

SELECTMEN'S MEETING AGENDA*

Donn B. Griffin Room, Town Hall

732 Main Street, Harwich, MA

Regular Meeting 6:30 P.M.

Tuesday, February 19, 2019

**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. PLEDGE OF ALLEGIANCE

III. WEEKLY BRIEFING

IV. PUBLIC COMMENTS/ANNOUNCEMENTS

V. CONSENT AGENDA

A. Minutes

1. December 17, 2018 – Regular Session

2. January 7, 2019 – Regular Session

3. January 14, 2019 – Regular Session

B. Approve application by National Multiple Sclerosis Society Greater New England Chapter for *MS Bike Getaway* to be held on June 30, 2019

VI. Accept the resignation of Lorraine Bossi as a member of the Harwich Cultural Council effective immediately

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

VIII. NEW BUSINESS

A. John Giorgio, K P Law – Pet Burial Ground Eminent Domain Taking – *ramifications*

B. Appointment of Attorney William August as Special Counsel for the upcoming Cable

License Franchise Renewal – *vote to approve and authorize the Town Administrator to sign*

IX. CONTRACTS

X. OLD BUSINESS

A. Wastewater Project Costs Discussion

B. Round Cove Road Potholes - *discussion*

XI. DRAFT WARRANT ARTICLE REVIEW

- Town Officers & Committees
- Reports of Town Officers & Committees
- Elected Officials Salaries
- Accept Provisions of M.G.L. Ch. 64G, §3A – Local Excise Tax
- Town Operating Budget
- Monomoy Regional School District Budget
- Cape Cod Regional Technical School District Budget
- Water Department Budget
- Wastewater/Sewer Budget
- Adopt the Capital Plan
- Lease Purchase Agreements
- Capital Items Funded From Free Cash
- Facility Maintenance and Repair Fund
- Fund the Snow and Ice Deficit for FY18
- Fund Shortfalls in Budget Transfers for FY18
- Purchase/Replace Mini Excavator for Water Department
- Replacement of Section of water Main Entering Tank
- Replace the T1 Main Facility Generator
- Purchase a 2019 Ford F-550 Truck for the Water Department
- Phase II Wastewater Utility Easements
- Purchase and Equip Vehicles for the DPW
- Reconstruction of Lower County Road
- Purchase of Mobile Lift System
- Road Maintenance Program
- Single-family dwelling with accessory apartment
- Freestanding Portable signs
- Retaining walls for septic systems
- Special provisions for lifting existing structure to new and appropriate elevations
- Provide funding for an Update of the Town's Local Comprehensive Plan
- Fund Library Technology

- Landscape Reclamation at Cranberry Valley Golf Course
- Bunker Renovation at Cranberry Valley Golf Course
- Amendments to Cemetery Rules and Regulations
- Cemetery Arboretum Project – Mapping and Software
- Solar Photovoltaic Energy Systems
- Amendment to the Agreement Between the Towns of Chatham and Harwich for the formation of a Regional School District
- Charter Amendment - Change from Water Commission to Water/Wastewater Commission
- Proposed Amendments to Harwich Home Rule Charter: Capital Outlay Plan
- Proposed Amendments to Ex-Officio Members – clarify terms of office (Bylaw/Charter Review Committee)
- Appropriate Sums of Money From The FY 20 Estimated Annual Revenues of The Community Preservation Act Fund
- Fund Land Bank Debt Service
- Community Preservation Activities Under \$50,000
- Brooks Academy Museum
- Harwich Affordable Housing Trust
- Sand Pond Restroom Project
- Whitehouse Field Improvement Project
- Red River Beach Shoreline Stabilization Project
- Complete Construction of the Pet Burial Grounds
- Approve Easement for Verizon and Eversource Energy at 1464 Orleans-Harwich Road (Rte. 39) for Fire Station 2
- Affordable Housing Trust Fund
- Establish Annual Revolving Fund for the Pet Burial Ground
- Amend the Code of the Town of Harwich General By-Laws – Chapter 8 Departmental Revolving Funds §8-1. Funds Established
- Rescind the Establishment of the Capital Infrastructure Revitalization Fund at Cranberry Valley Golf Course
- Rescind the Authorization for the Golf Restaurant Lease 53D Revolving Account and Transfer the Balance into the Pro Shop Revolving Account
- Departmental Revolving Funds Authorization
- Stabilization Fund
- OPEB Trust Fund
- Fund Prior Year's Unpaid Bills
- Herring Fisheries

XII. TOWN ADMINISTRATOR'S REPORT

- A. CDM Smith – Comprehensive Wastewater Management Plan cost update
- B. Departmental Reports

XIII. SELECTMEN'S REPORT

XIV. ADJOURNMENT

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

Authorized Posting Officer:

Sandra Robinson, Admin. Secretary

Posted by: _____
Town Clerk

Date: _____
February 14, 2019

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, DECEMBER 17, 2018
6:30 P.M.**

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

OTHERS PRESENT: Town Administrator Christopher Clark, Chief Guillemette, David Nixon, Chris Joyce, and others.

Chairman Kavanagh reported that the Board had just come out of Executive Session in regard to a Mid Cape Homes Memorandum of Understanding with a homeowner and they voted to move ahead with it.

WEEKLY BRIEFING

Ms. Joyce of the Voter Information Committee announced the following the following events to be hosted by the Committee:

April 8 & 9 – Financial State of Harwich

April 22 – Pre-Town Meeting taping to review big ticket items on the warrant

May 14 – Candidates' Forum

CONSENT AGENDA

- A. Vote to accept the gift of \$2,247.53 from the Friends of the Council on Aging toward the purchase of a new convection oven for the Community Center kitchen
- B. Vote to approve request for use of the Caleb Chase Fund in the amount of \$407.68

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

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

- A. Application for transfer of Annual Wine & Malt Package Store License and Seasonal All Alcohol Package Store License from Charles J. Weiss d/b/a 7-Eleven 3443A to Syed Ali Navqi d/b/a 7-Eleven 3443A

Mr. McManus read the hearing notice and Chairman Kavanagh opened the hearing. Mr. Weiss and Mr. Navqi introduced themselves with Mr. Weiss noting that he is getting out of the business and Mr. Navqi is getting into the business. Mr. MacAskill asked Mr. Navqi if he is currently a resident of Massachusetts or is he going to be. Mr. Navqi responded that he is going to be and is currently looking at houses. Mr. MacAskill asked Mr. Clark if it is a requirement that Mr. Navqi is a resident of Massachusetts and Mr. Clark responded that the Board could make it a condition of the license that he become a resident within 6 months. Mr. Howell stressed that he absolutely must be a resident because as the manager he must be on premises. Mr. Navqi said he is moving here next month. An abutter, Valentina Angjeli, said they are having issues with people buying alcohol, drinking and making noise. She added that there is a lot of littering. She said they have

spoken with the owner about this as well as the Board of Health and nothing has been done. Chairman Kavanagh asked if she has called the police and she responded that she has not and is only here seasonally. Mr. Weiss said they try to police it the best they can and they haven't had a lot of incidents where they have had to call the police. Mr. McManus asked if they have receptacles outside and Mr. Weiss responded that they do. Ms. Angjeli requested that a new fence be put up and Chairman Kavanagh said that is something she can have a conversation about with the owner.

Mr. Howell stated that it's a real challenge being so close to the Harwich Junior Theater and stressed the importance that the alcohol remains in a confined area and he noted that the store hours are not the same as the license hours and that must continue as well. He added that they have a higher obligation than other license holders do as they have other things they sell and there are going to be kids there. Mr. Clark suggested conditions for the license including installation of an improved fence, retaining the existing restriction about securing location of alcohol, and to have trash receptacles.

Mr. MacAskill said he doesn't see why this Board should put additional restrictions on the license that we don't put on anyone else and added that they only have one complaint tonight. Mr. McManus said the license is a package store and doesn't allow consumption of alcohol on site and anyone who attempts to do so should be told to move on.

Mr. Howell moved that we approve the transfer of the license currently held by Charles J. Weiss d/b/a 7-Eleven 3443A, 5 Route 28, West Harwich to Syed Ali Navqi as the purchaser with the same restrictions that currently exist on the license specifically all alcoholic beverages must be locked in a secure location inaccessible to the public except for times in which the license is valid. Mr. MacAskill seconded the motion and the motion carried by a unanimous vote.

Mr. Howell moved that we approve of the designation of Syed Ali Navqi as the manager of the currently owned Charles J. Weiss location of 7-Eleven 3443A, 5 Route 28, West Harwich, MA. Mr. MacAskill seconded the motion and the motion carried by a unanimous vote.

Mr. McManus suggested Mr. Navqi reach out to neighbors and see what accommodations should be made. Mr. Howell cautioned that consumption of alcohol on his premises is his responsibility.

B. Annual Meetings:

1. Community Preservation Committee

Mr. Nixon, Chair, provided the annual report of the Community Preservation Committee and took comments from the Board.

2. Harwich Youth Services Committee

Ms. House, Youth Counselor, delivered the annual report of the Harwich Youth Services Committee and took comments from the Board.

3. Conservation Commission

Brad Chase, Chair, delivered the annual report of the Conservation Commission and took comments from the Board.

C. Lower County Road Capital Project Update – Lincoln Hooper/Tom Ockerbloom

Mr. Hooper detailed his memo to the Board dated December 12, 2018 regarding the Lower County Road Capital Project Update:

On November 23, 2015, at a Board of Selectmen's meeting, I proposed a stand-alone project to reconstruct Lower County Road to address numerous deficiencies including the poor condition of the road, structural defects with its base, a non-ADA compliant continuous sidewalk and old and failing drainage systems. Further, the sheer scope of the project is more than we could handle under our County Bid Road Construction items and the cost is more than could be absorbed within our road maintenance plan. At that meeting I informed the Board that, although Lower County Road is eligible for State funding in the Transportation Improvement Program, there is no way to meet the Complete Streets criteria (sidewalks and bike lanes on both sides of the street) within the Town's 40' ROW.

To save design and engineering money, we hired Tom Ockerbloom, a retired MassDOT Senior Project Engineer, to assist us in developing Lower County Road as a Book Job, on June 15, 2016. A Book Job is typically utilized where a roadway is being reconstructed in the same place or footprint of the original road, thus not requiring detailed engineering plans. Over the last two years, Mr. Ockerbloom developed Lower County Road as a Book Job and, in the process, saved the Town approximately \$300k. Please note that Mr. Ockerbloom was in charge of the Town's Route 137 corridor project and was a primary reason it went so smoothly.

Attached for your review is a summary of the scope of work and the last page of the Preliminary Office Estimate that Tom has developed utilizing the MassDOT Statewide Weighted Bid Prices. While Mr. Ockerbloom has been developing projects like this for decades at MassDOT and knows roadway construction better than anyone I know, it is my personal belief that this project will solicit extremely competitive bids from contractors that will be considerably lower than the Preliminary Office Estimate that Tom developed. With the Board's consent, I would like to bid the project soon with a bid opening date of April 16, 2018, in order to have a hard number ready for May's Town Meeting.

Mr. Ockerbloom reviewed the scope of work, costs and schedule of the project. Mr. Hooper said he plans to advertise in January and the Board was in agreement.

NEW BUSINESS

A. 2019 Annual General License Renewals

Mr. Howell moved that we approve the 2019 Annual General License renewals as contained in our packet with the proviso that all restrictions that are currently contained therein will be on those licenses particularly the Ashwood Food Service license, that the release of those would be contingent upon submittal of current workers compensation and liquor liability insurance certificates. Mr. MacAskill seconded the motion and the motion carried by a unanimous vote.

B. New Application for Weekday Entertainment License for the Hot Stove Saloon in Harwich Port

Gabe Leidner of the Hot Stove said he would like to have an acoustic guitar in the lower part of the restaurant on Friday or Saturday night and it would be all indoors. Mr. MacAskill moved that we approve the application for Weekday Entertainment License for the Hot Stove Saloon in Harwich Port as presented. Mr. Ballantine seconded the motion. Mr. Howell said it would have the same noise constraints that we would put on any entertainment license. The motion carried by a unanimous vote.

C. Wastewater Project Management – Scope of Work

Mr. Ballantine reviewed the document he authored in working with the Wastewater Support Committee entitled “Project Management Contract – Harwich Comprehensive Wastewater Management Plan.” He suggested use of the Albro House for central storage of documents. He asked that the Board vote to move this ahead. Mr. Howell recommended putting CWMP after Comprehensive Wastewater Management Project, changing “Board of Directors” to “Board of Health” and adding a summary statement. Mr. Ballantine asked Mr. Howell to put his thoughts in writing. Mr. McManus said it is lacking that the Project Manager should be chairing weekly job meetings with the contractor and going over operational problems with the engineer. Mr. Ballantine agreed that was a good point and said he would add it. Mr. McManus added that in order for the Project Manager to look after the Town’s interest, he should go over what should be paid for each month and be sure we don’t pay out in advance. Mr. Ballantine agreed to work on it. The Board took comments from Ms. Pflieger of the Wastewater Support Committee.

Mr. MacAskill moved to approve the Wastewater Project Management Scope of Work as written with Don’s two edit additions and one other statement and they revisit the other ones. Mr. Howell seconded the motion. Mr. Howell recommended that Mr. McManus bring forward a Project Manager description. He also asked to put that component on the agenda. The motion carried by unanimous vote.

D. Support for the waiver for the mandatory Environmental Impact Report (EIR) for the Cold Brook Ecological Restoration project – *vote to support and authorize the Chair to sign*

Mr. Lach of the Harwich Conservation Trust gave an overview of the request. Mr. MacAskill moved to support the waiver for the mandatory Environmental Impact Report for the Cold Brook Ecological Restoration project and vote for the Chair to sign. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

E. Request by Harwich Center Initiative for two (2) Alternate Members

Mr. MacAskill moved to support the request by the Harwich Center Initiative for two alternate members. Mr. Ballantine seconded the motion. Mr. Ballantine said this is basically an insurance policy that they can do their business if someone is going away. Mr. Howell recommended that the charge be amended to reflect that they would be counted and used toward a quorum. The motion carried by a unanimous vote.

F. Letter of Support – Sidewalks

Mr. Clark reported that we got an invite from the School Department over at the Elementary School that a grant opportunity has come up fairly recently and the application deadline is January 11, 2018. He said they met at the Elementary School and went through the application and the school district will put together most of it and they are looking for letters of support. He noted that the grant name is “Safe Routes to Schools.” He said they are looking to do sidewalk improvements at Sisson Road, South Street and Main Street to connect the Elementary School into the Harwich Center area and bike trail and Mr. Hooper has estimated it would cost \$474,000 to make these improvements.

Mr. MacAskill moved we vote to approve Monomoy Regional School District “Safe Routes to Schools” grant application on behalf of the Harwich Elementary School located on South Street. Mr. Ballantine seconded the motion. Mr. Howell questioned if we brought anyone in from the Harwich Center Initiative to discuss any of this and Mr. Clark responded that we did not but should coordinate. The motion carried by a unanimous vote.

OLD BUSINESS

A. Board of Selectmen policy on noise relative to licensing/Noise By-Law

Mr. Clark noted that the current Noise By-Law requires enforcement after 10:00 p.m. He suggested looking at exempting the commercial area from that. Mr. MacAskill pointed out that there is one person making all the complaints and officers have testified that the noise level depends on the wind. He added that we have done an outstanding job supporting the businesses and we want to continue that. He said the Board needs to help the Police Chief so they aren't being continually called out. He noted that Perks must end entertainment at 10:00 as they are outside only and he is only looking to have TV after that. He said the Board should give the businesses owners as much relief as they can and this is really only for July and August. Mr. McManus stated that if we get overly strict on enforcement we will kill the commercial activity and kill the reason why people moved to the commercial area in the first place. Mr. Howell stated that it's hard to bring an area back and this area is doing really well. He added that it was there when these people moved in. Mr. Ballantine said he is interested in language that would give us flexibility. Mr. Clark suggested giving the Police Chief some time to come back with the change to the by-law which would allow for commercial districts to be exempted as well as the best way to address background music versus live music.

Chief Guillemette commented that there's no way you can make everyone happy. He said it is his opinion that it makes sense that leverage exists with Board on action they take with liquor licenses and it makes sense to change the Noise By Law because the liquor regulations are referenced in it. He said he is interested in the Board's opinion as to changes and can provide complaint statistics to the Board. He further suggested looking at putting decibel readings in the regulation. Mr. MacAskill said he would be interested in absolutely everything and added that the businesses have been very responsible. He added that he would like to take up Perks request at another meeting.

There was discussion about the timeline for having this ready for this year's Town Meeting. Mr. Clark said he and Chief Guillemette would come back with suggestions for changes.

TOWN ADMINISTRATOR'S REPORT

A. MMA Award – Pleasant Bay Watershed Permit Implementation for Nutrient Mgmt.

Mr. Clark reported that we won the MMA award for Pleasant Bay Watershed Permit Implementation for Nutrient Management with Chatham, Brewster and Orleans.

B. CDM Smith Progress Report – Sewer Collection System Phase 2

Mr. Clark reported that they are continuing to redefine the plans and putting together the various regulatory applications for approval for Phase 2.

C. Natural Attenuation Project at Cold Brook

Mr. Clark reported that he met with the consultant today and he is putting together a draft Memorandum of Understanding that we would have with DER and the Harwich Conservation Trust. He said we should have it back fairly quickly.

D. Sewer Connection Permits

Mr. Clark reported that he will be coming back with a recommendation that we not charge a fee for sewer connection permits and that the Board of Health has discussed the same.

E. Barnstable County IT Assistance Update

Mr. Clark reported that this project has gone a lot slower than he had hoped. He said to date they have looked at 70 documents and he hopes to have something at the beginning of the new year. Mr. Ballantine suggested looking at centralized procurement.

F. Departmental Reports

There was no discussion or action on this item.

ADJOURNMENT

Mr. MacAskill moved to adjourn at 8:50 p.m. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel
Recording Secretary

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, JANUARY 7, 2019
6:30 P.M.**

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

OTHERS PRESENT: Town Administrator Christopher Clark, Chief Clarke, Carolyn Carey, Jack Brown, Art Bodin, Richard Waystack, Bruce Nightingale, Jon Chorey, Joe McParland, Dana DeCosta, Angelo LaMantia, Mary Maslowski, Chris Harlow, Jim Joyce, Sharon Stout, Donna Richardson, Terry Russell, and others.

WEEKLY BRIEFING

Mr. McManus called for a moment of silence on the passing of long time volunteer Joyce Roche.

Mr. Clark stated that the Governor's Office would like us to review the edits to the House Bill to include more liquor licenses as they were concerned that there were several edits. He said he would like to address having the House Bill's edits reviewed and approved under New Business. He said they would be reaffirming the edits they previously made.

PUBLIC COMMENTS/ANNOUNCEMENTS

No one appeared before the Board.

INTERVIEWS FOR INTERIM SCHOOL COMMITTEE MEMBER (Harwich)

- A. Linda Cebula
- B. Dana DeCosta
- C. Tina Games
- D. Charles Gruszka

Interview Process: Each candidate will respond to the following 3 questions (5 minutes total)

1. Why are you interested in this position – will you run for the position?
2. Please describe how your background will benefit the MRSD School Committee
3. What direction or improvements do you see are needed in the system?

The Board of Selectmen and the MRSD Harwich members can ask any follow-up questions prior to the nominations

The candidates each responded to the interview questions and took follow up questions from the School Committee and Board of Selectmen.

Mr. Russell of the School Committee nominated Charles Gruszka.

Ms. Richardson nominated Charles Gruszka.

Ms. Stout nominated Tina Games.

Mr. Ballantine nominated Linda Cebula.

Mr. MacAskill said the person he is going to pick has already been mentioned so there is no need for him to go further.

Mr. Howell said whoever we vote for, we need to recognize that sometimes you need different skill sets to be able to make the strongest team possible.

Chairman Kavanagh said the person she is going to pick has also been mentioned.

Mr. Clark asked for a roll call vote and the responses were as follows:

Mr. Russell voted for Mr. Gruszka.
Ms. Richardson voted for Mr. Gruszka.
Ms. Stout voted for Ms. Games.
Mr. Ballantine voted for Ms. Cebula.
Mr. MacAskill voted for Ms. Cebula.
Ms. Kavanagh voted for Ms. Games.
Mr. McManus voted for Ms. Games.
Mr. Howell voted for Ms. Cebula.

Mr. Clark suggested since Ms. Games and Ms. Cebula each received three votes, that they put those two names forward. He called for a vote and the votes were as follows:

Mr. Russell voted for Ms. Games.
Ms. Richardson voted for Ms. Games.
Ms. Stout voted for Ms. Games.
Mr. Ballantine voted for Ms. Cebula.
Mr. MacAskill voted for Ms. Cebula.
Ms. Kavanagh voted for Ms. Games.
Mr. McManus voted for Ms. Games.
Mr. Howell voted for Ms. Cebula.

Mr. Clark announced that Ms. Games had the majority of the votes (5-3). Chairman Kavanagh thanked all the candidates.

