry Slip, however, this slip does not automatically transfer. Special Note: The continuity of the Ferry Service between Harwich and Nantucket Island is well known to be of considerable/significant benefit to the Town of Harwich, the public and many businesses in the Town.

Town: The Town of Harwich and its authorized representatives.

Vessel: The term vessel shall have the same meaning as the term boat, as defined by these regulations

Waterfront Boatyard: A yard fronting or abutting a body of water where boats are built, repaired, and stored and often sold or rented.

Waterways Capital Improvement Receipts Reserve Fund: A MA Capital Improvement Receipts Reserve Fund pursuant to the provisions of M.G.L. Chapter 40, Section 5F funded by separate Waterways User Fees for the purposes of harbors and waterways annual maintenance requirements. The fee will be charged annually for all boats with the exception of 'Board Boats' as defined in the Harwich Harbor Management Plan. Expenditure requests from this fund by the Harbormaster must be approved by a vote at Annual Town Meeting.

Waterways Improvement and Maintenance Fund: A Municipal Waterways Improvement and Maintenance Fund pursuant to M.G.L. Chapter 40, Section 5G and Chapter 91, Section 10A funded by all annual mooring fees and one-half the annual boat excise tax for the purpose of waterways improvements and maintenance. Expenditure requests from this fund by the Harbormaster must be approved by the Town Administrator

Wharf: Any structure built along or at an angle from the shore and extending seaward beyond the mean high water mark so that the boats may lie alongside to receive and discharge passengers or cargo for use as a promenade and shall include structures commonly referred to as docks or piers.

Yacht: Recreational boat or vessel propelled by sail or motor-driven power, used especially for pleasure cruising, racing, etc.

Yacht Club: A club established for the promotion and support of yachting, boating and related activities.

3.0 MOORING AND SLIP PERMITS AND REGULATIONS

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

3.1 Mooring Permit

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

3.2 Slip Permit Deposit:

A non-refundable 1/3 deposit on all dockage for the upcoming season shall be due no later than December 1st. Failure to meet the December 1st deadline will result in a late fee per Appendix B. Failure to pay the required deposit/late fee by December 15th will result in immediate forfeiture of the slip.

3.3 Slip Permit Final Payment:

Final 2/3 Balance on all dockage for the upcoming season shall be due no later than March 1st. Failure to meet the March 1st deadline will result in a late fee per Appendix B. Failure to pay the required Final Balance/late fee by March 15th will result in immediate forfeiture of the slip.

3.4 Mooring and Slip Assignment and Mooring and Slip Waiting Lists

The Harbormaster shall maintain and make available to the public one, and only one, town-wide comprehensive list of all mooring assignments and slip assignments segmented by geographic location. The Harbormaster shall maintain and make available to the public one, and only one, comprehensive mooring waiting list and one town slip waiting list. All applicants who have properly filed with the Harbormaster for the mooring waiting list and/or the separate town slip waiting list for salt water in the Town of Harwich shall be listed. These lists shall be organized according to the specific location desired. Any individual/entity which reaches the top of the mooring and/or slip waiting list may elect to "pass" on an assignment twice per list. If the individual/entity passes on the third offer, they shall be removed from the relevant list without recourse. This is referred to as a "three strikes and you're out" policy.

- A. Wychmere Inner Harbor Mooring Field has reached the saturation point for boats able to fit in the physical space of the harbor. The Wychmere Inner Harbor mooring assignments shall be frozen once the 2006 boats are assigned to their respective moorings. For boats on moorings in the Inner Harbor, the maximum size shall be 36' feet.

The Waiting List and Mooring Assignments for Wychmere Inner Harbor shall be subdivided into four (4) size classes (Length Over All = LOA) as follows:

- 1.) Under 20'
- 2.) 20' – 25'
- 3.) 26' – 30'
- 4.) 31' – 36' maximum

LOA is defined as the furthest extension of the bow on deck to the furthest extension astern (including aft extension of outboard motors when tipped up and or anchor davits).

Any changes in size of existing boats on existing moorings must be approved by both the Harbormaster

and the Mooring Servicing Agent prior to placement of the boat on the mooring. The Harbormaster shall have the final determination as to whether a larger boat may be accommodated. Special Purpose Moorings are excluded from classification.

- B. Due to limited space within the Herring River and Allen Harbor Mooring Fields, a 25' maximum manufactured boat length restriction has been placed within the areas. Current permit holders as of January 9, 2017 will be allowed to maintain their existing boat assigned to the mooring, however, the 25' maximum restriction will apply should they change boats in the future.

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

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

3.6 Harwich Slip and Mooring Assignment List

All moorings and all town-owned slips in salt water in the Town of Harwich, which are assigned for the current boating season, shall be listed on the Harwich slip assignment list and the separate Harwich mooring assignment list annually. Each of these lists shall identify the current boat occupancy status according to the specific location assigned. No individual, business entity or combination would be allowed to have more than two moorings and/or two Town of Harwich owned boat slips unless awarded under the Town of Harwich boatyard transient and/or special purpose mooring categories. This means a maximum of two (2) moorings; two (2) town-owned slips or one (1) mooring and one (1) town-owned slip.

3.7 Fee Exempt Status

The following are exempt from mooring and/or dockage fees:

- A. A skiff, board boat, or similar boat or vessel, left on the private foreshores or designated Town-owned launching areas as described in the Town of Harwich Bylaw.
- B. Any vessel moored/docked for less than 2 weeks at a private facility within the foreshores of the Town of Harwich.

3.8 Fee Classification

- A. Boats under 25' feet length overall shall pay a mooring fee for Class 3 boat.
- B. Boats over 25' feet length overall and under 35 feet length overall shall pay a mooring fee for a Class 2 boat.
- C. Boats over 35' feet overall shall pay a fee for a Class 1 boat.

3.9 Mooring Assignments

- A. The Harbormaster shall assign moorings on an annual basis including moorings furnished or controlled by private clubs, private boat yards, marinas, and individual owners. No person shall cause a mooring to be placed in Harwich waters except as assigned by the Harbormaster.
- B. Moorings for which fees are unpaid are subject to removal by the Harbormaster and, further, such moorings may be sold under the statutes of abandonment of the Commonwealth after removal by the Town. Harbormaster costs for the removal of such moorings will be charged to the owner.
- C. Mechanical configurations of all moorings under annual fee must conform to existing harbor regulations. Consult the Harbormaster for applicable specifications.
- D. Checks for payment of fees are made payable to the Town of Harwich and should be mailed with the completed permit application or delivered to the Harbormaster in person. Mooring permits may be picked up at the Harbormaster's Office at Saquatucket Harbor, Harwich Port.
- E. The Harbormaster will issue transom stickers to all permit holders who must then attach them to the vessel's transom.

- F. Mooring permits cannot be passed through partnerships or willed to the next generation and may only be transferred to an immediate family member (surviving spouse). A fair and equitable system of waiting list(s) shall be maintained by the Harbormaster for the assignment of vacated spaces as they become available.
- G. Permanent subletting of any mooring is strictly prohibited and shall result in immediate and permanent forfeiture of the mooring.
- H. The Harbormaster of the Town shall refuse to allow a boat to moor, dock, or otherwise be situated within the waterways of the Town for failure to pay boat excise tax.
- I. If the following three (3) criteria apply, the Harbormaster may consider a private property mooring:
 - 1. The residential property has waterways frontage
 - 2. The residential property does not border on an established mooring area
 - 3. The residence is located more than one-half mile by water from a town landing (this does not apply to moorings in Long Pond)

The property owner may apply to the Harbormaster for a mooring permit to be assigned to the vessel owned by the property owner. The Harbormaster shall determine if the placement of the mooring is appropriate in his sole determination. The Harbormaster may, at his sole discretion, allow up to two such mooring permits per property. The mooring shall be set back a minimum of 15 feet from the side yard property lines as extended into the water. Mooring fees shall be in accordance with Appendix B. A Mooring Servicing Agent may be engaged as per the Harbor Management Plan. Any grant of permit shall cease upon sale/transfer of property.

3.10 Boatyard Transient Moorings

In recognition of the needs of waterfront boatyards to sell, repair and maintain watercraft, a special classification of moorings referred to as boatyard transient moorings is hereby established. Each waterfront boatyard within the Town of Harwich may apply for and be granted up to six (6) boatyard transient moorings. Once assigned/renewed by the Board of Selectmen, these moorings would be used by the boatyards to facilitate the sale, repair & maintenance of watercraft. Boatyard transient moorings will be the first six (6) which become available from the group of moorings the boatyard previously managed.

Once assigned by the Board of Selectmen, the boatyard transient moorings shall be controlled by the boatyard and the use shall be dictated by the boatyard. Moorings designated under this category shall be included on the master mooring list maintained by the Harbormaster. The boatyard transient mooring fee shall be the same as the fee charged for an individual mooring for a resident in the largest size category of moorings. In the event that the demand for these boatyard transient moorings exceeds the number of moorings available, each boatyard shall assign moorings from a waiting list in a fair and equitable manner. In all cases the boatyard shall provide a list of mooring occupants to the Harbormaster no later than July 1st of each year.

Any boatyard which already is assigned a mooring(s) (working moorings) in the name of the boatyard shall be eligible to retain and renew annually said mooring(s) in addition to any boatyard transient mooring.

3.11 Mooring Forfeiture

Due to the demand for moorings in the waters off of Harwich, failure to occupy a mooring for a minimum of 30 days during the boating season as defined in Section 2.0, will constitute forfeiture of the mooring. Board boats shall not be considered as vessels that satisfy substantial occupancy

3.12 Mooring Servicing Agent Requirements

All person(s) or corporations or other business entities issued a Mooring Servicing Agent Permit by the Harwich Board of Selectmen shall meet the following requirements:

- 1. Hold current and sufficient marine insurance, specifically:
 - A. A minimum of \$500,000 Marina Operator's Legal Liability and Protection and Indemnity
- 2. Possess for use a properly registered workboat/barge with crane or hoist with sufficient lifting capacity
- 3. Possess and maintain an on-hand inventory of all tackle components (mooring balls, chain, mushroom

anchors, shackles, lines, etc.)

4. Have the ability to provide daily monitoring of mooring field(s)
5. Have qualified and sufficient staffing to perform any functions related to moorings 24 hours/day, 7 days/week, such as pumping after heavy rain, separating tangled boats, identifying a potential boat in distress, etc.
6. Have the ability and qualifications to provide storm preparation and emergency services
7. Have the flexibility to provide complete mooring service packages or a la carte such as haul out, set up, painting, and pick up
8. Have the clerical capability to process applications and conduct inspections, and support the issuance of stickers and tags in cooperation with the Harbormaster.
9. Have access to diving services, when necessary, to perform repairs or retrieve lost tackle.
10. Provide a written inspection report to the Harbormaster within five (5) days of having performed an inspection of any mooring.

