

**SELECTMEN'S MEETING AGENDA\***

*Donn B. Griffin Room, Town Hall  
732 Main Street, Harwich, MA  
Executive Session 6:15 P.M.  
Regular Meeting 6:30 P.M.  
Tuesday, February 18, 2020*

*\*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** – Pursuant to MGL c.30A, §21(2) to conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel – discussion and possible vote; Fire Chief.  
2. Pursuant to M.G.L. c. 30A, §21(a)(3), to discuss strategy with respect to litigation if an open meeting would have a detrimental effect on the litigating position of the public body and the Chair so declares – Barry Dino Viprino v. David J. Guillemette, Chief of Police

**III. PLEDGE OF ALLEGIANCE**

**IV. WEEKLY BRIEFING**

- A. Sewerage Work Improvement Phase 2 – Contract #1 – Construction Schedule – Weekly Update  
B. Sewerage Work Improvement Phase 2 – Contract #2 – Construction Schedule

**V. PUBLIC COMMENTS/ANNOUNCEMENTS**

**VI. CONSENT AGENDA**

- A. Vote - Seasonal Common Victuallers License Renewals 2020 – as listed in the packet  
B. Vote – Seasonal Entertainment License Renewals 2020 – as listed in the packet  
C. Vote – The approval for two (2) one day alcohol license permits for two separate events being held at the South Harwich Meetinghouse – both serving beer and wine only;  
1. First event on February 29, 2020 between 6:30 PM – 8:30 PM (Private Party)  
2. Second event on March 14, 2020 – 2:30 PM, to 5:00 PM, 6:30 PM to 9:00 PM  
(Preconcert , Reception and Intermission)

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

- A. Vote to approve Transfer of Stock and Change Corporate Officers for Maulik Corporation DBA Value Mart – 435 Route 28, Harwich Port  
B. First draft presentation of the 2020 Annual Town Meeting Warrant

**VIII. NEW BUSINESS**

**IX. CONTRACTS**

**X. OLD BUSINESS**

**XI. TOWN ADMINISTRATOR'S REPORTS**

- A. Budget/Warrant Timeline FY 2021  
B. Departmental Reports

**XII. SELECTMEN'S REPORT**

**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:**

**Posted by:** \_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Patricia Macura, Admin. Secretary

**Date:** \_\_\_\_\_ February 13, 2020

TOWN OF HARWICH, MASSACHUSETTS  
SEWERAGE WORKS IMPROVEMENTS PHASE 2 – CONTRACT #1  
SEWER PROJECT

CONSTRUCTION SCHEDULE – WEEKLY UPDATE

Date Submitted: February 10, 2020

**One Week Look Ahead (02/10-02/14)**

- Mainline Sewer Crew # 1
  - Continue Gravity Sewer Installation on Old Heritage Way Progressing to Liberty Trail then to Spence's Trace
  - Subcontractors performing various tasks at various locations Testing, Inverts, Casting Adjustments, Mandrel (RT 137 & RT 39)
- Mainline Sewer Crew # 2
  - Continue Installation on RT137
  - Extended work hours to Set Sewer Manhole  
\*\* Detour \*\*
  - Installation of Stub on Continental Drive

**Two Week Look Ahead (02/17-02/21)**

- Mainline Sewer Crew # 1
  - Continue Gravity Sewer Installation on Spence's Trace
  - Subcontractors performing various tasks at various locations Testing, Inverts, Casting Adjustments, Mandrel (RT 137 & RT 39)
- Mainline Sewer Crew # 2
  - Continue Installation on RT137  
\*\* Detour \*\*
  - Complete installation on Johanna's Path

**Three Week Look Ahead (02/24-02/28)**

- Mainline Sewer Crew # 1
  - Continue Gravity Sewer Installation on Spence's Trace then progressing to Somerset Road
  - Subcontractors performing various tasks at various locations Testing, Inverts, Casting Adjustments, Mandrel (RT 137 & RT 39)
- Mainline Sewer Crew # 2
  - Continue Installation on RT137  
\*\* Detour \*\*

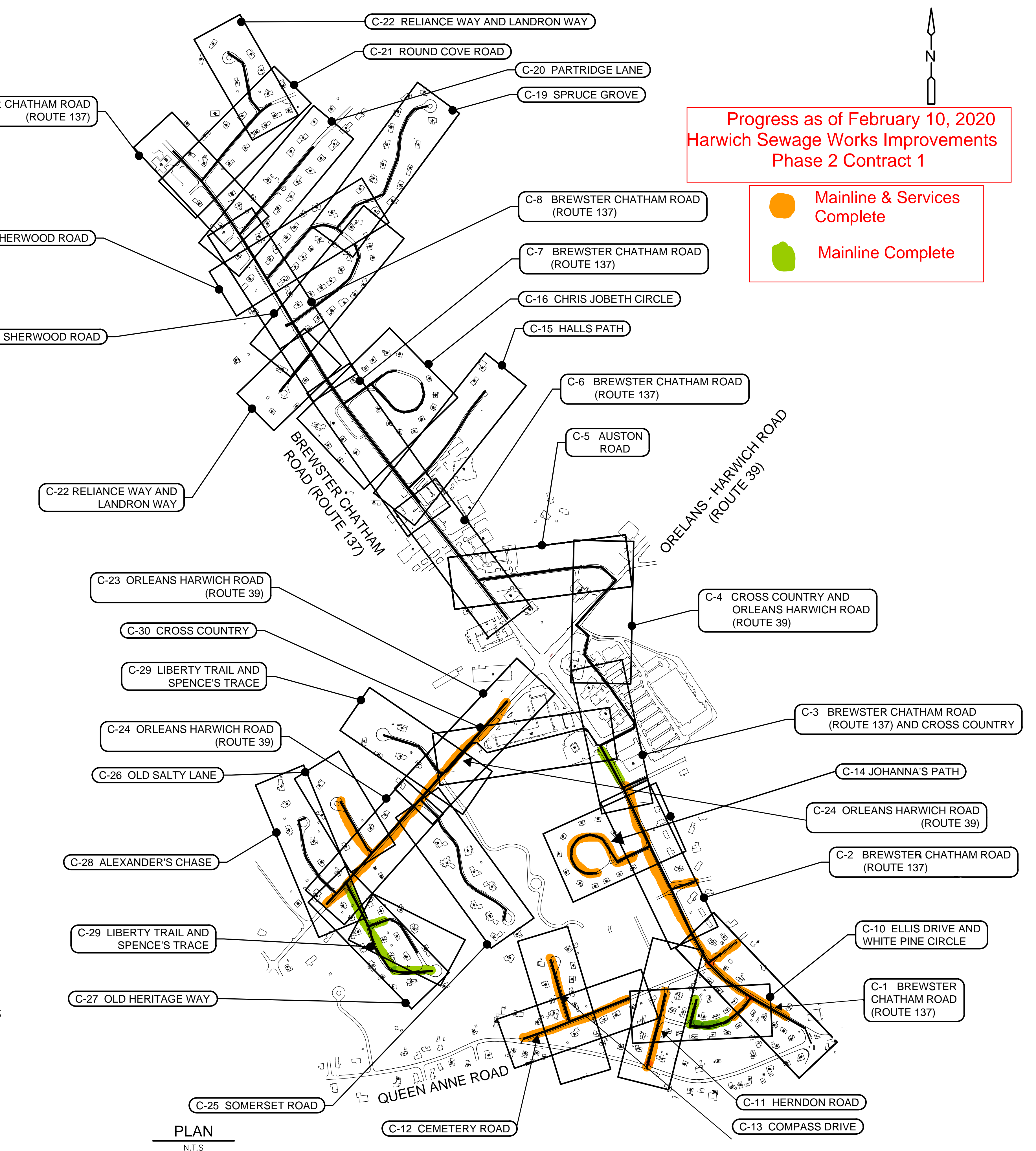
**Please note that this is a projected schedule and will be adjusted accordingly based on the Contractor's actual progress and the weather. On an as needed basis auxiliary crews will be performing testing, installing inverts, raising castings, paving , and performing general cleanup at various locations throughout the project area.**



Progress as of February 10, 2020  
Harwich Sewage Works Improvements  
Phase 2 Contract 1

 Mainline & Services Complete

 Mainline Complete



C-22 RELIANCE WAY AND LANDRON WAY

C-21 ROUND COVE ROAD

C-20 PARTRIDGE LANE

C-19 SPRUCE GROVE

CHATHAM ROAD (ROUTE 137)

C-8 BREWSTER CHATHAM ROAD (ROUTE 137)

SHERWOOD ROAD

C-7 BREWSTER CHATHAM ROAD (ROUTE 137)

SHERWOOD ROAD

C-16 CHRIS JOBETH CIRCLE

C-15 HALLS PATH

C-6 BREWSTER CHATHAM ROAD (ROUTE 137)

C-22 RELIANCE WAY AND LANDRON WAY

C-5 AUSTON ROAD

ORELANS - HARWICH ROAD (ROUTE 39)

C-23 ORLEANS HARWICH ROAD (ROUTE 39)

C-30 CROSS COUNTRY

C-4 CROSS COUNTRY AND ORLEANS HARWICH ROAD (ROUTE 39)

C-29 LIBERTY TRAIL AND SPENCE'S TRACE

C-3 BREWSTER CHATHAM ROAD (ROUTE 137) AND CROSS COUNTRY

C-24 ORLEANS HARWICH ROAD (ROUTE 39)

C-14 JOHANNA'S PATH

C-26 OLD SALTY LANE

C-24 ORLEANS HARWICH ROAD (ROUTE 39)

C-28 ALEXANDER'S CHASE

C-2 BREWSTER CHATHAM ROAD (ROUTE 137)

C-29 LIBERTY TRAIL AND SPENCE'S TRACE

C-10 ELLIS DRIVE AND WHITE PINE CIRCLE

C-27 OLD HERITAGE WAY

C-1 BREWSTER CHATHAM ROAD (ROUTE 137)

C-25 SOMERSET ROAD

C-12 CEMETERY ROAD

C-11 HERNDON ROAD

C-13 COMPASS DRIVE

PLAN  
N.T.S.

TOWN OF HARWICH, MASSACHUSETTS  
SEWERAGE WORKS IMPROVEMENTS PHASE 2 – CONTRACT #2

CONSTRUCTION SCHEDULE – WEEKLY UPDATE

**One Week Look Ahead (02/10-02/14)**

- Mainline Sewer Crew # 1
  - Install sewer on Sou'West Drive (C-10)
    - **Road closed between 137 and Church Street**

**Two Week Look Ahead (02/17-02/21)**

- Mainline Sewer Crew # 1
  - Install sewer on Sou'West Drive (C-10)
    - **Road closed between 137 and Church Street**

**Three Week Look Ahead (02/24-02/28)**

- Mainline Sewer Crew # 1
  - Continue sewer on Sou'West Drive (C-10)
    - **Road closed between 137 and Church Street**

**Please note that this is a projected schedule and will be adjusted accordingly based on the Contractor's actual progress and the weather. On an as needed basis auxiliary crews will be performing testing, installing inverts, raising castings, paving , and performing general cleanup at various locations throughout the project area.**

## **BOS Renewals 02.18.2020**

### **Board of Selectmen Common Victuallers Renewals for Approval**

**Hot Stove at Cranberry Valley** – 183 Oak Street, Harwich – Seasonal

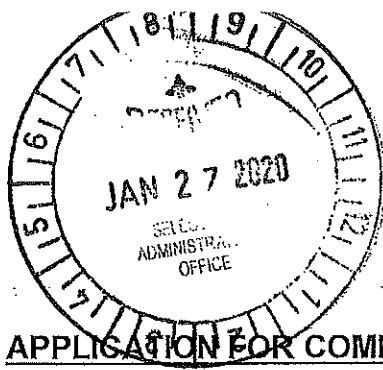
AJG Corporation DBA **Weatherdeck Restaurant** – 168 Route 28, West Harwich – Seasonal

### **Board of Selectmen Entertainment License Renewals for Approval**

Harbor Glen Miniature Golf – 168 Route 28, West Harwich – Seasonal Weekday and Sunday License for Mini Golf – 2019 License approved for Sunday 10AM – 10PM and Weekday Mini Golf

Wequassett Resort and Golf Club – 2173 Route 28, Harwich – Seasonal Sunday Entertainment License 1PM – 12AM mechanical or live Music – 2019 License approved for Seasonal Sunday Entertainment 1PM – 12AM mechanical and/or live music

Grand Slam Entertainment – 322 Main Street, Harwich Port – Seasonal Weekday Entertainment consisting of Batters Boxes, Bumper Boats & Video Games – 2019 License approved for Weekday Video Games and Batter Boxes



OFFICE OF THE SELECTMEN  
 732 MAIN STREET  
 HARWICH, MA 02645  
 508-430-7513

**APPLICATION FOR COMMON VICTUALLERS LICENSE**

Fee: \$50    New application \_\_\_\_\_    Annual \_\_\_\_\_    # of seats 90  
 Renewal X    Seasonal X    Opening date 6 APRIL 20

In accordance with the provisions of the Statutes relating thereto, application for a Common Victuallers license is hereby made by:

Business Name HOT STOVE at Cranberry Valley    Phone 774-237-0785

Doing Business As (d/b/a) HOT STOVE at CRANBERRY VALLEY

Business Address 183 OAK ST.    HARWICH    02645

Mailing Address SAME AS ABOVE

Email Address \_\_\_\_\_

Name of Owner RON LEIDNER

(If corporation or partnership, list name, title and address of officers)

GABRIEL LEIDNER    President, Clerk

Ron Leidner    manager    \_\_\_\_\_  
 Signature of applicant & title    Federal I.D. #

Pursuant to MGL Ch. 62c, Sec. 49A, I certify under the penalties of perjury that to the best of my knowledge and belief I have filed all state tax returns and paid all state taxes required under law.

HOT STOVE, INC.    By Mil [Signature]  
 Signature of individual or corporate name    Corporate officer (if applicable)

**REGULATORY COMPLIANCE FORM**

The premises to be licensed as described herein have been inspected and found to be in compliance with applicable local codes and regulations, including zoning ordinances, health regulations and building and fire codes.

[Signature]    [Signature]    [Signature]  
 Building Commissioner    Board of Health    Fire Department

Required signatures to be obtained by the applicant prior to submission of new applications.



OFFICE OF THE SELECTMEN  
732 MAIN STREET  
HARWICH, MA 02645  
508-430-7513

### APPLICATION FOR COMMON VICTUALLERS LICENSE

Fee: \$50    New application     Annual     # of seats 164  
Renewal     Seasonal     Opening date 4/16/20

In accordance with the provisions of the Statutes relating thereto, application for a Common Victuallers license is hereby made by:

Business Name A J G Corporation    Phone 508-232-8240

Doing Business As (d/b/a) Weatherdeck Restaurant

Business Address 168 Route 28, W. Harwich, MA 02671

Mailing Address P.O. Box 341, W. Harwich, MA 02671

Email Address \_\_\_\_\_

Name of Owner \_\_\_\_\_

(If corporation or partnership, list name, title and address of officers)

John + Elaine Baraklilis / Clerk + President /

Angela Argyriadis / Treasurer / P.O. Box 1255 /

[Signature]    Federal I.D. # \_\_\_\_\_  
Signature of applicant & title

Pursuant to MGL Ch. 62c, Sec. 49A, I certify under the penalties of perjury that to the best of my knowledge and belief I have filed all state tax returns and paid all state taxes required under law.

[Signature]    By A J G Corp.  
Signature of individual or corporate name    Corporate officer (if applicable)

### REGULATORY COMPLIANCE FORM

The premises to be licensed as described herein have been inspected and found to be in compliance with applicable local codes and regulations, including zoning ordinances, health regulations and building and fire codes.

[Signature]  
Building Commissioner

[Signature]  
Board of Health

[Signature]  
Fire Department

Required signatures to be obtained by the applicant prior to submission of new applications.





OFFICE OF THE SELECTMEN  
732 MAIN STREET  
HARWICH, MA 02645  
508-430-7513

### APPLICATION FOR ENTERTAINMENT LICENSE

Weekday Entertainment (\$75)  1 day (\$25)  New application   
 Batters Box (\$50)  Renewal   
 Go Carts (\$50)  Annual   
 Miniature Golf (\$50)  Seasonal   
 Trampolines (\$25)  Opening Date 4/16/20  
 Theater (\$150 per cinema)  
 Automatic Amusement:  
 Juke Box (\$100 each)  
 Video Games (\$100 each)  Other \_\_\_\_\_

Business Name Harbor Glen Miniature Golf Phone 508-432-8240

Business Address 168 Route 28, W. Harwich, MA 02671

Mailing Address P.O. Box 341, W. Harwich, MA 02671

Owners Name & Address John & Elaine Baraklilis, Angela Argyrakis

Email Address \_\_\_\_\_

Managers Name & Address Elaine Baraklilis

**TIMES AND DAYS OF WEEK FOR ENTERTAINMENT (Please note this application does not cover Sundays. You can obtain a Sunday license application at the Selectmen's Office):**

#### ENTERTAINMENT TYPE: (Check all appropriate boxes)

Concert  Dance  Exhibition  Cabaret  Public Show  Other  
 Dancing by Patrons (mini-golf)  
 Dancing by Entertainers or Performers  
 Recorded or Live Music  
 Use of Amplification System  
 Theatrical Exhibit, Play or Moving Picture Show  
 A Floor Show of Any Description  
 A Light Show of Any Description  
 Any Other Dynamic Audio or Visual Show, Whether Live or Recorded



At any time during this concert, dance exhibition, cabaret or public show, will any person(s) be permitted to appear on the premises in any manner or attire as to expose to the public view any portion of the body as described in Mass. General Laws Chapter 140, Section 183A, Para. 3.

\_\_\_ Yes       No

If Yes, answer questions 1 through 4 below. Attach a separate sheet and/or exhibits if necessary:

1. Describe in complete detail the extent of exposure during the performance and the nature of the entertainment: \_\_\_\_\_
2. Furnish additional information concerning the condition of the premises and how they are suitable for the proposed entertainment: \_\_\_\_\_
3. Fully describe the actions you will take to prevent any adverse effects on public safety, health, or order: \_\_\_\_\_
4. Identify whether and how you will regulate access by minors to the premises: \_\_\_\_\_

Days/Hours of Business Operation 7/days a week - 11am to 10pm

Pursuant to MGL, Chapter 62C, Section 49A, I certify under the penalties of perjury that I, to the best of my knowledge and belief, have filed all State tax returns, and have paid all State taxes under the law.

Charles Bulfinch (President) \_\_\_\_\_  
Signature of applicant & title      Federal I.D. #

ASG Corporation \_\_\_\_\_  
Signature of individual or corporate name      Federal I.D. #

Charles Bulfinch \_\_\_\_\_  
Signature of Manager      Federal I.D. #

\_\_\_\_\_  
Signature of Partner      Federal I.D. #

**REGULATORY COMPLIANCE FORM**

The premises to be licensed as described herein have been inspected and found to be in compliance with applicable local codes & regulations, including zoning ordinances, health regulations & building & fire codes.

[Signature]  
Building Commissioner

[Signature]  
Board of Health

[Signature]  
Fire Department

[Signature]  
Police Department

comments:

Required signatures to be obtained by the applicant prior to submission of new applications.

State Fee, \$ 100  
Municipal Fee, \$ 75

THE COMMONWEALTH OF MASSACHUSETTS  
OF \_\_\_\_\_



# LICENSE

For

**PUBLIC ENTERTAINMENT ON SUNDAY**

The Name of the Establishment is Harbor Glen Miniature Golf in or on the property at No. 168 Route 28, West Harwich, MA 02671 (address)

The Licensee or Authorized representative, Elaine Baraktlis in accordance with chapter 136 of the General Laws, as amended, hereby request a license for the following program or entertainment:

DATE	TIME	Proposed dancing or game, sport, fair, exposition, play, entertainment or public diversion
<u>Sunday</u>	<u>12:10pm</u>	<u>miniature golf (no music or dancing)</u>

Hon. \_\_\_\_\_ Mayor/ Chairman of Board of Selectman, \_\_\_\_\_ (City or Town)

Fees per occurrence (Individual Sunday(s)): Regular Hours (Sunday 1:00pm – Midnight): \$2.00 Special Hours (Sunday 12:00 am- Midnight): \$5.00. Annual Fee (For Operating on every Sunday in calendar year): Regular Hours (Sunday 1:00pm – Midnight): \$50.00 Special Hours (Sunday 12:00 am- Midnight): \$100.00

This license is granted and accepted, and the entertainment approved, upon the understanding that such entertainment that the licensee shall comply with the laws of the Commonwealth applicable to licensed entertainments, and also to the following terms and conditions: The licensee shall at all times allow any person designated in writing by the Mayor, Board of Selectmen, or Commissioner of Public Safety, to enter and inspect his place of amusement and view the exhibitions and performances therein; shall permit regular police officers, detailed by the Commissioner of Public Safety or Chief of the local Police Department to enter and be about this place of amusement during performances therein; may employ to preserve order in his place of amusement only regular or special police officers designated therefore by the Chief of Police, and shall pay to said Chief of Police for the services of the regular police officers such amount as shall be fixed by him; shall permit at all times to enter and be about his place of amusement such members of the Fire Department as shall be detailed by the Chief of the Fire Department to guard against fire; shall keep in good condition, go as to be easily accessible, such standpipes, hose, axes, chemical extinguishers and other apparatus as the fire department may require; shall allow such members of the fire department in case of any fire in such place, to exercise exclusive control and direction of his employees and of the means and apparatus provided for extinguishing fire therein; shall permit no obstruction of any nature in any aisle, passageway or stairway of the licensed premises, nor allow any person therein to remain in any aisle passageway or stairway during an entertainment; and shall conform to any other rules and regulations at any time made by the Mayor or Board of Selectmen. This license shall be kept on the premise where the entertainment is to be held, and shall be surrendered to any regular police officer or authorized representative of the Department of Public Safety. This license is issued under the provisions of Chapter 136 of the General Laws, as amended, and is subject to revocation at any time by the Mayor, Board of Selectmen, or Commissioner of Public Safety.