CONSENT AGENDA

- A. Minutes – November 5, 2018 Regular Session
- B. Vote to accept the resignation of James Atkinson as a full member of the Planning Board
- C. Vote to rescind the appointment of Patricia Stackhouse to the Harwich Center Initiative
- D. Vote to approve 2019 Annual General License Renewals
- E. Vote to approve and sign the 2019 Seasonal Population Increase Estimate Form

Mr. Howell asked to remove Items C and D. Mr. Ballantine moved approval of the Consent Agenda Items A, B, and E. Mr. Howell seconded the motion and noted that in the minutes, Mr. Harlow is identified as Chair of the Planning Board and it is Mr. Joyce. The motion carried by a unanimous vote.

The Board agreed to hold on Item C as there was a question as to whether Ms. Stackhouse was sworn in.

With regard to Item D, Mr. Howell moved to approve the 2019 Annual General License Renewals with all of the restrictions that were currently on each of those licenses as appears in our packet. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

PUBLIC HEARINGS/PRESENTATIONS

A. Public Hearing – Finance Committee joint meeting with the Board of Selectmen and Capital Outlay Committee on the submitted 7-Year Capital Outlay Plan

Mr. DeCosta called the Finance Committee meeting to order and Mr. Chorey read the hearing notice into record. Mr. Larios called the meeting of the Capital Outlay Committee to order. Chairman Kavanagh opened the hearing. She called for public comment and no one appeared before the Board. Mr. Howell asked for a summary sheet which excludes items under \$50,000. Mr. DeCosta noted that he provided one. Mr. McManus said items in the warrant should be clearly identified on the sheet and Mr. Howell agreed. Mr. Howell said the public has the right to see the Capital Plan without the items under \$50,000. Mr. Clark said he will clean it up and make those changes. Mr. Larios said in previous years we listed it at the end in the working document. There was discussion on passing down of police vehicles with the requirement to purchase new green vehicles. Mr. Clark said police vehicles aren't designed to be fuel efficient and the Board needs to address the handing down of these vehicles. Mr. MacAskill called for a more defined economic report on justification for the green vehicles and Mr. Larios agreed. Mr. Clark said he incorporated in the plan the Lothrop Avenue Water Line Replacement and that was the only change from the previous plan. Mr. MacAskill encouraged the Board to start talking about some of these larger projects as soon as possible and said its time to give taxpayers a break. He further suggested that some of these items should be in department budgets. He encouraged a conversation on free cash. Chairman Kavanagh said she would agenda these items. Mr. Brown called for discussion on any specific items on the plan for which people have issues. Mr. Howell discussed the Pet Burial Ground saying that if you're going to build it and you don't go into a debt exclusion we need to hear what it's going to take in terms of sales to be able to get to the point of spending this and right now you got this expensed out through an account that doesn't exist. Mr. Clark said they are planning to have the Cemetery Administrator in to discuss this. Mr. Ballantine brought up the ADA Sidewalk and Mr. Clark said we are applying for a grant but the design is excluded. He said the item is simply to match up to the grant offer. There was further discussion on road projects and Mr. Clark said he would invite Mr. Hooper in. Mr. Howell wanted a page that has a timeline narrative on impact on tax rate for the Tech School and sewerage project. Mr. DeCosta commented that they aren't putting the future needs of our orphan buildings, such as the former Recreation Building, on the plan and we should do that. Mr. Clark said they would be trying to put together a more comprehensive plan for these buildings. Mr. DeCosta closed the public hearing of the Finance Committee at 8:54 p.m. Chairman Kavanagh adjourned the public hearing of the Board of Selectmen at 8:54 p.m.

B. Joint meeting with Planning Board to discuss the draft Single Family Dwelling with Accessory Apartment Zoning By-Law

Mr. Joyce called the meeting of the Planning Board to order. Members present were Mr. Joyce, Ms. Maslowski, Mr. Harlow, and Mr. McParland. Mr. Ballantine said the accessory apartments come in conflict with the CWMP nitrogen reduction goals. He asked that this not be finalized until we get input from the Board of Health and he said he will be speaking with them on Wednesday night about doing this in a responsible way. Mr. Harlow agreed and said he also wants to make sure we are growing responsibly. Mr. Ballantine and Chairman Kavanagh discussed that you shouldn't have to have a minimum of 40,000 square feet if you are sewerred and Mr. Ballantine said he would come up with some language for that. Mr. McManus took issue with Item 3 as it doesn't say what the criteria is for a "by right" approval. It was agreed that it should be defined as well as "special permit" approval criteria. Mr. MacAskill asked why detached is not included "by right" and said they should check with other towns that are doing it and said we should run this by our Housing Consultant. He said he would like this considered and Mr. McManus agreed. There was discussion about timeline for public hearings. Mr. Joyce moved to adjourn the meeting of the Planning Board at 9:20 p.m. Ms. Maslowski seconded the motion and the motion carried by a unanimous vote of the Planning Board.

NEW BUSINESS

- A. Appointment of Gregg Winston as a full member of the Harwich Center Initiative Committee

Mr. MacAskill moved to approve the appointment of Gregg Winston as a full member of the Harwich Center Initiative Committee with a term to expire December 31, 2019. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

- B. Authorize the Town Administrator to hold a "Dangerous Dog Hearing" under Chapter 140, section 157 relative to a dog attack, and report back on the findings and recommendations

Ms. Judith Wilson stated the following on behalf of her mother Ms. Jane Brietzke:

As elected leaders of the community, we wanted you to know a little bit more about our experience. If a neighbor had assaulted my Mom causing the injuries that she sustained, they would have been charged with assault, but apparently, if a neighbor's dog does it, it's acceptable. At least that's how it has felt to us. We would have expected that the Animal Control Officer would want to know about my mother's injuries. We would have expected that we would have been informed of the status of the animal's vaccinations including rabies. We would have expected to be informed of what would happen at the end of the 10 day mandatory dog quarantine. We would have expected to be able to speak with a law enforcement officer about our frustration. My mother was hurt badly and the emotional and physical injuries have been traumatic but the response from the authorities has also been traumatic. We contacted the Police Department multiple times for help by phone, by email and in person. Because of every other contact I've ever had with the Police Department, I had ever reason to believe I would receive help. But if our experience is any indicator it seems that there may not be any formal procedures for oversight and review in situations like what happened to my Mom. If we are correct, then something is terribly wrong with the process and if there is oversight then something went terribly wrong with the process because

we felt that we had no help. Even after writing our letter, we have heard nothing about any of those expectations that I mentioned earlier. Some years ago, my father who is now deceased, completed the Citizens Police Academy and then volunteered for the Harwich Police Department and the Council on Aging putting house numbers up around Town to improve public safety and all I can think about is how incredibly disappointed and upset he would be about all of this. My brother who is himself a Police Officer, is also upset about this as am I who used to work for the Town. Honestly we expected better. We didn't go to Facebook and create a public outcry and believe me, I'm hoping that you saw the pictures because we sent them with the letter, everybody who has seen the pictures is outraged. We didn't fill this room tonight and we could have done that as well. Instead I am here to try and continue to do the right thing. Shouldn't expectations be high when it comes to the safety of a 79 year old widow who lives alone in our community for nearly 22 years. I would hope that matters of public safety you would want better for your residents for people like my mother. Thank you.

Mr. Clark said he will reach out to the Police Department and investigate how this was handled and said he has already had initial discussion with police leadership. He said he would be happy to meet with Ms. Wilson as well.

Mr. Howell stressed that she needs some answers and she needs them soon and Mr. Clark agreed. Mr. MacAskill apologized on behalf of the Town and also urged that information be provided immediately. Chairman Kavanagh said this should have been very quick and very exact and concurred we need information quickly and a written process in front of us as to how the Police Department and Dog Officer are going to deal with this. Mr. McManus agreed and said the process needs to be much smoother. Mr. MacAskill said the Chair should be notified in the next 24 hours as to what's going on. Mr. MacAskill moved to authorize the Town Administrator to hold a Dangerous Dog Hearing under Chapter 140, Section 157 relative to a dog attack, and report back on the findings and recommendations and that he gets any information pertinent to her personal health to her immediately. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

With regard to Mr. Clark's earlier recommendation that the Board approve clerical edits to the Special Legislation for additional liquor licenses, Mr. Howell moved that we approve the marked up version of the language and send that version to the Governor. Mr. MacAskill seconded the motion and the motion carried by a unanimous vote.

CONTRACTS

- A. Contract to receive Executive Office of Elder Affairs Formula Grant funds for FY 2019 in the amount of \$55,548 - authorize the Town Administrator to sign

Mr. MacAskill moved to approve the contract to receive Executive Office of Elder Affairs Formula Grant funds for FY 2019 in the amount of \$55,548 and authorize the Town Administrator to sign. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

TOWN ADMINISTRATOR'S REPORT

A. Green Communities Designation

Mr. Clark reported that on December 27th we receive the official designation as a Green Community. He said the grant award is \$152,910 and that allows us to continue to apply for grants moving forward. He said it further requires we get signs installed in 4 locations indicating we are a Green Community.

B. Contract for Town Wide Radio - Phase 2 (\$13,857.29)

Mr. Clark reported that this contract is for individual portable radios and it came in at a lesser amount. He said the project is coming to conclusion.

C. Station 2 Contract – Geotechnical Field Observation (\$12,650.00)

Mr. Clark reported that this contract was consistent with budget for Fire Station 2.

D. Departmental Reports

There was no action or discussion on this item.

Mr. Clark reported that Assistant Town Administrator Mr. Melillo didn't survive his probationary period and Mr. Lawton has agreed to come in once again. He noted that we will be advertising for the position.

ADJOURNMENT

Mr. Ballantine moved to adjourn at 9:41 p.m. Mr. McManus seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel
Recording Secretary

**MINUTES
SELECTMEN'S MEETING
GRIFFIN ROOM, TOWN HALL
MONDAY, JANUARY 14, 2019
6:30 P.M.**

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

OTHERS PRESENT: Town Administrator Christopher Clark, Carolyn Carey, Ginny Hewitt, Richard Waystack, Leo Cakounes, and others.

WEEKLY BRIEFING

Ginny Hewitt, Library Director, announced the Library exterior preservation project is coming to a close and it looks beautiful. She further announced that there is a link on their website to the digitalized Annual Town Reports and discussed new Library services.

Mr. Waystack of the Board of Assessors announced that Governor Baker has signed the bill to allow Harwich senior taxpayers to have a \$1,500 tax credit and noted that there are 17 days left to file an abatement.

CONSENT AGENDA

A. Minutes:

1. November 13, 2018 Regular Session
2. November 19, 2018 Regular Session
3. November 26, 2018 Regular Session

Mr. McManus moved approval of the Consent Agenda and the recommended actions thereon. Mr. MacAskill seconded the motion and the motion carried by a unanimous vote.

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

A. Overview of the Short Term Rental Law – John Giorgio, KP Law

Mr. Giorgio outlined his memo to the Board dated January 8, 2019 as follows:

Now that the Short-Term Rental Law has been enacted, KP Law will be sending out general guidance to our municipal clients. We are also expecting that the Department of Revenue will be issuing guidance documents in the near future. However, the Town may want to consider certain actions at the 2019 Annual Town Meeting to implement the new law. To that end, I am providing you with a preview of available options as you are preparing the warrant.

There are, in fact, three local acceptance options available under the new law and one additional local option the Town may wish to consider: 1. The new law, Chapter 337 of the Acts of 2018 (the Act), revises G.L. e. 64G, §3A, to include short-term rentals among the list of establishments subject to the local excise tax. Specifically, the new law authorizes a local

excise upon the transfer of occupancy by the operator of a room in a bed and breakfast establishment, hotel lodging house, short-term rental or motel located within the Town at a rate of not more than 6%. The Act defines short-term rental as: an owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (i) at least 1 room or unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such. It is my understanding, however, that the Town previously accepted G.L. c. 64G, §3A and set the rate at 4%. Accordingly, there is no need for the Town to accept the new §3A which extends the local excise tax to short-term rentals. Section 15 of the Act provides: "A city or town that accepted section 3A of chapter 64G of the General Laws before July, 1, 2019 shall be deemed to have accepted said section 3A of said chapter 64G for the purposes of this act." However, if the Town wishes to change the percentage amount of the tax, a new Town Meeting vote would be required. Please also be advised, however, that if the Town previously voted a home rule petition to establish a rooms excise tax on short-term rentals, it is unlikely that the General Court will act on any such petitions in light of the passage of the new Act. The new tax will apply to a change of occupancy starting on or after July 1, 2019, that is booked on or after January 1, 2019. It is expected that the Department of Revenue will shortly be issuing guidance to municipalities and operators as to the specifics of charging and remitting the tax to the Commonwealth. 2. The new law adds G.L. c. 64G, §3D (a) which authorizes a community impact fee of not more than 3 percent of the total amount of rent for each transfer of occupancy of a professionally managed unit. A professionally managed unit is defined as "1 of 2 or more shortterm rental units that are located in the same city or town, operated by the same operator and are not located within a single-family two-family, or three-family dwelling that includes the operator's primary residence." Adoption of the community impact fee is only available if the Town accepts or has already accepted section 3A, and the acceptance vote for section 3D(a) must be separate from the vote to accept section 3A. Unlike the rooms tax under section 3A, which is paid to the Commonwealth and then remitted to the Town quarterly, the community impact fee under section 3D (a) is paid monthly by the operator directly to the Town and the Town is required to dedicate not less than 35% of the community impact fees it receives to affordable housing or local infrastructure projects. 3. The new law also adds G.L. c. 64G, §3D(b) which would allow the Town, upon an acceptance vote by Town Meeting, to impose a community impact fee of not more than 3% upon each transfer of occupancy of a short-term rental that is located within a two-family or threefamily dwelling that includes the operator's primary residence. The same requirements for payment directly to the Town and dedicating not less than 35% of the short-term rental impact fees to affordable housing or local infrastructure projects apply as well. 4. Although this next option has been available since enactment of the Municipal Modernization Act in 2016, it may be of particular relevance with the passage of the Short-Term Rental Legislation. If the Town accepts G.L. c. 40, §5B, the Town can dedicate not less than 25% of the local rooms excise tax to any stabilization fund. This would include any new revenue generated from short-term rentals. The Town must accept paragraph 4 of §5B at Town Meeting, establish the stabilization fund (if an appropriate one does not already exist), and designate the percentage of the room excise (not less than 25%) to be deposited in the stabilization fund. No further appropriation into the fund is required. For example, if the Town desires to dedicate 50% of the new rooms excise for affordable housing purposes, Town Meeting would have to vote by a two-thirds vote to establish a new Affordable Housing Special

Purpose Stabilization Fund, vote to accept Paragraph 4 of G.L. c. 40, §513, and vote that 50% of the rooms excise tax to be deposited into the fund. One potential drawback of this approach is that any appropriation from the stabilization fund by Town Meeting would require a two-thirds vote, and the revenue so dedicated would not be available for appropriation for general fund expenses.

Cape and Islands Water Protection Fund

In addition, Harwich is included in the Cape Cod and Islands Water Protection Fund which is a Trust established pursuant to §2 of the Act (G.L. c. 21C, §19). G.L. c. 64G, §3C provides for a 2.75% additional rooms excise tax to be collected by the Commonwealth for transfers of occupancy of units located in Towns on the Cape and Islands the Management Board may, pursuant to a Memorandum of Understanding with the DEP, expend up to 10% of the annual revenue in the Fund to contract with a regional planning agency, an institution of higher education or non-profit corporation to evaluate and report on the efficacy of adaptive management measures to reduce nitrogen pollution, monitor water quality, and conduct water quality monitoring. Accordingly, I do not expect that the full amount of the 2.75% tax will be available for distribution by the Management Board. Local Regulation Finally, §14 of the Act expressly authorizes a municipality by ordinance or bylaw to regulate operators subject to the rooms excise tax and who have registered pursuant to G.L. c. 62C, §67. The bylaw may: (i) regulate the existence or location of operators under this section within the city or town, including regulating the class of operators and number of local licenses or permits issued to operators under this section and the number of days a person may operate and rent out an accommodation in a calendar year; (ii) require the licensing or registration of operators within the city or town; provided, however, that a city or town may: (A) accept a certificate of registration issued to an operator in accordance with section 67 of chapter 62C in lieu of requiring an operator to obtain a local license or registration under this section; or (B) issue a provisional license or registration to permit an operator to offer accommodations on temporary or seasonal basis; (iii) require operators to demonstrate that any properties or premises controlled, occupied, operated, managed or used as accommodations subject to the excise under this chapter are not subject to any outstanding building, electrical, plumbing, mechanical, fire, health, housing or zoning code enforcement, including any notices of violation, notices to cure, orders of abatement, cease and desist orders or correction notices; (iv) require properties or premises controlled, occupied, operated, managed or used by operators as an accommodation subject to the excise under this chapter to undergo health and safety inspections; provided, however, that the cost of any inspection conducted under this section shall be charged to and solely paid by the operator under this section; provided further, that after any initial health and safety inspection, the city or town may determine the frequency of any subsequent inspections; (v) establish a civil penalty for violation of an ordinance or by-law enacted pursuant to this section; provided, however, that a city or town that suspends or terminates an operator's right to operate an accommodation for a violation of any ordinance or bylaw shall notify the commissioner of revenue of the suspension or termination; and (vi) establish a reasonable fee to cover the costs associated with the local administration and enforcement of regulating operators and accommodations. Under this section, the Town may publish a public registry of all short-term rental accommodations including where the accommodation is located. This is an interesting provision because under section 1 of the Act, the state will be establishing a registry of all operators but is limited to only listing the name of the street and the municipality where the listing is located. If the Town is interested in developing its own regulations for short-term

rentals, including limiting the number of licenses issued, we would be happy to work with the Town in drafting an appropriate bylaw. In this regard, however, you may be aware the city of Boston has been sued by Airbnb in connection with their respective ordinances regulating short-term rentals, and there have been some threats by the lodging industry to challenge at least the registry provisions of the new Act. It may, therefore, be prudent to wait until the Courts have addressed these legal challenges before proceeding with the enactment of a local bylaw. It is important to note that the new law does not specify whether the bylaw must be a general bylaw or a zoning bylaw. Furthermore, there is nothing in the new law that would preclude the adoption of a Board of Health regulation to address health and safety issues. It may come down to how the Town intends to regulate short-term rentals, if at all. As a general rule of thumb, a local general bylaw would be appropriate to establish a licensing and registry scheme, or to limit the number of licenses than can be issued. If, on the other hand, the Town is only interested in establishing an inspection program, a Board of Health regulation may be more appropriate for a health and safety inspection protocol. If the Town wanted to limit short-term rentals to particular areas within the town and/or to require a special permit use, a Zoning Bylaw would be the appropriate mechanism. Please let me know how the Town would like to proceed and whether you want us to draft some or all of the local acceptance provisions outlined above.

Mr. Giorgio took extensive questions from the Board including questions with regard to mechanisms for using the money for the Affordable Housing Trust, failure to register and the honor system, establishing a registry system, dedication of Local Options tax revenue to varied purposes, zoning, and impact fees.

With regard to the Cape and Islands Water Protection Fund, Mr. Giorgio took questions on administrative fees, responsibilities of the Management Board, and loans versus grants.

B. POCCA – Use of Glyphosate (“*Roundup*”) – Laura Kelley

Chairman Kavanagh explained that the agenda item was not sufficiently advertised and the agenda used an acronym which is prohibited by the Attorney General’s office. She invited Ms. Kelley to give her presentation without public comment and no action by the Board or to come back for a full public hearing. She asked how Ms. Kelley would like to proceed. Mr. Howell said it should come through the Board of Health with their recommendation and Mr. Clark agreed that this should start with the Board of Health. Ms. Kelley said she would go to the Board of Health first and asked for a hearing on February 11, 2019. Mr. Clark said he didn’t know if February 11, 2019 would work for publication deadlines and Mr. McManus said he didn’t know if the Board of Health could take it up prior to that. Mr. MacAskill said we didn’t alert the public we were going to discuss a town-wide ban on a product that is legal to sell and he would recuse himself on this as he feels they shouldn’t be discussing this at all and Chairman Kavanagh agreed. Ms. Kelley said the product is illegal to ban but rather she is asking towns to not use the product on town owned land. Mr. Clark said the posting is insufficient and the Board agreed it should be brought back.

NEW BUSINESS

- A. Request for permission to close Villa Roma from January 5, 2019 until the first week in March 2019 for repairs and general maintenance on interior and exterior

Mr. Ballantine moved to approve the request. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

- B. Request for permission to close the Cape Sea Grill for the month of February for cleaning and renovations

Mr. Ballantine moved to approve the request. Mr. Howell seconded the motion and the motion carried by a unanimous vote.

OLD BUSINESS

- A. Review and Approval of the Draft Land Use Control Regulation

Mr. Clark noted that this is reaffirming that they already voted the Land Use Controls with the change as requested by the State, that it is going to be a phased approval. Mr. Howell moved that we approve it in a phased manner as per the recommendation of the Town Administrator. Mr. McManus seconded the motion. Mr. Clark had reservations about the wording on the agenda and it was agreed to bring this item back. He said we would add more detail to the agenda item. Mr. Howell withdrew his motion and Mr. McManus withdrew his second. Mr. McManus asked that the agenda include a properly worded motion.