Non-compliance with any regulation herein will be sufficient cause for the suspension or revocation of a Mooring Servicing Agent Permit issued under these regulations, following notice and opportunity to be heard. If in the opinion of the Board of Selectmen, acting as Issuing Authority, a Mooring Servicing Agent ("Permittee") ceases to be engaged in the business he/she is authorized by permit to pursue, or fails to maintain upon his/her premises the implements, facilities, equipment, or capacity required by these regulations, such cessation or failure shall constitute cause for suspension or revocation of his/her Mooring Servicing Agent Permit, following reasonable notice and opportunity to be heard. If a Permittee at any time conducts his/her business in a manner considered by the Board of Selectmen, in its sole discretion, to be improper, the Board of Selectmen, after reasonable notice and opportunity to be heard, may upon satisfactory proof thereof suspend or revoke his/her Mooring Servicing Agent Permit. Violation by a Permittee of any regulation herein, as currently enacted or as may from time to time be added or amended, or any other regulation which shall govern the conduct of the Permittee, shall be grounds for suspension or revocation of a Mooring Servicing Agent Permit following reasonable notice and opportunity to be heard.

3.13 Special Purpose Mooring Requirements and Regulations

Special purpose moorings are applied for through the Harbormaster Department and awarded by the Board of Selectmen. An applicant for a special purpose mooring must be able to provide vehicle parking spaces as required in the Town of Harwich Zoning regulations if applicable.

The applicant must meet all Town of Harwich Fire & Emergency and Conservation regulations.

The special purpose applicant must provide:

1. A dinghy dock and/or dinghy loaner for assigned mooring users
2. Temporary dock tie up for loading and unloading
3. Access to a fresh water source at this temporary docking area
4. Pump-out facility for holding tanks

The number of moorings awarded will be renewed on an annual basis for special purpose uses. In the event that a special purpose mooring permit is not renewed by the March 15th deadline, late fees will apply as defined in Appendix B – Marine Fee Schedule. Failure to pay will result in forfeiture of permit and the application process will be required for a new permit.

Moorings may not be sold, transferred or assigned to any person, corporation, partnership, organization or entity other than the permitted user of such mooring in the previous season. Upon any change in ownership of the foregoing corporations, the new corporate entity may apply for the related mooring permits (control of the moorings does not automatically transfer).

Permission must be obtained from the Harbormaster before a mooring permit holder changes boats at the same mooring location. Violation of this section may be subject to revocation of the mooring permit.

Motif Display Mooring: Based on individual requests to the Harbormaster, permit can be allowed for a temporary mooring of a small vessel for purposes of a tasteful seasonal motif in an area north of the Route 28 Bridge on the Herring River in shallow water which is not conducive to mooring or navigation areas of the regular boats.

3.14 Commercial Fishing Vessel Mooring Requirements and Regulations

As of May 9, 2016 a small number of moorings have been designated to commercial fishing vessels operating out of Harwich. There are two moorings in the Inner Harbor and four moorings in the Outer Harbor, see Appendix A. The following regulations apply to Commercial Fishing Vessel Moorings:

1. There will be no separate waitlist for the commercial fishing vessel moorings; intent to commercially fish from a mooring must be indicated on initial waitlist application.
2. When a designated commercial fishing vessel mooring becomes available, the Harbormaster will go to the respective waitlist and select the first person on the waitlist that intends to commercially fish. All persons on the waitlist that are recreational boaters will be bypassed.
3. In order to accept an offer for a commercial fishing vessel mooring, the applicant must have a commercial fishing license and must purchase a Class E offloading permit from this office, and comply with permit requirements as outlined in Section 8.0.
4. If the permit holder of a commercial fishing vessel mooring decides to stop commercially fishing and fails to renew the required Class E permit, the mooring permit will be revoked and assigned to the next licensed commercial fishermen on the waitlist.
5. A licensed commercial fisherman who is on the waitlist is not prohibited from accepting an offer for a non-designated commercial fishing mooring as long as there is a Class E permit available to allow commercial fishing. However, the mooring does not become a designated commercial fishing mooring, when vacated.

4.0 MOORING TACKLE AND EQUIPMENT

These specifications are established to set a minimum safety standard for mooring tackle and equipment within the Town of Harwich.

4.1 General Tackle Requirements

- A. Adequate size Mushroom or Pyramid anchors only, per Appendix C. (Substitutions are not permitted without the approval of the Harbormaster).
- B. Length of chain and hawser to be determined by Mooring Servicing Agent and/or Harbormaster.
- C. All mooring buoys must be of soft foam or plastic material. Color must be white with a blue band and mooring number/owners last name must be displayed on the mooring buoy in contrasting color not less than 3".
- D. Mooring painters and lines must be of a non-floating type material. The painter thickness must be in accordance with Appendix C. Double painters are recommended for all exposed areas and chaffing gear is recommended for both exposed and protected areas.
- E. Shackles must be seized with stainless wire, 12 gauge copper wire, or tough plastic cable ties and must also be the same size or larger than the chain.
- F. All mooring equipment must be inspected by the Mooring Servicing Agent per Section 3.13.
- G. Winter mooring sticks must be white with a blue stripe, marked with the mooring number, float at a 45 degree angle and show 18" above the water.

4.2 Other Mooring Information

- A. Acceptable applications will receive one transom sticker which will be mailed to your winter address unless otherwise indicated.

Noted 1-9-17

MEMO

To: Board of Selectmen

From: Ann Steidel
Administrative Secretary

Date: December 22, 2016

Subject: Motion of December 12, 2016 – Public Hearing on Entertainment Licenses

Due to the necessity for accurate minutes and the voluminous nature of the following motion made at the December 12, 2016 Public Hearing on Entertainment licenses, I ask that you vote to confirm the motion:

Mr. Hughes moved to adopt the following standard regarding entertainment licenses on Route 28 in Harwich Port: that would be inside entertainment every day until 11:00 p.m. or until 60 minutes prior to liquor closing whichever is later, start time is per request of the applicant, all entertainment at the licensed premises may be conducted in a manner such that the noise from the entertainment is not creating a nuisance that can be heard outside the boundaries of the premises; B. on outside entertainment - every day until 10:00 p.m., start time is per request of the applicant, the standard would be reasonable sound levels which are not plainly audible at a distance of 150 feet from the boundary line or source of sound amplification system whichever is further. Mr. LaMantia seconded the motion. Ms. Greenhalgh asked for clarification as Mr. Hughes did not say "and also selling liquor." Mr. Hughes included it in his motion. The motion carried by a unanimous vote.

Chapter 189. Noise

[HISTORY: Adopted by the Special Town Meeting of the Town of Harwich 5-5-2009 by Art. 1; amended in its entirety 5-3-2011 STM by Art. 20. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Peace and good order — See Ch. 214.

§ 189-1. Definitions; regulations; exemptions; special permits; violations and penalties.

[Amended 5-7-2012 ATM by Art. 23]

A. Definitions. As used by this bylaw, the following terms shall have the meanings indicated:

PLAINLY AUDIBLE

Any sound from a source regulated by this bylaw that can be detected above routine or normal ambient background noise by unaided human hearing.

SOUND AMPLIFICATION SYSTEM

Any fixed or portable system to operate or amplify sound, including, but not limited to, phonograph, radio, television, stereo, record player, tape player, cassette player, compact disk player, digital music player, "boom box," or loud speaker.

- B. It shall be unlawful for any person or persons to cause or allow any noise which emanates from any building, boat, structure, vehicle, premises, or any sound amplification system, which is plainly audible at a distance of 150 feet from any such building, boat, structure, vehicle, premises or sound amplification system. The fact that the noise is plainly audible at a distance of 150 feet from the building, structure, vehicle, boat, premises or sound amplification system in which or from which it originates shall constitute prima facie evidence of a violation of this section. Each such act, which constitutes a violation of this section, which either continues or is reported more than 30 minutes after the issuance of a warning or citation to cease said activities, shall be considered a separate offense and shall be prosecuted as a separate offense in accordance with § 189-1E.
- C. Sounding horns excessively. It shall be unlawful to sound or use automobile, truck or other motor vehicle horns or similar signaling devices upon the public streets, alleys, parking lots, or thoroughfares of the Town in excess of those signals necessary for the preservation of safety and is a violation of this bylaw at anytime.
- D. For the purposes of this bylaw, noises which disturb the reasonable quiet, comfort, repose, or health of others shall include loading or unloading activities, use of power tools and equipment, use of lawn or landscaping equipment, loud outcries, and other loud or boisterous noises which are not specifically exempted by § 189-1F and which are plainly audible at a distance of 150 feet from their source between 10:00 p.m. and 7:00 a.m., except as otherwise indicated as outlined in § 189-1B.
- E. Procedure upon violation. It shall be the duty of any police officer of this town to order any person or persons so acting as to violate the provisions of this bylaw to cease any prohibited activities which are specified in this bylaw, and if the person or persons so ordered does not forthwith obey, the officer may issue a noncriminal citation with a fine of \$150 for the first violation and \$300 for each subsequent violation.
- (1) If the person or persons responsible for violation(s) of this bylaw cannot be determined, then the person in lawful custody and/or control of the premises where the violation(s) occurred, including but

not limited to the owner, lessee, manager, or occupant of the property, may be deemed responsible for the violation(s).

- (2) Any person or persons who commit, in the presence of a police officer, a violation of this article, which amounts to a breach of the peace or anticipatory breach of the peace, may be arrested without a warrant.
- (3) Whoever violates any provision of this bylaw may be penalized by indictment or on complaint brought in the District Court. Except as may be otherwise provided by law and as the District Court may see fit to impose, the maximum penalty for each violation or offense shall be \$300.
- (4) The Town may enforce this bylaw or enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means.

F. Exemptions. The following uses and activities shall be exempt from the noise level regulations:

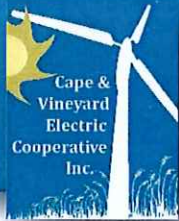
- (1) Any law enforcement motor vehicle equipped with any communication or signaling device necessary in the performance of law enforcement duties.
- (2) Any fire apparatus, ambulance, rescue, or emergency response vehicle in performance of their public safety responsibilities.
- (3) Any emergency vehicle equipped with any communication device necessary in the performance of any emergency procedures.
- (4) Any highway maintenance, water department, or public utilities vehicle utilizing an amplified communications system in the performance of their responsibilities.
- (5) Announcing systems at sanctioned sporting or other authorized public events.
- (6) Noises of safety signals, warning devices and emergency pressure relief valves during public emergencies.
- (7) Noises resulting from any authorized vehicle(s) responding to an emergency call or acting in time of emergency.
- (8) Noises resulting from activities of a temporary duration permitted by law and/or for which a license or permit has been granted by the Town.
- (9) Parades, music festivals, public gatherings, and events for which the Selectmen have issued a permit.
- (10) Bells, chimes or carillons, or their amplified, recorded, or other electronic substitution while being used for religious purposes, in conjunction with religious services or to denote time intervals between the hours of 7:00 a.m. and 10:00 p.m.
- (11) Snow removal from private parking lots, drives, roadways, and other vehicle- or pedestrian-traveled surfaces.
- (12) Noises for which the Board of Selectmen has granted a special permit.
- (13) Noise resulting from activities of any agricultural operation.