Do not write in this box

This application and program must be signed by the licensee or authorized representative of entertainment to be held. No Change to be made in the program without permission of the authorities granting and approving the license.

**THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES**

THE COMMONWEALTH OF MASSACHUSETTS

State Fee, \$ \_\_\_\_\_  
 Municipal Fee, \$ \_\_\_\_\_

Town OF Harwich



**LICENSE**

For

**PUBLIC ENTERTAINMENT ON SUNDAY**

The Name of the Establishment is Wequassett Resort and Golf Club in or on the property at No. \_\_\_\_\_  
2173 Route 28, Harwich, Massachusetts 02645 (address)

The Licensee or Authorized representative, Mark J. Novota, Managing Partner in accordance with chapter 136 of the General Laws, as amended, hereby request a license for the following program or entertainment:

DATE	TIME	Proposed dancing or game, sport, fair, exposition, play, entertainment or public diversion
<u>Sunday</u>	<u>1pm-12am</u>	<u>Mechanical and/or live music</u>
<u>Seasonal</u>		

Hon. \_\_\_\_\_ Mayor/ Chairman of Board of Selectman, \_\_\_\_\_ (City or Town)

Fees per occurrence (Individual Sunday(s)): Regular Hours (Sunday 1:00pm - Midnight): \$2.00 Special Hours (Sunday 12:00 am- Midnight): \$5.00. Annual Fee (For Operating on every Sunday in calendar year): Regular Hours (Sunday 1:00pm - Midnight): \$50.00 Special Hours (Sunday 12:00 am- Midnight): \$100.00

This license is granted and accepted, and the entertainment approved, upon the understanding that such entertainment that the licensee shall comply with the laws of the Commonwealth applicable to licensed entertainments, and also to the following terms and conditions: The licensee shall at all times allow any person designated in writing by the Mayor, Board of Selectmen, or Commissioner of Public Safety, to enter and inspect his place of amusement and view the exhibitions and performances therein; shall permit regular police officers, detailed by the Commissioner of Public Safety or Chief of the local Police Department to enter and be about this place of amusement during performances therein; may employ to preserve order in his place of amusement only regular or special police officers designated therefore by the Chief of Police, and shall pay to said Chief of Police for the services of the regular police officers such amount as shall be fixed by him; shall permit at all times to enter and be about his place of amusement such members of the Fire Department as shall be detailed by the Chief of the Fire Department to guard against fire; shall keep in good condition, go as to be easily accessible, such standpipes, hose, axes, chemical extinguishers and other apparatus as the fire department may require; shall allow such members of the fire department in case of any fire in such place, to exercise exclusive control and direction of his employees and of the means and apparatus provided for extinguishing fire therein; shall permit no obstruction of any nature in any aisle, passageway or stairway of the licensed premises, nor allow any person therein to remain in any aisle passageway or stairway during an entertainment; and shall conform to any other rules and regulations at any time made by the Mayor or Board of Selectmen. This license shall be kept on the premise where the entertainment is to be held, and shall be surrendered to any regular police officer or authorized representative of the Department of Public Safety. This license is issued under the provisions of Chapter 136 of the General Laws, as amended, and is subject to revocation at any time by the Mayor, Board of Selectmen, or Commissioner of Public Safety.

**Do not write in this box**

This application and program must be signed by the licensee or authorized representative of entertainment to be held. No Change to be made in the program without permission of the authorities granting and approving the license.

**THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES**



OFFICE OF THE SELECTMEN  
732 MAIN STREET  
HARWICH, MA 02645  
508-430-7513

**APPLICATION FOR ENTERTAINMENT LICENSE**

- Weekday Entertainment (\$75) \_\_\_\_\_ 1 day (\$25) \_\_\_\_\_ New application \_\_\_\_\_  
 Batters Box (\$50) \_\_\_\_\_ Renewal  \_\_\_\_\_  
\_\_\_\_\_ Go Carts (\$50) \_\_\_\_\_ Annual \_\_\_\_\_  
\_\_\_\_\_ Miniature Golf (\$50) \_\_\_\_\_ Seasonal \_\_\_\_\_  
\_\_\_\_\_ Trampolines (\$25) \_\_\_\_\_ Opening Date \_\_\_\_\_  
\_\_\_\_\_ Theater (\$150 per cinema) \_\_\_\_\_  
Automatic Amusement:  
\_\_\_\_\_ Juke Box (\$100 each) \_\_\_\_\_  
 Video Games (\$100 each)  $2/2$  Other Bumper Boats \$50

Business Name GRAND SLAM Entertainment Phone 508-430-1155

Business Address 322 MAIN ST. HARWICH PORT, MA 02646

Mailing Address SAME

Owners Name & Address Philip J. Fennell

Email Address \_\_\_\_\_

Managers Name & Address DJ Thiele

**TIMES AND DAYS OF WEEK FOR ENTERTAINMENT. (Please note this application does not cover Sundays. You can obtain a Sunday license application at the Selectmen's Office):**

**ENTERTAINMENT TYPE: (Check all appropriate boxes)**

- \_\_\_\_\_ Concert \_\_\_\_\_ Dance \_\_\_\_\_ Exhibition \_\_\_\_\_ Cabaret \_\_\_\_\_ Public Show  Other  
\_\_\_\_\_ Dancing by Patrons  
\_\_\_\_\_ Dancing by Entertainers or Performers  
 Recorded or Live Music  
\_\_\_\_\_ Use of Amplification System  
\_\_\_\_\_ Theatrical Exhibit, Play or Moving Picture Show  
\_\_\_\_\_ A Floor Show of Any Description  
\_\_\_\_\_ A Light Show of Any Description  
\_\_\_\_\_ Any Other Dynamic Audio or Visual Show, Whether Live or Recorded

At any time during this concert, dance exhibition, cabaret or public show, will any person(s) be permitted to appear on the premises in any manner or attire as to expose to the public view any portion of the body as described in Mass. General Laws Chapter 140, Section 183A, Para. 3.

\_\_\_\_ Yes       No

If Yes, answer questions 1 through 4 below. Attach a separate sheet and/or exhibits if necessary:

1. Describe in complete detail the extent of exposure during the performance and the nature of the entertainment: \_\_\_\_\_  
\_\_\_\_\_
2. Furnish additional information concerning the condition of the premises and how they are suitable for the proposed entertainment: \_\_\_\_\_  
\_\_\_\_\_
3. Fully describe the actions you will take to prevent any adverse effects on public safety, health, or order: \_\_\_\_\_  
\_\_\_\_\_
4. Identify whether and how you will regulate access by minors to the premises: \_\_\_\_\_  
\_\_\_\_\_

Days/Hours of Business Operation 9am - 9pm 7 days a week

Pursuant to MGL, Chapter 62C, Section 49A, I certify under the penalties of perjury that I, to the best of my knowledge and belief, have filed all State tax returns, and have paid all State taxes under the law.

Philip J. Conell President  
Signature of applicant & title Federal I.D. # \_\_\_\_\_

\_\_\_\_\_  
Signature of individual or corporate name Federal I.D. # \_\_\_\_\_

\_\_\_\_\_  
Signature of Manager Federal I.D. # \_\_\_\_\_

\_\_\_\_\_  
Signature of Partner Federal I.D. # \_\_\_\_\_

**REGULATORY COMPLIANCE FORM**

The premises to be licensed as described herein have been inspected and found to be in compliance with applicable local codes & regulations, including zoning ordinances, health regulations & building & fire codes.

[Signature]  
Building Commissioner

[Signature]  
Board of Health

[Signature]  
Fire Department

[Signature]  
Police Department

comments:

Required signatures to be obtained by the applicant prior to submission of new applications.

Friends of the South Harwich Meetinghouse, Inc.

P.O. Box 786  
Harwich, MA 02645  
(508)364-5223  
jamford@verizon.net  
Southharwichmeetinghouse.com



Larry Ballentine, Chair  
Harwich Board of Selectmen  
732 Main Street  
Harwich, MA 02645

February 10, 2020

Dear Members of the Board,

We are writing to request your approval for one-day alcohol license permits for 2 upcoming events at the Meetinghouse. Our event date requested is for February 29, 2020, between 6:30PM to 8:30PM and for March 14, 2020 from 2:30PM to 5:00PM & 6:30PM to 9:00PM for Preconcert Reception and Intermission. Our alcohol service will be provided by a fully licensed and insured caterer, serving wine and beer only.

Please let us know, should you require any further information. Thank you for your much appreciated support as we finally showcase this historic Harwich treasure as a fine center for Cultural Arts, Performance, Education and community gathering!

Sincerely,

A handwritten signature in blue ink that reads "Judith A. Ford".

Judith A. Ford, President



The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358  
 www.mass.gov/abcc

**APPLICATION FOR MULTIPLE AMENDMENTS**

**1. BUSINESS ENTITY INFORMATION**

Entity Name	Municipality	ABCC License Number
Maulik Corporation	Harwich	

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

Maulik Corporation has issued an additional 3,000 shares to Mitul J. Patel in consideration for the purchase price of \$95,000.00. Mitul J. Patel has also been appointed the new President of the Corporation. Bahecharbhai Patel, the current 100% shareholder, will retain his 1,000 shares of stock and his positions as Treasurer, Secretary and Director of the corporation and the License Manager.

**APPLICATION CONTACT**

The application contact is the person who should be contacted with any questions regarding this application.

Name	Title	Email	Phone
Matthew Porter	Attorney	mporter@clozers.com	508-238-2510

**2. AMENDMENT-Change of License Classification**

<input type="checkbox"/> <b>Change of License Category</b>	Last-Approved License Category	
All Alcohol, Wine and Malt, Wine Malt and Cordials	Requested New License Category	
<input type="checkbox"/> <b>Change of License Class</b>	Last-Approved License Class	
Seasonal or Annual	Requested New License Class	
<input type="checkbox"/> <b>Change of License Type*</b>	Last-Approved License Type	
i.e. Restaurant to Club *Certain License Types CANNOT change once issued*	Requested New License Type	

**3. AMENDMENT-Change of Business Entity Information**

<input type="checkbox"/> <b>Change of Corporate Name</b>	Last-Approved Corporate Name:	
	Requested New Corporate Name:	
<input type="checkbox"/> <b>Change of DBA</b>	Last-Approved DBA:	
	Requested New DBA:	
<input type="checkbox"/> <b>Change of Corporate Structure</b>	Last-Approved Corporate Structure	
LLC, Corporation, Sole Proprietor, etc	Requested New Corporate Structure	

**4. AMENDMENT-Pledge Information**

<input type="checkbox"/> <b>Pledge of License</b>	To whom is the pledge being made:	
<input type="checkbox"/> <b>Pledge of Inventory</b>		
<input type="checkbox"/> <b>Pledge of Stock</b>		



## 5. AMENDMENT-Change of Manager

**Change of License Manager**

### A. MANAGER INFORMATION

The individual that has been appointed to manage and control the licensed business and premises.

Proposed Manager Name  Date of Birth  SSN

Residential Address

Email  Phone

Please indicate how many hours per week you intend to be on the licensed premises  Last-Approved License Manager

### B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?\*  Yes  No \*Manager must be a U.S. Citizen

If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime?  Yes  No

If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

### C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name

### D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action?  Yes  No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

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

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature  Date

## 6. AMENDMENT-Change of Officers, Stock or Ownership Interest

**Change of Officers/Directors**     **Change of Ownership Interest (LLC Managers/LLP Partners, Trustees)**     **Change of Stock (E.g. New Stockholder/ Transfer or Issuance of Stock)**

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:  
**On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers** - At least 50% must be US citizens;  
**Off Premises(Liquor Store) Directors or LLC Managers** - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB
Mitul Patel	435 Route 28, Harwich Port, MA 02646		

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
President & Shareholder		<input type="radio"/> Yes <input checked="" type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
Bahecharbhal Patel	435 Route 28, Harwich Port, MA 02646		

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Treasurer, Secretary, Director & Shareholder		<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Additional pages attached?  Yes  No

### CRIMINAL HISTORY

Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions.

Yes  No

### MANAGEMENT AGREEMENT

Are you requesting approval to utilize a management company through a management agreement? Please provide a copy of the management agreement.

Yes  No

**6. AMENDMENT-Change of Officers, Stock or Ownership Interest**

**6B. CURRENT OFFICERS, STOCK OR OWNERSHIP INTEREST**

List the individuals and entities of the current ownership. Attach additional pages if necessary utilizing the format below.

Name of Principal	Title/Position	Percentage of Ownership
Name of Principal	Title/Position	Percentage of Ownership
Name of Principal	Title/Position	Percentage of Ownership
Name of Principal	Title/Position	Percentage of Ownership
Name of Principal	Title/Position	Percentage of Ownership
Name of Principal	Title/Position	Percentage of Ownership

**6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE**

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality
Bahecharbhai Patel	Wine & Malt	MAYURI SAHIL CORPORATION	Brockton
Bahecharbhai Patel	Wine & Malt	RKBP Corp	Framingham
Bahecharbhai Patel	Wine & Malt	WINTHROP STREET GAS CORP	Dighton

**6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE**

Has any individual or entity identified identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes  No

If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

**6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION**

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled?

Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

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

## 7. AMENDMENT-Change of Premises Information

**Alteration of Premises:** (must fill out attached financial information form)

### 7A. ALTERATION OF PREMISES

Please summarize the details of the alterations and highlight any specific changes from the last-approved premises.

#### PROPOSED DESCRIPTION OF PREMISES

Please provide a complete description of the proposed premises, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

Total Sq. Footage

Seating Capacity

Occupancy Number

Number of Entrances

Number of Exits

Number of Floors

**Change of Location:** (must fill out attached financial information form)

### 7B. CHANGE OF LOCATION

Last-Approved Street Address

Proposed Street Address

#### DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

Total Sq. Footage

Seating Capacity

Occupancy Number

Number of Entrances

Number of Exits

Number of Floors

#### OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises. (E.g. Deed, lease, letter of intent)

Please indicate by what means the applicant has to occupy the premises

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales?

Yes  No

**8. AMENDMENT-Management Agreement**

**Management Agreement:** (must fill out all pages in section 8)

Are you requesting approval to utilize a management company through a management agreement?  
If yes, please fill out section 8.

Yes  No

Please provide a narrative overview of the Management Agreement. Attach additional pages, if necessary.

**IMPORTANT NOTE:** A management agreement is where a licensee authorizes a third party to control the daily operations of the license premises, while retaining ultimate control over the license, through a written contract. *This does not pertain to a liquor license manager that is employed directly by the entity.*

**8A. MANAGEMENT ENTITY**

List all proposed individuals or entities that will have a direct or indirect, beneficial or financial interest in the management Entity (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.).

Entity Name	Address	Phone		
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>		
Name of Principal	Residential Address	SSN	DOB	
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB	
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB	
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB	
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

**CRIMINAL HISTORY**

Has any individual identified above ever been convicted of a State, Federal or Military Crime?  
If yes, attach an affidavit providing the details of any and all convictions.

Yes  No

**8B. EXISTING MANAGEMENT AGREEMENTS AND INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE**

Does any individual or entity identified in question 8A, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages; and or have an active management agreement with any other licensees?

Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

**8. AMENDMENT-Management Agreement**

**8C. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE**

Has any individual or entity identified in question 8A, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held?

Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

**8D. PREVIOUSLY HELD MANAGEMENT AGREEMENT**

Has any individual or entity identified in question 8A, and applicable attachments, ever held a management agreement with any other Massachusetts licensee?

Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Licensee Name	License Type	Municipality	Date(s) of Agreement

**8E. DISCLOSURE OF LICENSE DISCIPLINARY ACTION**

Have any of the disclosed licenses listed in question 8B, 8C or 8D ever been suspended, revoked or cancelled?

Yes  No  If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

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

**8F. TERMS OF AGREEMENT**

a. Does the agreement provide for termination by the licensee? Yes  No

b. Will the licensee retain control of the business finances? Yes  No

c. Does the management entity handle the payroll for the business? Yes  No

d. Management Term Begin Date  e. Management Term End Date

f. How will the management company be compensated by the licensee? (check all that apply)

\$ per month/year (indicate amount)

% of alcohol sales (indicate percentage)

% of overall sales (indicate percentage)

other (please explain)

**ABCC Licensee Officer/LLC Manager**

Signature:

Title:

Date:

**Management Agreement Entity Officer/LLC Manager**

Signature:

Title:

Date:

## 9. FINANCIAL DISCLOSURE

Required for the following transactions:

- Change of Officers, Stock or Ownership Interest (E.g. New Stockholder/Transfer or Issuance of Stock)
- Change of Premises Information
- Pledge of License, Inventory or Stock

Purchase Price(s):

<p>purchase price for 300 shares of stock.</p>
--

### SOURCE OF CASH CONTRIBUTION

Please provide documentation of available funds. (E.g. Bank or other Financial Institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
Mitul Patel	
Total:	

### SOURCE OF FINANCING

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
N/A			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No

### FINANCIAL INFORMATION

Provide a detailed explanation of the form(s) and source(s) of funding for the cost identified above.

<p>The \$95,000 purchase price comes from the personal funds of Mitul Patel (bank statements attached).</p>
---



## APPLICANT'S STATEMENT

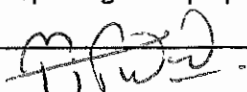
I, Mitul Patel the:  sole proprietor;  partner;  corporate principal;  LLC/LLP manager  
Authorized Signatory

of Maulik Corporation  
Name of the Entity/Corporation

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

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

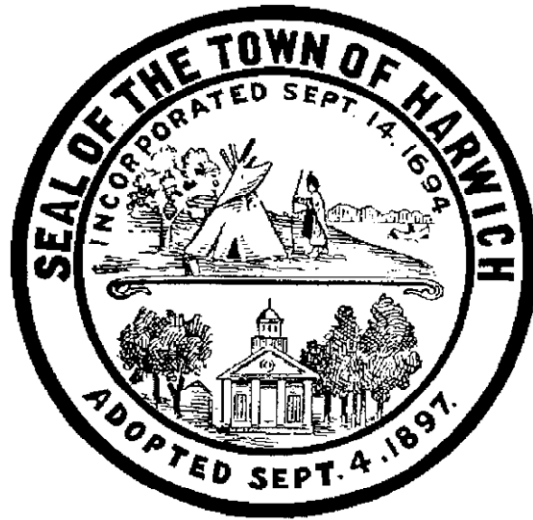
- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature: 

Date: 01/10/2020

Title: President

**ANNUAL TOWN MEETING  
WARRANT  
With  
RECOMMENDATIONS**



**MAY 4, 2020**

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- 29. **Place holder** Amend the General Bylaws Chapter 125 – Hazards, Environmental, by including a Waiver provision.....
- 30. **Select Board Renaming 2019 PETITION** Amend the Code of the Town of Harwich Charter – Update the Name “Selectmen” to “Select Board” .....

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- 31. Adopt M.G.L Chapter 200A, §.9A – Disposition of Unclaimed Property .....

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- 35. Adopt M.G.L., Chapter 59, §5, Clause 41A – Tax Deferral.....
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- 49. ....

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- 50. Herring Fisheries Committee Chairmen 2020 .....
- 51. Supplement the Annual Allocation of Mass Cultural Council For Local Cultural Council Grants .....

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- 52. Defray Costs for the Chase and Harwich Port Libraries.....
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## VOTING PROCEDURES

- I A quorum, 150 registered voters, must be present in order to conduct business. The only motion in order when no quorum is present is a motion to adjourn.
- II A two-thirds majority of the Town Meeting shall be required for inclusion of any Capital Outlay, unless it was included in the Capital Outlay Plan adopted at the preceding Town Meeting.
- III All motions introduced at the Town Meeting shall be in writing when required by the Moderator.
- IV Voters are limited to two times speaking on any one question; the total time speaking not to exceed 10 minutes.
- V Only registered voters shall occupy the meeting “floor”.
- VI No voter will be allowed to speak until he or she is recognized by the Moderator.
- VII Motion requiring more than a simple majority to pass:
  - A. To reconsider a vote on a motion –  $\frac{3}{4}$  majority (this motion must be made prior to the next adjournment of the meeting).
  - B. To consider articles in an order other than as appears on the warrant –  $\frac{3}{4}$  majority.
  - C. To pay unpaid bills –  $\frac{4}{5}$  majority at the Annual Town Meeting,  $\frac{9}{10}$  majority at a Special Town Meeting.
  - D. To move the previous question (terminate debate) –  $\frac{3}{4}$  majority.
- VIII Quorum cannot be questioned after a motion has been made and seconded.