TOWN ADMINISTRATOR'S REPORT

- A. Dog Hearing – February 6, 2019

Mr. Clark noted that we provided the rabies information and the results of the quarantine within 24 hours to Ms. Wilson. He noted that the hearing will be February 6th. He said the Chief is conducting an internal review of what happened, he is finalizing the report and he would like to have the Chief in to report to the Board.

- B. Assistant Town Administrator Position

Mr. Clark noted that we have the advertisement out to be back by February 15th and there is no change to the job description. Chairman Kavanagh said she would like to have this as an agenda item.

- C. Departmental Reports

There was no discussion on this item.

ADJOURNMENT

Mr. Howell moved to adjourn at 8:09 p.m. Mr. Ballantine seconded the motion and the motion carried by a unanimous vote.

Respectfully submitted,

Ann Steidel
Recording Secretary



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

FORM #7

APPLICATION FOR LICENSE/PERMIT

PLEASE CHECK

ROAD RACE

CRAFT FAIR

OTHER

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

NAME OF BUSINESS National MS Society- Greater New England Chapter PHONE 781-693-5154

BUSINESS ADDRESS 101A First St, Suite 6, Walham, MA 02451

MAILING ADDRESS Same

PLEASE STATE THE PURPOSE FOR WHICH LICENSE/PERMIT IS REQUESTED

For fundraising bike ride, Bike MS Cape Cod Getaway, for the National MS Society.

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

DATE June 30, 2018

TIME 8:30am - 11:00am

ROUTE/LOCATION See attached route sheet

(please use reverse side if necessary)

Emily Christian
 Signature of Applicant

Logistics Manager
 Title

National MS Society
 Social Security Number of Federal Identification Number
 Signature of Individual or Corporate Name

13-5661035
 Tax Exempt ID (for non-profit organizations)

By Corporate Officer (if applicable)

REGULATORY COMPLIANCE FORM

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

[Signature] 1/24/19
Police Department Date

[Signature] 1/24/19
Building Commissioner Date

[Signature] 1/29/19
Recreation & Youth Commission Date

[Signature] 1-30-19
Board of Health Date

[Signature] 1/24/19
Fire Department Date

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

For Office Use Only
FEE _____ CASH _____ CHECK _____
FOR _____
REVIEWED BY _____
DATE LICENSE ISSUED _____



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
12/21/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER MARSH USA, INC. 445 SOUTH STREET MORRISTOWN, NJ 07960-6454 Attn: Morristown.CertRequest@marsh.com Fax: 212-948-0979 WALTH	CONTACT NAME: PHONE (A/C, No, Ext): _____ FAX (A/C, No): _____ E-MAIL ADDRESS: _____	
	INSURER(S) AFFORDING COVERAGE	
INSURED NATIONAL MULTIPLE SCLEROSIS SOCIETY GREATER NEW ENGLAND CHAPTER 101A FIRST AVENUE, STE 6 WALTHAM, MA 02451	INSURER A: Federal Insurance Company NAIC # 20281	
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** NYC-009900907-18 **REVISION NUMBER:** 4

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC OTHER:		3583-33-49	12/31/2018	12/31/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY		7353-02-37	12/31/2018	12/31/2019	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Comp/Coll Deductible \$ 1,000
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> DED <input type="checkbox"/> RETENTION \$		9364-93-75	12/31/2018	12/31/2019	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y <input checked="" type="checkbox"/> N If yes, describe under DESCRIPTION OF OPERATIONS below	N/A	71763467	12/31/2018	12/31/2019	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
TOWN OF HARWICH IS ADDED AS AN ADDITIONAL INSURED EXCLUDING WORKERS' COMPENSATION AND EMPLOYER'S LIABILITY AS REQUIRED BY WRITTEN CONTRACT BUT LIMITED TO THE OPERATIONS OF THE INSURED UNDER SAID CONTRACT, AND ALWAYS SUBJECT TO THE POLICY TERMS, CONDITIONS AND EXCLUSIONS.

CERTIFICATE HOLDER TOWN OF HARWICH ATTN: CHAIRMAN LAURA BALLANTINE 732 MAIN STREET HARWICH, MA 02645	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE of Marsh USA Inc. Manashi Mukherjee <i>Manashi Mukherjee</i>

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65 Division Street
West Harwich, MA 02671
February 11, 2019

Board of Selectmen
Harwich Town Hall
Harwich, MA.

Dear Selectmen Robinson & Doucette:

Please accept my resignation as a member of the Harwich Cultural Council, effective today. My time is now split between Harwich and Dunedin, FL, so my participation with HCC has been reduced.

I have enjoyed working with other HCC members during the past four grant cycles. Tina Games is an outstanding Chair, and with new members to revitalize the HCC, I am certain HCC will continue to develop its positive influence within the Harwich communities.

Respectfully submitted,

Lorraine M. Bossi

65 Division Street
West Harwich, MA 02671

Dear Chris:

I have also included below answers to the questions that Selectman McManus added.

You have asked whether the Town may sell land that was previously taken by eminent domain, and, if it may, what are the specific procedures that would apply. This question has arisen because you have learned that a citizens petition may be filed, asking Town Meeting to authorize the sale of the 2.24-acre parcel of land located at 276 Queen Anne Road (the Property), which is currently under the custody of the Cemetery Commissioners for the purpose of a pet crematory and a pet cemetery.

As I understand the facts, at the 1997 Annual Town Meeting, the Selectmen were authorized to take the Property by eminent domain “for open space and other municipal purposes”. Since the purpose of the taking included “other municipal purposes” (in addition to open space), it is my opinion that the Property was acquired for general municipal purposes and was placed in the custody of the Board of Selectmen pursuant to G.L. c. 40, s 3.

At the 2016 Annual Town Meeting, Town Meeting voted under Article 57, by a two-thirds vote, to dedicate the Property “for cemetery purposes, including, without limitation, for the development of a pet crematory and pet cemetery, with the Cemetery Commissioners having the care, custody, management, and control of said property.” In my opinion, this vote changed the purpose for which the Property was held from general municipal purposes to the specific purpose of a pet crematory and pet cemetery and vested the Cemetery Commissioners with custody of the Property.

In my opinion, the Town may sell land that it has previously acquired by eminent domain pursuant to the provisions of G.L. c. 40, s. 15. However, before land that has been dedicated to a specific purpose may be sold, the Town must comply with a two-step process. See G.L. c. 40, s. 15A. (Please note that the procedures in s. 15A plainly apply to land acquired by the Town by eminent domain.) First, the custodial board (here, the Cemetery Commissioners) must declare by a majority vote that the land is no longer needed for the purpose for which the land is held (that is, for the purposes of a pet crematory and a pet cemetery). Second, Town Meeting must, by a two-thirds vote, to change the specific purpose for which the Property is held (pet crematory and pet cemetery) to another specific municipal purpose, that is, for the purpose of sale. In Harris v. Town of Wayland, 392 Mas. 237 (1984), the Supreme Judicial Court stated that holding municipal land for the purpose of sale is a specific purpose. The Harris court also found that although Section 15A states that the surplus vote of the custodial board must occur prior to the town meeting vote, the surplus vote could in fact occur after Town Meeting votes to transfer custody of the property.

It is imperative to note, however, that absent special legislation, the Town, acting through its Board of Selectmen, may not dispose of municipal land even with a two-thirds vote of Town Meeting if the custodial board does not declare that the land is no longer needed for the purpose for which the land is currently held. Moreover, Town Meeting’s role under both sections 15 and 15A is limited to authorizing the Board of Selectmen to sell land. Town Meeting does not have the authority to compel the Selectmen to sell the Property. See G.L. c. 40, s. 3, which states that municipal land may be “conveyed by a deed of its selectmen thereto duly authorized,” and G.L. c. 40, s. 15, which says that upon authorization by Town Meeting, the Selectmen may convey such land, or part thereof “on such terms as the selectmen shall consider proper.”

Finally, I note that the Town is required to comply with the terms of G.L. c. 30B, s. 16 before it can convey any land or interest in land. As you know, Section 16 states that if the land or interest in land to be disposed has a value in excess of \$35,000, the Town must issue a Request for Proposals and convey the property to a proposer who best satisfies the criteria set forth in the RFP.

In summary, although the Town may convey land originally acquired by eminent domain, it may only do so if: (1) the Cemetery Commissioners declare that the Property is no longer needed for the purposes of a pet crematory and pet cemetery, (2) Town Meeting votes, by two-thirds vote, to transfer the Property from the Cemetery Commissioners to the Board of Selectmen for the purpose of sale, (3) Town Meeting votes to authorize the Selectmen to sell the Property, and (4) the Board of Selectmen, in its sole discretion, decides that the sale of the Property is in the best interest of the Town.

Please let me know if you have any questions.

John

John W. Giorgio, Esq.
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From: ed McManus [<mailto:mcmanused@msn.com>]
Sent: Thursday, January 24, 2019 6:17 PM
To: Christopher Clark <cclark@town.harwich.ma.us>; John Giorgio <JGiorgio@k-plaw.com>
Subject: Re: Eminent Domain Pet Burial Ground

Chris,
A couple of questions that occur to me. If you don't think they are pertinent or wise to be asked at this time, so be it.

Given the transfer of control to the Cemetary Commission, what would be needed for the land to be transferred back to the selectmen to have it available for sale? What is required for a commission to give up control of a parcel of land? Is there a process to remove a parcel from the control of a commission that had been so bequeathed by a previous town meeting?

Ed

From: Christopher Clark <cclark@town.harwich.ma.us>
Sent: Thursday, January 24, 2019 2:12 PM
To: JGiorgio@k-plaw.com
Cc: Julie Kavanagh; Michael D. MacAskill; Don Howell; Larry Ballantine; Ed McManus
Subject: Eminent Domain Pet Burial Ground

Hi John,

The BOS requested your review of Town Eminent Domain taking back in 1997. The material is included in 1/22 BOS package under Pet Burial ground. The essential base question is can a property acquired by Eminent Domain be sold at a later date. Private parties are contemplating petition article. Please call with questions.

Chris

Sent from my iPhone

EPSTEIN & AUGUST, LLP
ATTORNEYS AT LAW
875 Massachusetts Avenue, Suite 31
Cambridge, MA 02139
Tel: 617-951-9909; Cell: 617-548-3735
billaugust@epsteinandaugust.com

William August, Esq.

February , 2019

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

Re: Harwich Cable Television License Renewal Proceedings

Dear Chris:

Thank you for contracting me about the pending Comcast license renewal process and the possibility of retaining Epstein & August, LLP to assist with the license renewal. I am very pleased to submit this proposal for legal services in connection with the Town of Harwich's cable television license renewal process.

As you know, I have been specializing in representing municipalities in cable licensing for many years and our firm has been a leader in this field. I am enthusiastic about the possibility of working with the Town of Harwich toward a renewal that will be very beneficial to the Town of Harwich, the general public and diverse stakeholders. I am here submitting an overview of our services and qualifications, and setting forth our proposal to provide legal services and assistance in the renewal process. In light of the increased value to municipalities of cable television, telecommunications and public right-of-way management and infrastructure, the area of cable license renewal continues to grow in importance.

The principals of Epstein and August, LLP have successfully represented more than one hundred cities and towns in cable licensing matters, primarily in license renewal negotiations, license transfers, access corporation formation and a broad spectrum of related municipal cable, telecommunications and right-of-way management issues. Over the years, I have worked with the Massachusetts Municipal Association and other municipal organizations on cable and telecommunications issues and authored the Massachusetts Continuing Legal Education Chapter on municipal telecommunications regulation. My cable experience also includes my previous tenure as General Counsel to the Massachusetts Cable Television Commission (predecessor to the Department of Telecommunications & Cable) where I initiated and coordinated several municipal

Harwich Cable License Renewal

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assistance programs. In addition to my work representing municipalities in cable matters, I have served as special counsel to the Rhode Island Division of Public Utilities and Carriers, have represented municipalities in electric, gas and water utility matters before Massachusetts the Department of Public Utilities and currently am also corporate counsel to the Boston Community Access and Programming Foundation, New England's largest public access studio. My partner, Peter Epstein, is also a nationally recognized municipal cable attorney who would work with me on an as yet to be determined basis in the Harwich renewal. The firm is a leading municipal cable law firm in Massachusetts.

The following summarizes the major aspects of our license renewal services. Our services typically include the following phases:

- (i) ascertainment of community needs, as prescribed by the Cable Act, including public ascertainment hearings and meetings to identify cable-related needs followed by drafting of an Ascertainment Report and Findings of Need, including budgets, to show Comcast written findings of need based on the ascertainment record;
- (ii) preparing for and engaging in cable license negotiations
- (iii) drafting a renewal franchise reflecting negotiations, and
- (iv) drafting and issuing an RFP to transmit "formal process" license specifications to Comcast, for use in formal renewal proceedings if informal negotiations do not succeed or if the Town otherwise prefers exercise of the Cable Act's option for use of a formal process involving RFP issuance in lieu of or in combination with use of informal negotiations.

Ascertainment of community needs typically includes, among other things, the following activities: gathering information to identify local programming needs and interests in the areas of public, educational and governmental ("PEG") access (e.g., needs regarding PEG operational and capital funding, channels, HD PEG and equipment and facilities); Town cable-related needs such as video return lines and municipal meeting equipment needs; Institutional Network and Town network capabilities; cable needs of municipal buildings and schools; and reviewing complaints, performance data and compliance with the license and with applicable laws.

This ascertainment process includes a public hearing, or hearings if necessary, as well as meetings of a cable advisory committee, if any, and includes information gathering from municipal officials, the community and other stakeholders. The information derived from this process enables us to identify needs and to identify negotiations priorities. Activities are generally performed in conjunction with designated Town officials and/or a cable advisory committee. By ascertaining the actual needs and interests of the Town and by developing a record of ascertainment, we can engage in a far, far more productive negotiations process and maintain negotiations credibility vis a vis the Licensee.

Harwich License Renewal
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Based on the ascertainment, we recommend preparation of an Ascertainment Report and Findings. After providing the operator an Ascertainment Report and Findings, which may include an early draft of a renewal license, negotiation sessions are scheduled. Negotiations are conducted by our offices in your Town, but are commonly with full participation of interested municipal officials and Cable Advisory Committee members, if any, or designated Selectmen, and/or their designees. After conclusion of negotiations, we draft a more final cable license to reflect what transpired during negotiations. If agreement in principle is not reached in the negotiations or document review stage, we may recommend resorting to the issuance of a formal Request for Proposal which requires the company to provide its “formal process” best offer in response to RFP specifications of the Town. Subsequent negotiations follow an RFP issuance as required to conclude the process. The foregoing is typically pursued under **dual formal and informal process tracks**, combining exercise or reservation of certain rights under the formal renewal procedures of the Cable Act with simultaneous informal renewal negotiations, as permitted under the Cable Act, to pursue efficient negotiations.

Although our proposal is to represent the Town of Harwich, we recognize you have expressed a desire to coordinate some efforts with nearby Towns with respect to a shared regional studio facility to avoid the Towns working at cross-purposes with respect to regionally shared equipment and shared infrastructure, which by its very nature benefits from having coordinated technical and related planning. Peter and I have experience helping towns with such coordination, including sharing of ascertainment information that may be mutually beneficial and would be able to offer valuable counsel regarding such coordination. In doing so our recommendation is to act as counsel to Harwich with a contract between the Town of Harwich and Epstein & August, LLP, and in that capacity to assist with coordination activities, but not as counsel to a ‘group’.

We recommend commencing the process as soon as possible because the ability of the Town to effectively negotiate an optimal package in large part depends on having adequate time for ascertainment and negotiations and Town commencement of a public ascertainment proceeding must occur within six months of receipt of Comcast’s license renewal notification letter.

With respect to legal fees, we proceed on an hourly basis, at \$215.00 per hour. The amount of renewal work varies from Town to Town and it is impossible to estimate with precision the amount of time required for a complex and lengthy negotiations process, especially in light of pending FCC proposals to change the regulatory process. However, by way of good faith estimate based on experience, I anticipate that the franchise renewal involves, on average, approximately 36 hours of work during the six month period ending August 1, 2019; approximately 84 hours of work for the twelve months (seven hours/month) of the second license term year preceding license expiration (August 2, 2019 - August 1, 2020); and approximately seven - nine hours of

Harwich License Renewal/Page 4

work per month during the third and final year of the expiring license, when there is the most substantial negotiation, license drafting, Town review and related renewal activity. The foregoing are necessarily estimates and workloads can be reduced as needed. Renewals frequently involve less legal time, and we will bill take pains to work efficiently to reduce expenditure of time. Of course we invoice lower amounts if the process is executed with fewer hours of work. A draft retainer for review is enclosed with this proposal for your review.

With respect to timetables, please note that during the first year the Town must conduct 'public ascertainment proceedings' within six months of receipt of Comcast's renewal notification letter. We prepare the Town for the initial ascertainment hearing, which requires compliance with numerous state licensing regulations. We attend the hearing and assist the Board of Selectmen or its designee with the conduct of the hearing. In addition, we generally attend and help plan several ascertainment meetings to work on the development of important information relating to community cable needs.

It has been our experience that municipal and consumer benefits and opportunities in cable license renewal are numerous and we believe it is a wise decision for a Town to seek counsel specializing in cable contract negotiations. License renewal combined with expert contract negotiations can result in increased money to the Town for school and public access studios and facilities; grants to the schools or community for equipment and capital purchases; inclusion of license enforcement provisions such as liquidated damages and letter of credit clauses; expansion of service area and a broad range of consumer protection and license administration provisions. In addition, today there are many changes underway in the technical, regulatory and programming aspects of cable, and specialized counsel can help towns such as Harwich garner the benefit of the changes and protect against some of the risks on the horizon. For example, the FCC recently initiated and is still conducting a rulemaking to allow unprecedented offsets of the value of in-kind benefits against franchise fees, in as yet undefined and vague ways, which adds an additional layer of complexity to modern license renewals, which constitutes additional reason for retaining specialized cable counsel at this time.

Having represented the Massachusetts municipalities successfully in cable matters for twenty-plus years, cable renewal is a field we care about, and we are enthusiastic about the prospect of working diligently on behalf of the Town of Harwich. Please feel free to contact me to discuss further at any time. We look forward to hearing from you.

Very truly yours,

Bill August, Esq.

Enc.

**TOWN OF HARWICH AGREEMENT
FOR CABLE TELEVISION LICENSE RENEWAL LEGAL SERVICES**

Agreement entered into this ___ day of _____, 2019, between the Town of Harwich, Massachusetts (the "Client"), and William August of Epstein & August, LLP, Attorneys At Law, 875 Massachusetts Avenue, Suite 31, Cambridge, Massachusetts 02139 ("Attorney"), by which Attorney agrees to perform certain legal services upon and subject to the following terms and conditions:

(1) Scope of Legal Services

The Client and Attorney have, following discussion of those matters underlying the Client's retention of Attorney, determined that the services to be performed by Attorney are generally as follows:

- (a) Attorney shall review and analyze the various materials, communications, records and proposals concerning the Comcast Communications ("Comcast") cable television renewal process in Comcast;
- (b) Attorney shall offer advice to the Client on the various aspects of the cable television renewal process, including, but not limited to, legal, regulatory and financial advice and procedural and substantive issues pertaining to cable license renewal as of and after the effective date of this Agreement;
- (c) Attorney shall draft such letters and documents as necessary to the cable television license renewal process;
- (d) At the appropriate time, Attorney shall draft or mark-up, as applicable, findings of need (Ascertainment Report and Findings) if and as needed by Town; a Request for Proposal if negotiations do not resolve through informal negotiations; and a cable television Renewal License for the Client, at the request of the Client subject to Client retaining discretion to resolve renewal issues informally with Comcast;
- (e) Attorney shall meet with Comcast officials when necessary, with the Cable Advisory Committee and Town Administrator as primary liaisons as determined by the Town;
- (f) Attorney shall attend and participate in meetings, negotiations sessions and/or public hearings that the Client holds in connection with the cable television renewal process, at the request of the Client;
- (g) Attorney shall assist with coordination of renewal work with such other in-region towns as and to the extent directed by the Town of Harwich;
- (h) Attorney shall perform such other tasks related to the cable television renewal process as necessary and/or at the request of the Client.
- (i) Scope limitation: This retainer agreement is for the Comcast license renewal process. Matters not included within the scope of this retainer agreement include, but are not

limited to: the Massachusetts Department of Telecommunications and Cable formal cable rate regulation proceedings; any litigation or state agency legal proceedings, any post-license execution processing, disposition and/or appropriation of negotiated funds, facilities and/or other benefits, and it shall be the responsibility of the Issuing Authority or the Town as applicable to determine procedures for use of appropriation process and/or special accounts, if applicable, application of procurement laws if applicable, in accordance with general, municipal finance laws and local by-laws/ordinances and regulations not part of the license renewal process.

With respect to the services provided hereunder, William August's law partner, Peter Epstein, may assist in these services if and when directed by Attorney August.

In connection with the services, the Attorney discloses that in cable television licensing law, regulation and deregulation there have been and may continue to be significant changes in law and changes in interpretation of law, including but not limited to the scope and effect of permissible cable regulation and negotiation.

(2) Compensation

The Client shall pay Attorney for services actually rendered on the Client's behalf at the rate of Two Hundred and Fifteen Dollars (\$215.00) per hour unless otherwise authorized by the Client. It is understood that hourly time charges shall include conferences, telephone conferences, legal research, review of file materials and other documents sent or received, preparation and drafting of contracts, agreements, memoranda, opinions, correspondences and travel time to meetings. The Agreement shall be terminable by Town at any time.