G. Application for special permit.

- (1) Application for a permit for relief from the noise level designated in this chapter on the basis of undue hardship may be made to the Board of Selectmen.
- (2) Any permit granted by the Selectmen shall set forth all conditions pertaining to the specified noise and a reasonable time limit for its abatement.

- (3) The holders of licenses to provide alcoholic beverages and/or entertainment shall comply with any noise allowances and/or restrictions imposed upon such licenses, and in the case of a conflict between individual license allowances or restrictions and this bylaw, the terms of the license shall apply, and a violation of any such allowances or restrictions shall also constitute a violation of this bylaw.

- H. Severability clause. If any part of this bylaw is deemed to be contrary to state or federal law by the Attorney General, that part can be severed without affecting any other part of this bylaw.



Cape & Vineyard Electric Cooperative Highlights – June 30, 2018

Since CLC Founding in 2007:



4 CVEC PV Initiatives:

- CVEC-7 Initial Round = 750kW on roofs
- Round 1 = 16MW, mostly on landfills
- Round 2 = 12MW, on roofs & municipal lands
- Round 3 = 1MW, on 7 roofs (Installed Dec. 2018)



CVEC Net Metering Credit Sales:

- 3 PV Power Sales Agreement = 7MW
- Wind Power Sales Agreement = 3MW



CVEC NMC Consultancy Management Services:

- Sandwich
- Provincetown
- Dennis



➤ Since 2014, savings of over **\$8,000,000** to members & participants

➤ Reduction of greenhouse gases: = 10,000 homes, electricity



Coming in 2019:



Grant for battery back-up at DY High School Emergency Shelter



Grant for microgrid at Oak Bluffs Landfill/Wastewater Plant



CVEC community solar offering

Round 1 Adder request for FY18 & FY19 was \$0.005 for debt of \$100,000
Round 1 Adder request for FY20 is \$0.0025 for projected debt of \$36,000

Fraud Risk Assessment Policy

Introduction

The Town of Harwich, like all municipalities, is faced with the risks from wrongdoing, misconduct, dishonesty and fraud. We must be prepared to manage these risks and their potential impact in a professional manner. The impact of misconduct and dishonesty may include:

- Financial loss
- Damage to the reputation of our Town and our employees
- Negative publicity
- Cost of investigation
- Loss of employees
- Loss of public confidence
- Damaged relationships with our contractors and suppliers
- Damage to employee morale
- Litigation

Our goal is to establish and maintain an environment of fairness, ethics and honesty for our employees, our citizens, our suppliers and anyone else with whom we have a relationship. To maintain such an environment requires the active assistance of every employee and manager every day.

Our municipality is committed to the deterrence, detection and correction of misconduct and dishonesty. The discovery, reporting and documentation of such acts provides a sound foundation for the protection of innocent parties, the taking of disciplinary action against offenders up to and including dismissal where appropriate, the referral to law enforcement agencies when warranted by the facts, and the recovery of assets.

Purpose

The purpose of this document is to communicate municipal policy regarding the deterrence and investigation of suspected misconduct and dishonesty by employees and others, and to provide specific instructions regarding appropriate action in case of suspected violations.

Definition of Misconduct and Dishonesty

For purposes of this policy, misconduct and dishonesty include but are not limited to:

- Theft or other misappropriations of assets, including assets of the Town, our citizens, suppliers or others with whom we have a business relationship
- Misstatement and other irregularities in municipal records, including the misstatement of the results of operations
- Wrongdoing
- Forgery
- Alteration of documents

The municipality strictly prohibits these and any other illegal activities in the actions of its employees, managers, administrators and others responsible for carrying out the Town's activities.

POLICY AND RESPONSIBILITIES:

Reporting

It is the responsibility of every employee, supervisor, manager and administrator to immediately report suspected misconduct or dishonesty to their supervisor or those that exercise authority over the supervisor. Supervisors, when made aware of such potential acts by subordinates, must immediately report such acts to the Town Administrator or his/her designee. Any reprisal against any employee or other reporting individual because that individual, in good faith, reported a violation is strictly forbidden.

Due to the important yet sensitive nature of the suspected violations, effective professional follow up is critical. Managers should not, in any circumstances, perform and investigate or other follow up on their own. All relevant matters, including suspected by unproved matters, should be referred immediately to the Town Administrator or direct supervisor.

If the suspected misconduct involves the Town Administrator or Finance Director the Town of Harwich recommends one or both reporting options: Office of Inspector General, Confidential Fraud, Waste, and Abuse 24-Hour Hotline (800) 322-1323 or by contacting the Town's Legal Counsel.

Additional Responsibilities of Supervisors

All employees have a responsibility to report suspected violations, however employees with supervisory and review responsibilities at any level have additional deterrence and detection duties. Specifically, personnel with supervisory or review authority have three additional responsibilities.

First, you must become aware of what can go wrong in your area of authority.

Second, you must put into place and maintain effective monitoring, review and control procedures which will prevent acts of wrongdoing.

Third, you must put into place and maintain effective monitoring, review and control procedures which will detect acts of wrongdoing promptly should prevention efforts fail.

Authority to carry out these additional responsibilities may not be delegated to subordinates.

Assistance in effectively carrying out these responsibilities is available upon request through the Finance Director and Town Administrator.

Responsibility and Authority for Follow Up and Investigations

The Police Department and/or Town Administrator have the primary responsibility for all investigations involving the Town and all Departments. The Police Department and/or Town Administrator may request the assistance of the Finance Director in any investigation, including access to periodic examinations and evaluations of internal controls.

Properly designated members of the investigative team will have:

- Free and unrestricted access to all municipal records

- The authority to examine, copy and/or remove all or any portion of contents of files, desks, cabinets and other storage facilities (whether in electronic or other form) without the prior knowledge or consent of any individual who might use or have custody of any such items or facilities when it is within the scope of the investigative or related follow up procedures.

All investigations of alleged wrongdoing will be conducted in accordance with applicable laws and Town procedures.

Reported Incident Follow Up Procedures

Care must be taken in the follow up of suspected misconduct and dishonesty to avoid acting on incorrect or unsupported accusations, to avoid alerting suspected individuals that follow up and investigation is underway, and to avoid making statements which could adversely affect the Town, employee, or other parties.

Accordingly, the general procedures for follow and investigation of reported incidents are as follows:

1. Employees and others must immediately report all factual details as indicated above under Policy and Responsibilities.
2. The Police Department and/or Town Administrator have the responsibility to follow up and, if appropriate, investigate all reported incidents.
3. All records related to the reported incident will be retained wherever they reside.
4. No communication with the suspected individuals or organizations should occur while the matter is under investigation.
5. The Police Department and/or Town Administrator will also notify the Finance Director of all reported incidents so that it may be determined whether this matter should be brought to the attention of the Auditors.
6. The Police Department and/or Town Administrator may also obtain legal advice at any time throughout the course of an investigation or other follow up activity on any matter related to the report, investigation or other follow up activity on any matter related to the report, investigation steps, proposed disciplinary action or any anticipated litigation.
7. Neither the existence nor the results of investigations or other follow up activity will be disclosed or discussed with anyone other than those persons who have a legitimate need to know in order to perform their duties and responsibilities effectively.
8. All inquiries from an attorney or any other contacts from outside of the municipal government, including those from other law enforcement agencies or from the employee under investigation, should be referred to the Police Department and/or Town Administrator.

Investigative or other follow up activity will be carried out without regards to the suspected individual's position or level, or relationship with the municipality.

Questions or Clarifications Related to this Policy

All questions or other clarifications of this policy and its related responsibilities should be addressed to the Town Administrator, who shall be responsible for the administration, revision, interpretation, and application of this policy.

Effective Date: _____

Board of Selectmen

Julie Kavanagh

Larry Ballantine

Don Howell

Mike MacAskill

Ed McManus

Acknowledgement

My signature signifies that I have read the Policy on Fraud Risk and that I understand my responsibilities related to the prevention, detection and reporting of suspected misconduct and dishonesty.

Signature: _____

Printed Name: _____

Date Signed: _____

SEWER USE REGULATIONS

Harwich, MA

Article XII

Land Use Controls – Wastewater Flow Management

4-16-2018

Preamble:

The Town of Harwich Board of Selectmen being responsible for the design and construction of the town sewer systems and for the implementation of the Comprehensive Wastewater Management Plan (CWMP) adopt the following Land Use Control – Wastewater Flow Management regulation to achieve Flow Neutral requirements. Sewer Service Areas (SSAs) to be implemented over eight phases during a 40-year period and wastewater flow projections for those areas have been defined after completing a comprehensive and deliberate study of the existing and projected wastewater needs of the Town. Reference is hereby made to the Final CWMP accepted by the Secretary of the Massachusetts Executive Office of Energy and Environmental Affairs (EOEEA) in 2016. The intent of this regulation is to manage the wastewater flows in Town to those projected in the approved CWMP.

Background:

Any owner of a house, building, or other structure used for human habitation, occupancy, employment, or recreation shall install sanitary facilities thereon in order to connect at his or her own expense to a public sanitary sewer of the Town based on the following sections.

All Connection and Extension Permits for sanitary sewers shall be issued at the sole discretion of the Harwich Board of Health in accordance with the Harwich Board of Selectmen policies and working in conjunction with the Harwich Water and Sewer Commissioners who are responsible for administration, maintenance and operation of the sewer system. Furthermore, the Town of Harwich completed a CWMP in 2016 prepared by CDM Smith Inc., to provide a comprehensive wastewater management plan that outlines the existing and future wastewater needs of the Town in order to protect and restore water quality.

To analyze existing wastewater flows and estimate future wastewater needs, the Town was divided into eight Sewer Service Areas primarily by watershed, with the Campground Area, Great Sand Lakes area, and the Route 28 area outside of the Massachusetts Estuaries Project (MEP) designation, which includes Harwichport, being grouped separately. Figure 13-4 from the CWMP shows the watersheds and SSAs. Existing and future wastewater flows were also calculated for each of the five watersheds. The approved March, 2016 CWMP, used water use data from 2004 through 2007 to estimate existing and future wastewater needs, identifying a future need of 1,259,000 (including infiltration and inflow estimates) gallons per day (gpd) as referenced in Table 13-11 of the CWMP. Existing and future flows are summarized in Table 1-1 attached.