**MOTION CHART** Section 1-211  
(Application of Rules is indicated by an X)

Motions	Debatable	Non Debatable	Amendable	Non Amendable	Second Required	Second Not Required	Majority Vote	2/3 Vote	¾ Vote	May Reconsider	Cannot Reconsider
Adjourn		X		X	X		X				X
Adjourn (in a time certain)	X		X		X		X			X	
Amendment	X		X		X		X			X	
Adopt a Resolution	X		X		X		X				X
Accept & Adopt	X		X		X		X <sup>1</sup>			X	
Postpone Indefinitely	X			X	X		X			X	
Previous Question Terminate Debate		X		X	X				X		X
Reconsider <sup>2</sup>	X			X	X				X		X
Consider Articles Out of Order	X		X		X				X		X
Point of Order		X								X	
1. Unless a greater than simple majority required by General Laws of Town of Harwich by-laws.											
2. See section 1.207											



## TAX RATE CHART

THE CHART BELOW SHOWS THE AMOUNT OF MONEY REQUIRED TO CHANGE THE  
FY 2020 TAX RATE.

TAX RATE CHANGE IN \$/1,000	DOLLARS REQUIRED
\$ 0.01	\$59,732
\$ 0.05	\$298,658
\$ 0.10	\$597,317
\$ 0.15	\$895,975
\$ 0.20	\$1,194,634
\$ 0.25	\$1,493,292
\$ 0.30	\$1,791,951
\$ 0.35	\$2,090,609
\$ 0.40	\$2,389,268
\$ 0.45	\$2,687,926
\$ 0.50	\$2,986,585
\$ 0.55	\$3,285,243
\$ 0.60	\$3,583,901
\$ 0.65	\$3,882,560
\$ 0.70	\$4,181,218
\$ 0.75	\$4,479,877
\$ 0.80	\$4,778,535
\$ 0.85	\$5,077,194
\$ 0.90	\$5,375,852
\$ 0.95	\$5,674,511
\$ 1.00	\$5,973,169

## MUNICIPAL FINANCE TERMS

APPROPRIATION: An authorization granted by the Town Meeting to make expenditures and to incur obligations for specific purposes.

AVAILABLE FUNDS: Available funds refer to other funds available for appropriation by the Town Meeting, such as Wetland Protection funds, Cemetery Lot sales and Perpetual Care Interest and old article balances returned to revenue.

OVERLAY, ALSO CALLED ALLOWANCE FOR ABATEMENTS AND EXEMPTIONS:

The overlay is the amount raised by the Assessors in excess of appropriations and other charges for the purpose of creating a fund to cover tax abatements granted and avoiding fractions in the tax rate. It cannot exceed 5% of the levy.

FREE CASH: Certified each year by the Director of State Bureau of Accounts, this is the portion of the fund balance which is available for appropriation by a Vote of Town Meeting. It is not cash, but rather is the approximate total of cash and receivables less current liabilities and earmarked reserves.

TRANSFER: The authorization to use an appropriation for a different purpose; in most cases only the Town Meeting may authorize a transfer.

RESERVE FUND: This fund is established by the voters at an Annual Town Meeting only and is composed of an appropriation (not exceeding 5% of the tax levy of the preceding year). Transfers from the Reserve Fund are within the exclusive control of the Finance Committee, and are for “extraordinary or unforeseen” situations, normally emergencies.

STABILIZATION FUND: This is a special reserve for future expenditures. The aggregate amount in the fund shall not exceed, at any time, 10% of the valuation in the preceding year. Money may be voted into the fund by a majority vote at Town Meeting. Money may be appropriated from the fund only by a two-thirds vote at Town Meeting for any municipal purpose.

CHERRY SHEET: An annual statement received from the State Department of Revenue detailing estimated receipts for the next fiscal year from various State Aid accounts and estimated charges payable by the assessors in setting the tax rate. Named for the cherry colored paper, which the State traditionally has printed it on.

## **PROPOSITION 2 ½ TERMS**

Chapter 59, Section 21C of the Massachusetts General Laws commonly referred to as Proposition 2 ½ (Prop. 2 ½) or the Tax Limiting Law for Cities and Towns in Massachusetts.

**LEVY**: The property tax levy is the revenue a Town can raise through real and personal property taxes. The property tax levy is the largest source of revenue for the Town.

**LEVY CEILING**: This is the maximum the levy limit can be. The ceiling equals 2.5% of the Town's full and fair cash value.

**LEVY LIMIT**: The Maximum the levy can be in a given year. The limit is based on the previous year's levy limit plus certain allowable increases.

**LEVY LIMIT INCREASE**: The levy limit automatically increases each year by 2.5% of the previous year's levy limit.

**NEW GROWTH**: New construction and new parcel subdivision may also increase the Town's levy limit.

**OVERRIDE**: A community can permanently increase its levy limit by successfully voting at a referendum to exceed the limits. A community may take this action as long as it is below the levy ceiling.

**GENERAL OVERRIDE**: A general override ballot question can be placed on a referendum if a majority of the Board of Selectmen vote to do so. If the ballot question is approved by a majority of the voters, the Town's levy limit is permanently increased by the amount voted at the referendum. The levy limit increase may not exceed the Town's levy ceiling. Override questions must be presented in dollar terms and specify the purpose.

**DEBT EXCLUSION**: This override ballot question can be placed on a referendum by a two-thirds vote of the Board of Selectmen. If a majority of the voters approve the ballot question the Town's levy limit is increased only for the amount voted at the referendum for the life of that debt only. The levy limit increase may exceed the Town's levy ceiling.

**CAPITAL OUTLAY EXPENDITURE EXCLUSION**: This override ballot question can be placed on a referendum by a two-thirds vote of the Board of Selectmen. If a majority of the voters approve the ballot question the additional amount for the payment of the capital project cost is added to the levy limit or levy ceiling only for the year in which the project is being undertaken.

**CONTINGENT VOTES**: Chapter 634 of the Acts of 1989 permits a Town Meeting to appropriate funds contingent upon passage of a referendum question (OVERRIDE). A contingent vote does not automatically result in an override referendum. An override referendum can only be called by the Board of Selectmen. If a referendum is called by the Selectmen it must take place within forty-five days of the Town Meeting vote.

## MUNICIPAL FINANCE TERMS RELATED TO CAPITAL IMPROVEMENTS

CAPITAL PLANNING: (See Capital Improvements Program)

CAPITAL BUDGETING: An appropriation or spending plan that uses borrowing or direct outlay for capital or fixed asset improvements. Among other information, a capital budget should identify the method of financing each recommended expenditure, i.e., tax levy or rates, and identify those items that were not recommended. (See Capital Asset, Fixed Asset)

CAPITAL OUTLAY: The exchange of one asset (cash) for another (capital asset), with no ultimate effect on net assets. Also known as "pay as you go," it is the appropriation and use of available cash to fund a capital improvement, as opposed to incurring debt to cover the cost.

CAPITAL ASSETS: – All tangible property used in the operation of government, which is not easily converted into cash, and has an initial useful life extending beyond a single financial reporting period. Capital assets include land and land improvements; infrastructure such as roads, bridges, water and sewer lines; easements; buildings and building improvements; vehicles, machinery and equipment. Communities typically define capital assets in terms of a minimum useful life and a minimum initial cost. (See Fixed Asset)

CAPITAL IMPROVEMENTS PROGRAM: – A blueprint for planning a community's capital expenditures that comprises an annual capital budget and a five-year capital program. It coordinates community planning, fiscal capacity and physical development. While all of the community's needs should be identified in the program, there is a set of criteria that prioritizes the expenditures.

FIXED ASSETS: – Long-lived, tangible assets such as buildings, equipment and land obtained or controlled as a result of past transactions or circumstances.

**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF HARWICH  
ANNUAL TOWN MEETING  
May 4, 2020**

BARNSTABLE, ss:

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

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in elections and Town affairs to meet in the Community Center Gymnasium, 100 Oak Street in said Town on May 4, 2020 at 7:00 P.M., then and there to act on the following articles:

Hereof fail not to make return of the Warrant with your doings thereon at the time and place of said meeting.

Given under our hands the XX day of March, 2020

Larry G. Ballantine, Chairman  
Edward J. McManus, Vice Chair  
Stephen P. Ford, Clerk  
Donald F. Howell  
Michael D. MacAskill

Date:  
Constable

**ARTICLES**

TOWN OFFICERS AND COMMITTEES

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

**The Finance Committee Recommends:**

..... **ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

..... **ROLL CALL VOTE:**

REPORTS OF TOWN OFFICERS AND COMMITTEES

ARTICLE 2: To hear reports of all Town Officers and Committees for the year 2019.  
Customary Article.

**The Finance Committee Recommends:**

**..... ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

**..... ROLL CALL VOTE:**

ELECTED OFFICIALS SALARIES

ARTICLE 3: To see if the Town will vote the salaries of the Elected Officials of the Town for fiscal year commencing July 1, 2020 and ending June 30, 2021 as follows and to act fully thereon. Estimated cost: \$126,503

Selectmen (5)	\$2,400 each
Moderator	\$1,000
Water Commissioners (3)	\$1,000 each
Library Trustees (7)	\$1,000 each
Town Clerk	\$103,503

**The Finance Committee Recommends:**

**..... ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

**..... ROLL CALL VOTE:**

TOWN OPERATING BUDGET

ARTICLE 4: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow such sums of money as may be required to defray Town charges for Fiscal Year 2021, and to act fully thereon. By request of the Board of Selectmen. (BUDGET – SEE APPENDIX X). Estimated Cost: \$39,011,435.

<b>Operating Budget</b>	
Betterments	199,481
Cable Fund	210,107
CPA	341,750
FEMA	13,855
Free Cash	140,000
Golf Improvement	108,200
Overlay Surplus	200,000
State Aide	677,303
Water Enterprise	730,290
Waterways & Mooring	357,863
Town Clerk State Aid	12,000
County Dog Fund	2,144
Subtotal	2,992,993
Local Receipts	13,210,298
Taxes	22,808,144
<b>Operating Budget</b>	<b>39,011,435</b>

**The Finance Committee Recommends:**

**..... ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

**..... ROLL CALL VOTE:**

MONOMOY REGIONAL SCHOOL DISTRICT BUDGET

ARTICLE 5: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow such sums of money as may be required to pay for the Monomoy Regional School District Assessment for Fiscal Year 2021, and to act fully thereon. By request of the Monomoy Regional School Committee and Superintendent. Estimated cost: \$27,340,929

<b>Monomoy Regional School District</b>	
Operating Budget	24,930,504
Transportation	577,016
Capital	263,943
Debt	1,569,466
<b>Total</b>	<b>27,340,929</b>

**The Finance Committee Recommends:**

..... **ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

..... **ROLL CALL VOTE:**

CAPE COD REGIONAL TECHNICAL SCHOOL DISTRICT BUDGET

ARTICLE 6: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money as may be required to pay for the Cape Cod Regional Technical High School District Assessment for Fiscal Year 2021, and to act fully thereon. By request of the Cape Cod Regional Technical High School District. Estimated cost: \$1,768,279.

<b>Cape Cod Regional Technical HS</b>	
Operating Budget	1,178,798
Debt	589,481
<b>Total</b>	<b>1,768,279</b>

**The Finance Committee Recommends:**

..... **ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

..... **ROLL CALL VOTE:**

WATER BUDGET

ARTICLE 7: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow such sums of money as may be required to defray the Water Department Operating Budget for Fiscal Year 2021, and to act fully thereon. By request of the Water Commissioners and Superintendent. Estimated cost: \$4,291,075.



<b>Water Operating Budget</b>	
Salaries	1,321,050
Expenses	1,468,390
Debt	721,345
Indirect Costs	730,290
OPEB	50000
<b>Total</b>	<b>4,291,075</b>

**The Finance Committee Recommends:**

**..... ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

**..... ROLL CALL VOTE:**

WASTEWATER / SEWER BUDGET

ARTICLE 8: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow such sums of money as may be required to defray the Wastewater/Sewer Department Operating Budget for Fiscal Year 2021, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$376,100.

<b>Sewer Operating Budget</b>	
Salaries	77,285
Expenses	298,815
<b>Total</b>	<b>376,100</b>

**The Finance Committee Recommends:**

**..... ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

**..... ROLL CALL VOTE:**

ADOPT THE CAPITAL PLAN

ARTICLE 9: To see if the Town will vote to adopt the Capital Plan for the ensuing seven year period as adopted last year by the Town Meeting with new fiscal year 2027 as proposed by the Board of Selectmen and set forth below or as amended by vote of the Town Meeting, and to act fully thereon. By request of the Board of Selectmen.  
(Appendix X)

**The Finance Committee Recommends:**

..... **ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

..... **ROLL CALL VOTE:**

**INSERT CAPITAL PLAN**

**ADMINISTRATION**

**DENNIS HARWICH YARMOUTH (DHY) CLEAN WATERS COMMUNITY  
PARTNERSHIP**

**ARTICLE 10 :** To see if the Town will vote pursuant to Chapter 88 of the Acts of 2019 to approve an Agreement among the Towns of Dennis, Harwich, and Yarmouth for the establishment of a three town wastewater district to be known as the DHY Clean Waters Community Partnership, a copy of said agreement is on file in the office of the Town Clerk; it being understood that by approving said agreement the Town will be responsible for its apportioned share of the costs for permitting, design, and construction of a wastewater treatment facility, effluent recharge facilities and related infrastructure as well as the Town's apportioned share of the annual operation and maintenance cost of said facilities. BY REQUEST OF -----  
----- Estimated Cost: \$-----

*Explanation:* The Towns of Dennis, Harwich, and Yarmouth are in the process of implementing a comprehensive wastewater management program to remove nitrogen predominantly coming from on-site Title 5 septic systems in order to restore and protect their valuable water resources. The towns have evaluated the creation of a wastewater district that would construct one wastewater treatment plant located in the Town of Dennis (instead of each community constructing their own treatment facility) and utilizing multiple effluent recharge facilities located in each town. Special Legislation previously approved by Town Meeting was approved and enacted on October 15, 2019 (Chapter 88 of the Acts of 2019) that allows for the creation of this district to be known as the DHY Clean Waters Community Partnership subject to Town Meeting approval of the agreement. It is estimated that the initial capital cost to be incurred by the Partnership is projected to be \$120 Million for permitting, design and construction of the wastewater treatment facility, effluent recharge facilities and related infrastructure, and it is anticipated that the Commission will issue bonds for the initial project in the amount of \$120 Million and that the associated debt service shall be apportioned among the three towns in accordance with the terms specified in the agreement which are based on flow and estimated to be: \$ 36.25 Million to be assessed to Dennis, \$18.25 Million to be assessed to Harwich and \$65.5 Million to be assessed to Yarmouth; and it is further acknowledged that the final amount to be borrowed by the Partnership for the initial project costs may increase or decrease pending the development of final plans and specifications, construction bids, and regulatory requirements.

**The Finance Committee Recommends:**

**..... ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

**..... ROLL CALL VOTE:**

## LEASE PURCHASE AGREEMENTS

**ARTICLE 11:** To see if the Town will vote to enter into various lease purchase financing agreements for town equipment included in the operating budget for FY 2021, said leases may be for a term not to exceed the useful life of the equipment as determined by the Board of Selectmen; or to act fully thereon. By request of the Board of Selectmen.

*(The Municipal Modernization Act of 2016 contains a new section requiring a recommendation by the Town Administrator and a two-thirds vote of the legislative body to authorize a tax-exempt lease purchase agreement. To qualify under this new section a qualifying lease must be in excess of three years, must not exceed the useful life of the equipment, must establish a nominal residual value of the equipment at the end of the lease, and must be approved by a two-thirds vote of Town Meeting.*

Explanation:

**The Finance Committee Recommends:**

..... **ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

..... **ROLL CALL VOTE:**

## ESTABLISHMENT OF WATER INFRASTRUCTURE INVESTMENT FUND

### Ballot Question #

**ARTICLE 12:** To see if the Town will vote to accept General Laws Chapter 40, Section 39M, which establishes a special “Municipal Water Infrastructure Investment Fund” that may be appropriated and spent for maintenance, improvements and investments to municipal drinking, wastewater and stormwater infrastructure assets, and further to approve a property tax surcharge in the amount of **[a specific percentage amount up to 3%]** percent of the taxes assessed annually on real property, which will be dedicated to the fund, the surcharge to be imposed starting with taxes assessed for fiscal year 2022, beginning on July 1, 2021; or take any other action relative thereto.

Explanation: Section 39M of Chapter 40 of the General Laws of Massachusetts establishes a special “Municipal Water Infrastructure Investment Fund” with a dedicated funding source that may be spent on maintenance, improvements and investments to municipal drinking, wastewater and stormwater infrastructure assets. Town Meeting must approve all spending from the fund. In Harwich, the funding source is a surcharge of **[a specific percentage amount up to 3%]** on the annual property tax assessed on real property starting in fiscal year 2022, which begins on July 1, 2021. The surcharge is calculated by multiplying the real estate tax on the parcel by the adopted percentage. Real estate parcels that are fully exempt from property taxes are not subject to a surcharge. In addition, taxpayers who receive partial exemptions of the real estate taxes assessed on their domiciles, including certain seniors, veterans, blind persons and surviving

spouses, are fully exempt from the surcharge. Taxpayers who receive other exemptions or abatements of their real estate taxes will receive a pro rata reduction in their surcharges.

**EXPAND WATERWAYS CAPITAL IMPROVEMENT RECEIPTS RESERVED FUND**

~~ARTICLE XX:~~ To see if the Town will vote to amend its votes under Article 17 of the May 8, 2012 Annual Town Meeting and Article 43 of the May 6, 2013 Annual Town Meeting to expand the category of receipts deposited to the fund to include rentals and lease payments from the Artisan, ticket booths and restaurant, the sale of 203 Bank Street and Dockage Fees in excess of \$810,000 each fiscal year, and to act fully thereon. By request of the Board of Selectmen.

*Explanation: The Waterways Capital Improvement Receipts Reserved for Appropriation fund was established, in part, to fund up to 75% of the debt incurred from Saquatucket Harbor Marina improvements however when the fund was created and further amended the amendment did not include wording to expand receipts to be deposited into the fund. This article seeks to amend the sources of receipts to allow for sufficient funding to support principal and interest payments through FY 2037.*

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

ARTICLE 13: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to fund the items in the table below included in the FY 21 Capital Plan, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$\_\_\_\_\_.

<b>Department</b>	<b>Description</b>	<b>Amount</b>
Police	Taser Replacement Year 3 of 3	\$14,910
Fire	Air Pack	\$400,000
Fire	Air Pack – State Grant Portion	(\$380,000)
	<b>Total – Less Grant Portion</b>	<b>\$34,910</b>

Explanation:

**The Finance Committee Recommends:**

..... **ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

..... **ROLL CALL VOTE:**

**FACILITY MAINTENANCE AND REPAIR FUND**

ARTICLE 14: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money as may be required to defray costs related to

Facility and Grounds Maintenance and Repair included in the FY 21 Capital Plan, and to act fully thereon. By request of the Board of Selectmen. Estimated cost \$303,500.

Department	Description	Amount
Cemetery	Island Pond Arboretum Master Plan Construction	100,000
Cemetery	Island Pond Arboretum Master Plan Study	43,000
Cemetery	Island Pond Arboretum Grant	(143,000)
Library	Brooks Library Roof	148,500
Cultural Center	Cultural Center Study	100,000
Facilities Wide	ADA Compliance Plan	350,000
Facilities Wide	ADA Compliance Grant	(350,000)
DPW	Replace Transfer Station Scale Decking	55,000
	<b>Total - Less Grant Portion</b>	<b>303,500</b>

**Insert Details**

**The Finance Committee Recommends:**

..... **ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

..... **ROLL CALL VOTE:**

**FUND SNOW AND ICE DEFICIT FOR FY 20**

~~ARTICLE 13: \_\_\_\_\_ To see if the Town will vote to transfer from available funds a sufficient sum of money to fund the Fiscal Year 2020 Snow and Ice Deficit Account, and to act fully thereon. By request of the Board of Selectmen. Estimated cost \$ \_\_\_\_\_~~

~~**The Finance Committee Recommends:**~~

~~..... **ROLL CALL VOTE:**~~

~~**The Board of Selectmen Recommends:**~~

~~..... **ROLL CALL VOTE:**~~

**FUND BUDGET SHORTFALLS IN BUDGET TRANSFERS FOR FY 20**

~~ARTICLE 15: \_\_\_\_\_ To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to fund shortfalls in various FY 20 budget and fund transfers, and to act fully thereon. By request of the Town Administrator and Finance Director. Estimated cost: \$ \_\_\_\_\_.~~

**Insert Details**

**The Finance Committee Recommends:**

..... **ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

..... **ROLL CALL VOTE:**

**AMENDMENT TO THE AGREEMENT BETWEEN THE TOWNS OF CHATHAM AND  
HARWICH WITH RESPECT TO THE FORMATION OF A MONOMOY REGIONAL  
SCHOOL DISTRICT**

ARTICLE 16 Whereas the Towns of Chatham and Harwich, towns in the Commonwealth of Massachusetts, hereinafter referred to as “member towns”, have created a regional school district consistent with the terms of Chapter 71 of the Massachusetts General Laws, as amended, the member towns, in consideration of the mutual promises contained herein, agree as follows:

**Section I. MEMBERSHIP OF THE REGIONAL DISTRICT SCHOOL COMMITTEE**

A. Name and Composition. The name of the Regional School District shall be the Monomoy Regional School District. The Regional District School Committee, hereinafter sometimes referred to as the “Committee”, shall consist of eight (8) members, four (4) of whom reside in the Town of Chatham and four (4) of whom reside in the Town of Harwich.