(3) Expenses

Attorney is hereby authorized by the Client to incur such reasonable costs and expenses and make out-of-pocket disbursements in connection with his performance of services hereunder. As a matter of convenience to the Client, copying costs and expenses shall in the first instance be paid by Attorney promptly upon their incurrence or his receipt of applicable invoices or bills. Thereafter, such costs and expenses shall be billed to the Client.

(4) Termination

The Client and Attorney agree that either may terminate this Agreement at any time by written notice to the other, so long as such termination is not prohibited by law. If this Agreement is terminated by the Client prior to the completion of services, Attorney shall be entitled only to payment for all services properly rendered in accordance with the terms of this Agreement through the date of termination. If this Agreement is terminated by Attorney prior to the completion of services, Attorney shall be entitled to all fees for services rendered up to the date of termination and all costs and expenses incurred in connection therewith.

(5) Special Municipal Employee Status for Part-time Counsel –

If requested by Attorney August, the Town shall take reasonable efforts to designate Attorney August's position as a part-time special municipal employee position and not a full-time municipal employee for purposes of determining applicable provisions of MGL chapter 268A.

Town of Harwich

BY:

Town Administrator, as authorized by Issuing Authority:
Dated: February __, 2019

William August, Esq.
Dated: February __, 2019

Hi Larry,

Thanks for sending the questions. I know there are a lot of numbers floating around out there. I be glad to meet with you to review our answers below. Could meet this week Tuesday afternoon between 1 and 3pm; Thursday morning between 8 and 10:30 am or Friday after the DHY meeting. Let me know.

See answers below plus following

Summary of Harwich cost update methodology:

The Final CWMP costs are in 2013 costs, at an Engineering News Record of 9475.

These costs were updated to 2018 costs, at an Engineering News Record of 11183.

To bring the costs up to 2022 (mid-point of construction), it was then assumed about 3% per year would be added on top of the ENR of 11,183 from 2018 to use a uniform 2022 ENR of 12,400.

Dave

From: Larry Ballantine <larryballantine@yahoo.com>
Sent: Friday, February 08, 2019 1:47 PM
To: Young, David F. <YoungDF@cdmsmith.com>
Cc: Christopher Clark <cclark@town.harwich.ma.us>; Don Howell <dhowell@meganet.net>; lballantine@townofharwich.us
Subject: DHY Financial Estimates

Dave, difficult discussion as many financial estimates are rough estimates but the review should be as clear as possible. A couple questions regarding DHY financial presentation at last week's BOS Meeting.

- Increase in Total CWMP estimate of \$230M (2016 Final CWMP but 2013 costs shown) (2017 2013 estimate) has increased to \$300M (sent you cost update memo to bring Harwich costs to 2022 for all DHY cost comparisons). I think you mentioned increase incorporated 3% inflation from 2017 2018 to 2022 (Cost Memo dated February 2019 explains how costs were updated- includes actual Engineering News Record (ENR) construction cost index, and estimate of 3% per year for future years). If so, number should be ~ \$ \$260M.

- o Was original estimate based on current dollars? Final CWMP includes costs in 2013 at an Engineering News Record (ENR) construction cost index of 9475
- o DHY based on inflation? (Costs are presented in year stated (2022) without projecting inflation over 40 years)

- Should we stick to current \$ (my preference) YES or present value when going out 40 years (possibility but will probably confuse). In-any-case, we need to pick one and stick with it to compare “apples to apples” when comparing costs. All costs for DHY comparison are presented in Year 2022
- The capital cost for a stand-alone Harwich wastewater treatment facility is listed as \$71.3M compared to a DHY estimate (Harwich’s share) of \$29 M (Both are in Year 2022 costs). The Harwich WWTF located at HR-12 numbers are a bit confusing which resulted in some BOS and WSC members questioning them.
 - Phase 4A lists costs for the facility at \$34.4 M (This is CWMP Table 13-14 and Year 2013 cost)
 - Phase 7 lists costs to add on to facility for additional homes at \$20.7M (CWMP Table 13-14 Year 2013, construction cost of WWTP only) (this is further confused as another \$26.5M (this is for design of the WWTP and design and construction of the Herring River watershed collection system) is added to upgrade facility and for collection system – not sure how this breaks out for facility and collection).
 - In-any-case cost for HR-12 facility is somewhere between \$55.1M and 81.6M. (CWMP Table 13-12 cost is \$59.2M plus portion of design and permitting costs shown in separate column)
 - Is \$71.3 correct value? For facility only? Is recharge included? (Now you are up on DHY costs using 2022 and WWTP design and construction is \$71.3M plus Effluent recharge design and construction of \$11.5M for total of \$82.8M) I think it would be good to provide as many details as possible.
 - Another question I have is whether the \$29M regional costs covers Phases 4 and 7 in the CWMP or only Phase 4? (This cost is for both DHY WWTP construction phases. Need to add effluent recharge of \$8M for total of \$37M (versus \$82.8M in Harwich only plan)).
- I’m having trouble matching town estimates on the Harwich Program Cost page to the DHY Shared....Savings. My guess is unknown is us is value you used for “Shared Conveyance.” Can you explain? Shared facility costs are done on percent ownership of total flow or 16% for Harwich
- Dave, at some point we need to compare estimated wastewater flows listed by phase (Table 13-11) with the estimated wastewater flow by town table you presented at the BOS meeting. Number of homes would also help. I think you are already looking at this as we discuss possible changes in phasing based on the DHY project. Flows shown in CWMP Table 13-11 compare to flows shown in revised DHY flow table presented at Selectmen’s meeting. That DHY table could have shown Great Sand Lake flow in Phase 8 (36,000 gpd) going to Chatham but unknown at this time as it could go to Chatham or DHY. Total Harwich flow is 1.259 mgd on both tables.

Thanks Dave,

Larry



Memorandum

To: Town of Harwich (Town Administrator and Wastewater Support Committee)

From: Michaela L. Bogosh, P.E., Kara M. Johnston, P.E., David F. Young, P.E.

Date: February 2019

Subject: Comprehensive Wastewater Management Plan – In-Town Harwich Scenario Cost Update

CDM Smith Inc. (CDM Smith) has performed a cost update for the Town of Harwich's Comprehensive Wastewater Management Plan as part of the DHY Clean Waters Community partnership planning efforts. This cost update considers overall increases in updated construction costs for collection and conveyance and then escalates the updated total project costs to the midpoint of the anticipated first phase of construction in 2022. Additionally, unit costs that were first shown in the Harwich Comprehensive Wastewater Management Plan (CWMP) using 2013 dollars were increased to 2018 using the Engineering New Record (ENR) construction cost index. A summary of the other updates by each cost category are described below:

- Updated collection system construction costs (including full width paving) based on recent Harwich Phase 2 sewer construction cost estimate and other recent bids;
- Updated costs for pressure sewer from vendor (E-One);
- Updated pumping station and force main costs based on recent construction cost estimates and bid prices;
- Reduced cost of permeable reactive barriers (PRBs) by removing alternative that included caisson PRBs from the average cost per linear foot calculation as this construction technique is unlikely to be used; and
- Updated effluent recharge costs.

Once the total construction costs were updated to 2018 costs, they were escalated ahead at about three (3) percent per year to the projected midpoint of construction for the DHY first phase. The capital costs are summarized in the table below and compare the estimates from 2013, 2018, and the anticipated midpoint of construction, 2022. The ENR construction cost index reflects the average costs at any given time and is shown below for 2013 and 2018. The anticipated cost index is projected for 2022.

Capital Costs¹			
System	Year 2013²	Year 2018	Year 2022³
ENR	9,475	11,183	12,400 (projected)
Non-traditional Technology	\$5.1 Million	\$3.9 Million	\$4.4 Million
Collection and Conveyance (without hookup costs)	\$143.2 Million	\$171.6 Million	\$192.2 Million
Treatment and Effluent Recharge with PRB	\$59.2 Million	\$67.8 Million	\$75.9 Million
Total Capital Cost	\$207.5 Million	\$243.3 Million	\$272.5 Million
Total Capital Cost with Engineering, Contingency, Permitting, Planning (without hookup costs)	\$230.1 Million	\$268.0 Million	\$300.2 Million

¹Capital costs include 15% for planning, design, and engineering and include 25% for construction contingency.

²Year 2013 costs included an additional 10% contingency on top of capital costs. For Years 2018 and 2022, all contingencies are included in the unit costs.

³Total Year 2018 costs projected to Year 2022 costs using approximately 3% increase per year.

In addition to the capital costs, homeowner connection costs have been updated. Connection costs are based on an average unit cost per parcel of \$7,000/parcel for each type of connection. The total homeowner connection cost for the recommended plan is \$40.1 million.

Table 13-11 from the Harwich CWMP presents each phase of the wastewater plan, the estimated buildout annual average wastewater use, and buildout average estimated infiltration/inflow flow (I/I) for each phase.

**Table 13-11
 Wastewater Flows by Phase**

Phase	Watershed	Number of Lots Served	Built-out Annual Average Wastewater Use (gpd)	Buildout Average Estimated I/I Flow (gpd)	Build-out Annual Average Wastewater Use With I/I (gpd)
1	None	-	-	-	-
2	Pleasant Bay	600	144,800	17,400	162,000
3	Pleasant Bay	440	106,200	12,800	119,000
4	Herring River	660	145,500	31,600	177,000
	Saquatucket	40	9,200	1,700	11,000
5	Herring River	730	160,900	34,900	196,000
	Allen Harbor	234	57,000	4,500	62,000
	Wychmere Harbor	123	29,000	2,900	32,000
6	Route 28 Outside of MEP	93	25,600	1,600	27,000
	Herring River	190	41,900	9,100	51,000
7	Herring River	760	167,500	36,400	204,000
	Saquatucket Harbor	375	86,000	16,300	102,000
	Campground	267	33,000	1,600	35,000
	Pleasant Bay	165	39,800	4,800	45,000
8	Great Sand Lakes	269	34,000	1,600	36,000
Total (Rounded)		4,946	1,080,400	177,200	1,259,000

The table below presents anticipated costs by calendar year based on the phasing plan discussed above. The table displays the calendar year and fiscal year in which actual funding was requested as well as anticipated to be requested for projects to implement the In-Town Recommended Plan.

Details of Funding Requests by Phase

Actual or Projected	Funding Request Year	Fiscal Year	Phase	Collection System	Treatment Facility	Aquaculture	Stormwater	Fertilizer	Natural Attenuation and Pond Projects	Design	Total (without Hookup Costs)	Description
Actual	2013	2014	1	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$1.0 M	\$0.0 M	\$1.0 M	(1) Design and Implementation of Muddy Creek Attenuation Project
Actual	2017	2018	2-Design	\$0.0 M	\$6.8 M	\$0.0 M	\$0.0 M	\$0.0 M	\$2.0 M	\$2.3 M	\$11.0 M	(1) Design of Pleasant Bay (South) Sewer System (2) Design of Chatham Interconnector System (3) Design, Construction, and Implementation of Cold Brook Project
Actual	2018	2019	2-Construction	\$24.8 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$24.8 M	(2) Capacity Purchase at Chatham WPCF (3) Construction of Interconnection with Chatham and sewers in southern section of Pleasant Bay (4) Sewer Enterprise Fund (5) Hinckley Pond Remediation Improvements
Projected	2022	2023	3-Design	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$1.1 M	\$1.1 M	(1) Design of Pleasant Bay (North) Sewer System
Projected	2023	2024	3-Construction	\$16.7 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.4 M	\$0.0 M	\$17.1 M	(1) Construction of Pleasant Bay (North) Sewer System (2) Seymour Pond Restoration
Projected	2027	2028	4-Design	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$7.5 M	\$7.5 M	(1) Design of Herring River Collection System (Northeast) (2) Design of Harwich Treatment Facility
Projected	2028	2029	4-Construction	\$26.4 M	\$41.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$67.4 M	(1) Construction of Herring River Collection System (Northeast) (2) Construction of Harwich Treatment Facility
Projected	2032	2033	5-Design	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$3.0 M	\$3.0 M	(1) Design of Herring River Collection System (Northwest)
Projected	2033	2034	5-Construction	\$27.6 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$27.6 M	(1) Construction of Herring River Collection System (Northwest)
Projected	2037	2038	6-Design	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$2.8 M	\$2.8 M	(1) Design of AWS and Herring River (SE) Collection Systems
Projected	2038	2039	6-Construction	\$24.6 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.7 M	\$0.0 M	\$25.2 M	(1) Construction of AWS and Herring River (SE) Collection Systems (2) Bucks Pond Restoration (3) John Joseph Pond Restoration
Projected	2042	2043	7-Design	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$6.2 M	\$6.2 M	(1) Design of Harwich WWTF Upgrade (2) Design of Herring River Collection System (SW)
Projected	2043	2044	7-Construction	\$28.8 M	\$27.4 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$56.2 M	(1) Construction of Harwich WWTF Upgrade (2) Construction of Herring River Collection System
Projected	2047	2048	8-Design	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$4.5 M	\$4.5 M	(1) Design of Campground Area, GSL, and Final PB Area Collection Systems
Projected	2048	2049	8-Construction	\$40.3 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$0.0 M	\$40.3 M	(1) Construction of Campground Area, GSL, and Final PB Area Collection Systems
Projected			Total	\$192.2 M	\$75.9 M	\$0.0 M	\$0.0 M	\$0.0 M	\$4.4 M	\$27.7 M	\$300.2 M	

Sandy Robinson

From: Young, David F. <YoungDF@cdmsmith.com>
Sent: Friday, February 08, 2019 12:47 PM
To: Christopher Clark; Julie Kavanagh; Michael D. MacAskill; Larry Ballantine
Cc: Sharon Pflieger; Sandy Robinson; Guidice, Michael
Subject: Summary of Feb 4th BOS Discussion on WSC Questions

Hi,

As requested, here is a brief summary of the Wastewater Support Committee Item 6 Questions (1-22-19) as discussed at the February 4th Selectmen's Meeting.

6a Status of Cape Cod Commission Certificate of Compliance for Phase 2.

The Development of Regional Impact Decision issued on August 18, 2016 by the Cape Cod Commission (CCC) for the Harwich Comprehensive Wastewater Management Plan (CWMP) indicated the town should request a Certificate of Compliance (COC) at the start of Phase 2 work (Condition C5). Shortly after that decision was issued the CCC then changed the process for reviewing CWMPs and now uses a 208 Consistency Review process. The staff from the CCC have been actively involved in the Pleasant Bay Watershed permit discussion and the Cold Brook nitrogen attenuation project and thus have been informed about the progress Harwich has been making on implementing Phase 2. David Young spoke with Jon Idman at the CCC about the need for a COC at this point and he indicated under today's process no COC would be issued but that he would speak with others to determine if one should be issued since it was written into the Decision in 2016. Erin Perry from the CCC subsequently emailed Selectman Ballantine and confirmed what Mr. Idman had indicated but requested the town send in a letter updating the CCC on all the Phase 2 activities and that they would then respond by issuing a COC for the record. Both indicated they are very pleased with the Town of Harwich actions to date. They also indicated there is no need to submit design documents to the CCC for review.

Bottom line is town should send a summary letter to CCC providing overview of Phase 2 activities and request a COC be issued for the record. We would be pleased to help draft the letter if requested.

6b. Does CCC need to review/approve pumping station designs.

As indicated above the CCC has indicated they do not need to review the pumping station designs. However, since that was noted in the CCC Decision in 2016, CDM Smith will submit a set of final bid documents for the record to CCC.

6c. Requirements for a Technical Review Committee (TRC)

This was addressed in the CCC Decision in 2016 (Condition C7) and in the CWMP, Section 13.8. The TRC is intended to be the town's Wastewater Support Committee (or equivalent at that time) and supplemented with a member from the CCC and MassDEP. Goal is to review status and progress of implementing the town's recommended CWMP program. Reason for this committee is to keep the CWMP up to date and make it a living document.

7. Adaptive Management Plan

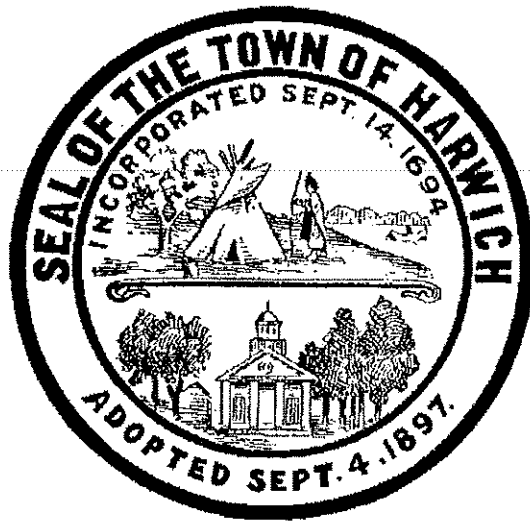
An adaptive management plan (AMP) includes a TRC to review the implementation of the CWMP and work to make sure the right people are involved to make that happen. A scope of the AMP was attached to the Decision in 2016 and discussed in the CWMP Section 13.8. Again, the intent is to make sure appropriate revisions that meet the needs of Harwich as the recommended plan is being implemented over 40 years are being addressed or considered.

The Town of Harwich is to be commended for the active participation of many residents and staff in helping to implement the recommended CWMP program. It is clear the CCC and MassDEP are very pleased with these efforts.

If you need anything else from us at this time, please let me know.

Thanks
David Young
CDM Smith

**ANNUAL TOWN MEETING
WARRANT
With
RECOMMENDATIONS**



MAY 6, 2019

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5. Town Operating Budget.....
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7. Cape Cod Regional Technical School District Budget.....
8. Water Department Budget.....
9. Wastewater/Sewer Budget.....

CAPITAL BUDGET

10. Adopt the Capital Plan.....
11. Lease Purchase Agreements.....

ADMINISTRATION

12. Capital Items Funded From Free Cash.....
13. Facility Maintenance and Repair Fund.....
14. Fund the Snow and Ice Deficit for FY18.....
15. Fund Shortfalls in Budget Transfers for FY18.....

WATER DEPARTMENT

16. Purchase/Replace Mini Excavator for Water Department.....
17. Replacement of Section of water Main Entering Tank.....
18. Replace the T1 Main Facility Generator.....
19. Purchase a 2019 Ford F-550 Truck for the Water Department.....

WASTEWATER

20. Phase II Wastewater Utility Easements

DEPARTMENT OF PUBLIC WORKS

21. Purchase and Equip Vehicles for the DPW

22. Reconstruction of Lower County Road

23. Purchase of Mobile Lift System

24. Road Maintenance Program.....

ZONING/PLANNING BOARD

25. Single-family dwelling with accessory apartment.....

26. Freestanding Portable signs

27. Retaining walls for septic systems.....

28. Special provisions for lifting existing structure to new and appropriate elevations

29. Provide funding for an Update of the Town’s Local Comprehensive Plan.....

LIBRARY

30. Fund Library Technology

GOLF

31. Landscape Reclamation at Cranberry Valley Golf Course.....

32. Bunker Renovation at Cranberry Valley Golf Course.....

CEMETERY DEPARTMENT

33. Amendments to Cemetery Rules and Regulations.....

34. Cemetery Arboretum Project – Mapping and Software

MISCELLANEOUS

35. Solar Photovoltaic Energy Systems.....

36. Amendment to the Agreement Between the Towns of Chatham and Harwich for the formation of a Regional School District

M.G.L./CHARTER/BYLAW AMENDMENTS

- 37. Charter Amendment - Change from Water Commission to Water/Wastewater Commission
- 38. Proposed Amendments to Harwich Home Rule Charter: Capital Outlay Plan
- 39. Proposed Amendments to Ex-Officio Members – clarify terms of office (Bylaw/Charter Review Committee)

COMMUNITY PRESERVATION

- 40. Appropriate Sums of Money From The FY 20 Estimated Annual Revenues of The Community Preservation Act Fund
- 41. Fund Land Bank Debt Service.....
- 42. Community Preservation Activities Under \$50,000.....
- 43. Brooks Academy Museum.....
- 44. Harwich Affordable Housing Trust
- 45. Sand Pond Restroom Project
- 46. Whitehouse Field Improvement Project
- 47. Red River Beach Shoreline Stabilization Project

PRIVATE PETITIONS

- 48. Defray Costs for the Chase and Harwich Port Libraries.....
- 49. Promote the Town of Harwich.....
- 50. Supplement Annual Allocation of Mass Cultural Council For Local Cultural Council Grants.....
- 51. Pleasant Bay Alliance
- 52. Amend the Code of the Town of Harwich to prohibit procurement of and dispensing beverages in plastic containers of any size
- 53. Refrain from Using Town Funds/Resources to Enforce Federal Immigration Laws
- 54. Support for Legislation to Change State Seal and Motto
- 55. General By-Law Amendment to Ban the use of Single-Use Plastic Straws.....
- 56. Amendment to the Harwich Board of Health Regulations - Flavored Tobacco Products
- 57. Selectmen’s Public Record of Votes.....
- 58. Amend the Code of the Town of Harwich Charter – Update the Name “Selectmen” to “Select Board”
- 59. Rescind Article 57 of the 2016 Annual Town Meeting – Pet Burial Ground.....