The Harwich Board of Selectmen will use information and recommendations included in the CWMP as a guide when considering applications for new connection and extension permits and thereby manage the capacity within the sewer system to serve the needs of the Town for the 40-year planning period.

Regulation: Land Use Control – Wastewater Flow Management

The Harwich Board of Selectmen acting are adopting this new Sewer Use Regulation article that will ensure managed smart growth and prevent excessive growth based on availability of municipal sewer service.

General Land Use Controls

The Sewer Use Regulation as adopted by the Board of Selectmen delineates and designates eight SSAs and the wastewater flow to be allocated to those individual areas. The areas are shown on Figure 1-1 and the flows are shown on Table 1-1, both attached and made a part of this sewer use regulation Article XII. Those flows shall be utilized as a guide by the Town in allocating flows for new connections within the individual SSA during the noted 40-year planning period (2017-2057). Flows are based on actual flows.

Wastewater Flow Management

The Board of Selectmen reserve the right to reallocate flows within all SSAs provided that the following provisions are met:

1. An applicant seeking to alter the SSA or flow within an area shall be responsible for all costs associated with that change including potential for filing a Notice of Project Change with the Massachusetts Environmental Policy Act (MEPA) Office as well as burden of proof to demonstrate the public health need or water quality need, and public benefit;
2. A re-allocation of flows within the SSA shall not exceed the total project flow increase for Harwich in the projected 40-year planning period as presented in the March, 2016 CWMP and shown in Table 1-1;
3. A re-allocation of flow from one SSA to another SSA without exceeding the total flow increase shall be subject to a simple majority vote of the Board of Selectmen; and
4. A re-allocation of flows outside an existing sewer SSA shall only be allowed under the following circumstances:
 - a. For non-public health emergencies or water quality benefits, by unanimous vote of the Board of Selectmen and if applicable, any zoning or other Town funding approved by vote of a legally convened town meeting, provided the total flow increase is not exceeded.
 - b. For public health emergencies, by unanimous vote of the Board of Selectmen and by recommendation of the Harwich Board of Health, provided the total flow is not exceeded.

Abandonment of Systems

Existing on-site septic systems that are connected to the Town’s sewer system shall comply with Commonwealth of Massachusetts – Department of Environmental Protection Regulations 310 CMR 15.354 – Abandonment of Systems and any local Harwich Board of Health regulations.

Adopted

The Board of Selectmen for the Town of Harwich, MA, do hereby adopt the following Land Use Control – Wastewater Flow Management regulation. The sewer service areas and projected wastewater flows have been designated following comprehensive and deliberate study of the existing and projected wastewater needs of the Town. Reference is hereby made to the Final Comprehensive Wastewater Management Plan (CWMP) accepted by the MEPA Office in 2016.

Approved:

Date: _____

Board of Selectmen:

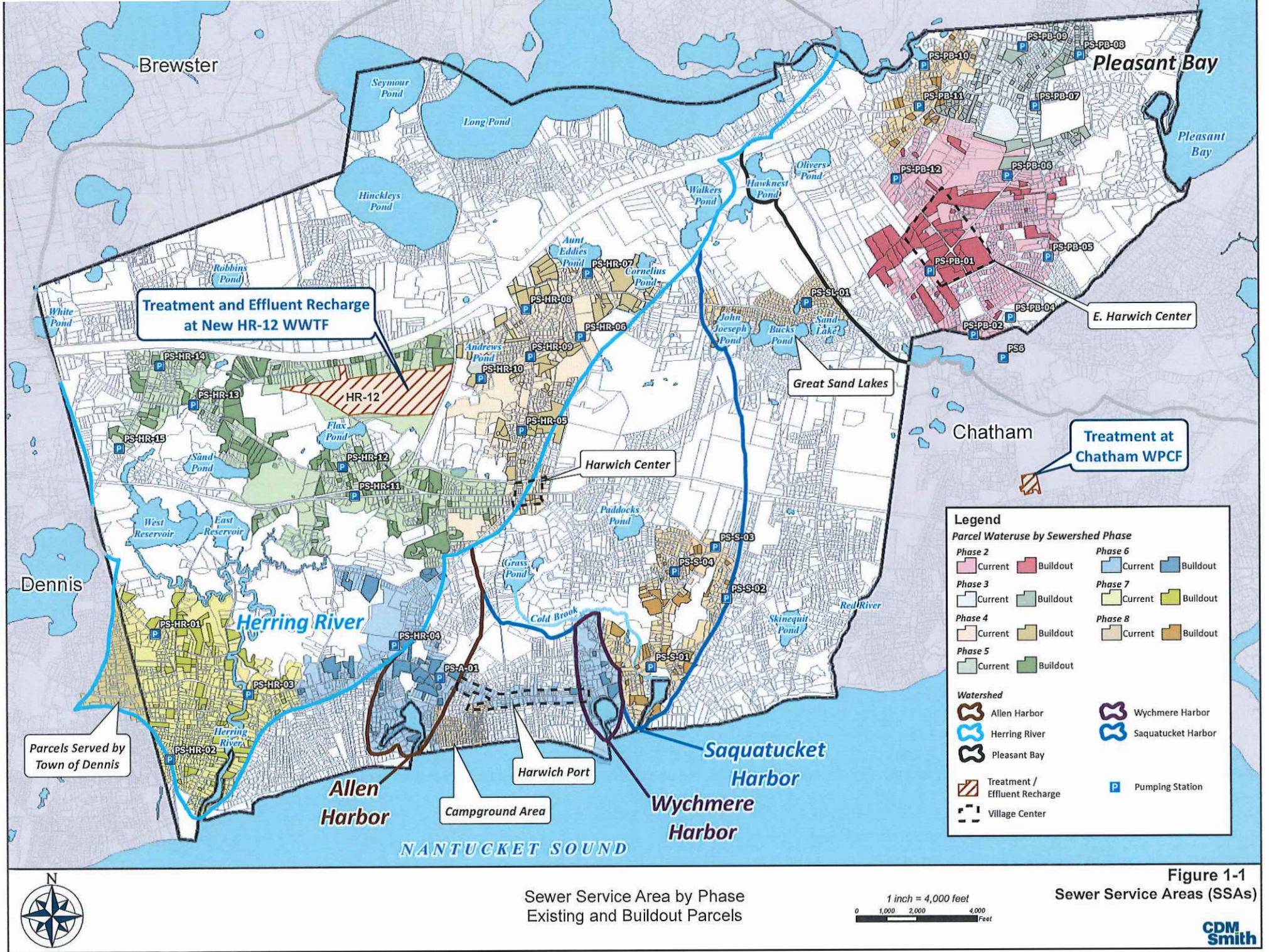
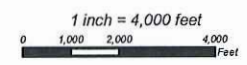


Figure 1-1 Sewer Service Areas (SSAs)

Sewer Service Area by Phase Existing and Buildout Parcels



**Table 1-1
Buildout and Total Harwich Wastewater Flows
40-year Planning Period by Sewer Service Area**

Sewer Service Area (SSA)	CWMP Buildout Wastewater Flow (gpd)¹	CWMP Infiltration and Inflow (I/I) (gpd)	CWMP Total Wastewater Flow (gpd)
<i>Allen Harbor</i>	57,000	4,500	62,000
<i>Herring River</i>	516,000	112,000	628,000
<i>Route 28 Outside of MEP</i>	26,000	1,600	27,000
<i>Pleasant Bay² (Includes 55,000 gpd allowance)</i>	291,000	35,000	326,000
<i>Saquatucket Harbor</i>	95,000	18,000	113,000
<i>Wychmere Harbor</i>	29,000	2,900	32,000
<i>Campground</i>	33,000	1,600	35,000
<i>Great Sand Lake²</i>	34,000	1,600	36,000
Total Flows	1,081,000	177,200	1,259,000

1. Flows shown in the table are taken from Table 13-11 of the March 2016 CWMP.

2. Areas included in Inter-Municipal Agreement (IMA) with Chatham, MA.

Boring Location Map

- Phase 3
- Phase 2
- Sewer Mains
- Force Main
- Sewer Shutoff
- Sewer Shutoff





August 15, 2018

Dear Christopher Clark:

Please accept this letter as the requested update, concerning the opening of the Community Center on Sundays and some Holidays.

At a meeting held on Wednesday, August 15, 2018 the Community Center Director, DPW Director, and Recreation Director established the hours of operation for Sunday as 10am to 3pm. The Community Center will be open for The Gym, Game Room and Weight Room use. The new hours will go into effect on Sunday, September 23rd 2018 due to prior commitments for the gym; including but not limited to; The Cranberry Festival, Elections, Chamber of Commerce and the New Comers organization. We will need to advertise for the different positions required for building coverage. Each department head will conduct interviews for the open positions within his/her area.

We have identified the two holidays that the building will be open to the public as Columbus Day in October and Presidents day in February. The Department Heads will be happy to report back in six months on the success of the program and utilization of the building.

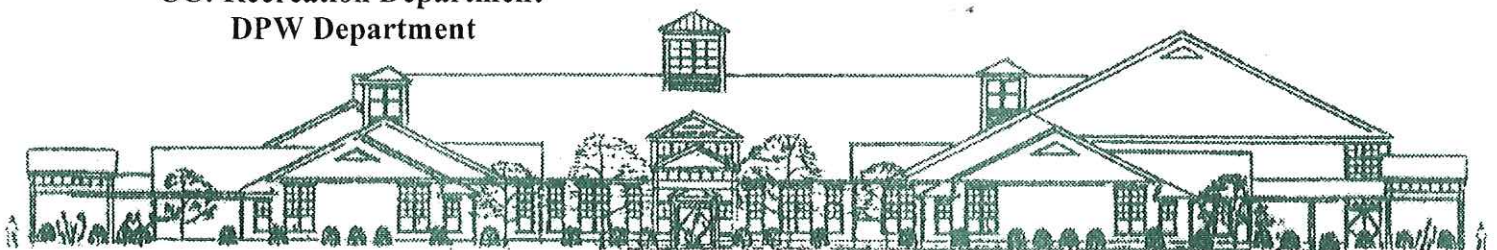
Please let me know if you have any questions or concerns.

I look forward to working with you. Thank you in advance for your time and attention to this matter.

Regards,

Carolyn Carey
Director, Harwich Community Center

CC: Recreation Department
DPW Department



TOWN OF HARWICH CHANGE ORDER

CHANGE ORDER NO. 2 DATE: June 21, 2018

CONTRACT TITLE: Saquatucket Harbor Septic System

CONTRACTOR'S NAME: CC Construction, Inc.
CONTRACTOR'S ADDRESS: 15 Diamonds Path, South Dennis, MA

COPY

INCREASE

Contract price for Saquatucket septic system to include all components for the treatment of the Harbor Master Building and Snack Shed (see attachment): \$309,190

This does not include tank, pump and connection of the Maintenance Garage.