B. Weighted Voting. Because of the disparity in the population of the two towns, each of the four (4) Committee members from Harwich will have one full vote on all matters and each of the four (4) Committee members from Chatham will have 50% of a vote on all matters, for a total of six (6) votes. For a motion which requires a majority vote to pass, a majority (i.e., greater than 50%) of the six (6) votes (which must be no fewer than 3.5 votes) must be cast in the affirmative and at least one Committee member from each of the two towns must vote in the affirmative. For the passage of a motion requiring a two-thirds vote (such as the passage of the annual budget), at least two thirds (i.e., no fewer than 4 votes) of the six (6) total votes must be cast in the affirmative. Should a shift in the respective populations of the member towns, based on the most recent decennial federal census figures, cause an impermissible disparity based on one-person, one-vote principles, the Committee will act to address the disparity via the amendment process.

C. Election of Members. Each member must reside in the town which she or he represents. Each member must be elected consistent with the process for the election of town officials in said town and will be elected to open seats during the annual election or special election in said town. The term of each elected member will begin on the first business day after his or her election and after being sworn in by the respective Town Clerk. A member who has not otherwise vacated his or her seat will continue to serve until his or her successor is elected and sworn.

At every annual election, there shall be elected one or two members of the Committee from the Town of Chatham and one or two members of the Committee from the Town of Harwich as is necessary to maintain the membership of the Committee in accordance with subsection A (Name and Composition) above.

D. Length of Terms. The term of office of each elected member shall be three years, and a member will serve until his/her successor is elected and sworn in by the respective Town Clerk unless the member has otherwise vacated his or her seat.

E. Vacancies. Any vacancy occurring on the Regional District School Committee shall be filled by the local Board of Selectmen and the remaining Regional District School Committee members from the town where the vacancy occurs. The members of the Board of Selectmen shall meet in joint session with the remaining members of the Regional School District Committee from the town where the vacancy occurs. A majority vote of the members of this joint session shall be required to fill the vacant position. Such replacement shall serve until the next annual town election. At that next annual election, a person will be elected to serve the balance of the unexpired term, if any, which had become vacant.

E. Organization. At the first scheduled meeting of the Regional District School Committee after the annual election of all member towns, the Regional District School Committee shall organize in accordance with Massachusetts General Laws, Chapter 71, section 16A, known as “Regional School Committee, Organization”. In addition, the Regional District School Committee shall fix the times and place for its regular meetings for the new term, provide for the calling of special meetings upon written or electronic notice to all its members, and appoint appropriate sub-committees and other officers.

## **Section II. POWERS OF THE COMMITTEE**

The Committee shall possess all of the powers conferred by law upon regional school district committees via G.L. Chapter 71, section 16 and otherwise, including but not limited to the power to acquire property and/or to enter into leases for land and/or buildings.

## **Section III. QUORUMS, VOTES AND GOVERNANCE**

A. A quorum to conduct business shall consist of five (5) members, with no fewer than two members being present from each of the member towns. A number less than the majority may vote to adjourn, but shall not take any other action.

B. On all issues requiring a vote of the Regional District School Committee, a simple majority vote (i.e., no fewer than 3.5 of the six (6) votes as spoken to in Section I, subsection B) shall be required to pass all motions, except as specified elsewhere in this Agreement, or as required by statute.



C. The Regional District School Committee shall annually elect officers at the first regularly scheduled meeting held after the last of the elections in the member towns. Such officers shall exercise the powers expressed and implied in G.L. Chapter 71, section 16A.

D. A Chairperson and a Vice-Chairperson shall be elected from among the Regional District School Committee's membership. The Committee will have as standard practice that the position of Chairperson will rotate annually between the member towns. By a two-thirds (2/3) vote, and with at least one Committee member from each of the member towns voting in the affirmative the Regional District School Committee may in any given year deviate from this standard practice. The Vice-Chairperson in any given year shall be drawn from the members who reside in the member town different from that of the Chairperson.

E. The Regional District School Committee shall elect/appoint a Secretary who may or may not be a member of the Regional District School Committee's membership.

F. The Regional District School Committee shall appoint a Treasurer who shall not be a member of the Regional District School Committee.

G. Any action voted by the Regional District School Committee which directly and specifically affects the elementary school(s) in only one town will require that three of the four members of the Regional District School Committee from the town in which the affected elementary school(s) is/are located vote in support of that action.

#### **Section IV. TYPE OF SCHOOL DISTRICT AND TRANSFER OF ASSETS**

A. The Regional School District shall provide educational programs for public school students who reside in the member towns and who are attending grades pre-kindergarten through and including grade 12. The Regional School District Committee, as established consistent with Section I (Membership of the Regional School District School Committee) above, is authorized in its discretion to establish and maintain other educational programs, including, but not limited to, vocational-technical educational programs consistent with G.L Chapter 74, and is authorized in its discretion to join or form educational collaboratives consistent with G.L. Chapter 40, section 4E.

B. The Regional School District may, at the Committee's discretion, include pre-kindergarten, and shall include all grades from K-12.

C. The elementary schools shall serve students in grades K-4, and, at the Committee's discretion, pre-kindergarten.

D. The middle school(s)/high school(s) shall serve students in grades 5-12.

E. Where the term "preschool" is mentioned in this Agreement, it is done in order to permit the Regional District School Committee, at some future date, the discretion to provide "universal" preschool classes.

F. The Committee may in its discretion alter the elementary/secondary grade configurations spoken to above.

G. At the time of the creation of the District, any and all money held in so-called “revolving funds,” in gift accounts, in grant accounts, or in student activity accounts/funds that are held by the member towns for the benefit of their respective school departments will be conveyed to the District to be utilized for educational and/or extracurricular purposes consistent with the purposes for which the revolving funds or accounts were created. Additionally, school-related equipment, material, and supplies that are owned by the school departments of the member towns at the time of the creation of the District will be conveyed to the District.

#### **Section V. LOCATION AND OWNERSHIP OF SCHOOLS**

A. All Regional District schools shall be located within the geographical limits of the District. The Regional District school buildings shall be located on sites owned by, or leased to, the District.

B. There shall be no less than one elementary school in each member town. Students in the elementary grades shall attend schools in their towns of residence, except in special cases as defined by the Regional District School Committee.

C. Each member town shall retain ownership of its elementary school buildings and grounds that are in existence at the time of the formation of the District and shall lease the same to the District for the sum of one dollar per year. Each lease shall be for a term of up to twenty (20) years, with said term to be established by the Regional District School Committee. The term shall commence on July 1, 2012. The leases shall contain provisions for an extension of up to 20 years at the option of the Regional District School Committee. The leases shall contain provisions authorizing the District to repair, improve, alter, remodel and maintain the buildings or any part thereof, at the District’s expense. Said leases shall not prevent the use of the buildings or premises by the respective owner towns, upon approval of the Regional School District Committee; such approval shall not be unreasonably withheld. Each lease involving a member town may include such other terms as may be agreed upon by the Selectmen of that member town and by the Regional District School Committee, who shall execute the lease for the member towns and the District, respectively.

D. The Town of Chatham shall lease to the Regional District School Committee the land and buildings (at the option of the Committee) presently known as the Elementary School, as well as the land and/or the buildings (at the option of the Committee) comprising the combined Middle School/High School. The terms expressed in Section V.C shall apply equally to this paragraph.

E. The Town of Harwich, shall lease to the Regional District School Committee the land and/or buildings (at the option of the Committee) presently known as the Elementary School. The terms expressed in Section V.C shall apply equally to this paragraph.

F. At whatever point in time the land and/or buildings that are leased by a member town to the Regional District School Committee ceases to be needed by the District, the District School Committee shall vote to declare said land and/or buildings as surplus, and the custody and control of said land and/or buildings shall revert to the owner town.

G. Payments from future leases of Regional property shall be paid to the Regional School District.

## **Section VI. TRANSPORTATION**

The Regional District School Committee shall set District transportation policy. School transportation shall be provided by the Regional School District, and the cost thereof shall be apportioned among the member towns as defined in Section IX.

## **Section VII. BUDGET**

A. The Committee shall prepare an annual operating and maintenance budget using accounts itemized in conformance with the chart of accounts utilized and required by the Massachusetts Department of Elementary and Secondary Education or its successor.

B. The Regional School District's budgetary process, and the timing of and method of appropriation of funds in regard thereto, shall be governed by the provisions of G. L. c. 71 §16(m) and c. 71 §16B and other applicable provisions of G. L. c. 71 and any special laws or regulations relating thereto.

C. The Regional District School Committee shall prepare a budget on a fiscal year basis for the District in the following manner:

1. The Regional District budget process shall be initiated annually on or about October 1 and shall provide opportunity for the Selectman and Finance Committee of each member town to have input into its preparation. On or about January 15<sup>th</sup>, the Regional District School Committee shall complete its proposed budget for the ensuing year. Said proposed budget shall be approved by majority vote, with at least one Committee member from each member town voting in the affirmative. The District shall submit its proposed budget to the Board of Selectmen and Finance Committee of each member town and provide a copy to each member town's public library and town clerk's office for posting.
2. Said proposed budget shall contain a notice stating when and where a public hearing will be held. The public hearing shall be held in any District school building. The notice of the public hearing shall be posted in all member towns and published consistent with G.L. chapter 71, section 38N in a newspaper having general circulation in the region. Upon request of the Finance Committee and/or the Board of Selectmen of any member town, the Regional District School Committee shall

arrange to meet with such Finance Committee and/or Board of Selectmen for the purpose of discussing the proposed budget. Said proposed budget shall be in reasonable detail, itemized at least as follows: central administration, expenses of instruction, transportation, operation of school plant, maintenance of school plant, capital outlay, and debt and interest charges unless the Finance Committee and Board of Selectmen from each member town and the Regional School District Committee subsequently agree to some other methodology. All non-recurring expenditures shall be itemized. Enrollment, staffing, total expenditures and assessments for the past five (5) years shall be included. The Finance Committee or the Board of Selectmen of a member town may request further information.

3. Consistent with G.L. chapter 71, section 16B the Regional District School Committee shall adopt by a two-thirds (2/3) vote of all its members a budget with such changes as may have resulted from conferences and/or the public hearing. Within thirty (30) days from the date on which the budget is adopted, the Treasurer of the District shall certify to the Treasurer of each member town that town's assessed share of such budget.
4. The budget and assessments shall be so constructed as to show debt service, transportation, operating, and capital costs. It shall also list all sources of revenue used to reduce operating costs as described in Section IX.
5. The process and the requirements for the approval or disapproval of the budget by the member towns will be consistent with the terms and conditions of Chapter 71, section 16B, as well as 603 CMR section 41, et seq. as those terms and conditions may be amended. In the event of a conflict between any provision of law or regulations and this Agreement, the law and/or regulations shall prevail.

## **Section VIII. BUDGETARY DEFINITIONS**

The budget for the operation of the District's Schools, including payments of principal and interest on bonds and other evidence of indebtedness issued by the District, shall be apportioned to the member towns via the method set out in Section IX and subject to the following definitions:

### **A. Budget**

As defined by this document, the budget is the amount of money voted by the Regional District School Committee to finance the District schools and which will be assessed to the member towns.

B. The budget shall be comprised of various costs, each as herein defined as follows:

1. "Operating Costs" include all costs not included in capital costs, transportation costs, or debt service, as defined below, but operating costs include interest and principal on

revenue anticipation notes. Operating costs include the net costs of evening, graduate and extension courses or any other types of courses, including vocational education programs, which are offered by the District to persons other than pupils attending a regular district school program in any of the grades K-12, inclusive.

2. "Capital costs" will include all capital outlay appearing in the 7000 DESE function codes.
3. "Transportation costs" include all costs associated with transporting the District's students to and from school.
4. "Debt service" includes all costs that are used for payment of principal and interest on bonds or other obligations issued by the District except revenue anticipation notes.

#### **Section IX. METHOD OF ASSESSING COSTS OF THE REGIONAL SCHOOL DISTRICT**

A. Operating Costs. Operating costs needed to support the district's budget will be reduced by all general fund revenues and state aid. Member town assessments will then be prepared as follows:

1. Each member town will contribute to the District no less than its minimum required local contribution as determined by the Commissioner pursuant to G.L. Chapter 70.
2. Any excess costs needed to support the District's budget will be assessed to the member towns on the basis of the town's foundation enrollment.
3. Excess costs will be assessed to each member town on the basis of the combined three-year rolling average of foundation enrollment for each member town. That is, the foundation enrollment figures as published by the DESE for each member town for the most recent past three years will be averaged, as will the total of the foundation enrollments of all of the member towns for the most recent past three years. Each member town will be assessed the same percentage of the excess costs as that member's foundation enrollment for the past three years relates to the foundation enrollment for the entire District during those three years.

B. Capital Costs. Capital costs shall include all expenses in the nature of capital outlay including, but not limited to, the cost of acquiring land, the cost of constructing, reconstructing, or adding to a school building or buildings, the cost of remodeling or making extraordinary repairs to a school building or buildings, the cost of constructing sewerage systems and sewerage treatment and disposal facilities or the cost of the purchase or use of such systems with a municipality, and any other item of capital outlay for which a regional school district may be authorized to borrow, or which could be categorized as a capital expense in conformance with applicable law and regulation, including, without limitation, the cost of equipment and furnishings for such school buildings or additions, plans, architects' and consultants' fees, grading and other costs incidental to placing school buildings and additions, sewerage systems

and sewerage treatment and disposal facilities, and any premises related to the foregoing in operating condition. Capital costs shall also include payment of principal of and interest on bonds, notes and other obligations issued by the District to finance capital costs.

Capital costs that are attributable to facilities that are under the custody and control of the District, whether they are owned by or leased to the District, shall be assessed to the member towns on the basis of the three-year rolling average of each town's foundation enrollment as described in Section IX.A.3 above.

C. Transportation Costs. Transportation costs will be assessed to the member towns based upon the number of students residing in each town who attend the District's schools based on the average of the most recent three years' enrollment figures as reported, currently on October 1, to DESE.

D. Debt Service. Notwithstanding the terms of Section IX.B, debt service costs, which were incurred prior to July 1, 2017, will be assessed to the member towns as follows:

1. Debt service costs attributable to the high school and the middle school will be assessed to the member towns using the three-year rolling average of each town's foundation enrollment as described in Section IX.A.3 above.
2. Debt service costs attributable to the District's elementary schools will be assessed to the member town that owns the building.

E. The payment of the assessed share of costs by each member town, as computed by the Regional District School Committee according to the methods specified in Section IX, shall be made by each member town's Treasurer by check or electronic transfer payable to the Regional School District in equal installments by the first business day of the month as set forth below:

Chatham: August, October, December, February, April, May, June

Harwich: July, September, November, January, March, May, June

## **Section X. STABILIZATION FUND**

The Regional District School Committee may, consistent with the terms and conditions of G.L. chapter 71, section 16G½, establish and maintain a stabilization fund.

## **Section XI. ADMISSION OF ADDITIONAL TOWNS**

By an amendment to this agreement adopted by each member town in accordance with Section XVI (Amendments) and in compliance with the provisions therein contained, any other town or towns may be admitted to the Regional School District upon adoption of such amendment, and also upon compliance with any statutory or regulatory requirement as may be applicable.

## **Section XII. WITHDRAWAL OF MEMBER TOWNS**

In the event that a member town decides to seek to withdraw from the District, the following procedures and requirements will apply:

A. Vote Expressing Desire to Withdraw. Any member town seeking to withdraw from the District shall, by vote at an annual or special town meeting, request the Committee to formulate an amendment to this Agreement setting forth the terms under which the town may withdraw from the District. No withdrawal will take effect on other than July 1 of a given year, and the vote spoken of in the preceding sentence, as well as the notification to the District consistent with paragraph B below, as well as the submittal of a long range education plan consistent with paragraph C below, must all occur no less than two (2) years prior to the desired date of withdrawal.

B. Notice. The clerk of the town seeking to withdraw shall, within seven (7) days of the vote, notify the Committee chairperson as well as the District's superintendent in writing that the town has voted to request the Committee to formulate an amendment to the Agreement setting forth the terms for withdrawal. The clerk will provide a certified copy of the vote with the notification.

C. Long Range Education Plan. No less than two (2) full years prior to the desired date of withdrawal, the town seeking to withdraw, in addition to the other requirements spoken to in paragraph A above, will submit to the Commissioner of Elementary and Secondary Education (hereinafter "the Commissioner") and to the District a "Long Range Education Plan" consistent with 603 CMR 41.02(2). The Long Range Plan will address, in addition to any other factor required by the Commissioner, the following: the expected educational benefits of reorganization; the current and projected enrollments; an inventory of all educational facilities under the jurisdiction of the District; the proposed administrative structure; the fiscal ramifications of withdrawal upon the withdrawing town as well as the other member towns in the District; the geographical and physical characteristics of the area; and the effect that withdrawal will have on student transportation.

D. Requirements. In addition to other terms and requirements which the Committee may include in the amendment, the town seeking to withdraw will be responsible for the following: (1) payment of all operating costs for which it is liable as a member of the District; (2) continuing payments beyond the time of withdrawal to the District for the town's share of the indebtedness of the District which is outstanding at the time of such withdrawal, and for interest thereon, to the same extent and in the same manner as though the town had not withdrawn from the District; and (3) for the costs, including legal fees, that accrue to the District as a result of the withdrawal process.

E. Approval of Withdrawal. A request to withdraw shall become effective only if the amendment to the Agreement is approved by vote of the Committee, is approved by the Commissioner, and is approved by majority vote at an annual or special town meeting in the town seeking to withdraw and in each of the other member towns, and the withdrawal can become effective no less than one full year after the completion of these requirements.

F. In no event shall such withdrawal take place prior to ten (10) years from the effective date of this agreement as defined in Section XVII (Effective Date and Jurisdiction).

### **Section XIII. ANNUAL REPORT**

The Regional District School Committee shall submit to each member town an annual report containing a detailed financial statement and a statement showing methods by which the annual charges assessed against each town were computed, together with such additional information relating to the operation and maintenance of the schools as may be deemed necessary by the Regional District Committee or by the Selectman and/or the Finance Committee of any member town.

### **Section XIV. INCURRING OF DEBT**

The District School Committee may vote to incur debt consistent with the terms and conditions of G.L. chapter 71, section 16. At the time of taking action to incur debt, and except for the incurring of temporary debt in anticipation of revenue, the District School Committee by majority vote will choose either the process that appears in subsection (d) of Chapter 71, section 16, or the process that appears in subsection (n) of Chapter 71, section 16.

### **Section XV. REVIEW OF AGREEMENT**

At least every five (5) years, the Committee will undertake a review of the terms of this Agreement. The first review of this Agreement shall occur no later than in the fifth fiscal year of the District's existence. Proposals for amendments to this Agreement will follow the procedure contained in Section XVI (Amendments).

### **Section XVI. AMENDMENTS**

A. Amendments to this Agreement may be initiated by a three-quarters (3/4) vote (i.e., no fewer than 4.5 votes) of the District Committee or by a petition signed by ten per cent (10%) of a member town(s) registered voters. Said signatures need to be certified by the Clerk of the respective town who must also certify the fact that the number of signatures represents at least 10% of the registered voters of the town. Such amendments to the agreement must receive a majority vote of approval by each member town at an annual town meeting, and all amendments are subject to the approval of the Commissioner.

B. No such amendment shall be made which shall substantially impair the rights of the holders of any of the District's bonds or notes of the District then outstanding, or the rights of the District to procure the means for payments thereof.



**Section XVII. EFFECTIVE DATE AND JURISDICTION**

The full jurisdiction of the Regional District School Committee will commence on July 1, 2012.

**Section XVIII. SEVERABILITY OF SECTIONS**

Consistent with G.L. Chapter 71, section 16I, if any provision of this Regional School District Agreement shall be held invalid in any circumstance, such invalidity shall not affect any other provisions or circumstances.

**The Finance Committee Recommends:**  
..... **ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**  
..... **ROLL CALL VOTE:**

**HARWICH FIRE DEPARTMENT**

**REPLACE FIRE DEPARTMENT AMBULANCE**

ARTICLE 17: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to purchase or lease, and equip one ambulance for the Fire Department, and to act fully thereon. By request of the Fire Chief. Estimated cost: \$378,000

**The Finance Committee Recommends:**  
..... **ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**  
..... **ROLL CALL VOTE:**

**FIRE DEPARTMENT QUINT**

**Ballot Question #?** **Debt Exclusion**

ARTICLE 18: To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow the sum of \$1,100,000 to purchase or lease, and equip a quint to replace an engine and ladder for the Fire Department as requested in the Capital Plan for FY21. The appropriation authorized by this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by M.G.L. c.59 § 21c (Proposition 2 ½) the amounts required to pay the principal of and the interest on any borrowing authorized under this article. And further, in accordance with Chapter 44 Section 20 of the General Laws, the premium received by the Town upon the sale of any

bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied, and to act fully thereon. By request of the Fire Chief. Estimated cost: \$1,100,000

**The Finance Committee Recommends:**

..... **ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

..... **ROLL CALL VOTE:**

### **DEPARTMENT OF PUBLIC WORKS**

#### **PURCHASE AND EQUIP VEHICLES FOR THE DPW**

**ARTICLE 19:** To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow a sufficient sum of money to purchase and equip the following vehicles and to further authorize the trade-in or sale of the following old vehicles toward the purchase price, where the Board of Selectmen find that the vehicles cannot be utilized elsewhere in Town and to act fully thereon. By request of the DPW Director. Estimated cost: \$250,000

:

- |                                   |            |
|-----------------------------------|------------|
| (1) Ford E-250 Van (Highway)      | \$ 35,000  |
| (1) Catch Basin Cleaner (Highway) | \$ 215,000 |

*Explanation: Old Vehicles: The 2006 Ford E-250 Building Maintenance van floors and body panels are rusted through. It is questionable whether it will pass a safety inspection.*

*The 2000 International Catch Basin Cleaner is at the end of its useful life. The cab on this 20 year old vehicle is rotted through. Parts are becoming obsolete and are very difficult to find. Maintaining the Town's catch basins is a core function of DPW operations. Two year (FY18-FY19) maintenance costs for this vehicle averaged \$10,210 per year.*

**The Finance Committee Recommends:**

..... **ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

..... **ROLL CALL VOTE:**

### **ROAD MAINTENANCE PROGRAM**

#### **Ballot Question #?**

**ARTICLE 20:** To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow the sum of \$700,000 to fund the Road Maintenance

Program as requested in the Capital Plan for FY21. The appropriation authorized by this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by M.G.L. c.59 § 21c (Proposition 2 ½) the amounts required to pay the principal of and the interest on any borrowing authorized under this article. And further, in accordance with Chapter 44 Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied, and to act fully thereon. By request of the DPW Director. Estimated cost: \$700,000

*Explanation: The capital request for road maintenance is for \$700k for FY21, which we anticipate being augmented by approximately \$700k in Chapter 90 funds. The capital project request form lists 5 years of our road maintenance plan with cash flows of approximately \$1.4M each year and has our 5 year Road Maintenance Plan The following is the 5 year summary.*

**The Finance Committee Recommends:**

**..... ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

**..... ROLL CALL VOTE:**

## **CEMETERY COMMISSION**

### **AMENDMENTS TO CEMETERY RULES AND REGULATIONS**

ARTICLE 21: To see if the Town will vote to approve the revised Cemetery Department Rules and Regulations as submitted by the Harwich Cemetery Commission, and to act fully thereon.