LAND MATTERS

- 60. Complete Construction of the Pet Burial Grounds
- 61. Approve Easement for Verizon and Eversource Energy at 1464 Orleans-Harwich Road (Rte. 39) for Fire Station 2.....

62. Affordable Housing Trust Fund.....

REVOLVING/STABILIZATION/OPEB FUNDS

63. Establish Annual Revolving Fund for the Pet Burial Ground

64. Amend the Code of the Town of Harwich General By-Laws – Chapter 8 Departmental Revolving Funds §8-1. Funds Established.....

65. Rescind the Establishment of the Capital Infrastructure Revitalization Fund at Cranberry Valley Golf Course

66. Rescind the Authorization for the Golf Restaurant Lease 53D Revolving Account and Transfer the Balance into the Pro Shop Revolving Account

67. Departmental Revolving Funds Authorization

68. Stabilization Fund

69. OPEB Trust Fund.....

70. Fund Prior Year’s Unpaid Bills

CUSTOMARY ARTICLES

71. Herring Fisheries.....

APPENDIX A – Sample Ballot

APPENDIX B – Budget

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF HARWICH
ANNUAL TOWN MEETING
May 6, 2019**

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 6, 2019 at 7:00 P.M., then and there to act on the following articles:

ARTICLES

TOWN OFFICERS AND COMMITTEES

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

REPORTS OF TOWN OFFICERS AND COMMITTEES

ARTICLE 2: To hear reports of all Town Officers and Committees for the year 2018. Customary Article

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, 2019 and ending June 30, 2020 as follows and to act fully thereon. Estimated cost: \$ _____

Selectmen (5)	\$2,400 each
Moderator	\$1,000
Water Commissioners (3)	\$1,000 each
Library Trustees (7)	\$1,000 each
Town Clerk	\$101,474

ACCEPT PROVISIONS OF M.G.L. CH. 64G SECTION 3A, LOCAL EXCISE TAX

ARTICLE 4: To see if the Town will vote to amend its acceptance of M.G.L. c. 64G, §3A by increasing the percentage of the local option room occupancy tax on rental of rooms in a bed and breakfast establishment, hotel, lodging house, short-term rental or motel from 4% to 6%, to take effect on July 1, 2019, and to act fully thereon. By request of the Board of Selectmen.

TOWN FY 20 OPERATING 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 defray Town charges for Fiscal Year 2020; provided however the amount of \$502,500 to be appropriated in line item 140 (debt service) shall be contingent on the passage of Article _____ of this 2019 Annual Town Meeting for the Lower County Road Improvements, the appropriation for which is set forth in the Article, and a Proposition 2 ½, debt exclusion ballot question for said project at the 2019 Annual Town Election; and to act fully thereon. By request of the Board of Selectmen. (BUDGET – SEE APPENDIX X). Estimated Cost: \$39,907,767.

Operating Budget	
Betterments	99,872
Cable Fund	168,594
CPA	553,700
FEMA	13,815
Free Cash	150,000
Golf Improvement	139,000
Overlay Surplus	100,000
State Aide	687,545
Water Enterprise	726,219
Waterways & Mooring	310,303
Subtotal	2,949,048
Local Receipts	13,518,260
Taxes	23,542,113
Operating Budget	40,009,420

(This article is a customary article to appropriate funding for the fiscal year 2020 operating budget of the town. The operating budget includes a provisional appropriation for the first year payment on General Obligation Debt associated with the Lower County Road Project to be presented in Article _____. If the Lower County Road Project fails to reach approval at either Town Meeting or Ballot Vote and the Operating Budget passes then the appropriation associated with the first year debt payment will be removed.)

MONOMOY REGIONAL SCHOOL DISTRICT FY 20 BUDGET

ARTICLE 6: 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 2020, and to act fully thereon. By

request of the Monomoy Regional School Committee and Superintendent. Estimated cost: \$26,754,276.

MRSD Budget	
Operating Budget	24,280,721
Transportation	554,789
Capital	260,748
Debt - High School	1,658,018
Total	26,754,276

CAPE COD REGIONAL TECHNICAL SCHOOL DISTRICT FY20 BUDGET

ARTICLE 7: 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 2020, and to act fully thereon. By request of the Cape Cod Regional Technical High School District. Estimated cost: \$2,332,198.

CCRTHS Budget	
Operating Budget	1,421,763
Debt - New School	910,435
Total	2,332,198

FY20 WATER 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 Water Department Operating Budget for Fiscal Year 2020, and to act fully thereon. By request of the Water Commissioners and Superintendent. Estimated cost: \$4,327,977.36.

FY20 WASTEWATER/SEWER BUDGET

ARTICLE 9: 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 2020, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$250,000.

ADOPT THE CAPITAL PLAN

ARTICLE 10: 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 2026 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.

Draft

INSERT CAPITAL PLAN

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 2020, said leases may be for a term not to exceed the useful life of the equipment as determined by the Board of Selectmen; and to act fully thereon. By request of the Board of Selectmen.

Explanation: 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.

ADMINISTRATION

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

ARTICLE 12: 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 20 Capital Plan, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$136,874.

1	ADA Compliance Plan Improvements	\$20,564
2	Community Center Compressors	\$20,000
3	Phase III Town-wide Radio System	\$20,000
4	Auto Extraction Equipment	\$100,000
	Auto Extraction State Grant (appropriation deducted from Grant)	(\$95,000)
5	Taser Replacement (5-yr program)	\$14,910
6	Traffic Speed Monitoring Radar	\$26,400
7	Harwich Center ADA Sidewalk Project	\$30,000
	Gross Total less Grants	\$136,874

FACILITY MAINTENANCE AND REPAIR FUND

ARTICLE 13: 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 20 Capital Plan, and to act fully thereon. By request of the Board of Selectmen. Estimated cost \$774,750.

1	Highway Barn Metal Roof	\$260,750
2	Cultural Center Subsidy	\$125,000
3	203 Bank Street Parking Improvements - demolition	\$60,000
4	Wixon Dock Landside Improvements	\$70,000
5	Allen Harbor Jetty Design	\$57,000
6	Brooks Library Sidewalk Repair	\$90,000
7	Pleasant Road Beach Parking Lot Paving	\$112,000
	TOTAL	\$774,750

FUND SNOW AND ICE DEFICIT FOR FY19

ARTICLE 14 : To see if the Town will vote to transfer from available funds a sufficient sum of money to fund the Fiscal Year 2019 Snow and Ice Deficit Account, and to act fully thereon. By request of the Board of Selectmen. Estimated cost \$ 325,000.

FUND BUDGET SHORTFALLS IN BUDGET TRANSFERS FOR FY19

ARTICLE 15: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to fund shortfalls in various FY 19 budget and fund transfers, and to act fully thereon. By request of the Town Administrator and Finance Director. Estimated cost: \$ _____.

WATER DEPARTMENT

PURCHASE/REPLACE MINI EXCAVATOR FOR WATER DEPARTMENT

ARTICLE 16: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to purchase/replace a John Deere 35D Mini Excavator or equivalent, and to act fully thereon. By request of the Water Commissioners and Superintendent. Estimated cost: \$50,000.00

Explanation: The existing John Deere 35D was purchased in 2005 and has over 5000 hours of use. It has been determined the Pins/Turntable need to be replaced which will cost more than \$11,000. The current trade in value for the machine is \$15,000

REPLACEMENT OF SECTION OF WATER MAIN ENTERING LOTHROP STREET TANK

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 replace approximately 200 feet of water main entering the Lothrop Street tank, 130 feet of vertical pipe in the base of the tank, and minor structural modifications to accommodate the larger diameter pipe, and to act fully thereon. By request of the Water Commissioners and Superintendent. Estimated cost: \$300,000

Explanation: The existing 12" pipe fill pipe is undersized. When attempting to fill the tank pressure in the distribution system can exceed 120 PSI. As a result, the tank cannot be filled to its 1.5 million gallon capacity and limits the ability to utilize the tank to control pumping operations.

REPLACE THE T1 MAIN FACILITY GENERATOR AT OLD CHATHAM ROAD

ARTICLE 18: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to replace the T1 Main Facility Generator located on Old Chatham Road, and to act fully thereon. By request of the Water Commissioners and Superintendent. Estimated cost: \$65,000

Explanation: The existing generator was installed in 2005 and has failed to operate in critical times of need multiple times in the past year. This generator is responsible for providing backup power to the SCADA System (controls, monitors, & alarms for the water system) and 3 water production wells.

PURCHASE A 2019 FORD F-550 TRUCK

ARTICLE 19: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to purchase a 2019 Ford F-550 or equivalent, and to act fully thereon. This vehicle will replace a 2005 F-350 Dump Truck. By request of the Water Commissioners and Superintendent. Estimated cost: \$70,000

Explanation: The Vehicle to be replaced has considerable rot to the frame & dump body. In the past year the oil pan and PTO that controls the dump body had to be replaced. It has been determined by the DPW's vehicle maintenance division the F-350 should be replaced due to the following:

- *Frame and body rust/rot is progressing rapidly.*
- *Seat and seat belt attaching points are rotting.*
- *The dump body has holes in the floor that will get larger with use.*
- *The tailgate on the dump body does not fit correctly.*
- *The subframe for the dump body is rotting.*
- *The oil pan is rusty/flaking, will need replacement. Cab off procedure.*

PHASE II WASTEWATER UTILITY EASEMENTS

ARTICLE 20: To see if the Town will vote to approve the expansion of current water and sewer easements on the listed Private Ways in East Harwich to be expended to cover all Town owned utilities necessary for public infrastructure including but not limited to water, sewer, drainage, cable or other, and to act fully thereon. By request of the Board of Selectmen.

Explanation: Private Ways in East Harwich as listed: Alexander's Chase, Austin Road, Chickadee Lane, Chris Jobeth Circle, Johanna's Path, Landron Way, Lily Lane, Old Salty

Lane, Reliance Way, Ruddy Duck, Sadie's Way, Scotch Pine Farm, Sparrow Hawk Road, Spence's Trace, Spruce Grove

DEPARTMENT OF PUBLIC WORKS

PURCHASE AND EQUIP VEHICLES FOR THE DPW

ARTICLE 21: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to purchase and equip the following vehicles:

(1) One Ton Dump Truck (Highway)	\$ 80,000
(1) Johnston Sweeper Body/Pony Motor (Highway)	\$ 125,000
(2) C&D Trailers (Disposal)	\$ 150,000
(1) Rolloff Pup Trailer (Disposal)	\$ 40,000
	\$395,000

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:

- 1999 Ford F-350 Dump Truck
- 2009 Great Lakes Pup Trailer

and to act fully thereon. By request of the DPW Director. Estimated cost: \$395,000

Explanation:

One Ton Dump Truck - *The current 1999 Ford dump truck has approximately 160,600 miles on it, is in poor condition, and is a front line vehicle used for snow removal and moving personnel and equipment.*

Johnston Sweeper Body/Pony Motor - *The truck/chassis of our 2007 Johnston Sweeper are in good condition, while the sweeper body and pony motor are failing. Replacing the body and pony motor would save us in excess of \$150,000 over purchasing a new sweeper, while prolonging the life for another 10-15 years.*

C&D Trailers - *This request is to add to our existing fleet of C&D trailers, which are utilized daily to transport C&D waste off-Cape. The additional trailers would enable us to better manage that function, which provided the Town with approximately \$1.45 million in gross revenue in FY18.*

Rolloff Pup Trailer - *We will soon be facing major maintenance on our current 10 year old pup trailer, which is used to transport our recycling products off-Cape. Given the age and amount of use this trailer gets, we feel it is not worth spending the money required for the necessary maintenance.*

RECONSTRUCTION OF LOWER COUNTY ROAD

ARTICLE 22: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow in accordance with Ch.44 of the M.G.L., or any other enabling authority, the sum of \$4,560,475 to fund the Reconstruction of Lower County Road including all costs incidental and related thereto, as requested in the Capital Plan for FY20. The appropriation authorized by this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by M.G.L. c.59 § 21c (Proposition 2 ½) the amounts required to pay the principal of and the interest on any borrowing authorized under this article, and to act fully thereon. By request of the DPW Director. Estimated cost: \$4,560,475

Explanation: The road is in poor condition, with structural defects in its base and a sidewalk that is not ADA compliant. The sheer scope of the project is more than we could handle under our County Bid Road Construction items and the cost is more than could be absorbed within our road maintenance plan. Although Lower County Road is eligible for State funding in the Transportation Improvement Program, there is no way to meet the Complete Streets criteria (sidewalks and bike lanes on both sides of the street) within the Town's 40' right of way. Since the Water Department completed the \$1.2M worth of water main replacements, the road is in utter shambles and in dire need of this project. The funding is coming from two sources. The first \$4,560,475 from the Debt Exclusion; and \$1.0 million from the Road Maintenance Program.

PURCHASE OF A MOBILE LIFT SYSTEM

ARTICLE 23: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to purchase and equip the following:

Mobile Lift System (Vehicle Maintenance)

and to act fully thereon. By request of the DPW Director. Estimated cost: \$90,475

Explanation: Mobile Lift System - Our current lifts are unable to lift larger vehicles, such as fire trucks and road tractors and waste trailers, complicating required maintenance. The mobile lift system would allow us to safely elevate all vehicles in the Town fleet.

ROAD MAINTENANCE PROGRAM

ARTICLE 24: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow in accordance with Ch.44 of the M.G.L., or any other enabling authority, the sum of \$700,000 to fund the Road Maintenance Program, including, but not limited to Lower County Road and other roads on the Program, all costs incidental and related thereto, as requested in the Capital Plan for FY20. The appropriation authorized by this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by M.G.L. c.59 § 21c (Proposition 2 ½) the amounts required to pay the principal of and the interest on

any borrowing authorized under this article, and to act fully thereon. By request of the DPW Director. Estimated cost: \$700,000

Explanation: The capital request for road maintenance is for \$700k for FY20, which we anticipate being augmented by approximately \$700k in Chapter 90 funds. The capital project request form lists 5 years of our road maintenance plan with cash flows of approximately \$1.4M each year and has our 5 year Road Maintenance Plan attached.

ZONING/PLANNING BOARD

SINGLE FAMILY DWELLING WITH ACCESSORY APARTMENT

ARTICLE 25: To see if the Town will vote to amend the Town’s Zoning Bylaw, as follows:

(i) By amending ARTICLE V, Use Regulation, §325.13.A, Paragraph I, Residential Uses, namely Table 1, Use Regulations, Paragraph I – Residential Uses, Use No. 10, Single-family dwelling with accessory apartment, as follows (deletions shown in ~~strike-through~~ and proposed language in **bold underline**):

Table 1, Use Regulations

Use	RR	RL	RM	RH-1	RH-2	RH-3	CV	CH-1	CH-2	IL	MRL	MRL-1	WR	
Paragraph IV – Residential Uses														
10	Single-family dwelling with accessory apartment (§325-51.H <u>§325-14.T</u>)	S <u>P</u>	S <u>P</u>	S <u>P</u>	S <u>P</u>	-	-	S <u>P</u>	S <u>P</u>	-	-	S <u>P</u>	S <u>P</u>	S <u>P</u>

and

(ii) By renumbering and repositioning with the Zoning Bylaw ARTICLE X, Administration and Enforcement, §325-51.H, Single-family dwelling with accessory apartment, as and to ARTICLE V, Use Regulation, §325-14.T, Single-family dwelling with accessory apartment; and

(iii) By amending said Article X, Administration and Enforcement, §325-51.H, Single-family dwelling with accessory apartment, now ARTICLE V, Use Regulation, §325-14.T, Single-family dwelling with accessory apartment, as follows (deletions shown in ~~strike-through~~ and proposed language in **bold underline**):

T. Single-family dwelling with accessory apartment.

- (1) Purpose. The intent of permitting accessory apartments is to:
- a. Increase the number of small dwelling units available for rent in Town;
 - b. Increase the range of choice of housing accommodations;
 - c. Encourage greater diversity of population with particular attention to young adults and senior citizens; and
 - d. Encourage a more economic and energy-efficient use of the Town's housing supply while maintaining the appearance and character of the Town's single-family neighborhoods.
- (2) Definitions. **OWNER** One or more individuals holding title to the property.
- (3) Criteria, for special permit approval. ~~Special permits for single-family dwellings with a~~ **An accessory apartment is allowable within a single-family dwelling**, either attached or detached, ~~may be granted upon determination by the Planning Board that~~ **provided that** the following criteria have been met **satisfied**:
- a. Only one accessory apartment is permitted for each principal dwelling unit.
 - b. The accessory apartment may not be held in separate ownership from the principal use.
 - c. Only one of the principal dwelling or accessory apartment may be rented at any given time **and, if rented, shall be rented for a term of no less than six (6) consecutive months.**
 - d. The accessory apartment shall have a net floor area not exceeding 1/2 of the net floor area of the principal dwelling unit and not more than 900 square feet.
 - e. The accessory apartment shall have not more than two bedrooms.
 - f. At least one off-street parking space shall be provided for the accessory dwelling unit **apartment.**
 - g. The minimum lot area required for a parcel ~~to be eligible for a special permit to~~ allow an accessory apartment shall not be less than 15,000 square feet if the parcel is situated in a RH-1, CV, CH-1, MRL or MRL-1 District; 20,000 square feet if situated in a RL, RM or RR District; and 40,000 square feet if situated in a Water Resource (WR) Overlay District. **For parcels existing within an approved Open Space Residential Development or Cluster Subdivision, the lots size shall be consistent with the endorsed plan.**
 - h. The accessory apartment shall be designed so that, to the degree reasonably feasible, the appearance of the property remains that of a single-family property with matching materials, colors, window styles and roof design for one structure, if the apartment is attached, or for both structures, if the apartment is detached.
 - i. The principal dwelling unit and accessory apartment shall meet all wastewater treatment requirements for the combined number of bedrooms.
 - ~~j. The proposed use shall not create traffic hazards or volume greater than the capacity of the streets affected.~~
 - ~~k. The proposed use shall not exceed the building or site coverage for the zoning district.~~
 - ~~l. If an addition is to be built for the proposed use, the addition shall be set back from front, side and rear lot lines the distance required in the zoning district for new construction.~~

The Building Commissioner shall determine compliance with said criteria following receipt of the application for a building permit for a change of use and/or for construction of the said accessory apartment.

(4) The applicant shall record with the Registry of Deeds for Barnstable County a certified copy of the special permit decision and the special permit shall lapse if it is not so recorded and if it is not duly exercised within two years as provided for under MGL c. 40A, § 9.

(5) Transfer of ownership. The provisions of the special permit may be transferred with ownership of the property provided the provisions of this section and all other provisions of the Zoning Code of the Town of Harwich and the State Building Code are met and the Planning Department has approved a transfer for the special permit. The new owner also may request a Planning Board certification for the accessory apartment. To obtain such certification, the owner shall submit a written request with a statement that the conditions at the time of the original special permit approval remain unchanged and with a certification of ownership. The Planning Board certification shall be recorded at the Registry of Deeds.

(6) (4) A final determination that the owner **has** failed to comply with these **forgoing criteria** provisions or the termination of occupancy by the owner of the subject property shall be evidence that the rights and benefits conferred **hereunder** the special permit were abandoned or otherwise surrendered and discontinued by the owner and all such rights and benefits shall lapse **are null and void** and the elements that make the accessory apartment a separate dwelling unit shall be removed from the property within 90 days of said final determination, with the owner to comply with all requirements of the State Building Code and Town Zoning in removing elements determined to be unpermitted; and to act fully thereon. By request of the Planning Board

FREE-STANDING PORTABLE SIGNS

ARTICLE 26: To see if the Town will vote to amend the Town's Zoning Bylaw §325-2 Word usage and definitions and by addition a new §325-26.K as follows

Within §325-2 delete the existing definition of "A-Frame/Easel/Sandwich-Board Signs" and replace with the following definition:

"FREESTANDING PORTABLE SIGN" – A single or double-faced, self-supporting sign made of wood, cardboard, plastic, metal or other lightweight and rigid material.

And, add a new §325-26.K to read as follows:

K. Freestanding Portable Sign.

- (1) A sign permit from the Building Department shall be required;
- (2) The area of the sign shall be no more than six (6) square feet per side;
- (3) The sign height above the ground shall not exceed three (3) feet;
- (4) The sign width shall not exceed three (3) feet;

- (5) The sign shall be unlit, shall be inaudible, and shall have no moving parts (except any necessary hinge to fold and unfold said sign);
- (6) The sign shall be stable and have no external supports;
- (7) The sign area (one side only) shall count towards the total allowable sign area (in square feet) for the business, pursuant to §325-27
- (8) The sign shall indicate no more than the name of the business, a special event, hours of operation, sale of a product or service, and price;
- (9) Only one (1) freestanding portable sign per business may be located on a property; a business with street frontage on two (2) streets may have no more than one (1) such sign on each street front; however, if there are multiple businesses on a property, there shall be no more than one (1) such sign per business, regardless of the street frontage;
- (10) The sign may only be displayed up to two (2) hours before the business is open to the general public and during the time business is open to the general public; and
- (11) The sign shall also comply with the requirements of §325-26.D-G, above;

and to act fully thereon. By request of the Planning Board

RETAINING WALLS FOR SEPTIC SYSTEMS

ARTICLE 27: To see if the Town will vote to amend the Town's Zoning Bylaw §325-16, Table 2 and to add a new subparagraph "R. Retaining Wall(s) for Septic Systems" to §325-18, as follows:

§325-16, Table 2, add a Note "3" to the "Front (feet)", "Side (feet)", and "Rear (feet)" columns, which shall read as follows:

"3May be reduced to 10 feet for Septic System pursuant to §325-18.R."