REVISED CONTRACT PRICE AFTER CHANGE ORDER 1: \$222,300
REVISED CONTRACT PRICE AFTER CHANGE ORDER 2: \$309,190
INCREASE IN CONTRACT AMOUNT: \$86,890

Change Approved:

By: 
BROOKS E. CAMERON Contractor

Date: JUNE 21st, 2018

Title: ASSISTANT PROJECT MANAGER

TOWN OF HARWICH – HARWICH BOARD OF SELECTMEN

Saquatcket Harbor Marina
 Route 28
 Harwichport, MA.

Original Bid New Bid Revised Bid Revised Bid #2

Pipe Material Harbormaster office to tanks	\$ 7,520.00			
to include grease trap tank and piping		\$ 19,170.00	\$ 19,170.00	\$ 19,170.00
Pipe Material Maintenance garage to tanks	\$ 36,200.00			
		\$ 36,200.00	\$ 36,200.00	\$ -
Microfast System 4.5	\$ 35,000.00			
Microfast System 9.0		\$ 54,000.00	\$ 47,500.00	\$ 35,000.00
7000 Gallon Septic Tank	\$ 19,750.00			
9000 Gallon Septic Tank		\$ 25,250.00	\$ 25,250.00	\$ 25,250.00
5000 Gallon Septic Tank	\$ 16,700.00			
6000 Gallon Septic Tank		\$ 22,200.00	\$ 22,200.00	\$ 22,200.00
Fast 4.5 Containment Tank	\$ 10,750.00			\$ 10,750.00
Fast 9.0 Containment Tank		\$ 24,250.00	\$ 24,250.00	
5000 Gallon Pump Chamber	\$ 11,500.00			\$ 20,000.00
6000 Gallon Pump Chamber		\$ 20,000.00	\$ 20,000.00	
Tank piping	\$ 3,150.00			
		\$ 3,550.00	\$ 3,550.00	\$ 3,550.00
Blower Piping / Vent piping	\$ 7,825.00			\$ 7,825.00
		\$ 24,800.00	\$ 21,000.00	
Leachfield Material	\$ 57,916.00			
		\$ 87,695.00	\$ 87,695.00	\$ 87,695.00
Pumps with piping	\$ 18,700.00			
		\$ 30,200.00	\$ 27,750.00	\$ 27,750.00
Electrician	\$ 15,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00
Pavement removal and replacement	\$ 12,500.00			
		\$ 12,500.00	\$ 12,500.00	\$ 12,500.00
Loam and Seed	\$ 2,500.00			
		\$ 2,500.00	\$ 2,500.00	\$ 2,500.00
Remobilization In Fall 2018				\$ 10,000.00
Total Of Base Bid	\$ 255,011.00	\$ 387,315.00	\$ 374,565.00	\$ 309,190.00
Bid Discount Amount	\$ 16,011.00	\$ 23,238.90	\$ 22,473.90	\$ -
Discounted Amount	\$ 239,000.00	\$ 364,076.10	\$ 352,091.10	\$ 309,190.00
Difference Between bid and New Pricing		\$ 125,076.10	\$ 113,091.10	\$ 70,190.00

TOWN OF HARWICH CHANGE ORDER

CHANGE ORDER NO. 1 DATE: 04/10/2018

CONTRACT TITLE: Saquatucket Harbor Septic System

CONTRACTOR'S NAME: CC Construction, Inc.
CONTRACTOR'S ADDRESS: 15 Diamonds Path, South Dennis, MA

INCREASE

	7000 GAL TANK TO 9000 GAL TANK	5000 GAL TANK TO 6000 GAL	5000 PC TO 6000 PC
PREVIOUS CONTRACT AMOUNT	\$ <u>19,750</u>	\$ <u>16,700</u>	\$ <u>11,500</u>
AMOUNT OF THIS ORDER	\$ <u>25,250</u>	\$ <u>22,200</u>	\$ <u>20,000</u>
INCREASED CONTRACT AMOUNT	\$ <u>5,500</u>	\$ <u>5,500</u>	\$ <u>8,500</u>

TOTAL CONTRACT INCREASE FOR CHANGE ORDER 1: \$19,500

DECREASE

Maintenance Garage septic tank, pump chamber, pump and force main are eliminated from this Contract. Bid price for this item: \$36,200

TOTAL CONTRACT DECREASE FOR CHANGE ORDER 1: \$36,200

ORIGINAL CONTRACT PRICE: \$239,000

REVISED CONTRACT PRICE AFTER CHANGE ORDER 1: \$222,300

Change Approved:

By: David A. Tet Date: APRIL 10TH, 2018
DAVID A. TET Contractor

Title: PROJECT MANAGER

TOWN OF HARWICH -- TOWN ADMINISTRATOR

By: [Signature] Date: 4/10/18
Christopher Clark

Sandy Robinson

From: Robert Cafarelli
Sent: Tuesday, August 14, 2018 2:27 PM
To: Sandy Robinson; Christopher Clark
Cc: John Rendon
Subject: Saquatucket Septic System
Attachments: CHANGE ORDER #18 INSTALL SEPTIC TANK AT GARAGE (002).pdf; CO #02 - Signed.pdf; CO 2 Saquatucket Seotic.pdf

Sandy,

CC Construction's estimate for connection of the Maintenance building to the new septic system was \$36,200 as seen on their estimate sheet. We took this out of the CC Construction contract because we thought it was too much.

We received an estimate to connect the Maintenance building from Barrows Construction for \$24,970 (see attached), a savings of \$11,230 to the Town.

The CC Construction Change Order is for all work installing a septic system large enough for all three buildings (Harbor Master Building, Snack Shed, and Maintenance building), and all work for the connection of the Harbormaster Building and Snack Shed. Again, connection of the maintenance building to the septic system will be by Barrows through Eastward's contract.

Bob

Robert Cafarelli, P.E.

Town Engineer
Town of Harwich
732 Main Street
Harwich, MA 02645
Tel: 508-430-7508
email: rcafarelli@town.harwich.ma.us

CHANGE ORDER



Print date	7-13-2018
Change Order ID	PCO #18

155 Crowell Road
 Chatham, MA 02633
 Phone: 508-945-2300
 Fax: 508-945-2374

Owner Info
 John Rendon
 715 Main Street
 Harwich Port, MA 02646
 Phone: 774-212-0193

Job Info
 715 Main Street
 Harwichport, MA 02646

CHANGE ORDER

Saquatucket Harbor Landside Redevelopment HBM BLDG

CO ID	Created / Approved Date	Price
PCO #18	8-21-2018	\$24,970.00

Description

Septic Tank at Garage
 Install 1000 Gal H2O septic tank at Garage
 Install Pump and Alarm inside tank
 Install septic line from tank at garage to tank at Harbormaster Bldg

Material and Labor cost \$22,700
 O&P 10% \$2,270
 Total Cost \$24,970

Performing Sub(s)

Barrows Excavating

Status	Signature	Date
Approved by:		8/1/18

Approval Comments

Please Note: A signature of Approval OR Electronic Acceptance is required before change order is effective. This change order becomes part of the existing contract.

TOTAL AMOUNT OF CHANGE ORDER: \$24,970.00

August 10, 2018

Christopher Clark, Town Administrator
Town of Harwich
732 Main Street
Harwich, MA 02645



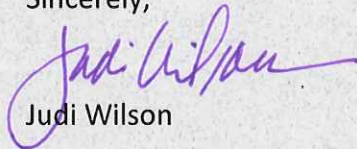
Dear Chris,

After careful thought and consideration, I am writing to tender my resignation from my position as Harwich Council on Aging Director. My last week of work will be the week ending September 15, 2018.

As you know I assumed the position only one year ago, but have tackled some significant administrative challenges during this time. I believe in the last year I have made some meaningful improvements in the administration of the department and had a positive impact on staff collaboration and the implementation of new programming initiatives.

I am committed to work diligently over the next five weeks to wrap up projects and make the transition of my departure as smooth as possible.

Sincerely,


Judi Wilson



260 West Exchange Street, Suite 300
Providence, Rhode Island 02903
tel: 401 751-5360
fax: 401 274-2173

July 31, 2018

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

Subject: Sewer Collection System – Phase 2
Progress Report and Invoice No. 13

Dear Mr. Clark:

Enclosed please find Progress Report and Invoice No. 13 for the Sewer Collection System – Phase 2 project. The attached progress report details the work that was completed during the invoice period. The invoice is for work from June 17, 2018 to July 14, 2018.

If you have any questions, please contact me at (401) 457-0310.

Very truly yours,

A handwritten signature in black ink that reads "Michael P. Guidice".

Michael P. Guidice, P.E.
Associate
CDM Smith Inc.

Enclosure

cc: David Young, CDM Smith





260 West Exchange Street, Suite 300

Providence, Rhode Island 02903

tel: 401 751-5360

fax: 401 274-2173

Harwich Sewer Collection System – Phase 2 Progress Report No. 13

Services from June 17, 2018 to July 14, 2018

- CDM Smith costs incurred during this period are \$44,544.20
- Previously, CDM Smith invoiced the Town \$599,425.44
- This invoice (No. 13) will bring the total invoiced amount up \$643,969.64
- The total contract amount is \$2,020,000 per the agreement dated June 2, 2017
- Contract balance remaining is \$1,376,030.36

CDM Smith Activities During This Reporting Period

1. Continued development and refinement of detailed design drawings including sewer profiles for the Phase 2 collection system.
2. Prepared for and attended meeting with Harwich and Chatham representatives on June 21, 2018.
3. Continued development of geotechnical drilling program, including coordination with Town and drilling subcontractor.
4. Continued identification and information collection of potential easements for pumping stations and pipelines.

Work Planned During Next Invoice Period

1. Continue development of design drawings of pipelines and pumping stations.
2. Continue procurement/coordination of geotechnical drilling program.
3. Prepare letter to utility companies providing information on Phase 2 and the sewer program.
4. Conduct monthly Progress Meeting with the Town.
5. Prepare for and attend meeting with Harwich and Chatham representatives on August 9, 2018.





**HARWICH
ASSESSORS
OFFICE**
508-430-7503

Memo

To: Sandy Robinson
Ann Steidel

From: Donna Molino

Date: August 8, 2018

RE: Assessor's Department Monthly Report (July)

1. Prepared and attended Board of Assessor's Meeting.
2. Processed paperwork from Assessor's meeting.
3. Processed and reviewed abutter's lists.
4. Processed and reviewed 83 deeds.
5. Inspected properties.
6. Updated information on properties.
7. Issued Motor Vehicle Commitment #4 for 2018 (642 bills)
8. Processed 54 Motor vehicle abatements.
9. Coordinated with PkValuation group building inspections.
10. Trained on new Munis platform.
11. Processed and mailed 63 sales questionnaires.
12. Assisted customers with various questions.