Changes, additions and renumbering are in **BOLD** and UNDERLINED and STRIKEOUTS to be ~~DELETED~~.

Harwich Cemetery Commission Rules and Regulations ~~of Harwich Cemeteries~~

#### I. Rules

1. Town Cemeteries are open daily from dawn to dusk.
2. ~~No vehicle shall be operated in any part of the cemeteries and at speeds no faster than 10 MPH. Violators will be subject to a speeding fine.~~ **The speed limit for all vehicles shall be ten miles per hour or less.**
3. ~~Recreational motorecycling, roller skating, Skateboarding, and/or any other types of similar recreational sports are prohibited. The Town is not liable for any injuries sustained by any person participating in a recreational activity within Cemetery property. Any activity that~~

~~encroaches on individual lots or graves is prohibited.~~ **Skateboards, roller blades, motorbikes, 4 wheelers, etc. are prohibited.**

4. **No alcohol or drugs are allowed.** Any person **Anyone** disturbing the **peace and** quiet and/or order of the grounds by loud noise, speeding, or other improper or disorderly conduct, or who shall violate any of these rules, **in any way** will be removed from the **property** grounds and such person will be dealt with as provided by law. The entrance of any intoxicated person is prohibited.
5. No person shall remove, cut, break or mark any tree or shrub; or mark upon, deface, or injure any monument or structure on the grounds. **Monuments, gravestones or other structures within the cemeteries shall not be defaced in any way. Trees and shrubs shall not be removed, broken or cut. (Removal requires authorization from the Cemetery Commission.)**
6. Gravestone repairs or rubbings require prior authorization of the Cemetery Commission or its designated agent. A copy of the Association for Gravestones Studies *Gravestone Rubbings Do's and Don'ts* will be provided.
7. Firearms shall not be discharged in the cemeteries, except for salutes at military funerals, Memorial Day, or Veterans Day.

## II. Interments

1. Burial lots in the cemeteries shall be used for no other purpose than a place for the interment of the human dead including cremation remains.
2. No interment shall be made until the Cemetery Administrator or designee has been furnished with a burial permit and/or cremation certificate as required by law, together with a written order/interment form from the legal owner, or the legal representative of the right of burial in the lot in which interment is to be made. No grave shall be opened for interment or removal unless authorized by the Cemetery Commission and the area has been flagged by Cemetery personnel.
3. All interments shall be enclosed in a cement vault except. Infants shall require an approved container. Cremations shall require an urn or other permanent approved container.
4. Lot usage: In lots (4' x 10') one full burial and one cremation or four cremations. In cremation lots (4' x 3') two cremations.

## III. Cemetery Lots

- 1.** Cemetery personnel shall furnish, to those who desire to purchase rights of burial in lots or graves, information relative to the cost of the same and the conditions upon which interments may be made. ~~The owners of rights of burial, or their heirs, shall not sell the said exclusive right of burial other than to the Town of Harwich, as provided for under MGL Ch.114. Compensation will be no greater than the original purchase price.~~
- 2.** The owners of rights of burial, or their heirs, shall not sell the said exclusive right of burial other than to the Town of Harwich, as provided for under MGL Ch.114. Compensation will be no greater than the original purchase price.
- 3.** Assignment of right of burial shall be arranged by first contacting the Cemetery Administrator. An assignment form needs to be completed, notarized and submitted to the Cemetery Administrator in order to ensure accurate recording of all assignments.

- 4.** Upon the death of the title owner, a lot passes to heirs-at-law (MGL.Ch.114, s.29) unless specifically devised by will or trust (subject to Ch. 190, sec.3).
- 5.** A full burial lot (minimum 4'x10') containing recorded remains, may, also, accommodate one cremation burial, provided the cremation remains be that of an heir-at-law or family member of the prior interred remains and be so certified and approved by the Commission.
- 6.** Burial lots for the interment of any indigent resident Veteran are provided at no cost and are set aside for burials of Veterans residing in the Town at the time of their entry into service and /or at the time of their death verified by the Veterans Agent and subject to the approval of the Cemetery Commission.
- 7.** Single grave space ~~may~~ **will** be made available to the resident parents and without charge for the indigent, stillborn or very young infant within the Town at the time of death.
- 8.** All work performed on graves or lots by the owners, or by their order, shall be performed only with prior authorization of Cemetery personnel in order to preserve as much as possible the natural appearance of cemeteries.
- 9.** Maintenance **or removal** of all plantings and ~~maintenance and removal of all plantings and holiday arrangements~~ placed by a lot owner, or designee, is the responsibility of the lot owner. **Funeral flowers are usually removed within 2 weeks or when they become unsightly. Temporary displays that celebrate or remember holidays, anniversaries, birthdays, or other special occasions should be removed within 30 days, and after 30 days may be removed by the maintenance department. The Cemetery Commission, or designee, reserves the right to remove any plantings that become overgrown, diseased, or unsightly due to dead, dying or diseased branches and growth.** ~~and the Cemetery Commission reserves the right to remove any planting that becomes unsightly.~~ The Town of Harwich is not liable for items left at a grave, or damage to flowers, **plantings**, flags, containers, or monuments due to weather, vandalism, theft, or maintenance procedures. Annual/perennial flowers must be planted at the base of a monument/marker, so as to not interfere with maintenance department procedures.
- 10.** ~~Fences, borders, curbing, hedges, trees, rampant growing plantings and crushed stone are prohibited. No signs or lettered wooden boards of any kind are permitted on a gravesite, unless prior approval by Cemetery Commission.~~ **Crushed stone, fences, borders, curbing, hedges, trees and invasive rampant-growing plants are prohibited. No signs, lettered wooden boards, statues of animals (or the like), skateboards, etc. are allowed.**
- 11.** Any bench or structure needs prior approval by Cemetery Commission before installation. Masons, stonecutters and all workmen shall at all times be under the control of Cemetery Commission and must carry off all rubbish and restore roads, avenues and paths, damaged by their operations. The Town of Harwich will not be responsible for any errors made by any improper inscription on any memorial.
- 12.** The Town **of Harwich Cemetery Commission** reserves the right to correct any errors made in the description, transfer or conveyance of any interment rights or property, either by canceling such conveyance and substituting and conveying in lieu thereof interment property or burial rights of equal value and similar location may be selected by Cemetery Commission.

#### IV. Markers, Headstones, Monuments

1. SINGLE LOT – 30”width (left to right) x 16” (front to back) and/or two flush markers.
2. CREMATION LOT - (4’ x 3’) maximum of 2 flush markers measuring 2’ x 1’ per marker or 1 marker not to exceed 2’ x 2’.
  - a. ~~Cremation Lot (4’ x 3’) maximum of 2 flush markers measuring 2’ x 1’ per marker or 1 marker not to exceed 2’ x 2’.~~
3. MULTIPLE LOTS – Marker is not to exceed 50% of the width of lot with a base depth of 18” maximum and height of 48”.
4. IN EXISTING CEMETERIES – Where family lots have been established, those families will be allowed to add memorials to duplicate the existing markers or headstones.
5. ~~No~~ All headstones, monuments and markers ~~markers, headstones, monuments, curbing or other structure will be permitted to be erected in the cemeteries without a~~ will have a sufficient foundation. ~~All markers, headstones, monuments~~ They must ~~and other structures shall~~ be made of granite, marble, slate, or other approved marker. All monuments are to be centered at the head of lot or centered at the mid-line.
6. A marble or granite bench will be allowed on a lot as the *only* permanent, central, inscribed, memorial; therefore both a monument and a bench are not permitted.
7. The Cemetery Administrator is required to have written notification prior to any foundation work/memorials placement, with all information outlined and submitted on a Cemetery Department Monument Permit Order. Prior to the initiation of any monument work, the lot must be marked/flagged by Cemetery Department personnel. Monuments are required to be set in such manner that they will not conflict with the alignment of neighboring monuments.
8. Monuments and other structures that are not in compliance are subject to removal ~~with~~ notice.

#### V. Administration

Under the administrative direction of the Town Administrator and the policy direction of the Cemetery Commissioners, the Cemetery Administrator shall have overall responsibility for the proper administration of Town Cemeteries in accordance with these rules and regulations and applicable Federal and State laws. The Town of Harwich Home Rule Charter and MGL Ch. 114 establish the Cemetery Commission and the appointment of members. Duties of the Cemetery Commissioners are proscribed under MGL Ch. 114 S23 and the Town of Harwich Home Rule Charter, S 7-15-2.

#### VI. Active Cemeteries (*Burial space available*)

Evergreen Cemetery, 1403 Orleans Road and 40 Cemetery Road, East Harwich  
Island Pond Cemetery, 15 Island Pond Road, Harwich Center  
Mount Pleasant Cemetery, 95 South Street, Harwich Port  
Kelley Cemetery, 18 Old Brewster Road, North Harwich  
South Harwich Cemetery, 270 Chatham Road, South Harwich  
Pine Grove Cemetery, 32 Pine Grove Road, West Harwich  
North Harwich Cemetery, 610 Depot Street & Main Street Ext., North Harwich

#### VII. Inactive Cemeteries (*No burial lots available for sale*)

Bank Street Burial Ground, Bank Street, near Long Road  
Baptist Church Cemetery, Depot Street & 62 Route 28, West Harwich  
Herring River, West Harwich, Herring River, West Harwich  
Hawks Nest Cemetery, corner of Spruce and Walker Roads, East Harwich  
Lothrop Cemetery, Off Lothrop Ave, West Harwich  
Methodist Church Cemetery, corner Queen Anne Rd. & 15 Church Street, East Harwich  
Old Methodist Cemetery, AKA Eldredge Cemetery Queen Anne Rd., East Harwich  
Old Smith Cemetery, Bells Neck Road, West Harwich  
Ryder Cemetery, Route 39 near water tower, Harwich

Cemetery office is located at 100 Oak Street, mail received at Town Hall, 732 Main Street. Office phone 508-430-7549 Fax 508-430-7598

**The Finance Committee Recommends:**

**..... ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

**..... ROLL CALL VOTE:**

### **MEMORIAL TREE REPLACEMENT**

**ARTICLE 22:** To see if the Town will vote to raise and appropriate the sum of twenty thousand dollars (\$20,000.00) for the Memorial Tree Replacement, a program to plant at any of the Town owned Cemeteries in Harwich and to act fully thereon. By request of the Cemetery Commission. Estimate Cost: \$20,000

*Explanation:* This Article will be funded from the expendable portion of Cemetery Perpetual Care Fund totaling approximately \$20,000 by Town Meeting. There was a loss of over 400 trees within the Town Cemeteries with the largest losses being 275 in Island Pond, 75 in Mount Pleasant and 24 in Evergreen from July 23, 2019 Tornado. The replanting of trees at these locations and in other Town Cemeteries is necessary to properly maintain our cemeteries.

**The Finance Committee Recommends:**

**..... ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

**..... ROLL CALL VOTE:**

### **CHANNEL 18**

### **CHANNEL 18 PLAYBACK SERVER UPGRADE**

ARTICLE 23: To see if the Town will vote to raise and appropriate or transfer from available fund or borrow such sums of money that may be required to purchase and install a new playback server, video bulletin server and streaming service at the Channel 18 control room (100 Oak Street), and to act fully thereon. Estimated Cost \$37,450

*Explanation: To be funded by the Cable Related Fund established at ATM 2016 Article 36 and expendable by a vote of the legislative body.*

**The Finance Committee Recommends:**  
..... **ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**  
..... **ROLL CALL VOTE:**

**CHANNEL 18 DONN B. GRIFFIN HEARING ROOM IMPROVEMENTS**

ARTICLE 24: To see if the Town will vote to raise and appropriate or transfer from available fund or borrow such sums of money that may be required to purchase and install an improved audio system, projection equipment, video production software and components, furniture and network peripherals for the Donn B. Griffin Room at the Harwich Town Hall (732 Main Street), and to act fully thereon. Estimated Cost \$97,000

*Explanation: To be funded by the Cable Related Fund. The audio components of the Donn B. Griffin Room are 17 years old and are in need of replacing to enhance the audio quality of recorded meetings. The Griffin room is the most used hearing room and where the majority of all meetings are filmed. The projection equipment is not viewer friendly for citizens attending the meeting in person or watching from home. Updating this equipment will allow viewers at home and in the Griffin room to view presentations more clearly.*

**The Finance Committee Recommends:**  
..... **ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**  
..... **ROLL CALL VOTE:**

**PEG FUND REQUEST**

ARTICLE 25: To see if the Town will vote to raise and appropriate or transfer from available fund or borrow such sums of money that may be required to fund the management and upgrade of the equipment at the TV Studio located at the Monomoy Regional High School, and to act fully thereon. Estimated Cost \$119,307.50



***Explanation:** To be funded by the Cable Related Fund established at ATM 2016 Article 36 and expendable by a vote of the legislative body. The cost is proposed to be split 50/50 between the Town of Chatham and the Town of Harwich. The total projected project cost is \$238,615. Equipment purchases include cameras & pedestals, a production switcher, a recording deck, an intercom system, a streaming system, Teleprompters, installation and management of the system.*

**The Finance Committee Recommends:**

**..... ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

**..... ROLL CALL VOTE:**

## **GOLF DEPARTMENT**

### **LANDSCAPE RECLAMATION, MAJOR TREE REMOVAL**

**ARTICLE 25:** To see if the Town will vote to raise and appropriate, transfer and/or borrow a sufficient sum of money from the Golf Improvement Fund to continue landscape reclamation and tree removal according to the FY 21 Capital Plan and specific to holes 1 – 9, however not restricted to any other areas that the Golf Director and the Committee deem necessary, and to act fully thereon. By request of the Director of Golf and the Golf Committee. Estimated cost: \$35,000

***Explanation:** This is the next phase of tree removal specific to the “front side”, holes 1-9. Removal of growth that restricts both air and light enhances the playability of these fairways as recognized by consultation with the USGA, and with the endorsement of the Golf Committee, the Director, and the Superintendent of the Green.*

**The Finance Committee Recommends:**

**..... ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

**..... ROLL CALL VOTE:**

## **GOLF IMPROVEMENT FUND TRANSFER**

**ARTICLE 26:** To see if the Town will vote to raise and appropriate, transfer and/or borrow a sufficient sum of money from the Golf Improvement Fund to create a design and feasibility study for a 3 Hole Practice Course and Putting Complex at Cranberry Valley Golf Course and to act fully thereon. By request of the Director of Golf and the Golf Committee. Estimated cost \$35,000

*Explanation: With the introduction and growth of golfer development programs for youth such as: The First Tee Program and PGA Junior League, as well as serving as home course for Monomoy High Schools Boys & Girls Varsity and Junior Varsity programs, the golf course is limited in its ability to continue to grow golf and recreation in the community by the availability of the 18-hole golf course. A suitable piece of land has been identified between holes 14&18 (easy access from clubhouse) that could serve as a home for these and other player development programs, where they will be able to grow in participants and experience. By moving these programs off the 18-hole course it will create more revenue opportunities and member rounds on the existing course. A design focusing on low maintenance costs, variety of play options for different population segments including disabled golfer access, and beginner friendly design to engage a learning golf population will be sought. Grants exist for the building of youth specific player development areas.*

**The Finance Committee Recommends:**

**..... ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

**..... ROLL CALL VOTE:**

## **HARBORMASTER DEPARTMENT**

### **SUPPLEMENTAL FUNDING FOR ROUND COVE BOAT RAMP**

ARTICLE 27: To see if the Town will vote to transfer a sufficient sum of money from the Harbor Mooring Receipts Reserved for Appropriation Fund to complete the reconstruction of Round Cove Boat Ramp, and to act fully thereon. By request of the Harbormaster. Estimated cost: \$23,000.

***Explanation:** The existing public boat ramp at Round Cove landing is poorly constructed and in very poor condition. Every year several boat trailers get hung-up on the leading edge of the ramp because it is too short and not properly pitched, this caused significant damage to trailers. ATM 17 authorized the transfer of \$177,070.25 from prior articles however the total cost is estimated to be \$200,000.*

**The Finance Committee Recommends:**

**..... ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

**..... ROLL CALL VOTE:**

## **WATER DEPARTMENT**

### **NEW WATER DRINKING SOURCE**

ARTICLE 28: To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow a sufficient sum of money for the exploration & installation of a well casing, engineering, permitting, & design for a new well source in the North Harwich area, and to act fully thereon. By request of the Water Commissioners and Superintendent. Estimated cost: \$250,000

*Explanation:* 2015 & 2016 were the highest pumping years in department history, with peak days in excess of 6.5 million gallons. The entire water system currently has a pumping capacity of 5,500 GPM which equates to 7.92 million gallons in a 24-hour period. While the community continues to grow the demand for water will continue to rise justifying the need for an additional well. In addition, should the department suffer a mechanical failure (fairly common) or positive bacteria hit requiring a well to be removed from service, the department may not be able to meet demands resulting in strict mandatory water restrictions.

**The Finance Committee Recommends:**

..... **ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

..... **ROLL CALL VOTE:**

Article 29: **To see if the Town**

**BOARD OF SELECTMEN**

**ARTICLE 30:** To see if.....

**By .....**

**Chapter 125**

**Hazards, Environmental**

**[HISTORY: Adopted by the Town Meeting of the Town of Harwich as indicated in article histories. Amendments noted where applicable.]**

Article I

**Procurement or Sale of Beverages in Plastic Bottles by Town**

**[Adopted 5-6-2019ATM by Art. 50**

**§ 125-1 Prohibitions; exemptions.**

- A. The procurement by the Town of Harwich of either water or any other beverage in single-use plastic bottles of any size is prohibited, and the sale of water or any beverage in single-use plastic containers of any size prohibited on Town property.
- B. Any Town Department when engaged in public health and safety operations shall be exempt from this bylaw effective January 1, 2020.

**C.** .....

*Explanation:*

**The Finance Committee Recommends:**  
..... ROLL CALL VOTE:

**The Board of Selectmen Recommends:**  
..... ROLL CALL VOTE:

**AMEND THE CODE OF THE TOWN OF HARWICH CHARTER TO UPDATE THE  
NAME “SELECTMEN” TO “SELECT BOARD”**

ARTICLE 31 : To see if the Town will vote to propose the following amendment to the Harwich Home Rule Charter, to be approved by the voters at the next annual Town election as follows: (new text shown as underlined)

Amend Chapter 3, §1-1 as follows:

A board of selectmen of 5 members shall be elected at-large for 3-year overlapping terms. For purposes of this Charter, the Board of Selectmen shall be referred to as the Select Board.

And further, by deleting, in every other instance in which they appear, the words “Board of Selectmen” and inserting in their place, the words, “Select Board”, and to act fully thereon. **By Petition.**

*Explanation:* To amend the charter to reflect that not only men are elected to the Board of Selectmen and to ensure that the Town is viewed as inclusive to all.

**The Finance Committee Recommends:**  
..... ROLL CALL VOTE:

**The Board of Selectmen Recommends:**  
..... ROLL CALL VOTE:

**TOWN TREASURER**

**Adopt M.G.L., Chapter 200A, §9A – Disposition of Unclaimed Property**

ARTICLE 32: To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 200A, Section 9A, to establish a procedure that would allow the Town Treasurer to dispose of abandoned funds held in the custody of the Town, or to take any other action relative thereto.”

*Explanation:* If the Town accepts Section 9A at Town Meeting, any funds held by the Town are presumed abandoned after only 1 year from the date prescribed for payment if the check so states on its face that it is “void if not cashed within 1 year from the date of issue. By request of the Town Treasurer/Collector.

**The Finance Committee Recommends:**  
..... **ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**  
..... **ROLL CALL VOTE:**

## **ZONING ARTICLES / AMENDMENTS**

### **DELETE DEFINITION ESSENTIAL SERVICES**

ARTICLE 33: To see if the Town will vote to amend the Code of the Town of Harwich – Zoning by deleting the definition of “Essential Services” within §325-2 – Definitions and by deleting within §325-13 – Table 1, Paragraph II – Public and Quasi Public Uses, Item 3 – Essential services; facility, utilities.