And,

§325-18 add a new subsection "R. Retaining Wall(s) for Septic Systems" to read as follows:

"R. Retaining Wall(s) for Septic Systems. The provisions of §325-17 notwithstanding, on an improved parcel, a retaining wall(s) associated with the installation of a septic system (e.g. mounded septic system) required by the Board of Health and/or Title 5, shall be setback no less than 10 feet to any lot line;

and to act fully thereon. By request of the Planning Board

SPECIAL PROVISIONS FOR LIFTING EXISTING STRUCTURE TO NEW AND APPROPRIATE ELEVATIONS

ARTICLE 28: To see if the Town will vote to amend the Town's Zoning Bylaw Article XVII – Flood Plain Regulations by 1) changing §325-108 Definitions to §325-109 Definitions and 2) adding a new §325-108 "Special Provisions for Lifting Existing

Structures to New and Appropriate Elevations” and by adding four new definitions, alphabetically, to the new §325-109 Definitions, and further to amend §325-2 Word usage and Definitions “Building/Structure Height” paragraph B by deleting the existing language and replacing it, as follows:

§325-108 Special Provisions for Lifting Existing Structures to New and Appropriate Elevations

(1) Notwithstanding the provisions of any other provision of the Harwich Zoning By-law to the contrary, except as otherwise provided pursuant to paragraph (3) of this subsection, a person shall be allowed to lift an existing structure located in an Area of Special Flood Hazard to a new and appropriate elevation, or constructing a staircase or other attendant structure necessitated by such raising without the need for Board of Appeals relief, provided, however, this exemption shall apply only to the minimum extent or degree necessary to allow the structure to meet the new and appropriate elevation with adequate means of ingress, egress and accommodation of typical basement facilities.

(2) Appurtenant to lifting an existing structure, the existing structure may be relocated elsewhere on the lot as long as said relocation does not create a new, or increase the intensity of a setback nonconformity.

(3) The exemption established pursuant to paragraph (1) of this subsection shall not be available to a person who has altered or is seeking to alter the original dimensions of a structure if, had the alteration not been made, the structure could have been raised to meet the new and appropriate elevation either without the exemption or with an exemption of lesser degree than is needed with the alteration.

And,
§325-109 Definitions, as the following:

ATTENDANT STRUCTURE means an area to accommodate utilities, laundry facilities or mechanicals which are otherwise typically located within a basement area.

EXISTING STRUCTURE means any commercial or municipal structure or residential dwelling that currently exists, or existed prior to the catastrophic event, at the time a request is made to elevate.

HIGHEST APPLICABLE FLOOD ELEVATION STANDARD means the one-percent (1%) FEMA base flood elevation plus up to an additional three (3) feet.

NEW AND APPROPRIATE ELEVATION means any elevation to which a structure is raised, or is to be raised, that is equal to or higher than the applicable FEMA base flood elevation, provided, however, in no case shall the new and appropriate elevation exceed the highest applicable flood elevation standard.

And,

§325-2 Building/Structure Height

B. For a building or structure located within an area of special flood hazard, refer to §325-108;

And to act fully thereon. By request of the Planning Board

PROVIDE FUNDING FOR AN UPDATE OF THE TOWN'S LOCAL
COMPREHENSIVE PLAN

ARTICLE 29: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money for the updated of the Town's Local Comprehensive Plan, and to act fully thereon. By Town Planner, Planning Board and Town Administrator. Estimated cost: \$200,000

Explanation: The Local Comprehensive Plan (LCP) was last updated in 2011. The LCP is written to be consistent with the Cape Cod Commission Regional Policy Plan, which has recently been updated. The LCP is required to be updated every 5 years. The LCP also serves as the Master Plan for the Town pursuant to MGL c.41A, §81D "Such plan shall be a statement, through text, maps, illustrations or other forms of communication, that is designed to provide a basis for decision making regarding the long-term physical development of the municipality. The comprehensive plan shall be internally consistent in its policies, forecasts and standards, and shall include the following elements:" Growth and development Goals and policies statement; Land use plan; Housing; Economic development; Natural and cultural resources; Open space and recreation; Services and facilities; Transportation, and; Implementation program. The plan serves as a guide to future development and needs of Harwich and it also assists the Town with potential grant opportunities.

LIBRARY

FUND TECHNOLOGY HARDWARE AND SOFTWARE FOR BROOKS FREE
LIBRARY

ARTICLE 30: To see if the Town will vote to transfer from available funds the remaining balance of funds contained in the follow articles funded by Free Cash and Appropriation: Article 39 of 2011 Annual Town Meeting (\$1,037.09), Article 23 of 2014 Annual Town Meeting (\$13,459.46) and Article 10 of 2017 Annual Town Meeting (\$6,826). Said transfer of funds to be used for the purchase and replacement of technology equipment and software for the Brooks Free Library, and to act fully thereon. By request of the Library Trustees. Estimated cost: \$21,322.55

Explanation: The motion to approve this article will re-purpose the remaining balance of \$1,037.09 in Article 39 of the May 2011 Annual Town Meeting Parking Lot Lights and Reconfiguration, \$13,459.46 from Article 23 of the May 2014 Annual Town Meeting for Library Carpet Replacement, and \$6,826 from the \$110,000 designated for the Library

generator in Article 10 of the May 2017 Annual Town Meeting for Facility Maintenance and Repair.

Source of Funds

\$1,037.09	Article 39 of the May 2011 ATM - Parking Lot Lights and Reconfiguration
\$13,459.46	Article 23 of the May 2014 ATM – Library Carpet Replacement.
\$6,826.00	Article 10 of the May 2017 ATM for Facility Maintenance and Repair (funds remaining of the \$110,000 designated for Library generator)
<u>\$21,322.55</u>	

GOLF DEPARTMENT

LANDSCAPE RECLAMATION, MAJOR TREE REMOVAL

ARTICLE 31: To see if the Town will vote to raise and appropriate, transfer or borrow a sufficient sum of money from the Golf Improvement Fund to continue landscape reclamation and tree removal specific to holes 1-9, but 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.

BUNKER RENOVATION AT CRANBERRY VALLEY GOLF COURSE

ARTICLE 32: To see if the Town will vote to raise and appropriate, transfer or borrow a sufficient sum of money from the Golf Improvement Fund to rebuild and renovate hazard features at Cranberry Valley Golf Course commonly referred to as “Bunkers”. By request of the Director of Golf and the Golf Committee. Estimated cost \$75, 000

Explanation: This type of hazard has a useful life of up to five years. It is imperative to renew and rebuild these important features of our golf operation periodically to insure the maximum playability of the golf course.

CEMETERY

AMENDMENTS TO CEMETERY RULES AND REGULATIONS CEMETERY RULES AND REGULATIONS

ARTICLE 33: 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 are in **BOLD UNDERLINED** to be added 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.
3. Recreational motorcycling, 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.
4. Any person disturbing the 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, will be removed from the 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.
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.
5. Single Cremation in Harwich Center Cemetery. Lot usage is for one cremated remain for interment in this section (interment rights are from Plan of Land in Harwich (Center) "Proposed Cremation Section" map prepared by Harwich Engineering Department file # 1529-00.

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. 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.
3. 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).
6. 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.
7. 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.
8. Single grave space may 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.
9. 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.
10. Maintenance of all plantings and maintenance and removal of all plantings and holiday arrangement placed by a lot owner, or designee, is the responsibility of the lot owner, 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, flags, containers, or monuments due to weather, vandalism, theft, or maintenance procedures. **All Christmas decorations must be removed by January 31st anything left on the grave will be removed by the cemetery personnel.**
11. **Items left at or on the lots after burial will be removed after one week.**
12. **The Above Rules will be strictly enforced.**
13. Annual/perennial flowers must be planted at the base of a monument/marker, so as to not interfere with maintenance department procedures.

14. 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. Any bench or structure needs prior approval by Cemetery Commission before installation.
15. 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.
16. The Town 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
 - 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’.
 - b. Harwich Center Cemetery Cremation Lot (size) one flush marker measuring 8” x 6” with 6” x 4” bronze plaque.
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 markers, headstones, monuments, curbing or other structure will be permitted to be erected in the cemeteries without a sufficient foundation. All markers, headstones, monuments 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 without 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
~~Harwich Center Cemetery, 686 Main Street, AKA Congregational Church Yard Cemetery~~

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 @ ~~273 Queen Anne Road~~ 100 Oak Street, mail received at Town Hall, 732 Main Street. Office phone 508-430-7549 Fax 508-430-7598

Explanation: The Harwich Center Cemetery AKA Congregation Church Yard Cemetery per Land Court Decision is not owned by the Town and will need to be removed from the Active Cemeteries list. Cemetery Office is located at the Community Center 100 Oak Street.

CEMETERY ARBORETUM PROJECT – MAPPING AND SOFTWARE

ARTICLE 34: 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 Arboretum project at the cemetery for the mapping and purchase of software. To be funded by the Cemetery Lot Sales Revolving Fund, and to act fully thereon. By request of the Cemetery Administrator and the Cemetery Commission. Estimated cost: \$30,110.

MISCELLANEOUS

SOLAR PHOTOVOLTAIC ENERGY SYSTEMS

ARTICLE 35: To see if the Town will authorize the Board of Selectmen to enter into long-term leases, licenses, agreements, or other contractual agreements on behalf of the Town, subject to such terms and conditions as the Board of Selectmen shall deem to be in the best interest of the Town, for all or part of any of the following Town-owned properties [identify particular Town properties that would be the subject of the ground lease] for the purposes of developing, sponsoring, administering, installing, operating, and maintaining solar photovoltaic energy systems and supplying solar energy, and further to authorize the Board of Selectmen and Town Administrator to take such actions as may be necessary under Massachusetts law to effectuate said agreements; and to act fully thereon. By Request of the Board of Selectmen.

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

ARTICLE 36: To see if the Town will vote to authorize the Board of Selectmen to execute an amendment to the “Agreement between the Towns of Chatham and Harwich with Respect to the Formation of a Regional School District” as available at the Town Clerks Office of each respective town, and to act fully thereon. By Request of the Board of Selectmen and Monomoy Regional School District.

Explanation: The Monomoy Regional School District Agreement calls for a review of the document after five years. This review has been completed and amendments are recommended. Most of the revisions include elimination of the transition elements contained in the original agreement and an updating of language to include the Monomoy name. Based on feedback from the community and Select Boards, the Assignment of Schools language makes no change to the current regional agreement wording about assignment to elementary schools. Both towns retain their elementary schools with their town's children attending elementary school in the town of their residence. The Capital Expenditure and Borrowing costs shares have been updated to reflect the cost sharing of the operating budget. The amendment must be approved by both Harwich and Chatham respective Board of Selectmen and Town Meeting before becoming effective.

M.G.L./CHARTER /BY-LAW AMENDMENTS

AMEND THE TOWN OF HARWICH - CHARTER TO THE WATER COMMISSION TO WATER/WASTEWATER COMMISSION

ARTICLE 37: To see if the Town will vote pursuant to M.G.L. c.43B, §10 to amend Chapters 6 and 10 of the Town Charter, which amendment will be subject to approval by the voters at the 2020 Annual Town Election, as set forth below, with strikethrough text to be deleted and bold text to be inserted:

1. Amend Chapter 6, subsection 6-1-1, General Provisions, as follows:

6-1-1 The officers and town agencies to be elected by vote of the town shall be: a moderator, a town clerk, a board of selectmen as provided in chapter 3, members of the Monomoy regional school district committee, a water **and wastewater** commission, a board of library trustees, and a housing authority.

2. Amend Chapter 6, Section 6, Water Commission, as follows:

Section 6. Water and Wastewater Commission

6-6-1 A water **and wastewater** commission of ~~3~~ **5** members shall be elected for 3-year overlapping terms.

6-6-2 The water **and wastewater** commission shall possess and exercise all powers given to ~~this the board of water commissioners~~ under chapter 165 of the acts of 1935, **and boards of sewer commissioners under chapter 83 of the General Laws. The water and wastewater commission shall be responsible for the administration, maintenance and operation of the water and sewer systems and facilities.**

6-6-3 The water **and wastewater** commission shall appoint a water **and wastewater** superintendent, ~~and shall request this officer to cooperate with, and be responsive to, requests from~~ **who shall work cooperatively with the town administrator.** ~~the town administrator's office.~~

6-6-4 **Notwithstanding any other provision of this section to the contrary, the board of selectmen shall be responsible for the design and construction of the town sewer systems and for implementation of the comprehensive wastewater management plan.**

3. Amend Chapter 10, Additional Provisions, by inserting the following new section:

Section 4. Water and Wastewater Commission Transition

10-4-1 The vote of the May 6, 2019 Annual Town Meeting to amend Section 6 of the Town Charter shall take effect upon approval by the voters at the 2020 Annual Town Election ("amendment").

10-4-2 As of the effective date of the amendment, the water commission shall have the additional powers, duties and responsibilities of a sewer commission under the general laws, except as otherwise specified in the amendment. No contracts or liabilities in force on the effective date of the amendment shall be affected by the expansion of the powers and duties of the water commission, and the newly established water and wastewater commission shall in all respects be the lawful successor of the water commission. All records, property and equipment whatsoever of the water commission shall be assigned to the water and wastewater commission, and any appropriation for the

operations of such water commission and water system, and for the sewer system, shall be available for expenditure by the water and wastewater commission consistent with the purposes for which such funds were appropriated.

10-4-3 Any incumbent elected water commissioner shall serve as a member of the water and wastewater commission for a period equivalent to the remainder of their elected term, and shall be entitled to have the words "candidate for re-election" appear next to their name on the ballot if they choose to run for election to the water and wastewater commission while serving in that capacity. At the first annual town election held after the effective date of this Charter amendment, two additional offices of water and wastewater commissioner shall be included on the election warrant, one for a two-year term and one for a three-year term; provided, however, that until said election, the water and wastewater commission shall be deemed to consist of three members.

And to act fully thereon. By request of the Board of Selectmen and Water Commissioners.

ARTICLE 38: (Capital Outlay Amendments) Place holder

ARTICLE 39: (Ex Officio Members) Place holder

COMMUNITY PRESERVATION

APPROPRIATE SUMS OF MONEY FROM THE FY20 ESTIMATED ANNUAL REVENUES OF THE COMMUNITY PRESERVATION ACT FUND

ARTICLE 40: To see if the Town will vote to appropriate the following sums of money from the FY 20 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.

<u>Appropriation</u>	<u>FY 20</u>
Community Housing Reserve	\$168,411
Open Space Reserve	\$168,411
Historic Preservation Reserve	\$168,411

Explanation: To see if the town will reserve for future appropriations amounts from the FY 20 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.

FUND LAND BANK DEBT SERVICE

ARTICLE 41: To see if the Town will vote to appropriate from the Community Preservation Act Funds – Undesignated Fund Balance, \$553,700, 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: \$553,700.

COMMUNITY PRESERVATION ACTIVITIES UNDER \$50,000

ARTICLE 42: To see if the Town will vote to raise and appropriate, and/or transfer from the Community Preservation Act, 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 to act fully thereon. By request of the Board of Selectmen. Estimated Cost: \$72,450

	<u>Project</u>	<u>Purpose</u>	<u>Amount</u>	<u>Appropriation Source</u>
1	Community Development Partnership	Cape Housing Institute	\$7,500	Community Housing Reserve
2	Lifeguard Stands	Replace 11 Lifeguard Stands at Town Beaches	\$37,950	Undesignated Reserve
3	Depot Street North Crossing System	Installation of pedestrian warning lights on the bike trail	\$27,000	Undesignated Reserve
		TOTAL	\$72,450	

BROOKS ACADEMY MUSEUM

ARTICLE 43: To see if the Town will vote to raise and appropriate and/or transfer from the Community Preservation Act – Historic Preservation Reserve, a sufficient sum of money to fund first, a structural engineering study pertaining to the foundation of the building; second, to be used to make said foundation structurally sound; and third, once both of the above are completed, to be used to restore and preserve the outer shell of the building and/or protect the building from further damage due to water and dampness, including any appurtenant interior work. 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 Brooks Academy Museum Commission. Estimated Cost: \$130,000

AFFORDABLE HOUSING TRUST

ARTICLE 44: To see if the Town will vote to appropriate from Community Preservation Act Funds – Community Housing Reserve, \$304,384.47 and \$35,615.53 from the Estimated FY 20 Community Housing Revenue for a total of \$340,000 to fund the

Harwich Affordable Housing Trust to create and preserve affordable housing in the Town of Harwich in the amount of \$310,000, and to fund a part-time Housing Coordinator in the amount of \$30,000. 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 Board of Selectmen. Estimated Cost: \$340,000

SAND POND RESTROOM PROJECT

ARTICLE 45: To see if the Town will vote to appropriate from Community Preservation Act Funds-Undesignated Fund Estimated FY 20 Revenue, \$125,000 to replace current restroom facility at Sand Pond, Harwich. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Undesignated Fund Balance, and to act fully thereon. By request of the Community Preservation Committee and the Harwich Recreation and Youth Commission.
Estimated Cost: \$125,000

WHITEHOUSE FIELD IMPROVEMENT PROJECT

ARTICLE 46: To see if the Town will vote to appropriate from Community Preservation Act Funds-Undesignated Fund Estimated FY 20 Revenue, \$55,000 to replace the scoreboard at Whitehouse Field and to purchase and install safety netting and poles in front of spectator berms on first and third base lines. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds-Undesignated Fund Balance, and to act fully thereon. By request of the Community Preservation Committee and the Harwich Recreation and Youth Commission.
Estimated Cost: \$55,000

RED RIVER BEACH SHORELINE STABILIZATION PROJECT

ARTICLE 47: To see if the Town will vote to appropriate from Community Preservation Act Funds-Open Space Reserve in the amount of \$50,000 and from the Undesignated FY 20 Estimated Revenue \$50,000 to preserve and protect the Red River Beach Shoreline. Any funds left unspent from this Article are to be returned to the Community Preservation Act Funds – Open Space Reserve and Undesignated Reserve, and to act fully thereon. By request of the Community Preservation Committee and the Conservation Commission.
Estimated Cost: \$100,000

PRIVATE PETITIONS

DEFRAY THE EXPENSES OF THE CHASE LIBRARY AND HARWICH PORT LIBRARY

ARTICLE 48: To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$20,000 to help defray the expenses of the Chase Library and the Harwich Port Library; said funds to be expended under the direction of the Chase

Library and Harwich Port Library Trustees, and to act fully thereon. By Petition.
Estimated cost: \$20,000

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

PROMOTE THE TOWN OF HARWICH

ARTICLE 49: 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 home-owners 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*

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

ARTICLE 50: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow 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. Estimated Cost: \$3,600.

PLEASANT BAY RESOURCE MANAGEMENT PLAN UPDATE

ARTICLE 51: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow the sum of \$26,170 to cover the Town's share of matching funds for conducting an update of the Massachusetts Estuaries Project Linked Watershed Model for Pleasant Bay. The funds will be combined with a total of \$119,220 in matching funds from the Towns of Brewster, Chatham and Orleans, and \$72,610 from the Southeast New England Estuaries Program Watershed Grant awarded to the Pleasant Bay Alliance. The model update is an implementation activity specified in the Pleasant Bay Watershed Permit issued to the Town by Massachusetts Department of Environmental Protection, and to act fully thereon. By request of the Pleasant Bay Alliance. Estimated cost: \$26,170.

AMEND THE CODE OF THE TOWN OF HARWICH TO PROHIBIT THE
PROCUREMENT OR DISPENSING OF BEVERAGES IN PLASTIC CONTAINERS

ARTICLE 52: To see if the Town will vote to adopt the following as a General Bylaw and to insert it into the Cod of the Town of Harwich as Chapter 125, Article I, §125-1:

The procurement by the Town of Harwich of either water or any other beverage in plastic containers of any size is prohibited, and the dispensing of water or any beverage in plastic containers is prohibited on Town property, and to act fully thereon. By Petition.

Explanation: The by-law is a municipal by-law. It eliminates town procurement and distribution of plastic bottled beverages. It is not a commercial ban. We are taking the perspective that the town, being a government entity, has within its oversight the responsibility to protect human and environmental health, with the latter also having a relationship to human health. Arguably, plastic is a known human health issue based on the fact that it cannot biodegrade and will enter the human food chain. Further, plastic production relies on non-renewable resources and creates toxic emissions at the point of production, recycling and incineration-based waste disposal. Also, there is evidence that chemicals within plastic leach into the beverage within a bottle thereby presenting yet another entry point for adverse health consequences.