WEEKLY REPORT TO THE SELECTMEN
 BUILDING DEPARTMENT
 PERIOD ENDING 08/10/2018

	2014	2015	2016	2017	2018 As Yet
Building Permits Issued	1395	1433	1372	1160	906
Building Inspections	838	967	1180	1152	833
Plumbing & Gas Permits Issued	1226	780	1123	1209	829
Plumbing & Gas Inspections		1273	1128	1370	925
Electrical Permits Issued	774	983	960	849	577
Electrical Inspections					554
Sign Permit Issued	27	32	41	10	18
Zoning Board of Appeals & Historic	64	59	57	66	33

Building Department Revenue

	2014	2015	2016	2017	2018 As Yet
Building Permit Revenue	\$238,216	\$255,316	\$286,976	\$276,000	\$189,311
Plumbing & Gas Permit Revenue		\$89,861	\$84,696	\$89,755	\$64,175
Electrical Permit Revenue	\$64,705	\$115,152	\$118,035	\$109,318	\$51,305

Building Permits by Week

Week Ending	7/6/2018	7/13/2018	7/20/2018	7/27/2018	8/3/2018	8/10/2018
Building Permits Issued per Week	20	29	33	22	18	31
Building Permits Issued 2018 YTD	773	802	835	857	875	906
1&2 Family	4	1	5	4	4	8
Certificate of Inspection	0	0	1	1	1	0
Demolition	0	2	5	1	0	0
Express Permit	11	14	17	13	7	16
Fire Alarm	0	0	0	0	0	0
Non-1&2 Family	0	0	0	1	0	1
PoolSpa	1	0	0	0	0	0
Rental Certificate	0	1	3	1	2	0
Shed	0	6	2	0	0	1
Sheet Metal	0	1	0	0	3	1
Sign	1	2	0	1	0	0
Tent	3	2	0	0	1	4

Building Inspections by Week

Week Ending	7/6/2018	7/13/2018	7/20/2018	7/27/2018	8/3/2018	8/10/2018
Building Inspections Done per Week	9	30	13	13	21	16
Building Inspections Done 2018 YTD	740	770	783	796	817	833
Building Final	6	14	5	7	8	7
Certificate of Inspection	0	0	0	0	0	0
Electrical Final	0	0	0	0	0	0
Footings & Forms	0	0	1	0	0	0
Foundation	1	3	1	0	4	0
Frame	0	7	1	3	3	2
Insulation	1	2	3	1	2	2
Mechanical Final	0	0	0	0	0	0
Other	0	0	0	0	0	0
Plumbing Final	0	0	0	0	0	0
Progress Check	0	0	0	1	0	1
Rough Frame	0	0	0	0	2	1

08/10/2018

Building Permits by Month

	Jan 2018	Feb 2018	March 2018	April 2018	May 2018	June 2018	July 2018	Aug 2018
Total Building Permits Issued	83	114	113	138	140	132	110	43
1&2 Family	34	38	33	27	35	35	14	12
Certificate of Inspection	1	2	3	7	12	5	3	0
Demolition	2	2	3	2	0	1	8	0
Express Permit	36	61	60	85	63	67	58	20
Fire Alarm	0	0	0	0	0	0	0	0
Non-1&2 Family	1	3	1	3	7	5	1	1
PoolSpa	0	0	1	0	2	0	1	0
Rental Certificate	0	0	1	1	3	8	6	1
Shed	5	1	5	7	5	3	8	1
Sheet Metal	4	7	2	1	6	3	2	3
Sign	0	0	3	4	5	2	4	0
Tent	0	0	1	1	2	3	5	5

Building Inspections by Month

	Jan 2018	Feb 2018	March 2018	April 2018	May 2018	June 2018	July 2018	Aug 2018
Total Building Inspections Done	96	93	135	114	142	123	78	24
Building Final	35	29	50	44	52	70	37	10
Certificate of Inspection	0	0	5	6	8	0	0	0
Electrical Final	0	1	0	0	0	0	0	0
Footings & Forms	9	11	9	9	2	3	1	0
Foundation	5	15	9	13	7	4	7	2
Frame	19	19	32	16	34	17	13	3
Insulation	21	14	24	19	24	13	8	3
Mechanical Final	0	0	1	0	1	1	0	0
Other	1	1	1	0	0	1	0	0
Plumbing Final	0	1	0	0	0	0	0	0
Progress Check	1	2	2	3	2	1	1	1
Rough Frame	5	0	1	3	1	1	1	2

08/10/2018

Channel 18 Monthly Report July 15- August 15 2018

- Filmed updates with:
 - Brooks Free Library
 - Chamber of commerce
 - Town Nurse
 - Town Administrator
 - Cranberry Festival
 - Conservation Trust
- Meetings Filmed:
 - Board of Selectmen (2)
 - Planning Board (3)
 - Town Band (3)
 - Wastewater (2)
 - Conservation Commission
 - Community Journal (2)
 - Zoning Board of Appeals
- Ordered new lighting for Ch. 18 studio
- Worked on new equipment design/order for Small Hearing Rm at TH
- Attended Town Managers meeting in Eastham as a guest of Bob Lawton to discuss upcoming Cable negotiations.
- Registered for Video Professionals Conference
- Met with a vendor to go over some equipment training
- Presented at the Annual Taxpayers meeting to discuss YouTube access
- Agendas and Minutes posted
- All clips and meetings transferred and posted to YouTube
- Video file maintenance

Please Follow Channel 18 on YouTube Facebook www.youtube.com/harwichchannel18
www.facebook.com/harwichchannel18

Respectfully Submitted,

Jamie Lee Goodwin

jgoodwin@town.harwich.ma.us 508-430-7569

August 2018

ADMINISTRATIVE PROGRESS REPORT FOR JULY:

- **Transition to “My Senior Center” Database**
 - Utilization of MSC continues to increase with more than 800 check-ins in July and few complaints from seniors
 - We are working on improving accuracy of some data, as well as determining how to monitor phone calls & general walkins using the system
 - Rick has been transitioned to Reception to help with coverage and he has been instrumental in helping with the transition process

- **Misc.**
 - Had problem with mailing of newsletter which was delayed due to July 4th holiday closing of printer...copies were available at the COA but were received late by seniors at home
 - Met with Community Center Director to discuss kitchen equipment
 - Conducted performance appraisal for Van Driver
 - Met with Town Administrator regarding lease for new vehicle
 - Held one COA Team meeting with staff
 - Attended monthly meeting of Friends of Harwich COA
 - Honored retirement of Social Service Coordinator, Kevin Grunwald, at July Men’s Breakfast program
 - Completed process for gaining approval and confirmation of new Social Service Coordinator, Susanna Keith, to start August 20th
 - Met with Pine Oaks administrative staff and Harwich Emergency Management Director, Lee Culver, to discuss emergency preparedness protocol for seniors in housing
 - Attended ceremony for COA’s Fire Dept. Liaison, Leighanne Smith, who was promoted to Capt.
 - Attended monthly Dept. Managers meeting
 - Held meeting for COA Van Drivers to discuss projected changes in ride scheduling, transportation program updates, and draft transportation policy
 - Conducted home visits and office consultation with clients in absence of Social Service Coordinator
 - Completed survey of Cape COA Directors’ salaries
 - Worked with IT Director to resolve issues with public COA computer
 - Provided Reception coverage as needed during staff vacations
 - Completed FY18 yearend budget closeout
 - Reorganized internal procedures for coordinating Senior Tax Work-Off Program
 - Completed planning for early fall programs

REPORT OF JULY PROGRAM ACTIVITY:

- **Outreach**
 - Assisted clients in their homes, over the telephone, and in the office providing counseling regarding behavior health resources, caregiver support, dementia care, care planning, financial assistance programs, housing consultations, homecare information and referral, and crisis intervention

REPORT OF JULY PROGRAM ACTIVITY: (continued)

▪ **Programs & Activities**

- Conducted 78 nursing visits and appointments with clients to conduct assessments, provide care, and offer teaching to them and their caregivers and provided numerous follow-up communications with agencies, pharmacies, doctors, family members, and clients
- Conducted 75 assessments at the Community Center Wellness Clinics
- Challenged by growth in participation in Balance Boosters as room cannot accommodate number of participants and larger room not always available so working with Town Nurse to plan for implementation of registration controls to prevent future problems
- “Nutrition 101” program with Dr. Lauren Daniels well attended

STATISTICAL REPORT FOR JULY:

	July Units of Service	July Undup. # Indiv. Served
Classes/Workshops	57	30
Health Screenings	86	62
Health/Fitness	203	60
Nutrition	383	164
Public Services (<i>Legal, SHINE, SS</i>)	43	37
Rec/Entertainment	49	18
Socializing	34	26
Special Events	21	21
Special Groups	6	6
Social Services*	40	23
Volunteer Medical Rides	46	16

**Social Services provided included help with behavioral health, care planning, crisis intervention, dementia/Alzheimer’s, family consultation, fuel assistance, homecare information and referral, housing consultation, community resource information and referral, etc.*

Average July COA Daily Attendance: 41
July Volunteer Hours: 187
July Notes: 24% of those served were over the age of 85
70% of those served were woman
97% of those served live alone

Respectfully submitted,
Judi Wilson

Monthly Update for the Community and Cultural Centers
August

I am pleased to provide a report on my work at both the Community Center and the Cultural Center for the month of July.

- I have attached the totals for the period of July 25th –August 15 for people using the building. The chart provided shows from July 25 – August 15, 2018. The new counters on the doors at the Community Center have captured more accurate data.
- I worked the Cran Fest events at the Cultural Center on Thursday evenings. Each event has grown with an average of 60 people in attendance. We have had two Thursday events August 2, and August 9th. In the event of bad weather we have been able to use the auditorium.
- I attended the Facilities Committee meeting and prepared the agenda and minutes. I have also posted the minutes and checked to be sure the Facilities committee meetings and agendas are up to date on the town webpage.
- I have hired a new employee for the 19 hour a week position at the Cultural Center. Bryan Fede a Harwich resident that will help cover some of the evening and weekend events at the Center. Bryan began training this week.
- The August 4th Yard Sale was a great success with some 30 community members participating. We work with the Cranberry Festival on the publicity for the event.
- I had a Cultural Centers renters meeting to discuss policies and procedures and upcoming events. I introduced our new staff member to the tenants.
- I will be advertising for the Sunday positions for the Community Center in addition to the weight room 19 hour a week position we are hoping to fill.
- The Junior Players have had several performances at the Cultural Center. They perform on Tuesday and Thursday afternoons.
- The Cultural Center has started a Facebook page to help spread information on activity and events that we have going on.
- I have contacted other department to help with this year's Touch A Truck event that we will do on October 13th in the parking lot of the Community Center. Last year we worked with Police, Fire, Highway and Water to put on a successful event.
- I have met with Sean Libby to discuss a clean out of the Community Center basement prior to beginning to build the Vault for the records retention project that was voted at Town Meeting.