*Explanation:* The existing definition of *ESSENTIAL SERVICES*: “Services and appurtenant structures, facilities, uses or equipment provided by governmental agencies, including the Town of Harwich, or provided by public utility or public service companies, including but not limited to water distribution systems, Town-owned marinas, docking areas, fish piers, off-loading facilities, retaining walls, jetties and similar structures, gas and electric distribution, systems for telecommunications and sewerage systems.” And the definitions of MUNICIPAL USE: “A use, whether in a structure and/or on a parcel of land, owned and/or operated by the Town of Harwich.” Are in conflict with one another. All Municipal Uses are allowable by right, as are public utility uses (i.e. gas, electric, cable, cell). By deleting the definition of Essential Services it would eliminate this unnecessary conflict.

**The Finance Committee Recommends:**  
..... **ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**  
..... **ROLL CALL VOTE:**

## **MGL CHARTER AND BY-LAW AMENDMENTS**

### **ZONING DISTRICT BOUNDARY**

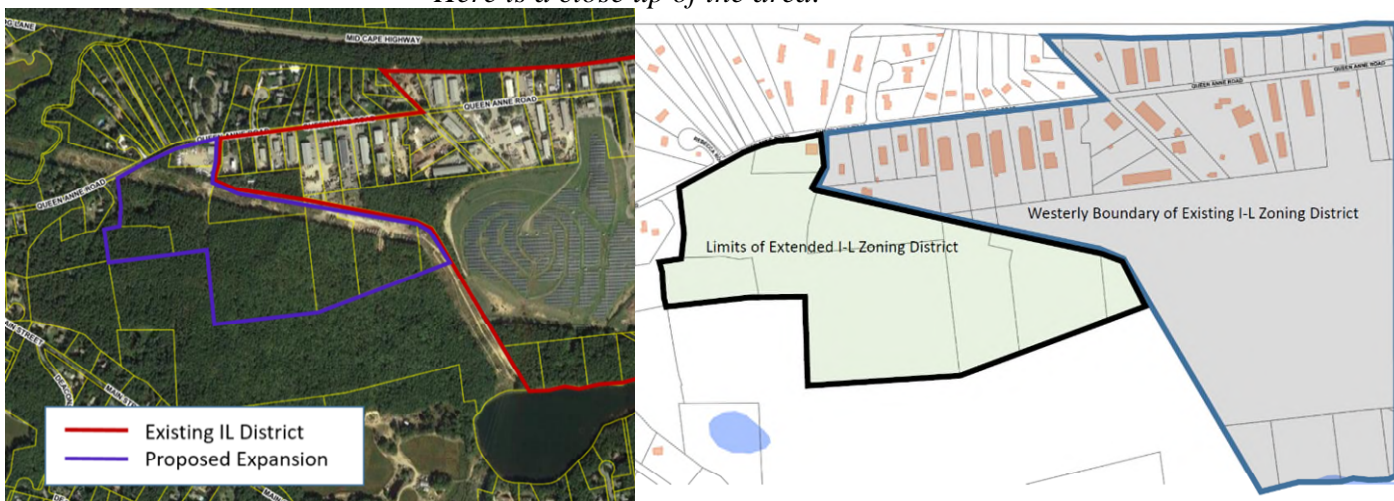
ARTICLE 34: To amend the Code of the Town of Harwich, §325-4 and Attachment 4 – The Zoning Map, by extending the Industrial (I-L) Zoning District westerly along Queen Anne Road and the existing I-L zoning district as shown on the amended Zoning Map, dated January 23, 2020, a copy of which is on file in the Town Clerk’s Office.

Explanation: Property owners within this area approached the Town Planner about the expansion of the Industrial (“I-L”) Zoning District in 2019. After several conversations and careful mapping of the proposed expansion, the discussion was brought to the Planning Board. There is a need for additional I-L Zone land in Harwich, as most existing areas are built out. The land involved, directly adjacent to the existing I-L zoning district, lends itself to I-L zone uses.

The following is a description of the proposed expansion area of the Industrial (I-L) Zoning District on Queen Anne Road:

- 1) Beginning at the northwesterly corner of the existing I-L Zoning District, which is also the northwest corner of the property located 101 Queen Anne Road [Map (‘M’): 57, Parcel (‘P’): G2-18], follow this westerly along Queen Anne Road to the easterly property line of 59 Queen Anne Road [M:57, P:C1]; thence,
- 2) Southerly along the easterly property line of 59 Queen Anne Road [M:57, P:C1] and then westerly along the southerly property line of 59 Queen Anne Road [M:57, P:C1] to the northwesterly corner of the property at 0 Queen Anne Road [M:57, P:C6]; thence,
- 3) Southerly along the westerly property line to the southwest corner of 0 Queen Anne Road [M:57, P:C6]; thence,
- 4) Easterly along the southerly property line of 0 Queen Anne Road [M:57, P:C6] to and including “Annasis Road” ‘so-called’; thence,
- 5) Southerly along “Annasis Road” for approximately 440 feet; thence,
- 6) Easterly to the southwest corner of property located at 0 Queen Anne Road [M:57, P:G5-1]; thence,
- 7) East-north-easterly to the southeast corner of property located at 0 Queen Anne Road [M:57, P:G5-2]; thence,
- 8) East-north-easterly as an extension of the property line to the intersection with the existing I-L zoning district at the east side of the utility easement.

Here is a close up of the area:



**The Finance Committee Recommends:**

..... **ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

..... **ROLL CALL VOTE:**

## **BOARD OF ASSESSORS**

### **ADOPT M.G.L., CHAPTER 59, §5, CLAUSE 18 – Hardship Under Age 59**

**ARTICLE 35:** To see if the Town will vote to support the Harwich Board of Selectmen's request to State Legislature to pass a bill amending the Hardship Exemption (as provided in Chapter 59 §5, Clause 18) for the right to grant up to a \$1,000 property tax exemption for taxpayers under the age of 60, as a local option for all cities and towns and/or as a home rule petition for the Town of Harwich, and to act fully thereon. By the request of the Board of Assessors. Estimated Cost: \$30,000

*Explanation:* The Board of Assessors would like to advocate for most vulnerable citizens of the Commonwealth. We feel that all citizens of our community and all others in the Commonwealth are struggling. We would like for this article to be approved by the Legislation. This article is for our most vulnerable residents under 60 who by reason of infirmity or poverty are unable to contribute fully to their tax liability in the judgement of the Board of Assessors. We estimate that we would receive 30 applicants.

**The Finance Committee Recommends:**

..... **ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

..... **ROLL CALL VOTE:**

### **ADOPT M.G.L., CHAPTER 59, §5, CLAUSE 41A – TAX DEFERRA;L**

**ARTICLE 36:** To see if the Town will vote to adopt a lower interest rate from 8% yearly interest to 5% yearly interest on the deferred taxes to for the purpose of real estate tax deferrals for qualifying persons age 65 and over, as provided in MGL Chapter 59, §5, Clause 41A. By request of the Board of Assessors. Estimated Cost: \$500

*Explanation:* The Commonwealth of Massachusetts, Department of Revenue allows cities and towns to establish the simple interest rate charged on deferrals of real estate taxes. The current environment on interest rates would dictate that the Town of Harwich lower the rate from 8% to 5%. The town has averaged 3 deferrals a year. Lowering the rate to 5% may encourage qualified seniors to apply for this program. Based on previous averages this change will result

*in a cost of approximately \$500 to the Town of Harwich.*

**The Finance Committee Recommends:**

**..... ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

**..... ROLL CALL VOTE:**

**ADOPT M.G.L., CHAPTER 59, §5, CLAUSE 56 – ASSESSMENT OF LOCAL TAXES -  
PROPERTY; EXEMPTIONS**

ARTICLE 37: To see if the Town will vote to reaffirm and extend MGL Chapter 59, §5, Clause 56. Upon acceptance of this section by the Town, the Board of Assessors may grant, real and personal property tax abatement up to 100% of the total tax assessed to members of the Massachusetts National Guard and to Reservists on active duty in foreign countries for the fiscal year they performed such service subject to eligibility criteria to be established by the Board of Assessors. The authority to grant abatements under this section shall expire after 2 years of acceptance unless extended by a vote of the city or town. Said change to take effect FY 2021 and act fully thereon. By request of the Harwich Veteran's Agent and Board of Assessors. Estimated Cost: \$10,000.

*Explanation: This local option for the National Guard and Reservists must be renewed every two (2) years.*

**The Finance Committee Recommends:**

**..... ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

**..... ROLL CALL VOTE:**

**CONSERVATION COMMISSION**

**AMEND THE GENERAL BYLAW CHAPTER 310 – WETLANDS PROTECTION**

ARTICLE 38: To see if the Town will vote to amend the Harwich Wetlands Protection Bylaw as shown

Revised and adopted at Town Meeting May 7, 2014

**Revisions Approved by the Conservation Commission on February 5, 2020  
Request for Approval at Town Meeting May 2020**

Additions are in **BOLD**.

Deletions are ~~struck through~~.

**CHAPTER 310. WETLANDS PROTECTION**



- § 310-1. Purpose.
- § 310-2. Definitions.
- § 310-3. Jurisdiction.
- § 310-4. Conditional exceptions.
- § 310-5. Application for permit and request for determination.
- § 310-6. Notice and hearings.
- § 310-7. Coordination with other communities and boards.
- § 310-8. Permits and conditions.
- § 310-9. Rules and regulations.
- § 310-10. Security.
- § 310-11. Enforcement.
- § 310-12. Burden of proof.
- § 310-13. Appeals.
- § 310-14. Relation to Wetlands Protection Act.

[HISTORY: Adopted by the Special Town Meeting of the Town of Harwich 5-5-2009 by Art. 1. Amendments noted where applicable.]

§ 310-1. Purpose.

A. The purpose of this bylaw is to protect the wetlands, water resources and adjoining land areas in the Town of Harwich by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative adverse effect on the values of resource areas, as hereafter defined, including but not limited to the following:

- (1) Protection of public or private water supply.
- (2) Protection of groundwater.
- (3) Flood control.
- (4) Storm damage prevention (including coastal storm flowage).
- (5) Prevention of pollution.
- (6) Protection of land containing shellfish.
- (7) Protection of fisheries.
- (8) Protection of wildlife habitat.
- (9) Protection of rare species habitat including rare plant species.
- (10) Protection of water quality.
- (11) Erosion and sedimentation control.
- (12) Agriculture.
- (13) Aquaculture.
- (14) Recreation.

B. These values are deemed important to the community (collectively the "resource area values protected by this bylaw"). This bylaw is intended to utilize the home rule authority of this municipality to protect additional resource areas for their additional values, with additional standards and procedures stricter than those of the Wetland Protection Act (MGL c. 131, § 40) and regulations thereunder (310 CMR 10.00).

§ 310-2. Definitions.

A. The following definitions shall apply in the interpretation and implementation of this bylaw:

**AGRICULTURE-**

Any work which produces food or other products for commerce or subsistence which occurs in, on, or within 100 feet of a resource area or which is directly or indirectly dependent upon wetlands values for proper agricultural functions, such as prevention of pollution or maintenance of adequate water flow for irrigation. Agriculture includes, but is not limited to the growing of crops, including cranberries, and the raising of livestock. ~~Nonagricultural activities in or within 100 feet of resource areas shall not have a significant effect on existing agriculture.~~

**ALTER-**

Includes, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this bylaw:

- (1) Removal, excavation, or dredging of soil, sand, gravel or aggregate materials of any kind.
- (2) Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics.
- (3) Drainage, or other disturbance of water level or water table.
- (4) Dumping, discharging or filling with any material which may degrade water quality.
- (5) Placing of fill, or removal of material, which would alter elevation.
- (6) Driving of piles, construction, or repair of buildings or structures of any kind.
- (7) Placing of obstructions or objects in water.
- (8) Destruction of plant life, including cutting of trees.
- (9) Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters.
- (10) Any activities, changes or work which may cause or tend to contribute to pollution of any body of water or groundwater.
- (11) Incremental activities which have, or may have, a cumulative adverse impact on the resource areas protected by this bylaw.

**AQUACULTURE-**

The growing, raising, breeding, storing, or producing of specified aquatic or marine organisms at specified locations for commercial, municipal, or scientific purposes as approved by appropriate agencies. Organisms in aquacultural use include, but are not limited to: shellfish, such as oysters, quahogs, clams, lobsters, mussels, scallops and crabs; finfish, such as trout, eel, herring, salmon, smelt and bass; amphibians, such as frogs; reptiles, such as turtles; seaweeds, such as Irish moss and dulce; edible freshwater plants, such as watercress; and plankton grown as a food source for other organisms. ~~Activities in or within 100 feet of a resource area shall not have a significant effect on existing permitted aquaculture.~~

**BUFFER ZONE**

**The jurisdictional area extending from the landward limit of a wetland resource area 100 feet landward. Land Subject to Coastal Storm Flowage and Riverfront Area do not have any buffer zones under this bylaw.**

**COASTAL BANK-**

The seaward face or side of any elevated landform, other than Coastal Dune, which lies at the landward edge of a Coastal Beach, Land Subject to Coastal Storm Flowage, or other wetland. A coastal bank may serve one of two functions:

A. It may serve as a vertical buffer because of its height and stability which protects upland areas from storm damage and flooding. Activities shall not increase erosion of a coastal bank, either from above (by stormwater runoff, brush cutting or other means) or from below (by tidal action, wind and waves). Any project on such a coastal bank shall have no adverse impact on the stability of the coastal bank.

B. Coastal banks composed of unconsolidated sediment and exposed to vigorous wave action serve as a source of sediment for dunes, beaches, barrier beaches and other coastal landforms. Naturally occurring wave action removes sediment from these banks to replenish coastal landforms. These landforms protect coastal wetlands and real property by reducing storm damage and flooding by dissipating storm wave energy. Any project on or within a coastal bank serving this function shall not have a significant effect on that bank's ability to serve as a sediment source.

#### **CUMULATIVE EFFECT-**

**The effect of activities regulated under this bylaw which may be individually insignificant to the interests and values under this bylaw, but when considered in relation to other past or present activities in a given area may be significant to said interests and values in the aggregate. When requested, it is the responsibility of applicants to demonstrate that cumulative effects are not significant to the interests and values under the bylaw.**

#### **DIADROMOUS FISH-**

Diadromous fish are species of fish that must migrate between fresh and marine waters to complete essential stages of their life history. In Harwich, spring spawning runs (river herring, white perch and Atlantic tomcod) and juvenile migrations (American eel) occur in Muddy Creek, Red River and Herring River. Juvenile eel migrations also occur in Cold Brook and the Andrews River. The coastal rivers serve as migratory habitat and the freshwater ponds in these watersheds serve as spawning and nursery habitat. Activities in or within 200 feet of a river supporting a diadromous fish run shall not have a significant adverse effect on the fish run.

#### **FISHERIES and/or MARINE FISHERIES –**

- (1) The fish and shellfish resource itself, including all fish and shellfish found in fresh, salt, or brackish waters and any organisms including plants that make up part of the food chain of such animals regardless of their commercial value; and/or
- (2) The recreational or commercial catching of fish or shellfish from the ocean or from freshwater bodies.

#### **FLOOD CONTROL-**

The ability of wetlands to absorb, store and slowly release floodwaters to minimize peak flood levels. Flooding can be caused by precipitation or a rising water table. Activities within 100 feet of resource areas shall not alter the flood control value of wetlands significantly.

#### **GROUNDWATER-**

All subsurface water contained in natural geologic formations or artificial fill, including soil water in the zone of aeration. Activities in or within 100 feet of resource areas shall not significantly alter the existing quality or elevation of naturally occurring groundwater.

#### INLAND BANK-

Includes the land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is lower.

#### NO-DISTURB ZONE-

The land running 50 feet landward from ~~an~~ **the landward limit of an** abutting **wetland** resource area as determined by a professional land survey **and wetland delineation**. No ~~substantial~~ activity, that will result in the building within or upon, filling, removing or altering of land, shall be permitted, with the following exceptions:

- (1) Maintenance **or reconstruction** of an existing permitted structure **within the same footprint**.
- (2) An activity that has been expressly allowed by a variance from the Conservation Commission.

#### **60 Foot No New Structure Zone-**

**The area extending from the landward limit of the Wetland Resource Area sixty feet landward as determined by a professional land survey and wetland delineation. No new structure, including but not limited to buildings, decks, patios, outdoor showers, sheds, pools, or staircases that don't meet the Conservation Commission's regulations for staircases over inland or coastal banks.**

#### PERSON-

Includes any individual, group of individuals, association, partnership, corporation, company, business organization, trust, state, the commonwealth or political subdivision thereof to the extent subject to Town bylaws, administrative agency, public or quasi-public corporation or body, this municipality, and any other legal entity, its legal representatives, agents, or assigns.

#### PRIVATE WATER SUPPLY-

Any source or volume of surface or ground water demonstrated to be in private use or shown to have potential for private use, including ground or surface water in the zone of contribution around a private well. Activities in or within 100 feet of a resource area shall not have a significant effect on the quality of a private water supply.

#### PUBLIC WATER SUPPLY-

Any source or volume of surface or ground water demonstrated to be in public use or approved for water supply pursuant to MGL c. 111, § 160 by the Department of Environmental Protection Division of Water Supply, or demonstrated to have a potential for public use, in addition to all surface and ground water in zones of contribution. Activities within 100 feet of resource areas shall not have a significant effect on the quality of a public water supply.

#### RARE SPECIES HABITAT-

Includes, without limitation, habitats for all vertebrate and invertebrate animal species and plant species listed as endangered, threatened, or of special concern by the Natural Heritage and

Endangered Species Program of the Massachusetts Division of Fisheries and Wildlife, regardless of whether the site in which they occur has been previously identified by the Division.

#### RECREATION-

Any leisure activity or sport taking place in, on, or within 100 feet of a resource area which is dependent on the resource area and its values directly or indirectly for its conduct and enjoyment. Recreational activities include, but are not limited to, the following: noncommercial fishing and shellfishing, hunting, boating, swimming, walking, painting, birdwatching and aesthetic enjoyment. Structures and activities in or within 100 feet of a resource area shall not have a significant effect on public recreational values.

#### **SHELLFISH-**

**Mollusks including but not limited to the following: clams, conchs, mussels, oysters, periwinkles, quahogs, razor clams, scallops, and sea clams; and crustaceans such as lobster or crab.**

#### STORM DAMAGE PREVENTION-

The ability of wetland soils, vegetation and physiography to prevent damage caused by water from storms, including but not limited to: erosion and sedimentation; damage to vegetation, property or buildings; or damage caused by flooding, waterborne debris or waterborne ice. Activities in or within 100 feet of a resource area shall not have a significant effect on storm damage protection.

#### SURFACE WATER BODY-

Any area where water or ice stands or flows over the surface of the ground for at least five months of any calendar year except in times of severe, extended drought as defined in appropriate section of 310 CMR. Drainage ditches, exclusive of fish runs and intermittent streams, and impoundment areas which hold or pass water only during or for short periods following storms and which, owing to their relationship to groundwater, do not support wetland vegetation, are excluded from this definition.

#### VERNAL POOL-

Refers to a seasonal freshwater body contained in a confined basin depression that holds water for a minimum of two consecutive months in most years, is free of adult fish populations, and provides breeding habitat for amphibians and invertebrates. The boundary of vernal pool habitat shall extend outward 100 feet from the mean annual high-water mark of such a depression. Vernal pools include those areas mapped and certified by the Massachusetts Natural Heritage and Endangered Species Program as well as those areas identified in the field as eligible for certification by a professional wildlife biologist or other expert.

#### WILDLIFE HABITAT-

Resource areas that provide breeding and nesting habitats, shelter, food and water to all plant and animal species dependent on wetlands for any portion of their life cycles. Includes resource areas identified as containing rare, threatened or endangered species as listed by the Massachusetts

Natural Heritage Program. Structures and activities in or within 100 feet of any resource area shall not have a significant effect on wildlife habitat.

B. Except as otherwise provided for in this bylaw or in regulations of the Commission, the definitions of terms in this bylaw shall be set forth in the Wetlands Protection Act (MGL. C 131, § 40) and regulations 310 CMR 10.00.

#### § 310-3. Jurisdiction.

Except as permitted by the Conservation Commission or as provided for in this bylaw, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter any freshwater or coastal wetland resource areas, including:

- A. Freshwater wetland resource areas. Marshes; wet meadows; bogs; swamps; vernal pools and vernal pool habitat; lands subject to flooding, both bordering and isolated; isolated wetlands greater than ~~3,000~~ **500** square feet; banks; reservoirs; lakes; ponds greater than ~~3,000~~ **500** square feet; rivers, including the 200' riverfront area; streams and creeks, including intermittent streams; and the lands underneath lakes, ponds, streams and creeks.
- B. Coastal wetland resource areas. Land under the ocean; designated port areas; coastal beaches; coastal dunes; barrier beaches; coastal banks; rocky intertidal shores; salt marshes; land under salt ponds; land containing shellfish and fish runs; lands subject to tidal action, coastal storm flowage or flooding.
- C. Lands within 100 feet of any of the aforesaid resource areas, as set out in this section, except for the riverfront area, **land subject to coastal storm flowage**, and vernal pool habitat.