REFRAIN FROM USING TOWN FUNDS/RESOURCES TO ENFORCE FEDERAL
IMMIGRATION LAWS

ARTICLE 53: To see if the Town of Harwich will vote to request the Selectmen to authorize Town law enforcement and Town officials to refrain from using Town funds and/or other Town resources to enforce federal immigration laws to the extent permissible by law, including, but not limited to, 8 U.S.C. §1373 and 8 U.S.C. §1644, in keeping with current practices, unless presented with a criminal warrant, court order or other evidence of probable cause as required by the Fourth Amendment of the United States Constitution, and to act fully thereon. (Non-binding resolution) By Petition. No funding requested

Explanation: This article is a non-binding resolution that asks the Town of Harwich to affirm its current policy regarding immigration enforcement and its Police Mission Statement to provide "legitimate and equitable law enforcement with a strong focus on active community engagement and community service." When everyone feels free to approach police or other officials, including people concerned about their immigration status, then it is more likely that suspicious activity will be reported, that people will step forward as witnesses, that an abused woman will come for help, that people will call in an emergency. This approach has already been favored in several Cape Cod towns, and also by police chiefs throughout the country. Reports show that decreases in crime with this approach – just as multiple studies show that immigrants in general are less likely to commit crimes than U.S. born persons. Those are facts. The Town of Harwich has a clear interest in unbiased community interactions and the Harwich Police Department is committed to the "health, well-being, and safety" of all town residents. This article will help in achieving these goals.

SUPPORT FOR LEGISLATION TO CHANGE STATE SEAL AND MOTTO

ARTICLE 54: To see if the Town will vote to support proposed legislation providing for the creation of a special commission to (1) investigate the features of the official seal and motto of the Commonwealth, and (2) ensure that they accurately reflect and embody the historic and contemporary commitments of the Commonwealth to peace, justice liberty and equality as well as basic respect for members of Native Nations residing in the Commonwealth, and to act fully thereon. By Petition

Explanation: Resolution in Support of Changing the State Flag and Seal of Massachusetts: Whereas the history of the State of Massachusetts is replete with instances of conflict between the European Colonists and the Native Nations of the region, who first extended the hand of friendship to the Colonists on their shores in 1620, and helped them to survive starvation during the settlers' first winters on their land;
Whereas members of the Native Nation for whom the State of Massachusetts is named were ambushed and killed by Myles Standish, first commander of the Plymouth Colony, in April of 1623, barely two years after the Pilgrims arrived on their shores;
Whereas the naked Colonial broadsword brandished above the head of the Native man on the Massachusetts state Flag and Seal is copied from Myles Standish's own broadsword, borrowed from the Pilgrim Hall in Plymouth by the illustrator Edmund Garrett in 1884;
Whereas the belt binding the Native's cloak on the Flag and Seal is modeled after a belt worn by Metacomet, known to the English as King Philip, who was among the Wampanoag leaders who resorted to a mutually destructive war in 1675-76 in defense of Native lands against Euro-Colonial encroachment;
Whereas the proportions of the body of the Native man in the Flag and Seal were taken from a Native skeleton kept in Winthrop, the bow modeled after a bow taken from a Native man shot and killed by a colonist in Sudbury in 1665, and his features taken from a photograph of an Ojibwe chief from Great Falls, Montana, considered by the illustrator to be a "fine specimen of an Indian," though not from Massachusetts;
Whereas the history of relations between Massachusetts since Colonial times and the Native Nations who continue to live within its borders includes the forced internment of thousands of so-called "praying Indians" on Deer Island, in Boston Harbor, where they died by the hundreds of exposure in 1675; their subsequent enslavement in Boston, Bermuda, and the Caribbean Islands; the offering of 40 pounds sterling as bounty for the scalps of Native men, women and children in Massachusetts beginning in 1686, increased to 100 pounds sterling for the scalps of Native adult males by 1722, half the amount for Native women and children;
Whereas Native Nations within the boundaries of Massachusetts were kept in a state of serfdom, and their members legally considered incompetent wards of the state until the nonviolent action of the so-called Mashpee Rebellion of 1833 led to the granting of Native self-rule by the Massachusetts legislature in 1834, as if the sovereign right of Native self-government was the Massachusetts legislature's to confer;
Whereas Native Americans were legally prohibited from even stepping foot into Boston from 1675 until 2004, when that law was finally repealed;
Whereas the 400th anniversary of the landing of the European Colonists at Plymouth Plantation, which gave rise to the long chain off genocidal wars and deliberate policies of

cultural destruction against Native Nations of this continent, is approaching in the year 2020, affording every citizens of the Commonwealth a chance to reflect upon this history and come to a new awareness of a better relationship between the descendants of the Euro-Colonial immigrants and the Native Nations of these shores;
And whereas members of Native Nations have long suffered the many abuses of racism, the appropriation of their symbols for public schools and sports teams, the diminution and pollution of their ancestral lands and the encroachment of their cultural lifeways;
Therefore, we the voters of the Town of Harwich hereby adopt this resolution in support of HD.2968 and SD.1495, a Resolve providing for the creation of a Special Commission relative to the Seal and Motto of the Commonwealth, such commission to include members of the legislature and members of Native Nations residing in the Commonwealth. We believe that this effort is long overdue and is necessary to ensure respectful treatment of a people long denied the full experience of citizenship in the Commonwealth

GENERAL BYLAW AMENDMENT. SINGLE USE PLASTIC STRAW BAN BYLAW

ARTICLE 55: To see if the Town will vote to amend the Harwich General Bylaw Chapter 122 Hazardous Materials as follows:

Article III Single-Use Plastic Straws

122-9. Single-Use Plastic Straw Ban

122-9-1. Intentions and Findings.

It has been found that:

- 1) Plastic straws are rarely recycled.
- 2) Harwich's proximity to bodies of salt and fresh water means that plastic straws that go uncollected by DPW have a high chance of ending up on the beaches or in the water.
- 3) Plastic straws take up to 200 years to degrade.
- 4) Accidental ingestion of plastics, including straws, kills and injures many animals.
- 5) The degrading of plastic straws releases chemicals toxic to wildlife and the environment.
- 6) The United States currently uses approximately 500 million straws per day.
- 7) There is a national movement to reduce and ban the use of plastic straws and reasonable affordable alternatives are available.

Because Harwich has a duty to protect the natural environment, and its preservation affects the economy and the health of its citizens, this amendment proposes to ban the sale or dispensing of single use plastic straws, including those made from polyethylene, polypropylene, and polystyrene, by any food establishment, retail establishment, or public venue in the Town of Harwich.

122-9-2. Definitions

"Plastic straw" shall mean any single use plastic straw including but not limited to those made from polyethylene, polypropylene, and polystyrene.

“Food Establishment” shall mean any operation, including without limitation schools, farmers markets and other public venues, that stores, prepares, packages, serves, vends or otherwise provides food for human consumption. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered a Food Establishment for the purposes of this bylaw.

“Retail Establishment” shall mean any commercial business facility that sells goods directly to consumers including but not limited to grocery stores, pharmacies, liquor stores, convenience stores, retail stores and vendors selling clothing, food, and personal items, dry cleaning services, theaters and all other food service establishments.

“Public Venues” shall mean operations including but not limited to meeting halls, churches, schools, Town buildings and offices.

122-9-3. Use Regulations

Plastic straws shall not be used, dispensed, or sold by any Food Establishments or any Retail Establishment within the Town of Harwich on or after January 1, 2020. Any stock remaining after that date shall be accepted for disposal free of charge, through January 31, 2020, at the Harwich Transfer Station.

122-9-4. Administration and Enforcement

This Bylaw may be enforced by any Town Police Officer or agent of the Board of Health through any lawful means in law or in equity, including but not limited to non-criminal disposition pursuant to MGL Chapter 40 Section 21D and Article VII General Section 37. Penalties And Enforcement of the Town’s General Bylaws. If non-criminal disposition is elected, then any Establishment which violates any provision of this Bylaw shall be subject to the following penalties:

First Offense: \$100 fine

Second Offense: \$200 fine

Third and Subsequent Offenses: \$300 fine for each offense

Offenses occurring within two years of the date of first reported offense will be considered as subsequent offenses. Each day or portion thereof shall constitute a separate offense, to do or act anything thereon.

The Board of Health, after a hearing conducted in accordance with the procedures set forth in 105 CMR 590.14 and 590.15, may suspend or revoke the food service permit for any establishment failing to comply with this Bylaw.

122-9-5. Severability

If any provision of this bylaw is declared invalid, or unenforceable, the other provisions shall not be affected thereby. Or take any other action relative there to. By Petition.

AMENDMENT TO THE HARWICH BOARD OF HEALTH REGULATIONS –
RESTRICT THE SALE OF FLAVORED TOBACCO

ARTICLE 56: To amend the Regulation of the Harwich Board of Health Restricting the Sale of Tobacco Products by adding the additional language:

C. Definitions:

Flavored Tobacco Product: Any tobacco product or component part thereof that contains a constituent that has or produces a characterizing flavor. A public statement, claim or indicia made or disseminated by the manufacturer of a tobacco product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such tobacco product, that such tobacco product has or produces a characterizing flavor shall constitute presumptive evidence that the tobacco product is a flavored tobacco product.

N. Prohibition of the Sale of Flavored Tobacco Products [subsequent sections relettered]

The sale of flavored tobacco products is prohibited. No person shall sell or distribute or cause to be sold or distributed any flavored tobacco product.

and to act fully thereon. By Petition.

SELECTMEN AND FINANCE COMMITTEE PUBLIC RECORD OF VOTES

ARTICLE 57: To see if the Town will vote to require the individual voting records of Selectmen and Finance Committee members as recorded in the minutes of relevant meetings be included in the Warrant with any Article before Town Meeting for a vote at any Annual or Special Town Meeting, and to act fully thereon. Estimated cost: \$0.00. By Petition.

Explanation: Many voters do not follow any selectmen's meetings, or Finance Committee meetings. Many are not substantially informed about the pros and cons of an article until the requirement to vote is at hand. This proposal will establish an easily verifiable record for voters, and so should be of assistance at Town Meeting, when explanations may be required or a full sense of the Board of Selectmen needs to be understood. It will also serve as a readily available record for and about any individual seeking an appointment or reelection.

AMEND THE CODE OF THE TOWN OF HARWICH CHARTER TO UPDATE THE
NAME "SELECTMEN" TO "SELECT BOARD"

ARTICLE 58: 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.

**RESCIND ARTICLE 57 OF THE MAY 2016 ANNUAL TOWN MEETING
AUTHORIZING THE PET BURIAL GROUND**

ARTICLE 59: To see if the Town will vote to rescind its previous action on Article 57 of the 2016 Annual Town Meeting and take the parcel of land containing 2.25 acres, more or less, located at 276 Queen Anne Road, shown on Assessors Map 69 as Parcel M1, and being a portion of the premise acquired by the Town pursuant to order of taking recorded with the Barnstable Registry of Deeds in Book 11666, Pages 103-105 from the jurisdiction of the Cemetery Commission and return such jurisdiction to the Board of Selectmen for the care, custody, management and control of said property, and to act fully thereon. By Petition.

*Explanation: 1. The Cemetery Commissioners do not have the jurisdiction to solicit or evaluate alternative proposals for this valuable parcel of land, therefore, the best interests of the taxpayers cannot be assured under their purview. The Town Selectmen have such jurisdiction and it's within their purview to maximize and protect taxpayer interests.
2. The proposal for using this land as a pet burial ground relies on a significant but unspecified portion of its revenue coming from residents of other towns, as well as unknown levels of "donations." Any shortfalls from these unspecified revenue sources will result in Harwich taxpayers having to foot larger shares of the burden in effect providing potentially higher and higher levels of subsidy into the future. Accordingly, this taxpayer petition requests that the jurisdiction of this land be returned to the Town Selectmen.*

LAND MATTERS

COMPLETE THE CONSTRUCTION OF THE PET BURIAL GROUNDS

ARTICLE 60: 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 completion of the pet burial grounds and to reimburse the operating budget \$70,280 for the initial cost of preparing and improving the burial grounds. Funds contained within this appropriation are to come from the sale of pet burial lots, and to act fully thereon. By request of the Cemetery Administrator and the Cemetery Commission. Estimated cost: \$ _____

APPROVE EASEMENT FOR VERIZON AND EVERSOURCE ENERGY
AT 1464 ORLEANS-HARWICH ROAD (RTE. 39) AT FIRE STATION 2

ARTICLE 61: To see if the Town will vote to authorize the Board of Selectmen to grant to Verizon New England Inc. and NStar Electric Company d/b/a Eversource Energy perpetual rights and easements for telephone and electric services to be installed on (1) parcel of land at 1464 Orleans Road (Rt. 39). This parcel is identified on Assessor's Map 87, Parcel J1, being the site of the new Fire Station 2, on such terms and conditions and for such consideration as the Selectmen may determine, which may be nominal consideration, and to act fully thereon. By request of the Board of Selectmen.

HARWICH AFFORDABLE HOUSING TRUST FUND

ARTICLE 62: To see if the Town will vote to transfer the care, custody and control of the parcels of land described below, if applicable, from the tax custodian or other board or officer having custody thereof for tax title purposes or other purposes for which they are currently held to the Board of Selectmen for affordable housing purposes and for the purpose of conveyance. To authorize the Board of Selectmen to take said parcels by eminent domain for affordable housing purpose and confirm the Town's title thereto, and, further, to authorize the Board of Selectmen to convey to the Harwich Affordable Housing Trust and/or others, for affordable housing purposes, the fee or long term (99 year) leases in said parcels on such terms and conditions and for such consideration, which may be nominal consideration, as the Board of Selectmen deems appropriate, and to enter into any and all documents and take any and all actions as may be necessary or convenient to accomplish the foregoing purposes, which parcels of land are described more particularly as follows:

- (a) Two parcels of land located on Oak Street, identified on Assessor's Map 61, Parcel B1-A (containing 1.58 acres, more or less) and on Assessor's Map 61, Parcel B1-B (containing 1.32 acres, more or less), shown on a plan recorded with the Barnstable Registry of Deeds in Plan Book 337, Page 62, and being the premises described in a deed recorded in Book 6233, Page 206;
- (b) The parcel of land located at 1 Earl Road, identified on Assessor's 5, Parcel D3 (containing 6.77 acres, more or less), shown on a plan recorded in Plan Book 77, Page 73, and described in a deed recorded in Book 652, Page 71 and Book 16545, Page 42;
- (c) The parcel of land located on 0 Depot Street, identified on Assessor's Map 56, Parcel P12 (containing one acre, more or less), and being the premises described in deed Book 652 Page 71 and the Foreclosure in Tax Lien Case recorded in Book 21728, Page 319;
- (d) The parcels of land located on or near 0 Depot Road, identified on Assessor's Map 63, Parcel -J1 (containing 1.41 acres, more or less), and being the premises described in Book 8241 Page 266; 0 Orleans Road identified on Assessor's Map 63, Parcel J2 (containing 4.59 acres, more or less), and being the premises described in Book 8241 Page 230; 0 Depot Road identified on Assessor's Map 63,

Parcel J3 (containing 17.35 acres, more or less), and being the premises described in Book 8241 Page 234; 0 Middle Road identified on Assessor's Map 63 Parcel J4 (containing 2.7 acres, more or less) and being the premises described in Book 8241 Page 238; 0 Depot Road identified on Assessor's Map 63 Parcel J6 (containing 2.06 acres, more or less), and being the premises described in Book 8241 Page 242, all as shown on a plan recorded in Plan Book 491, Page 4;

- (e) A portion of the property located at 728 Main Street, identified on Assessor's Map 41 Parcel B8 (containing 1.38 acres, more or less), and being the premises described Book 1368, Page 738 and Book 9770 Page 17; and
- (f) A portion of the property located at 265 Sisson Road, identified on Assessor's Map 40 Parcel Z5 (containing 1.11 acres, more or less), and being the premises described in Book 9770, Page 13.

and to act fully thereon. By request of the Board of Selectmen.

REVOLVING/STABILIZATION/OPEB FUNDS

ESTABLISH ANNUAL REVOLVING FUND FOR THE PET BURIAL GROUND

ARTICLE 63: To see if the Town will vote to authorize the creation and establishment of a revolving fund as authorized under M.G.L. c.44, § 53E ½ for the Pet Burial Ground to be known as the "Harwich Pet Memorial Gardens & Walking Park Fund", under the care and custody of the Cemetery Administrator and Commission, for the purpose of funding necessary maintenance, improvements, care and support to the pet burial ground, not to exceed \$140,000 annually with funds generated from receipt of pet burial lots and fees, and to act fully thereon. By request of the Cemetery Commission.

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

ARTICLE 64: To see if the Town will vote to amend the Departmental Revolving Funds By-law as set forth below: by amending the revenue sources for the following Revolving Funds: Golf Pro Shop and Restaurant Lease to include the lease revenue for the Restaurant located at the Clubhouse, for the Golf Infrastructure fund to include a portion of membership fees and for the Community Center to decrease receipts from weight room members to 75%. To amend the uses of the Cemetery Revolving fund to revert back to the original narrative of ATM 2010 Article 51, approved on May 3, 2010 to include maintenance, care and support of town cemetery properties, and by inserting the following Revolving Funds: Middle School, Sidewalks and Tax Title previously approved at various Annual Town Meetings; and to act fully thereon. By request of the Finance Director, Golf Committee and Cemetery Commission.

<u>Revolving Fund</u>	<u>Authorize to Spend Fund</u>	<u>Revenue Source</u>	<u>Use of Fund</u>
Golf Pro Shop and Restaurant Lease Revenue	Director, Golf Committee & ATA	Golf Lessons, Pro Shop Sales and Restaurant Lease Revenue	Pro Shop expenses, clubhouse and kitchen maintenance, modernization, and lessons instructor
Golf Infrastructure Fund	Director, Golf Committee	Surcharge on all green fees and cart fees as well as a portion of golf membership fees.	CVGC Infrastructure including Club House facilities, maintenance facilities
Cemetery	Administrator & Cemetery Commission	90% of Lot Sales, 100 % of all Cemetery Services and Fees	Maintenance, care and support of town cemetery properties
Community Center	Director & Facilities Committee	75 % of the fees from use of the weight room	Weight Room Equipment (and repair)
Middle School Cultural Center	Community Center Director and Facilities Manager	Funds generated from receipt of lease or fees collected for short term, year-round, temporary or otherwise, room (s) use and rental	Funding restorations, maintenance, care and support
Sidewalks	Town Planner and Planning Board	Sidewalk improvements including consulting services and construction	Monies generated from receipts paid to the Town in lieu of sidewalks required to be installed in new subdivisions
Tax Title Collection	Treasurer/Collector	Fees collected for certain costs, charges, and fees incurred by the Treasurer/Collector and collected upon redemption of tax titles or sales of real property acquired through foreclosures of tax titles	To offset expenses incurred in connection with tax takings or tax title foreclosures

Explanation: The golf department would like to establish additional funding to support necessary kitchen renovations, upgrades and modernization of equipment of the restaurant facility located at the Cranberry Golf Course Clubhouse. Allocating the amounts received for the lease of the restaurant will help to support this initiative. The golf department would also like to establish a portion of membership fees to support the ongoing infrastructure needs of the golf course.

According to ATM 2010, Article 51 approved on May 3, 2010 the cemetery revolving fund was established to support the maintenance and care of town cemeteries, when the by-law was established the use of the fund was reduced to the maintenance only of cemeteries thereby limiting the uses of the fund, this amendment strives to revert the use of the funds back to the original intention. The Municipal Modernization Act requires Revolving funds to be established by by-law or ordinance, the Middle School Revolving Fund was established by vote of ATM 17 Article #46, the Sidewalk Revolving Fund was established by vote of ATM 17 Article #47 and the Tax Title Revolving Fund was established by vote of

ATM 18 Article #65.

RESCIND THE ESTABLISHMENT OF THE CAPITAL INFRASTRUCTURE
REVITALIZATION FUND AT CRANBERRY VALLEY GOLF COURSE

ARTICLE 65: To see if the Town will vote to rescind the establishment of a Capital Infrastructure Revitalization Fund at Cranberry Valley Golf Course which was established pursuant to the provisions of Massachusetts General Laws Chapter 40 5F originally established by vote at the Annual Town Meeting 2016 by Article 15; and to act fully thereon. By request of the Finance Director

Explanation: The Capital Infrastructure Revitalization Fund was subsequently established as a revolving fund by vote at the Annual Town Meeting 2017 Article 48 therefore this fund is no longer necessary.

RESCIND THE AUTHORIZATION FOR THE GOLF RESTAURANT LEASE 53D
REVOLVING ACCOUNT AND TRANSFER THE BALANCE INTO THE PRO SHOP
REVOLVING ACCOUNT

ARTICLE 66: To see if the Town will vote to rescind Article 49 of the 2010 Annual Town Meeting and to transfer the unexpended balance in said account into the Golf Pro Shop Lease Revenue Revolving Account; and to act fully thereon. By request of the Finance Director

Explanation: Article 49 of the 2010 Annual Town Meeting referenced MGL Chapter 44, Section 53D and should have referenced MGL Chapter 44, Section 53E ½. This rescission corrects the oversight, the additional source of funding for the Golf Pro Shop and Restaurant Lease Revenue is authorized through the Revolving By-law.