Carolyn Carey, Community Center Director

	IN	OUT
7/25/2018 0:00 Main Entrance	133	142
7/26/2018 0:00 Main Entrance	114	109
7/27/2018 0:00 Main Entrance	102	118
7/28/2018 0:00 Main Entrance	95	121
7/29/2018 0:00 Main Entrance	0	0
7/30/2018 0:00 Main Entrance	109	120
7/31/2018 0:00 Main Entrance	88	107
8/1/2018 0:00 Main Entrance	121	131
8/2/2018 0:00 Main Entrance	74	96
8/3/2018 0:00 Main Entrance	83	116
8/4/2018 0:00 Main Entrance	62	78
8/5/2018 0:00 Main Entrance	0	1
8/6/2018 0:00 Main Entrance	174	175
8/7/2018 0:00 Main Entrance	124	115
8/8/2018 0:00 Main Entrance	113	125
8/9/2018 0:00 Main Entrance	97	113
8/10/2018 0:00 Main Entrance	103	120
8/11/2018 0:00 Main Entrance	49	64
8/12/2018 0:00 Main Entrance	0	0
8/13/2018 0:00 Main Entrance	104	126
8/14/2018 0:00 Main Entrance	104	110

Totals	1849	2087
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7/25/2018 0:00 Recreation Entrance	411	275
7/26/2018 0:00 Recreation Entrance	424	314
7/27/2018 0:00 Recreation Entrance	448	311
7/28/2018 0:00 Recreation Entrance	946	889
7/29/2018 0:00 Recreation Entrance	287	267
7/30/2018 0:00 Recreation Entrance	579	415
7/31/2018 0:00 Recreation Entrance	416	289
8/1/2018 0:00 Recreation Entrance	381	266
8/2/2018 0:00 Recreation Entrance	448	265
8/3/2018 0:00 Recreation Entrance	474	324
8/4/2018 0:00 Recreation Entrance	181	140
8/5/2018 0:00 Recreation Entrance	473	499
8/6/2018 0:00 Recreation Entrance	648	447
8/7/2018 0:00 Recreation Entrance	468	335
8/8/2018 0:00 Recreation Entrance	426	309
8/9/2018 0:00 Recreation Entrance	538	447
8/10/2018 0:00 Recreation Entrance	470	301
8/11/2018 0:00 Recreation Entrance	1141	1134
8/12/2018 0:00 Recreation Entrance	614	607
8/13/2018 0:00 Recreation Entrance	540	398
8/14/2018 0:00 Recreation Entrance	455	313

Totals	10768	8545
7/25/2018 0:00 COA Entrance	233	199
7/26/2018 0:00 COA Entrance	189	179
7/27/2018 0:00 COA Entrance	143	135
7/28/2018 0:00 COA Entrance	50	50
7/29/2018 0:00 COA Entrance	2	2
7/30/2018 0:00 COA Entrance	177	165
7/31/2018 0:00 COA Entrance	223	206
8/1/2018 0:00 COA Entrance	210	196
8/2/2018 0:00 COA Entrance	180	160
8/3/2018 0:00 COA Entrance	132	124
8/4/2018 0:00 COA Entrance	64	56
8/5/2018 0:00 COA Entrance	2	6
8/6/2018 0:00 COA Entrance	264	236
8/7/2018 0:00 COA Entrance	154	143
8/8/2018 0:00 COA Entrance	213	206
8/9/2018 0:00 COA Entrance	141	136
8/10/2018 0:00 COA Entrance	194	180
8/11/2018 0:00 COA Entrance	37	40
8/12/2018 0:00 COA Entrance	1	2
8/13/2018 0:00 COA Entrance	105	109
8/14/2018 0:00 COA Entrance	189	173

Totals 2903 2703

All Doors Total 15520 13335



TOWN OF

HARWICH

*732 Main Street
Harwich, MA 02645*

CONSERVATION COMMISSION

(508)-430-7538 FAX (508)430-7531

To: Board of Selectmen

From: Amy Usowski, Conservation Administrator

RE: Monthly Report of the Conservation Department

1. The Conservation Commission held public hearings on both July 18th and August 1. Case load and complexity continues to be heavy, with each meeting going for approximately 4 hours in length.
2. Met with applicants for pre-application meetings and conducted site visits for projects already permitted to offer guidance/check compliance.
3. Issued all permits voted upon at the hearings.
4. Reviewed all building department applications to ensure compliance with conservation.
5. Assisted with phones/walk-ins for mainly Conservation but also for other Community Development Departments when needed.
6. Assisted Cemetery Department Director with hazard tree identification in Island Pond Cemetery. Assisted also with general tree ID as she was giving a tour of the cemetery and wanted to know the trees.
7. Attended the AmeriCorps Cape Cod graduation ceremony in Barnstable. We have been lucky to receive an intern from this program essentially for 10 months of the year to assist with our land management and volunteer coordination needs. Emma Forbes was our member this year, and she did an outstanding job. She now has permanent employment with the State of Rhode Island.
8. Conducted trail maintenance at the Bells Neck Conservation Area.
9. Attended monthly department head meeting.
10. Took boat tour of Nantucket sound to view properties from the water, located a few violations that we will be pursuing.
11. Participating as part of the workgroup for the Resilient Cape Cod project spearheaded by the County. We are creating a tool to map shoreline hazards.
12. Amy was off the week of August 6-10, Assistant Agent Nicki Smith did an excellent job while she was away.
13. Started environmental applications for the Hinckley Pond Alum Treatment.
14. Started designing park area for corner of 39 and 137 for Station 2 project.



TOWN OF HARWICH

DEPARTMENT OF PUBLIC WORKS

273 Queen Anne Road • P.O. Box 1543 • Harwich, MA 02645

Telephone (508) 430-7555

Fax (508) 430-7598

DPW Activity for period of July 1, 2018 through July 31, 2018

Highway Maintenance

- Received 92 new work orders and completed 92
- Beach cleaning 5 days per week
- Trash pick up 7 days per week, twice per day on Fridays, Saturdays and Sundays
- 13 days catch basin digging
- 16 days roadside mowing
- 2 days hot mixing
- 16 days street sweeping
- 5 days catch basin repairs
- 2 days tree work with contracted bucket truck
- 4 days hauling sand for the Harbor and Golf projects
- Installed drainage on Pilgrim Road, Neel Road and Earle Road in preparation for paving
- Cahoon Road is laid out and ready for drainage install
- Miscellaneous drainage locations have been marked and sent to contractor
- Began process of terminating Rochester Bituminous contract
- Met with Bartlett Consolidated to begin process of guardrail replacement project
- Continued coordinating with RH White and National Grid

Vehicle Maintenance

- Performed eight routine maintenances on Town vehicles and equipment
- Performed 120 repairs on vehicles, small and heavy equipment
- Prepared Town vehicles for State inspections
- Performed major services on both Disposal Area front end loaders
- Replaced rear brakes on Highway Department's Mack Tractor
- Replaced faulty pressure governor on Engine 65

Cemetery Maintenance

- Mowed cemeteries in rotation as necessary
- Mowed memorial squares as necessary
- Weekly mowing and weedwacking of Town buildings and parks
- Brush mowing in Mt. Pleasant, Island Pond, and Bank Street cemeteries to control wild growth

- Removal of damaged and diseased trees in Island Pond cemetery with Seaside Arborists

Parks Maintenance

- Mowed and prepped 7 ball fields for games as needed
- Mowed and weedwacked parks as needed
- 4 major irrigation repairs at ball fields
- Repaired leak at Pine Grove Cemetery and replaced backflow preventer
- Trimmed woods around the soccer field

Facility Maintenance

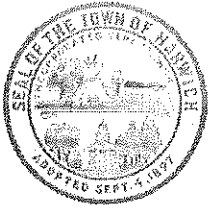
- Received 128 new work orders and completed 147 work orders from back log
- Completed the rebuilding of the remaining beach stairways
- Completed the Main Fire Station roof repairs
- Held the preconstruction meeting with Eastward Homes and their Sub-contractor for the Library generator installation
- Work began on the Brooks Free Library restoration project. Staging and barrier fence in place approximately 10% of the paint has been removed
- Completed the routine maintenance on all of the Town's HVAC systems
- Researching the documents required and energy usage on all of the Town accounts attempting to identify the "Null" accounts on the DOERs website. Information is required for the Green Community submission.
- Completed the sidewall shingle replacement for the shellfish lab
- Addressing problems with numerous vandalism acts within the beach bathrooms

Disposal Area

- C&D: 56 loads, 975.59 tons
- MSW: 66 loads, 1,540.10 tons
- Recycling: 45 loads, 188.43 tons
- Vehicles Recorded: 38,077
- Revenue: \$250,181.85

Reception

- Walk ins: 65
- Telephone calls: 426
- Work orders: 204



Harwich Fire Department



Fire Suppression

Prevention

Emergency Services

Norman M. Clarke Jr., Chief of Department

David J. LeBlanc, Deputy Fire Chief

Fire Prevention – Inspections From July 22 through August 4

Inspection Type	
Resale	16
Annual	11
Final	2
Lockbox	3
Liquid Propane	3
Oil Burner	2
Oil Tank	2
Pre-Inspection	
Re-Inspection	2
Safety Inspection	2
Town Hall – Plans (hours)	6
Town Hall – Meeting (hours)	2
Tank Truck	1
Fire Drills	
Meetings – Misc	4
Joint Inspection	2



Incident Type Report (Summary)
 From 07/22/18 To 08/04/18
 Report Printed On: 08/06/2018