#### § 310-4. Conditional exceptions.

- A. The application and permit required by this bylaw shall not be required for maintaining, repairing or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph or other telecommunication services, provided that written notice has been given to the Commission prior to the commencement of work.
- B. The provisions of this bylaw shall not apply to any mosquito control work done under the provisions of MGL c. 252 or any special act, to maintenance of drainage and flooding systems of cranberry bogs and to work performed for normal maintenance or improvement of land in agricultural use or in aquacultural use, or to any project authorized by special act prior to January 1, 1973.
- C. The application and permit required by this bylaw shall not be required for emergency projects necessary for the protection of the health and safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the commonwealth or a political subdivision thereof; provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within 24 hours after commencement; provided that the Commission or its agent certifies the work as an emergency project; provided that the work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency; and provided that within 21 days of commencement of an emergency project a permit application shall be filed with the Commission. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a

public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

~~**D. Conservation Variance Provision.** In rare and unusual circumstances the Commission, at its discretion, may grant a conservation variance from the requirements of the fifty-foot no-disturb zone. Such a conservation variance may be granted upon a clear and convincing showing of evidence by the applicant that the proposed work will not adversely affect the environmental values protected by this bylaw.~~

**D. Conservation variance provision. In rare and unusual circumstances the Commission, at its discretion, may grant a conservation variance from the requirements of this bylaw. Such a conservation variance shall be granted only in the following cases:**

- (1) Where maximum feasible compliance is achieved; and**
- (2) Where there are clear and compelling reasons of public safety and welfare; or**
- (3) Where the proposed project will enhance the environmental values protected by the bylaw; or**
- (4) Upon a clear and convincing showing of evidence by the applicant that the proposed work will not adversely affect the environmental values protected by the bylaw.**

§ 310-5. Application for permit and request for determination.

**A.** Written application shall be filed with the Commission to perform activities affecting resource areas protected by this bylaw.

(1) The application shall include such information and plans that are deemed necessary by the Commission to describe proposed activities and their effects on the resource areas protected by this bylaw.

(2) No activities shall commence without receiving and complying with a permit issued pursuant to this bylaw.

**B.** If appropriate, the Commission may accept as the application and plans under this bylaw the notice of intent and plans filed under the Wetlands Protection Act (MGL c. 131 § 40) and the Commission's regulations.

**C.** Any person desiring to know whether or not a proposed activity or an area is subject to this bylaw may in writing request a determination from the Commission. Such a request for determination shall include information and plans as are deemed necessary by the Commission.

**D.** At the time of application the applicant shall pay a filing fee specified in the regulations of the Conservation Commission promulgated in accordance with this chapter.

§ 310-6. Notice and hearings.

**A.** Any person filing a permit application or a request for determination with the Commission shall at the same time give written notice thereof, by certified mail (return receipt requested) or hand delivered, to all abutters at their mailing addresses shown on the most recent applicable Assessor's tax list. Abutters include those immediately adjacent, across a road or water body, and in another municipality if within 100 feet of the boundary of the property where work is proposed. The notice to abutters shall state where copies of the permit application and plans may be obtained or examined by abutters. An affidavit of the person giving such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. When the person requesting a determination is other than the owner, a copy of the request for determination shall

be sent by the applicant to the owner, and the notice of the hearing and the determination itself shall be sent by the Commission to the owner as well as to the person making the request.

- B. The Commission shall conduct a public hearing on any application or request for determination, with written notice given at the expense of the applicant, which notice shall be published in a newspaper of general circulation in the Town of Harwich at least five business days prior to the hearing.
- C. The Commission shall commence the public hearing within 21 days from receipt of a completed permit application or request for determination unless an extension is authorized in writing by the applicant.
- D. The Commission shall issue its determination or permit in writing within 21 days of the close of the public hearing or receipt of the file number issued by the Massachusetts Department of Environmental Protection, whichever is later, unless an extension is authorized in writing by the applicant.
- E. If appropriate, the Commission may combine its hearing under this bylaw with the hearing required under the Wetlands Protection Act (MGL c. 131, § 40) and regulations (310 CMR 10.00).
- F. Continuance of public hearing.

The Commission has the authority to continue a hearing to a date certain, which shall be announced at the hearing, for reasons stated at the hearing. The reasons may include receipt of additional information deemed necessary by the Commission, for receipt of information offered by the applicant, or for the Commission to be able to hear comments and recommendations of other local or state boards and officials. In the event that the applicant objects to the continuance, the hearing shall be closed and the Commission shall take action based on the information available.

#### § 310-7. Coordination with other communities and boards.

Any person filing a permit application or a request for determination with the Commission shall provide a copy thereof at the same time, by certified mail, to the Conservation Commission of the adjoining municipality, if the application or request for determination pertains to property within 100 feet of that municipality. An affidavit of the person providing notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. The applicant, as well as the Commission, shall have the right to request any comments and recommendations from other Town boards and departments, and to respond to them at a hearing of the Commission, prior to final action.

#### § 310-8. Permits and conditions.

- A. If the Commission, after a public hearing, determines that the activities which are subject to the application or the land and water uses which will result there from are likely to have a significant individual or cumulative adverse effect upon the resource area values protected by this bylaw, the Commission, within 21 days of the close of the hearing or receipt of the file number issued by the Massachusetts Department of Environmental Protection, whichever is later, shall issue or deny a permit for the activities requested. If it issues a permit, the Commission shall impose



conditions which the Commission deems necessary or desirable to protect the resource area values, and all activities shall be done in accordance with those conditions.

- B. The Commission is empowered to deny a permit for failure to meet the requirements of this bylaw; for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards, and other requirements in regulations of the Commission; for failure to avoid or prevent unacceptable significant or cumulative effects upon the resource area values protected by this bylaw; and where no conditions are adequate to protect those values. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.
- C. Permits for maintenance dredging shall expire ten years from the date of issuance. The applicant shall **provide** written notice of dredging at least thirty days prior to each commencement. Such notice shall contain the location of the project, permit number, name of applicant, and proposed start date.
- D. To prevent wetlands loss, the Commission shall require applicants to:
- (1) Avoid wetlands alteration wherever feasible;
  - (2) Minimize wetlands alteration by using best management practices (BMPs); and, where alteration is unavoidable,
  - (3) Require full mitigation for disturbance to the wetland resource area or to the buffer zone. The Commission may authorize or require replication of wetlands or restoration of the buffer zone as a form of mitigation, but only with adequate security, professional design, and monitoring to assure success, because of the high likelihood of failure of replication.
- E. Except as provided in MGL c. 131, § 40 for maintenance dredging, a permit shall expire three years from the date of issuance. A permit may be extended for one or more periods of up to three years, provided that a request for renewal is received in writing by the Commission 30 days prior to the expiration of the permit. The Commission may deny the request for an extension and require the filing of a new notice of intent for the remaining work in the following circumstances:
- (1) Where no work has begun on the project, except where such failure is due to an unavoidable delay, such as appeals, in the obtaining of other necessary permits.
  - (2) Where new information, not available at the time the order was issued, has become available and indicates that the order is not adequate to protect the interests identified in MGL c. 131, § 40;
  - (3) Where work has been done in violation of the order or 310 CMR 10.00.
- G. Notwithstanding the above, a permit may contain requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place and shall apply to all owners of the land, now and in the future. For good cause the Commission may revoke or modify a permit or determination issued under this bylaw after notice to the holder of the determination or permit, notice to the public and abutters, and a public hearing.
- H. The Commission in an appropriate case may combine the permit or determination issued under this bylaw with the order of conditions or determination of applicability issued under the Wetlands Protection Act (MGL c. 131, § 40) and regulations (310 CMR 10.00).
- I. No activity proposed in any permit application shall be undertaken until an appeal period of 10 business days under the Wetlands Protection Act has elapsed and the permit issued by the Commission with respect to such activity has been recorded in the Barnstable County Registry of Deeds or, if the land affected is registered land, in the registry section of the land court for Barnstable County, and until the holder of the permit certifies in writing to the Commission that the permit has been recorded.

**J. The Commission is authorized to require an applicant to pay a fee for the reasonable costs and expenses borne by the Commission for specific expert engineering and other consultant services deemed necessary by the Commission to come to a final decision on the application. This fee is called the consultant fee. The specific consultant services may include but are not limited to the resource area survey and delineation, analysis of resource area values, including wildlife habitat evaluations, hydrogeologic and drainage analysis and environmental or land use law.**

**K. The Commission may require the payment of the consultant fee at any point in its deliberations prior to a final decision. The applicant shall pay the fee to the Town to be put into a consultant services account of the Commission which may be drawn upon by the Commission for specific consultant services approved by the Commission at one of its public meetings.**

**L. The exercise of discretion by the Commission in making its determination to require the payment of a fee shall be based upon its reasonable finding that additional information acquirable only through outside consultants would be necessary for the making of an objective decision.**

**M. The Commission shall return any unused portion of the consultant fee to the applicant unless the Commission decides at a public meeting that other action is necessary. Any applicant aggrieved by the imposition of, or size of, the consultant fee, or any act related thereto, may appeal according to the provisions of the Massachusetts General Laws.**

§ 310-9. Rules and regulations.

- A. After public notice and public hearing, the Commission shall promulgate rules and regulations to effectuate the purposes of this bylaw effective when voted and filed with the Town Clerk. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effects of this bylaw.**
- B. At a minimum these regulations shall define key terms in this bylaw not inconsistent with the bylaw and the procedures governing the amount and filing of fees.**

§ 310-10. Security.

As part of a permit issued under this bylaw, in addition to any security required by any other municipal or state board, agency, or official, the Commission may require that the performance and observance of the conditions imposed thereunder (including conditions requiring mitigation work) be secured wholly or in part by one or more of the methods described below:

- A. By a proper bond or deposit of money or negotiable securities in an amount sufficient in opinion of the Commission and payable to the Town of Harwich. Said security shall be released in whole or in part upon issuance of a certificate of compliance upon completion of the work performed pursuant to a permit.**

B. By accepting a conservation restriction, easement or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of this municipality whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed. This method shall be used only with the consent of the applicant.

§ 310-11. Enforcement.

- A. No person shall remove, fill, dredge, build upon, degrade or otherwise alter resource areas protected by this bylaw, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this bylaw.
- B. The Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this bylaw and may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.
- C. Upon request of the Commission, the Selectmen and the Town Counsel may take legal action for enforcement under civil law. Upon request of the Commission, the Chief of Police may take legal action for enforcement under criminal law.
- D. Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement of this bylaw.
- E. Any person who violates any provision of these bylaws or any regulations promulgated hereunder, or permits or administrative orders issued thereunder, may be punished by a fine of \$300 per violation. Each day or portion thereof during which a violation continues, or unauthorized fill or other alterations remain in place, shall constitute a separate offense, and each provision of the regulations, permits or administrative orders violated shall constitute a separate offense.
- F. In enforcing this section, the Commission may issue citations under the noncriminal disposition procedure set forth in MGL c. 40, § 21D, which has been adopted by the Town. *Editor's Note: See Ch. 1, General Provisions, § 1-2.* Members of the Commission, its agent or any police officer are authorized to issue noncriminal disposition citations.
- G. The Commission or its agent may also issue a Stop Work Order and/or an Enforcement Order, or have the offending party file an after-the-fact Notice of Intent for the work. The Commission may order the offending party to present a restoration plan that is acceptable to the Commission and to complete the planting onsite during the next growing season.

§ 310-12. Burden of proof.

- A. The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the permit application will not have unacceptable significant or cumulative effect upon the resource area values protected by this bylaw.
- B. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit.

§ 310-13. Appeals.

A decision of the Commission under this bylaw shall be reviewable in the Superior Court in accordance with MGL c. 249, § 4.

§ 310-14. Relation to Wetlands Protection Act.

This bylaw is adopted under the home rule amendment of the Massachusetts Constitution and the home rule statutes, independent of the Wetlands Protection Act (MGL c. 131, § 40) and regulations (310 CMR 10.00) thereunder

*Explanation:* The Harwich Conservation Commission requests The proposed major change to the Bylaw would be the proposed decrease in size of a regulated wetland from 3,000 sq. ft. to 500 sq. ft. This decrease in regulated wetland size is consistent with the wetland bylaws of other area towns. The purpose of this is to better protect our small wetland resources which are important to water quality, flood control, wildlife habitat, and other interests of the Massachusetts Wetlands Protection Act and Harwich Wetlands Protection Bylaw. Many of the small isolated wetlands in Harwich are vernal pools, whether they are certified or not. These isolated wetlands are critical for wildlife habitat, water quality, flood control, and other vital interests set forth in the Massachusetts Wetlands Protection Act and this Bylaw. Other proposed changes serve to make the Bylaw more user-friendly by eliminating repetition, including additional and revised definitions, and clarifying standards to be met.

**The Finance Committee Recommends:**

..... **ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

..... **ROLL CALL VOTE:**

**COMMUNITY PRESERVATION**

**COMMUNITY PRESERVATION FUND ESTIMATED ANNUAL REVENUES AND OPERATING EXPENSES**

ARTICLE 39: To see if the Town will vote to appropriate the following sums of money from the FY 21 estimated annual revenues of the Harwich Community Preservation Act Fund as required by the G.L. Chapter 44B and Chapter 149, §298 of the Acts of 2004; and to act fully thereon. By request of the Board of Selectmen.

<b><u>Appropriation</u></b>	<b><u>FY 21</u></b>
Community Housing Reserve	\$177,600
Open Space Reserve	\$177,600
Historic Preservation Reserve	\$177,600
Operating Expenses	\$50,000

*Explanation:* To see if the town will reserve for future appropriations amounts from the FY 21 Community Preservation Act Fund estimated annual revenues for the purpose of acquisition, creation and preservation of open space and community housing, for the purpose of acquisition, preservation, restoration and rehabilitation of historic resources and for the support of the operating expenses to includes wage, supplies, legal service and other operating expenses necessary for the committee.

**The Finance Committee Recommends:**  
..... **ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**  
..... **ROLL CALL VOTE:**

**FUND LAND BANK DEBT SERVICE**

ARTICLE 40: To see if the Town will vote to appropriate from the Community Preservation Act Funds – Undesignated Fund Balance, \$341,750 to fund the Debt Service on the outstanding Land Bank Debt. Any funds left unspent from this Article are to be returned to the Community Preservation Act funds – Undesignated Reserve, and to act fully thereon. By request of the Community Preservation Committee and the Finance Director. Estimated Cost: \$341,750.

**The Finance Committee Recommends:**  
..... **ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**  
..... **ROLL CALL VOTE:**

**COMMUNITY PRESERVATION ACTIVITIES UNDER \$50,000**

ARTICLE 41: To see if the Town will vote to raise and appropriate, and/or transfer from the Community Preservation Act Funds, a sufficient sum of money to fund the items in the table below consistent with their respective applications. Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund from which the appropriation is made as specified in the chart below, and further authorize the Community Preservation Committee to enter into an agreement with the Community Development Partnership, and to act fully thereon. By request of the Community Preservation Committee, Historic District and Historical Commission, Chase Library Association, Inc., Community Development Partnership, Real Estate and Open Space Committee and Conservation Commission, and the Pleasant Bay Community Boating.. Estimated Cost: \$102,000

	<b>Project</b>	<b>Purpose</b>	<b>Amount</b>	<b>Appropriation Source</b>
1	Historic Areas and Property Inventory	Update Town Historic Areas and Property Inventory	\$34,500	Historic Reserve
2	Chase Library Door	Preservation of original door and entrance	\$15,000	Historic Reserve
3	Community Development Partnership	Cape Housing Institute	\$7,500	Community Housing Reserve

4	Town Owned Conservation Land	Restoration and rehabilitation of Town owned Conservations Lands	\$20,000	Open Space Reserve
5	Pleasant Bay Community Boating	Handicapped Accessible Dock project	\$25,000	Undesignated Reserve
		<b>Total:</b>	<b>\$102,000</b>	

**The Finance Committee Recommends:**

..... **ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

..... **ROLL CALL VOTE:**

**PINE GROVE CEMETERY GRAVESTONE CONSERVATION & PRESERVATION**

ARTICLE 42: To see if the Town will vote to raise and appropriate and/or transfer from the Community Preservation Act – Historic Preservation Reserve, \$75,000 to fund the repair and restoration of gravestones and monuments at Pine Grove Cemetery. Any funds left unspent from the Article are to be returned to the Community Preservation Act Fund - Historic Preservation Reserve, and to act fully thereon. By request of the Community Preservation Committee and the Cemetery Administrator. Estimated Cost: \$75,000

**The Finance Committee Recommends:**

..... **ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

..... **ROLL CALL VOTE:**

**HARWICH AFFORDABLE HOUSING TRUST**

ARTICLE 43: To see if the Town will vote to appropriate from Community Preservation Act Funds – Community Housing Reserve, \$250,000 to fund the Harwich Affordable Housing Trust to create and preserve affordable housing in the Town of Harwich in the amount of \$200,000 and to fund a part-time Housing Coordinator in the amount of \$50,000. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds – Community Housing Reserve and Undesignated Reserve and to act fully thereon. By request of the Community Preservation Committee, the Harwich Affordable Housing Trust and the Board of Selectmen. Estimated Cost: \$250,000.

**The Finance Committee Recommends:**

..... **ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

..... **ROLL CALL VOTE:**

**RENTAL ASSISTANCE PROGRAM**

ARTICLE 44: To see if the Town will vote to appropriate from Community Preservation Act Funds - Community Housing Reserve, \$200,000 to fund the rental assistance program for families earning 80% or less than average median income (AMI). Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Community Housing Reserve, and to act fully thereon. By request of the Community Preservation Committee and the Harwich Housing Authority. Estimated Cost: \$200,000

**The Finance Committee Recommends:**

..... **ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

..... **ROLL CALL VOTE:**

**WHITEHOUSE FIELD LIGHTING PROJECT**

ARTICLE 45: To see if the Town will vote to appropriate from Community Preservation Act Funds- Undesignated Reserve, \$380,360 to replace the current Whitehouse Field Lighting System with a new comprehensive lighting system. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds- Undesignated Reserve, and to act fully thereon. By request of the Community Preservation Committee and the Harwich Recreation and Youth Commission. Estimated Cost: \$380,360

**The Finance Committee Recommends:**

..... **ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

..... **ROLL CALL VOTE:**

**BROOKS PARK FENCING PROJECT**

ARTICLE 46: To see if the Town will vote to appropriate from Community Preservation Act Funds- Undesignated Reserve, \$72,657 to replace the current fencing at Brooks Park Baseball Field. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds- Undesignated Reserve, and to act fully thereon. By request of the Community Preservation Committee and the Harwich Recreation and Youth Commission. Estimated Cost: \$72,657

**The Finance Committee Recommends:**

**..... ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

**..... ROLL CALL VOTE:**

### **HARWICH COMMUNITY PLAYGROUND PROJECT**

ARTICLE 47: To see if the Town will vote to appropriate from Community Preservation Act Funds - Undesignated Fund Balance in the amount of \$500,000 to construct a playground at Harwich Elementary School. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds – Undesignated Fund Balance, and to act fully thereon. By request of the Community Preservation Committee and the Board of Selectmen. Estimated Cost: \$500,000

**The Finance Committee Recommends:**

**..... ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

**..... ROLL CALL VOTE:**

### **REVOLVING FUNDS**

#### **AMEND THE CODE OF HARWICH GENERAL BY-LAWS – CHAPTER 8 DEPARTMENTAL REVOLVING FUNDS § 8-1. FUNDS ESTABLISHED.**

ARTICLE 48: To see if the Town will vote to amend the Departmental Revolving Funds By-law, Section 8-1 of the Town Code, by expanding the scope of fees to be credited to the Wetlands Revolving Fund and the Community Center Revolving Fund as set forth below (the language to be added is shown in underlined text): Further to amend the uses of the Community Center Revolving Fund to include weight room supplies, care and support as well as exercise and educational instructors (the language to be added is shown in underlined text): Or to take any other action relative thereto. By request of the Finance Director, Conservation Administrator and Community Center Director.



<u>Revolving Fund</u>	<u>Authorize to Spend Fund *</u>	<u>Revenue Source</u>	<u>Use of Fund</u>
Community Center	Director & Facilities Committee	<u>Community center exercise and educational classes and 75 % of the fees from use of the weight room</u>	<u>Weight Room equipment maintenance, supplies, care and support. Exercise and educational instructors.</u>
Wetlands	Conservation Commission	<u>Notice of Intent Filing Fees as well as in-lieu fees generated as a result of an approval of a Notice of Intent</u>	Consultants and wetland and buffer zone management and restoration projects
Cemetery	Cemetery Administrator and Cemetery Commission	90% of Lot Sales, 100% of all Cemetery Services and Fees	<u>Maintenance, care and support, including part time salary and wages.</u>

*Explanation: 1) To expand the use of the Community Center Revolving Fund to include exercise and educational programs previously charged to the Recreation Revolving Fund. 2) To expand the source of revenue for the Wetlands Revolving Fund to include in-lieu fees. 3) to allow for part time wages to be expended from the Cemetery Revolving Fund.*

**The Finance Committee Recommends:**

..... **ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

..... **ROLL CALL VOTE:**

**PRIVATE CITIZEN PETITIONS**

**COMMERCIAL SINGLE-USE PLASTIC WATER BOTTLE BAN**

ARTICLE 49: To see if the Town will vote to adopt the following as a general by-law and to authorize the Town Clerk to insert it into the appropriate place in the Town Code of Harwich, Massachusetts.

Section 1. Sale of Single-use Plastic Water Bottles

Effective on September 1, 2021, it shall be unlawful to sell or distribute for commercial purposes non-carbonated, unflavored drinking water in single-use plastic bottles of less than one gallon in the Town of Harwich.