DEPARTMENTAL REVOLVING FUNDS AUTHORIZATION

ARTICLE 67: 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 19 Spending Limit</u>	<u>Disposition of FY18 Fund balance</u>
Golf Pro Shop and Restaurant Lease Revenue	\$250,000	Available for expenditure
Golf Infrastructure fund	\$100,000	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	\$125,000	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

STABILIZATION FUND

ARTICLE 68: To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to be added to the Stabilization Fund, and to act fully thereon. By the request of the Board of Selectmen. Estimated cost: \$384,000.

OPEB TRUST FUND

ARTICLE 69: To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to be added to the OPEB Trust Fund, and to act fully thereon. By the request of the Board of Selectmen. Estimated cost: \$500,000

FUND PRIOR YEAR'S UNPAID BILLS

ARTICLE 70: 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: \$1,000

Explanation:

Water Department \$90.70

MA Frazier Inc. \$128.00

Duffy Health Center \$250.00

Monomoy Regional School District \$401.65 (to be funded from School Trust Funds)

CUSTOMARY

HERRING FISHERIES

ARTICLE 71: To see what action the Town will take in regard to the Herring Fisheries and to act fully thereon. Customary Article.

TOWN OPERATION BUDGET 2020		Actual FY2017	Actual FY2018	Voted Budget FY2019	Town Meeting Budget FY2020	PCT CHANGE
1	MODERATOR S&W	-	-	1,000	1,000	0.0%
2	SELECTMEN S&W	7,500	7,500	12,000	12,500	4.2%
3	SELECTMEN - EXP	6,303	7,077	8,575	8,575	0.0%
4	Sub-Total	13,803	14,577	20,575	21,075	2.4%
5	FINANCE COMMITTEE S&W	2,239	745	4,000	4,000	0.0%
6	FINANCE COMMITTEE - EXP	221	809	500	1,000	100.0%
7	Sub-Total	2,460	1,554	4,500	5,000	11.1%
8	FINANCE COMMITTEE RESERVE FUND	-	-	125,000	125,000	0.0%
9	TOWN ACCOUNTANT - SAL	216,511	233,658	250,386	254,601	1.7%
10	TOWN ACCOUNTANT - EXP	2,919	3,626	3,600	10,875	202.1%
11	AUDIT - EXP	41,000	37,900	44,500	40,000	-10.1%
12	Sub-Total	260,430	275,183	298,486	305,476	2.3%
13	ASSESSORS - S&W	172,706	153,113	196,212	215,571	9.9%
14	ASSESSORS - EXP	71,150	68,266	107,390	107,780	0.4%
15	Sub-Total	243,856	221,379	303,602	323,351	6.5%
16	TOWN COLLECTIONS - S&W	12,140	12,476	15,500	16,000	3.2%
17	TOWN COLLECTIONS - EXP	4,700	3,154	3,760	3,800	1.1%
18	Sub-Total	16,840	15,631	19,260	19,800	2.8%
19	POSTAGE	52,104	46,452	55,000	55,000	0.0%
20	Sub-Total	52,104	46,452	55,000	55,000	0.0%
21	TREASURER - S&W	227,049	234,025	256,196	281,585	9.9%
22	TREASURER - EXP	81,993	102,106	103,250	106,974	3.6%
23	Sub-Total	309,042	336,131	359,446	388,559	8.1%
24	VACATION & SICK LEAVE BUY BACK			47,590	70,932	49.1%
25	MEDICARE	202,561	217,264	217,004	221,042	1.9%
26	ADMINISTRATION - S&W	409,417	418,242	449,807	454,908	1.1%
27	ADMINISTRATION - EXP	113,789	75,450	89,312	81,879	-8.3%
28	ADMINISTRATION - CAP OUTLAY	3,416	4,958	5,500	5,500	0.0%
29	UNION CONTRACTS	5,000	5,000	-	-	-
30	Sub-Total	531,623	503,651	544,619	542,287	-0.4%
31	LEGAL SERVICES - EXP	204,738	159,374	170,000	185,000	8.8%
32	CLAIMS & SUITS	-	-	500	500	0.0%
33	Sub-Total	204,738	159,374	170,500	185,500	8.8%
34	INFORMATION TECHNOLOGY - S&W	97,501	99,800	101,790	178,233	75.1%
35	INFORMATION TECHNOLOGY - EXP	176,207	211,708	276,362	274,682	-0.6%
36	Sub-Total	273,709	311,507	378,152	452,915	19.8%
38	IT CHANNEL 18 - S&W	98,307	106,300	125,450	137,114	9.3%
39	IT CHANNEL 18 - EXP	18,673	24,790	31,000	31,480	1.5%
40	Sub-Total	116,979	131,091	156,450	168,594	7.8%
41	CONSTABLE S & W	250	356	708	708	0.0%

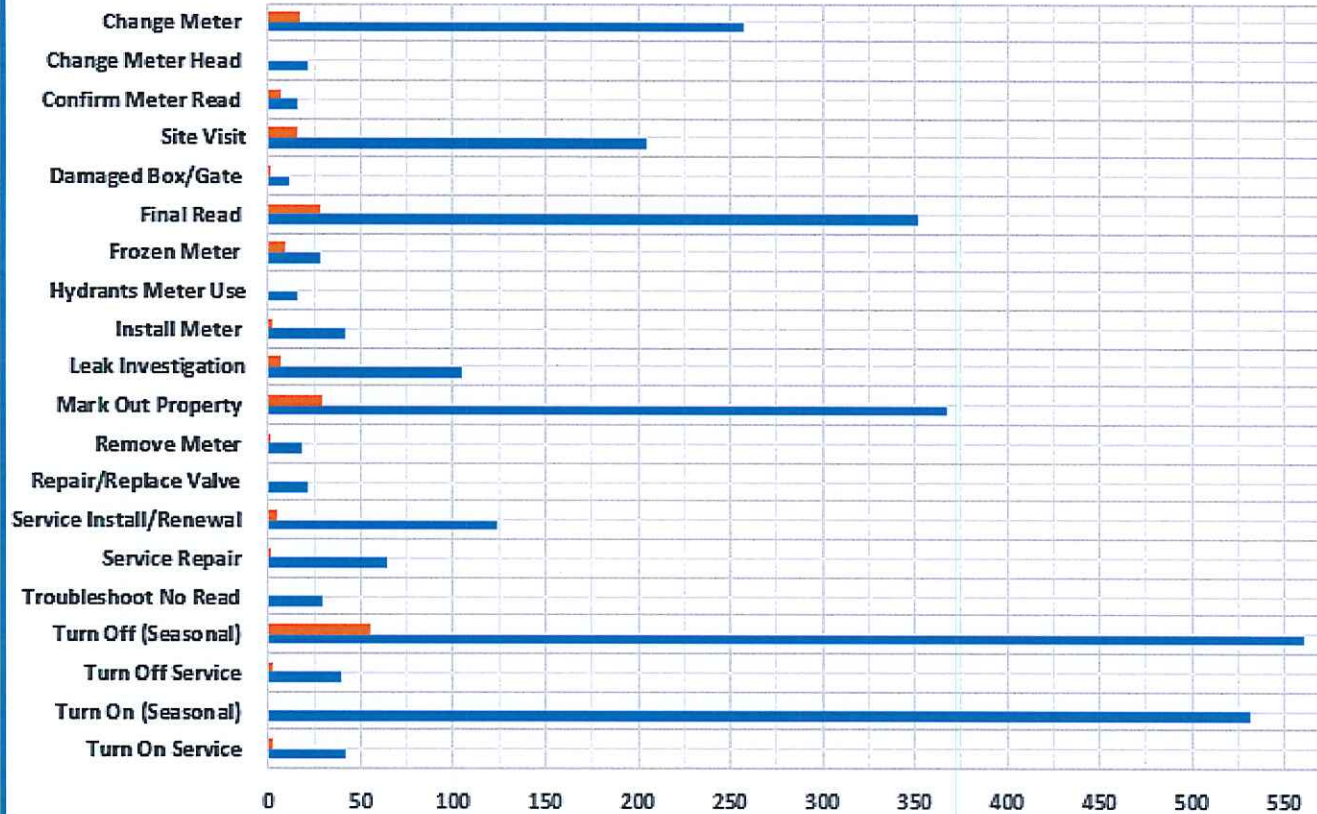
TOWN OPERATION BUDGET 2020		Actual FY2017	Actual FY2018	Voted Budget FY2019	Town Meeting Budget FY2020	PCT CHANGE
42	TOWN CLERK - S&W	213,478	202,280	230,930	253,418	9.7%
43	TOWN CLERK - EXP	48,008	30,684	41,322	37,368	-9.6%
44	Sub-Total	261,486	232,964	272,252	290,786	6.8%
45	CONSERVATION - S&W	81,732	111,527	136,070	154,865	13.8%
46	CONSERVATION - EXP	5,957	6,673	9,941	9,185	-7.6%
47	Sub-Total	87,689	118,200	146,011	164,050	12.4%
48	TOWN PLANNER - S&W	57,331	69,515	87,324	93,443	7.0%
49	TOWN PLANNER - EXP	2,279	1,928	4,531	4,531	0.0%
50	Sub-Total	59,610	71,443	91,855	97,974	6.7%
51	BOARD OF APPEALS - S&W	-	-	-	-	0.0%
52	BOARD OF APPEALS - EXP	439	594	735	735	0.0%
53	Sub-Total	439	594	735	735	0.0%
54	ALBRO HOUSE - EXP	2,890	3,148	5,835	6,355	8.9%
55	OLD RECR BUILDING - EXP	4,710	5,321	6,989	7,627	9.1%
56	W. HARWICH SCHOOL - EXP	577	408	1,425	1,424	-0.1%
57	Sub-Total	8,177	8,876	14,249	15,405	8.1%
58	COMMUNITY DEVELOPMENT - S&W	230,386	218,879	221,032	235,636	6.6%
59	COMMUNITY DEVELOPMENT - EXP	10,379	10,834	11,630	14,762	26.9%
60	Sub-Total	240,765	229,713	232,662	250,398	7.6%
61	PUBLIC BUILDINGS REPAIRS	1,100	-	2,133	2,133	0.0%
62	TOWN/FIN COM REPORTS	7,869	7,658	10,000	10,000	0.0%
63	ADVERTISING	13,514	21,671	7,500	17,000	126.7%
64	POLICE - S&W	3,058,309	3,384,205	3,825,308	3,918,557	2.4%
65	POLICE - EXP	313,061	544,305	570,476	569,514	-0.2%
66	POLICE - CAP OUTLAY	165,151	121,482	126,000	120,000	-4.8%
67	Sub-Total	3,536,521	4,049,992	4,521,784	4,608,071	1.9%
68	FIRE - S&W	3,297,282	3,353,682	3,870,083	4,030,150	4.1%
69	FIRE - EXP	365,663	394,875	416,211	450,761	8.3%
71	Sub-Total	3,662,945	3,748,556	4,286,294	4,480,912	4.5%
72	AMBULANCE - S&W	143,001	112,767	169,389	172,693	2.0%
73	EMS - EXP	129,183	136,314	119,536	122,495	2.5%
74	Sub-Total	272,184	249,081	288,925	295,188	2.2%
75	EMERG. TELECOM - S&W	391,025	-	-	-	0.0%
76	EMERG. TELECOM - EXP	133,120	-	-	-	0.0%
77	Sub-Total	524,146	-	-	-	0.0%
78	BUILDING - S&W	227,995	246,408	311,233	322,832	3.7%
79	BUILDING - EXP	14,955	11,349	20,906	20,197	-3.4%
80	Sub-Total	242,950	257,757	332,139	343,029	3.3%
81	EMERG. MGMT - S&W	4,458	2,444	5,108	5,315	4.1%
82	EMERG. MGMT - EXP	3,126	3,317	8,500	8,500	0.0%
83	Sub-Total	7,584	5,761	13,608	13,815	1.5%
84	NATURAL RESOURCES - S&W	93,375	96,343	102,233	110,639	8.2%

<u>TOWN OPERATION BUDGET 2020</u>		<u>Actual FY2017</u>	<u>Actual FY2018</u>	<u>Voted Budget FY2019</u>	<u>Town Meeting Budget FY2020</u>	<u>PCT CHANGE</u>
85	NATURAL RESOURCES - EXP	26,798	226,998	27,900	28,380	1.7%
86	Sub-Total	120,173	323,341	130,133	139,019	6.8%
87	PLEASANT BAY ALLIANCE	16,920	17,343	20,160	23,760	17.9%
88	TOWN ENGINEER - S&W	170,185	174,256	180,860	182,150	0.7%
89	TOWN ENGINEER - EXP	17,738	9,831	25,670	45,670	77.9%
90	Sub-Total	187,923	184,088	206,530	227,820	10.3%
91	HIGHWAY - S&W	2,402,760	2,495,639	2,589,991	2,724,594	5.2%
92	HIGHWAY - EXP	2,331,328	2,501,442	2,691,641	2,971,182	10.4%
93	Sub-Total	4,734,087	4,997,081	5,281,632	5,695,776	7.8%
94	SNOW/ICE - S&W	108,597	104,576	40,000	40,000	0.0%
95	SNOW/ICE - EXP	271,908	260,924	95,000	95,000	0.0%
96	Sub-Total	380,505	365,500	135,000	135,000	0.0%
97	STREET LIGHTS	38,130	31,372	37,500	40,000	6.7%
98	INTERGOVERNMENTAL TRANS - WW COUNTY WW SUPPORT FUND			70,000	150,000 100,000	114.3% 100.0%
99	CEMETERY ADMIN - S&W	58,830	63,203	64,847	69,431	7.1%
100	CEMETERY ADMIN - EXP	4,799	3,164	4,742	5,613	18.4%
101	Sub-Total	63,629	66,367	69,589	75,044	7.8%
102	BOARD OF HEALTH - S&W	181,111	139,795	177,593	193,863	9.2%
103	BOARD OF HEALTH - EXP	12,252	16,209	17,038	16,930	-0.6%
104	Sub-Total	193,364	156,004	194,632	210,793	8.3%
105	COMMUNITY CENTER S&W	152,894	165,498	188,468	185,367	-1.6%
106	COMMUNITY CENTER EXP	109,636	131,306	119,521	142,556	19.3%
107	Sub-Total	262,529	296,804	307,989	327,923	6.5%
108	COUNCIL ON AGING - S&W	359,322	370,042	370,480	377,594	1.9%
109	COUNCIL ON AGING - EXP	68,198	63,690	77,286	77,507	0.3%
110	Sub-Total	427,521	433,732	447,766	455,101	1.6%
111	YOUTH COUNSELOR - S&W	75,637	81,511	85,203	93,443	9.7%
112	YOUTH COUNSELOR - EXP	3,932	4,017	4,310	4,310	0.0%
113	Sub-Total	79,569	85,528	89,513	97,753	9.2%
114	VETERANS EXPENSE/BENEFITS	96,671	99,997	134,500	122,400	-9.0%
115	DISABILTY RIGHT - EXP	-	-	300	500	66.7%
116	HUMAN SERVICES	79,980	72,605	81,580	82,250	0.8%
117	LIBRARY - S&W	597,668	630,719	676,741	707,968	4.6%
118	LIBRARY - EXP	252,696	269,410	274,111	282,372	3.0%
119	Sub-Total	850,363	900,128	950,852	990,340	4.2%
120	RECREATION - SEASONAL - S&W	175,732	174,725	215,988	228,507	5.8%
121	RECREATION - S&W	212,853	228,268	250,115	264,615	5.8%
122	RECREATION - EXP	44,636	41,735	45,575	45,575	0.0%
123	RECREATION - CAP OUTLAY	7,319	-	12,000	12,000	0.0%
124	Sub-Total	440,540	444,728	523,678	550,697	5.2%

TOWN OPERATION BUDGET 2020		Actual FY2017	Actual FY2018	Voted Budget FY2019	Town Meeting Budget FY2020	PCT CHANGE
125	HARBORMASTER -S&W	280,246	289,490	311,576	333,851	7.1%
126	HARBORMASTER - EXP	108,556	171,596	173,300	253,280	46.2%
127	Sub-Total	388,803	461,086	484,876	587,131	21.1%
128	BROOKS ACAD MUSEUM COMMISSION	10,138	10,754	12,894	12,894	0.0%
129	HISTORICAL COMMISSION	80	540	-	-	0.0%
130	HISTORICAL COMMISSION	-	-	350	350	0.0%
131	Sub-Total	80	540	350	350	0.0%
132	CELEBRATIONS	-	1,299	1,600	1,600	0.0%
133	GOLF - S&W	762,933	798,628	870,333	917,841	5.5%
134	GOLF - EXP	578,068	621,381	676,367	676,766	0.1%
135	GOLF CAP OUTLAY	69,548	66,277	73,000	73,000	0.0%
136	Sub-Total	1,410,549	1,486,286	1,619,700	1,667,607	3.0%
137	GOLF IMA MRSD			84,363	82,760	-1.9%
138	ELECTRICITY - CVEC	64,315	66,254	65,925	69,610	5.6%
139	Total Departmental Budgets	21,001,165	21,737,254	23,873,100	25,321,862	6.1%
140	Total Debt Service (Prin & Int)	3,730,596	2,494,459	4,652,464	5,881,626	26.4%
141	STATE ASSESSMENTS	245,490	261,135	269,897	284,978	5.6%
142	BARNS CTY RETIREMENT	2,364,925	2,681,194	2,763,836	3,024,763	9.4%
143	CAPE COD COMMISSION ASSESSMENT	207,455	217,944	229,452	203,498	-11.3%
144	BARNSTABLE COUNTY ASSESSMENT	193,497	203,280	202,302	213,571	5.6%
145	UNEMPLOYMENT COMPENSATION	2,567	5,087	10,000	15,000	50.0%
146	GROUP HEALTH INSURANCE	3,563,522	4,296,270	4,778,977	4,815,339	0.8%
147	OPEB	100,000	100,000	125,000	150,000	20.0%
148	GENERAL INSURANCE	450,389	656,366	681,000	790,830	16.1%
149	GENERAL INSURANCE DEDUCTIBLE	8,151	4,603	5,000	10,000	100.0%
150	TOTAL TOWN	31,867,758	32,657,592	37,591,028	40,711,467	8.3%
151	OVERLAY (Abatements/Exemptions)			460,000	460,000	
152	C C REGIONAL TECH HIGH	1,437,053	1,437,053	1,581,237	2,332,198	47.5%
153	MONOMOY REG. SCH. DISTRICT					
154	Operating	21,644,248	21,644,248	23,282,215	24,280,721	4.3%
155	Capital/ other	224,723	224,723	260,038	260,748	0.3%
156	Transportation	412,558	412,558	430,896	554,789	28.8%
157	Debt Service- Middle School	1,776,772	1,776,772	24,328	-	-100.0%
158	Debt Service H.S.			1,611,913	1,658,018	2.9%
159	TOTAL MRSD ASSESMENT	24,058,301	24,058,301	25,609,390	26,754,276	4.47%
160	TOTAL	57,363,112	58,152,946	65,241,655	70,257,941	7.7%
	Reconciliation to Article 5:					
	Total from line 160				\$ 70,257,941	
	Less:					
	State & County Assessments				702,047	
	Overlay				460,000	
	Cape Cod Technical High School				2,332,198	
	Monomoy Regional School District				26,754,276	
	Total Reductions				30,248,521	
	Article 5				\$ 40,009,420	

January Service Activity

■ JAN2019 ■ 2018

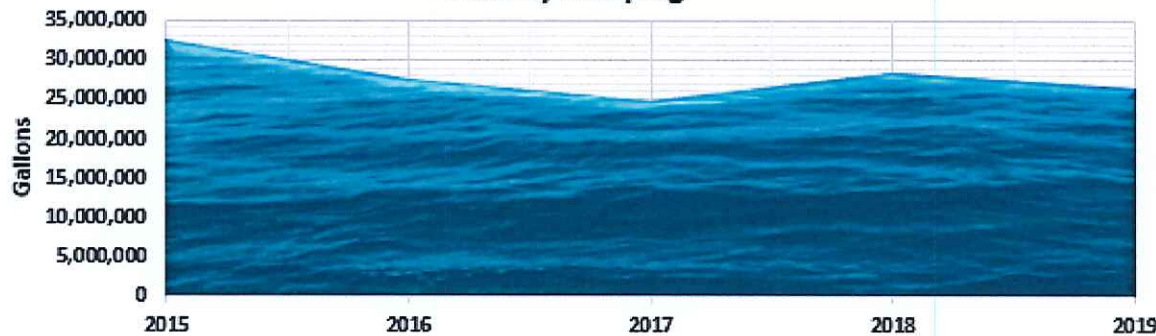


Water Samples Taken
39

Monthly Change in Pumping
-9.47%

YTD Change 2018 vs. 2019
-8.62%

January Pumping



January Calendar Highlights

- 1/10/2019 BOWC Meeting
- 1/14/2019 Water Bill Mail Date (FY19 Q2)
- 1/15/2019 Wastewater (WW) Site Visit
- 1/17/2019 Lothrop Ave Site Visit w/Amy U
- 1/18/2019 MMA Annual Conference
- 1/23/2019 Mtg(s)/Nat'l Grid, Eversource
- 1/24/2019 Mtg(s)/D. Callahan & BOWC
- 1/25/2019 Town Report Submittal
- 1/28/2019 Wastewater Site Visits (2)
- 1/31/2018 Mtg(s)WW-Har/CH & Lthrp-Drew