Incident Type	Count	% of Incidents	Est. Property Loss	Est. Content Loss	Total Est. Loss	% of Losses
1 Fire						
Cooking fire, confined to container (113)	1	0.41%	\$0.00	\$0.00	\$0.00	0.00%
Passenger vehicle fire (131)	1	0.41%	\$0.00	\$0.00	\$0.00	0.00%
Special outside fire, other (160)	1	0.41%	\$0.00	\$0.00	\$0.00	0.00%
	3	1.23%	\$0.00	\$0.00	\$0.00	0.00%
3 Rescue & Emergency Medical Service Incident						
EMS call, excluding vehicle accident with injury (321)	168	69.42%	\$0.00	\$0.00	\$0.00	0.00%
Motor vehicle accident with injuries (322)	10	4.13%	\$0.00	\$0.00	\$0.00	0.00%
Motor vehicle accident with no injuries. (324)	2	0.83%	\$0.00	\$0.00	\$0.00	0.00%
Swimming/recreational water areas rescue (361)	1	0.41%	\$0.00	\$0.00	\$0.00	0.00%
Rescue or EMS standby (381)	1	0.41%	\$0.00	\$0.00	\$0.00	0.00%
	182	75.20%	\$0.00	\$0.00	\$0.00	0.00%
4 Hazardous Condition (No Fire)						
Hazardous condition, other (400)	1	0.41%	\$0.00	\$0.00	\$0.00	0.00%
Power line down (444)	4	1.65%	\$0.00	\$0.00	\$0.00	0.00%
	5	2.06%	\$0.00	\$0.00	\$0.00	0.00%
5 Service Call						
Service Call, other (500)	3	1.24%	\$0.00	\$0.00	\$0.00	0.00%
Lock-out (511)	3	1.24%	\$0.00	\$0.00	\$0.00	0.00%
Public service (553)	2	0.83%	\$0.00	\$0.00	\$0.00	0.00%
Cover assignment, standby, moveup (571)	1	0.41%	\$0.00	\$0.00	\$0.00	0.00%
	9	3.72%	\$0.00	\$0.00	\$0.00	0.00%
6 Good Intent Call						
Good intent call, other (600)	1	0.41%	\$0.00	\$0.00	\$0.00	0.00%
Dispatched and cancelled en route (611)	9	3.72%	\$0.00	\$0.00	\$0.00	0.00%
	10	4.13%	\$0.00	\$0.00	\$0.00	0.00%
7 False Alarm & False Call						
Smoke detector activation due to malfunction (733)	9	3.72%	\$0.00	\$0.00	\$0.00	0.00%
Alarm system sounded due to malfunction (735)	5	2.07%	\$0.00	\$0.00	\$0.00	0.00%
Detector activation, no fire - unintentional (744)	1	0.41%	\$0.00	\$0.00	\$0.00	0.00%
Alarm system activation, no fire - unintentional (745)	18	7.44%	\$0.00	\$0.00	\$0.00	0.00%
	33	13.64%	\$0.00	\$0.00	\$0.00	0.00%
Total Incident Count:	242			Total Est. Loss:	\$0.00	

Search Criteria

Dates From 07/22/2018 To 08/04/2018 (mm/dd/yyyy)
Service Harwich Fire Department

Staff	All
Apparatus	All
Station	All
Alarm Type	All
Zone/District	All

 **Report Description**



Primary Action Taken Report (Summary)
 From 07/22/18 To 08/04/18
 Report Printed On: 08/06/2018

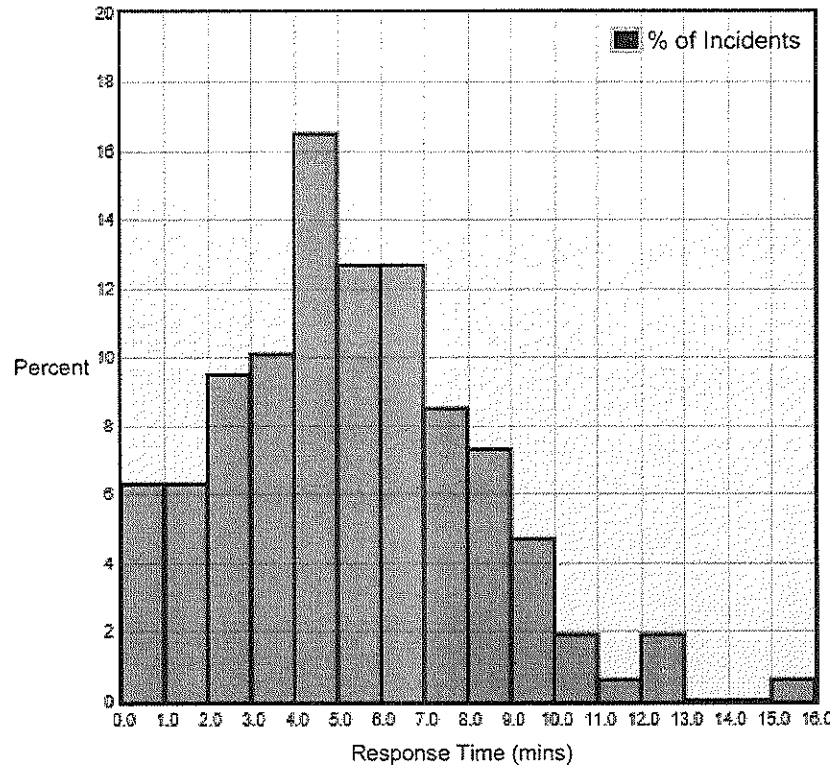
Type of Action Taken	Count	Percent %
Harwich Fire Department		
Action taken, other	1	0.41%
Assist physically disabled	6	2.48%
Assistance, other	8	3.31%
Cancelled en route	9	3.72%
Emergency medical services, other	1	0.41%
Extinguishment by fire service personnel	2	0.83%
Forcible entry	1	0.41%
Investigate	42	17.36%
Provide advanced life support (ALS)	117	48.35%
Provide basic life support (BLS)	29	11.98%
Provide first aid & check for injuries	23	9.50%
Refer to proper authority	1	0.41%
Standby	2	0.83%
Not Recorded	0	0.00%
Total Incident Count: 242		

Search Criteria	
Dates	From 07/22/2018 To 08/04/2018 (mm/dd/yyyy)
Service	Harwich Fire Department
Staff	All
Apparatus	All
Station	All
Alarm Type	All
Zone/District	All

Report Description

Incident Response Time Analysis
 Date Range 07/22/2018 to 08/04/2018
 Total # of Runs Fitting Criteria 316 runs
 Average Response Time 4.8 mins
 Service(s) Harwich Fire Department
 Incident Type(s) All

Response Time	# of Incident Responses	% of Incident Responses
0 mins	20	6.3%
1 mins	20	6.3%
2 mins	30	9.5%
3 mins	32	10.1%
4 mins	52	16.5%
5 mins	40	12.7%
6 mins	40	12.7%
7 mins	27	8.5%
8 mins	23	7.3%
9 mins	15	4.7%
10 mins	6	1.9%
11 mins	2	0.6%
12 mins	6	1.9%
13 mins	0	-
14 mins	0	-
15 mins	2	0.6%
16 mins	1	0.3%



 Report Description

[Back To Filters](#)

*Memorandum from
Charleen Greenhalgh, Town Planner
Town of Harwich*

August 15, 2018

To: Christopher Clark, Town Administrator
From: Charleen Greenhalgh, Town Planner
Re: Monthly Report – July 11 – August 15, 2018

This has been a very busy summer thus far. I am truly enjoying my time as the Town Planner and I offer the following update on recent work and highlights:

- 1) To date the Planning Board has received 34 applications. Last year total there were 33 applications.
- 2) 10 applications have been reviewed and received within this past month. Applications are reviewed for completeness, review letters prepared, re-review of plans, preparation of staff reports to assist the Planning Board Members with their review, preparation of decision letters, etc.
- 3) Attended 4 Planning Board meetings since July 10th.
- 4) Assisted the Town Clerk with a project for the Federal Government related to development over the past 10 years. This has to do with the upcoming Federal Census.
- 5) Cultural Compact
 - a. Continue to meet weekly, or as needed, with Cyndi Williams, Executive Director of the Chamber of Commerce.
 - b. Present an update to the Board of Selectmen with Cyndi at the Non-Resident Tax-Payer Meeting.
 - c. Met, with Cyndi, with a representative from the MA Cultural Council. We walked the Harwich Port Route 28 area and drove the Harwich Center area.
 - d. Met, with Cyndi, with Tina Games, Chair of the Harwich Cultural Council.
 - e. Obtained a \$10,000 grant from the MA Cultural Council to assist with the designation of Cultural Districts in Harwich.
- 6) Attended weekly Community Development meeting, or as needed, to meet with potential applicant. Also met with citizens and public at various times to discuss properties, etc.
- 7) Was interviewed by Samantha Fields with WCAI (local NPR radio station) to discuss hurricane preparedness. The piece was on the radio August 6, 2018. Here is a link to the Cape Cod Time story (a partner with WCAI) and the radio piece.
<http://www.capeandislands.org/post/hurricane-bob-was-not-much-test>
- 8) Housing Trust: scheduled and attended a meeting with Brewster, Orleans and Chatham to discuss where they are all at, if there is interest in sharing a Housing Coordinator. A lot of leg work at this time.
- 9) Prepared a draft Crosswalk Policy for the Traffic Safety Committees review.



HARWICH Police

DEPARTMENT

183 Sisson Road, Harwich, MA 02645

Tel 508-430-7541 Fax 508-432-2530



DAVID J. GUILLEMETTE
Chief of Police

THOMAS A. GAGNON
Deputy Chief

WEEKLY ACTIVITY REPORT FOR WEEK OF 7/29/18 THROUGH 8/4/18

PATROL

- 487 Calls and patrol-initiated activity logged
 - 8 Arrests
 - 1 Protective Custody
- 35 motor vehicle stops resulting in:
 - 26 Verbal warnings
 - 6 Written warnings
 - 3 Investigations
- 19 Motor vehicle accidents investigated
- Harbor Master assisted with arrests of four individuals who had stolen a sport fishing boat out of Allen's Harbor Marine. Boat valued at \$400,000. Immediate response from the Harbor Master lead to quickly locating the stolen boat and the arrest of the perpetrators. Outstanding team work.

COMMUNITY POLICING

- Dept. purchased 10 bicycle light sets to be handed out to J-1 students for night time safety
- Bike patrols continue through beaches and business districts

ADMINISTRATION

- Chief attended Southeast Regional Homeland Security Advisory Council meeting
- Christopher Arrigo selected as candidate for full time police officer. Chris starts the academy in early September



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DAVID J. GUILLEMETTE
Chief of Police

THOMAS A. GAGNON
Deputy Chief

WEEKLY ACTIVITY REPORT FOR WEEK OF 8/5/18 THROUGH 8/11/18

PATROL

- 392 Calls and patrol-initiated activity logged
 - 12 Arrests
 - 1 Protective Custody

- 28 motor vehicle stops resulting in:
 - 22 Verbal warnings
 - 3 Written warnings
 - 2 Arrests
 - 1 Investigation

- 10 Motor vehicle accidents investigated

COMMUNITY POLICING

- Department personnel attended the First Responders Breakfast at Wingate of Harwich
- Bike patrols
- Car seat installation

ADMINISTRATION

- Meeting at YPD re: police academy training
- Meeting re: Cranberry festival alcohol license
- Meeting with LTC applicant