## Section 2. Definitions

A single-use plastic bottle is a beverage container made from any type of plastic resin.

## Section 3. Exemptions

Sales or distribution of non-carbonated, unflavored drinking water in single-use plastic bottles occurring subsequent to a declaration of emergency (by the Emergency Management Director or other duly authorized Town, County, Commonwealth or Federal official) affecting the availability and/or quality of drinking water to residents of the Town shall be exempt from this bylaw until seven days after the declaration has ended.

## Section 4. Enforcement

Enforcement of this article shall be the responsibility of the Town Administrator or his/her designee.

This bylaw may be enforced through the non-criminal disposition procedures as specified in G. L. Chapter 40 § 21D. The following penalties apply:

- First violation: Written warning
- Second violation: \$150 fine
- Third and subsequent violations: \$300 fine

Each day a violation continues constitutes a separate violation, incurring additional fines. Any such fines collected shall be payable to the Town of Harwich.

Explanation: \_\_\_\_\_ Single-use plastic bottles impact environmental health, and the health and longevity of other species, who may ingest plastic as food. Ultimately, plastic re-enters the human food chain where the adverse consequences are both known and emerging. Plastics pollute and impact our environment across their lifecycle from production to use to disposal.

Over 1,500 single-use plastic water bottles are used and discarded in the U.S. per second. Elimination of the use of single-use plastic water bottles will have a significant impact on future plastic-based pollution including the nation's greenhouse gas footprint and is consistent with protection of the natural environment in Harwich, Barnstable County, our nation and our earth, which we have a common responsibility to protect and steward.

**The Finance Committee Recommends:**

..... **ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

..... **ROLL CALL VOTE:**

**DEPARTMENTAL REVOLVING FUNDS AUTHORIZATION**

**ARTICLE XX:** To see if the Town will vote to set spending limits for various revolving funds that have been authorized pursuant to Section 8.1 of the Town Code: and to act fully thereon. By request of the Finance Director.

<u>Revolving Fund</u>	<u>FY 20 Spending Limit</u>	<u>Disposition of FY19 Fund balance</u>
Golf Pro Shop and Restaurant Lease Revenue	\$250,000	Available for expenditure
Golf Infrastructure fund	\$140,000	Available for expenditure
Council on Aging	\$125,000	Available for expenditure
Cemetery	\$100,000	Available for expenditure
Community Center	\$100,000	Available for expenditure
Recreation	\$175,000	Available for expenditure
Albro House	\$10,000	Available for expenditure
ADA	\$2,500	Available for expenditure
Wetlands	\$6,000	Available for expenditure
Middle School Cultural Center	\$100,000	Available for expenditure
Sidewalks	\$50,000	Available for expenditure
Tax Title Collection	\$36,000	Available for expenditure
Pet Burial Ground	\$140,000	Available for expenditure

**The Finance Committee Recommends:**

**..... ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

**..... ROLL CALL VOTE:**

**FUND PRIOR YEAR'S UNPAID BILLS**

**ARTICLE XX:** To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to pay unpaid bills of prior years as provided for in M.G.L. Ch. 44, Section 64, and to act fully thereon. By request of the Finance Director.  
Estimated cost: \$3,443

	<b>Invoice/Debt</b>	<b>Description</b>	<b>Amount</b>	<b>Source</b>
1	Monomoy Regional High School	After Prom Planning Committee Contribution	\$2,500	Free Cash
2	Eastward Companies	Saquatucket Harbor Redevelopment Project Extra	\$943	ATM May 1, 2017 Article 20 – Saquatucket Harbor Landside Construction
		<b>Total:</b>	<b>\$3,443</b>	

*Explanation:*

**The Finance Committee Recommends:**  
..... **ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**  
..... **ROLL CALL VOTE:**

**MISCELLANEOUS**

**CUSTOMARY ARTICLES**

**HERRING FISHERIES**

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

**The Finance Committee Recommends:**  
..... **ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**  
..... **ROLL CALL VOTE:**

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

**ARTICLE XX:** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to supplement the Massachusetts Cultural Council annual allocation for community grant awards to artists, performers, and interpretive scientists who bring events and programs to local venues which enhance the cultural experience of Harwich citizens of all ages, and to act fully thereon. By request of the Harwich Cultural Council. Customary Article. Estimated Cost: \$3,900.

*Explanation:*

**The Finance Committee Recommends:**  
..... ROLL CALL VOTE:

**The Board of Selectmen Recommends:**  
..... ROLL CALL VOTE:

**PRIVATE PETITIONS**

**DEFRAY THE EXPENSES OF THE CHASE LIBRARY AND HARWICH PORT LIBRARY**

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

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

**The Finance Committee Recommends:**  
..... ROLL CALL VOTE:

**The Board of Selectmen Recommends:**  
..... ROLL CALL VOTE:

**PROMOTE THE TOWN OF HARWICH**

**ARTICLE XX:** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money for the Harwich Chamber of Commerce to promote the Town and its businesses and cultural endeavors to advance economic development initiatives for and with the Town of Harwich. Said monies to be used to manage and fulfill year-round visitor/resident/business information services, to promote and market the Town, to generate and initiate materials and activities that encourage the establishment, growth and sustainability of businesses in Harwich, and to implement economic development objectives and activities in partnership with the Town, and to act fully thereon. By petition. Estimated cost: \$30,000

*Explanation:* For more than 60 years, Harwich Chamber of Commerce (HCC) has worked in the best interest of Harwich and for the people living in, working in and visiting the Town of Harwich. Since 1995, the citizens of Harwich, through the annual Town Meeting, have voted to fund warrant articles submitted by the Harwich Chamber of Commerce in support of its work

promoting the community, providing needed informational services, and developing and advancing economic sustainability and development strategies. We are again requesting the Town's support for the Chamber's efforts in:

(a) providing year-round informational services to residents, visitors, second homeowners, and businesses (over 78,000 visits to our Information Center in 2018)

(b) Support of the Chamber's efforts, in partnership with the Town of Harwich, to develop and implement economic development initiatives to benefit the Town as defined by objectives in the Town's Local Comprehensive Plan, and marketing Harwich's Cultural Districts; the simultaneous designation of both Harwich Port and Harwich Center in 2019.

(c) Promoting the Town of Harwich and its brand: The Warm Side of the Cape, thereby continuing to grow the vitality and economy in the community.

(a) **Year-Round Information Services:** Harwich's Information Center is open 52 weeks a year. Combining this valuable resource with the Chamber's internet/website portals, New explore boards located at Logan Airport, North and South Stations as well in many locations throughout Massachusetts, New England and Nationally and continued telephone and mail inquiries, Harwich Chamber annually provides more than 320,000 instances of contact with visitors, seasonal and year-round homeowners and residents, organizations and businesses. These connections offer the opportunity to market and promote the Town utilizing our new brand "The Warm Side of the Cape." By being available to meet the needs of our "customers" we are able to encourage patronage of our local amenities and businesses and to connect individuals and businesses with the appropriate Town offices and officials 12 months a year in a friendly, warm and upbeat fashion.

(b) **Promoting the Town of Harwich:** The Harwich Chamber continues to be the lead force in promoting the Town of Harwich. By utilizing a multi-faceted approach, HCC strives to position Harwich as a premier destination for local, regional, national and international individuals and families. The marketing strategies are aimed at encouraging residents, second homeowners (current and potential), and visitors to avail themselves of Harwich's recreational amenities, as well as for shopping, dining, vacations, day trips, events and festivals. The plan, which positions Harwich as a desired vacation destination and an outstanding place in which to live and work, includes:

1. The 2019 Harwich Magazine will celebrate our history and our future as well as continue to share our Arts and Culture, the Town's primary comprehensive printed and online publication for attracting visitors to Harwich, and a year round resource for our residents, second homeowners and businesses.
2. The HCC website's robust content complements the Magazine and links to a wide range of Town resources.
3. Ancillary printed and on-line pieces, including specialized maps (cranberry bogs, lodging locator, dining locator, beaches, bike trail) that target market segments and interests. As well as the new Cultural District maps for Harwich Port and Harwich Center.
4. Media placements in local, regional and national publications.

Special events and festivals are about more than attracting people to town to enjoyable experiences. They are about defining key elements of Harwich's brand and about parlaying those assets into support for our businesses, non-profit organizations, and the community. In 2017 the Harwich Chamber of Commerce in partnership with sponsorships from Harwich Chamber of Commerce members we brought back after a 10 year absence the much loved Fireworks as part

of the Harwich Cranberry Festival and continues to grow today. In addition, Fall for Harwich provided the umbrella under which thousands of people were invited to participate in a wide array of more than 30 events, including the half-marathon road race, music festival, bog walks, concerts, teas, arts & crafts, our second sidewalk sale and more. Fall for Harwich and Christmas in Harwich also provide opportunities for our local non-profits to raise much needed funds and increase their visibility. In addition, the Chamber continues to actively engage in creating and implementing new events as well as expanding existing events. In 2018, the Chamber coordinated ten Port Summer Night Musical Strolls in Harwich Port,(traditionally every Wednesday in July & August in 2018 we added the last Wednesday in August and the first Wednesday in September as a thank you to our residents) several musical concerts that combined opportunities with restaurants and other businesses to increase meals, shopping and a night out with a show. We look forward to continuing to expand these offerings in 2019.

**Economic Development:** HCC will continue to collaborate with the Town on economic development strategies and initiatives. Over this past year, HCC has worked tirelessly on behalf of the Town and its businesses and continues to do so with sponsoring gatherings with key partners at the state level bringing them into our town. The Chamber has also provided training, counsel and support to dozens of small businesses challenged to survive in the current economic climate, and has met with several individuals considering locating their business in Harwich. HCC continues to strengthen its collaboration with other local chambers of commerce through the Local Cape Chambers Collaborative (LC3) and the Lower Cape Chambers group. Among the many activities currently underway are:

With LC3 meeting with the Economic Development Council on regional economic development priorities, identified by local chambers in consultation with town officials

With LC3 continued advocacy on transportation issues, including real time information, bridge issues, issues relating to drug use, attracting more traffic to the Regional Airport and more.

With Lower Cape Chambers hosting the Annual Lower Cape Home & Garden Show this year again to be held at the Cape Cod Tech, trainings, inter-chamber networking (giving greater business-to- business opportunities)

Parking and Connectivity continue to explore opportunities for remote parking lots and transit service for harbors, beaches and other sites with high seasonal demand

The Chamber is honored to partner with the Town on building a better community, but the Chamber relies on the Town's support to help achieve its goals. Without this support, the Chamber's marketing activities will be significantly reduced. We appreciate the past support of the Town of Harwich and request funding for these important, revenue-generating initiatives. Thank you for your consideration.

**The Finance Committee Recommends:**

..... **ROLL CALL VOTE:**

**The Board of Selectmen Recommends:**

..... **ROLL CALL VOTE:**

**COMMERCIAL SINGLE-USE PLASTIC WATER BOTTLE BAN**

ARTICLE XX: To see if the Town will vote to adopt the following as a general by-law and to authorize the Town Clerk to insert it into the appropriate place in the Town Code of Harwich, Massachusetts.

Section 1. Sale of Single-use Plastic Water Bottles

Effective on September 1, 2021, it shall be unlawful to sell non-carbonated, unflavored drinking water in single-use plastic bottles of less than one gallon in the Town of Harwich.

Section 2. Definitions

A single-use plastic bottle is a beverage container made from any type of plastic resin.

Section 3. Exemptions

Sales or distribution of non-carbonated, unflavored drinking water in single-use plastic bottles occurring subsequent to a declaration of emergency (by the Emergency Management Director or other duly authorized Town, County, Commonwealth or Federal official) affecting the availability and/or quality of drinking water to residents of the Town shall be exempt from this bylaw until seven days after the declaration has ended.

Section 4. Enforcement

Enforcement of this article shall be the responsibility of the Town Administrator or his/her designee.

This bylaw may be enforced through the non-criminal disposition procedures as specified in G. L. Chapter 40 § 21D. The following penalties apply:

First violation: Written warning

Second violation: \$150 fine

Third and subsequent violations: \$300 fine

Each day a violation continues constitutes a separate violation, incurring additional fines. Any such fines collected shall be payable to the Town of Harwich. **Estimated** cost: \$

**Explanation:** Single-use plastic bottles impact environmental health, and the health and longevity of other species, who may ingest plastic as food. Ultimately, plastic re-enters the human food chain where the adverse consequences are both known and emerging. Plastics pollute and impact our environment across their life cycle from production, use and disposal.

Over 1,500 single-use plastic water bottles are used and discarded in the U.S. per second. Elimination of the use of single-use plastic water bottles will have a significant impact on future plastic-based pollution including the nation's greenhouse gas footprint and is consistent with protection of the natural environment in Harwich, Barnstable County, our nation and our earth, which we have a common responsibility to protect and steward.

**The Finance Committee Recommends:**

**..... ROLL CALL VOTE:**



**The Board of Selectmen Recommends:**

**..... ROLL CALL VOTE:**

**NEW CLIMATE POLICY BY-LAW**

**ARTICLE XX:** To see if the Town Will vote to adopt the following as a general by-law and to insert it into the Code of the town of Harwich, Massachusetts:

Chapter ( ) Climate Policy

§ ( )-1 Climate Policy

The Town of Harwich recognizes that the climate emergency, driven by human activity including energy consumption and land use practices and leading to global warming, rising seas, deadly storms, dangerous heat waves, acidifying oceans, and melting ice sheets, poses an imminent threat to the health, safety and economic security of the residents of the Town. The Town of Harwich therefore adopts as its policy the objective of reducing net greenhouse gas emissions from human activity within and by the Town to zero at the earliest technically and economically feasible time, and directs that all officers and departments of the Town take such measures within the scope of their respective responsibilities and authority as may be necessary and prudent to facilitate such policy and objective.

*Explanation:* This Article would establish a town policy on climate change which recognizes that we are living in a climate emergency that threatens our communities and our childrens' futures. In line with the official policies of the Commonwealth of Massachusetts and supported by the recommendations of scientists worldwide, as reflected in the reports of the Intergovernmental Panel on Climate Change established by the United Nations, this by-law would accept the central goal of reducing net greenhouse gas emissions to zero at the earliest economically and technically feasible time. The science tells us that we must make a significant cut in the current rate of carbon emissions within the next ten years or it will be too late to head off the most catastrophic consequences of rising seas, monster storms, runaway fires, deadly heat waves, and the loss of countless species. This by-law does not set an arbitrary deadline or define the specific steps to attain the goal: that will require a long and challenging process of identifying a multitude of strategies to improve energy efficiency in homes and businesses, to produce renewable power, to increase the use of electric vehicles for private and public transportation, to preserve and expand forested land to offset carbon emissions, and to adopt new technologies as they emerge to support these goals. The policy does not mandate any new public expenditures: every action is measured by technical and economic feasibility, and most improvements in energy efficiency and renewable power generation now offer financial savings or new revenue streams that should reduce net public spending. The bottom line, however, is that there is no time to lose to begin the hard work of finding ways to reduce carbon emissions.

**The Finance Committee Recommends:**

**..... ROLL CALL VOTE:**

**The Board of Selectmen Recommends:  
..... ROLL CALL VOTE:**

**RESCIND THE ACTION TAKEN AT THE ANNUAL TOWN MEETING May 6, 2019  
FOR ARTICLE 50**

**ARTICLE XX:** To see if the town will vote to rescind the action taken at the Annual Town Meeting May 6, 2019, Article 50.

*Explanation: Last year's Article 50 is discriminatory and is financially inhibitive to various non-profit organizations that utilize Town properties, including Monomoy Little League, Monomoy Booster Club, Cape Cod Baseball League, et al. Further, it puts an unfair financial burden on small businesses that participate in lo a craft fairs, farmers markets, and beach vendors, et al. The article also did not include a means of enforcement. The action should be rescinded and the group who wrote the article should reconsider the verbiage as well as the intent.*

**The Finance Committee Recommends:  
..... ROLL CALL VOTE:**

**The Board of Selectmen Recommends:  
..... ROLL CALL VOTE:**

APPENDIX A – Sample Ballot

## APPENDIX B – Budget

## APPENDIX C – Capital Plan

**BUDGET/WARRANT TIME LINE FY2021**

Monday, June 17, 2019	Review Town Meeting Results and actions to take	
Monday, July 1, 2019	First goals discussion	
Monday, July 15, 2019	Continuation of goals discussion	
Monday, July 29, 2019	Set Goals	
Monday, August 12, 2019	Potential articles and assign to committees and departments. By Law Charter Review Committee to come in to discuss	
Monday, August 26, 2019	Discuss potential C P C articles	
Friday, August 23, 2019	Capital Budget Instructions submitted by T A to Departments	
Monday, September 16, 2019	Discuss Budget Message	
Friday, September 20, 2019	Deadline for submission of Department Capital Budgets to the T A	
Monday, September 30, 2019	TA presents BOS with 5-Year Financial Plan	<b>Charter 9-2-1/on or before October 1<sup>st</sup></b>
TBD	MRSD and Cape Cod Tech meeting with Selectmen and Fincom to discuss enrollments by class and demographics, including a five year projection of same.	
Monday, September 30, 2019	BOS Budget Message to guide TA in developing budget Requests - Including Board agreed to goals	<b>Charter 9-2-2/on or before the first Tuesday in October</b>
October 1 @ 4:00 p.m.	Deadline for submission of C P C requests	
Monday, October 7, 2019	Begin review of warrant articles	<i>Weekly as they come in</i>
Monday, October 21, 2019	Capital Outlay Committee submits 7-yr Capital Outlay plan to T A	
Monday, October 21, 2019	Joint Meeting with MRSD, Cape Cod Tech, Finance Committee and Capital Outlay Committee to discuss: <ul style="list-style-type: none"> <li>• State of the Town/BOS Budget Message</li> <li>• MRSD Budget/Enrollments</li> <li>• Finance Committee Priorities</li> <li>• Capital Budget Requests</li> <li>• Outlook for 2020</li> </ul>	
Friday, October 25, 2019	Operating Budget instructions submitted to departments by T A	
Monday, October 28, 2019	B O S to review Capital Outlay Plan and set priorities	
Friday, November 29, 2019	Deadline for submission of department operating budgets to T A	<b>Charter 9-2-3/on or before the 1<sup>st</sup> Friday of December</b>
Friday, November 29, 2019	Deadline for submission of departmental warrant articles to T A	
Monday, December 23, 2019	TA submits 7-yr Capital Outlay Plan to joint meeting of BOS/ Finance Committee	<b>Charter 9-6-3/during the month of December</b>
Monday, December 23, 2019	MRSD School Vacation	
Monday, January 6, 2020	BOS/FINCOM/Capital Outlay Committee hold joint Public Hearing on submitted Capital Outlay Plan	<b>Charter 9-6-4/on or before the 2<sup>nd</sup> Friday in January (Finance Committee)</b>

**BUDGET/WARRANT TIME LINE FY2021**

Friday, January 24, 2020	All items to be bid must have specifications in TA's office by 12:00 P.M. to be assured of bid process for Town Meeting	
Monday, January 27, 2020	Presentation of draft MRSD budget	
Monday, February 3, 2020	Presentation of draft Cape Cod Tech Budget	
Monday, February 10, 2020	Last BOS meeting before Annual Warrant closes	
Monday, February 10, 2020	TA presents budget and budget message to BOS and Fin Com	<b>Charter 9-2-4/on or before the 2<sup>nd</sup> Tuesday of February</b>
Friday, February 14, 2020	Article deadline – Warrant closes Noon deadline	<b>Charter 2-2-1/Bylaw 1-101 2<sup>nd</sup> Friday in February by 12:00 Noon</b>
Tuesday, February 18, 2020	1 <sup>st</sup> draft Warrant to BOS (presented at meeting)	
Monday, February 24, 2020	Articles submitted to Finance Committee by B O S	<b>General By-Laws I, § 271-1.B. Not later than 14 days after article deadline</b>
Monday, February 24, 2020	BOS required to submit final budget to Finance Committee	<b>Charter 9-3-2 / on or before the 4<sup>th</sup> Tuesday of February</b>
<b>No later than</b> February 28, 2020	MRSD to submit final line item budget to B O S and Fincom for inclusion in the ATM Warrant	
Saturday, March 7, 2020	Selectmen & Finance Committee Budget Presentations	Schedule in line with FY 20 process
Monday, March 9, 2020	Joint budget/article hearing BOS/Finance Committee	
Monday, March 9, 2020	Vote to open Special Town Meeting Warrant on Tuesday, March 10 and close on Thursday, March 12	<b>All Special Town Meeting Articles must be received 40 days prior to STM</b>
<b>No later than Monday, March 23, 2020</b>	<ul style="list-style-type: none"> <li>• Article funding review by B O S</li> <li>• FINCOM submits written recommendations on Budget/Warrant.</li> <li>• Joint budget /article hearing with</li> <li>• B O S and Fincom reconciliation</li> <li>• Fincom conducts one or more hearings on budget</li> </ul>	<b>Charter 9-3-3/by March 31<sup>st</sup> (last 4 bullet points)</b>
<b>MONDAY, March 23, 2020</b>	BOS to sign Warrants for ATM, ATE and STM (if applicable)	
March 24, 2020	Ballot to Town Clerk	
Monday, March 30, 2020	Send Warrant to Printer Send Warrant to Chronicle <b>(April 16<sup>th</sup> publication)</b>	Printer needs 2 weeks. Chronicle needs 1 week before publish date
Friday, April 17, 2020	Warrants available for public distribution	<b>Charter 2-2-2/14 days prior to Town Meeting</b>