

SELECTMEN'S MEETING AGENDA*

Donn B. Griffin Room, Town Hall

732 Main Street, Harwich, MA

Executive Session 6:00 P.M.

Regular Meeting 6:30 P.M.

Monday, July 29, 2019

***REVISED AGENDA**

Tornado related information added to Agenda

Posted at 11:13 A.M on July 26, 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. **EXECUTIVE SESSION** - Pursuant to M.G.L. c. 30A, § 21(a)(6), to consider purchase, exchange, lease or value of real estate if the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body – 0 Deacon's Folly Road, Harwich

III. **PLEDGE OF ALLEGIANCE**

IV. **WEEKLY BRIEFING**

V. **PUBLIC COMMENTS/ANNOUNCEMENTS**

VI. **CONSENT AGENDA**

- A. Vote to confirm the recommendation of the Housing Committee to appoint Joe McParland Jr. as the Housing Committee's representative to the Community Preservation Committee – Term to Expire June 30, 2021
- B. Vote to accept the resignation of James Joyce as a full member of the Planning Board effective July 31, 2019
- C. Vote to accept the gift of \$10,265.00 from the Ora Gaylord Arooth Trust and authorize the Chair to sign letter
- D. Vote to confirm the recommendation of Police Chief David Guillemette to appoint Kyle Robbins as a Student Police Officer effective October 7, 2019 with an annual salary of \$44,657.75 (Hiring Step)
- E. Approve the Democratic and Republican Town Committee lists of Election Workers

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

VIII. **NEW BUSINESS**

- A. Noise violations by Ember submitted by the Police Chief – *schedule Public Hearing and designate the Town Administrator as Hearing Officer*
- B. Revision to Harwich Inn and Tavern Weekday Entertainment License for outdoor entertainment – Requesting Monday – Saturday – 12:00 PM – 8:00 PM – Outdoors
Current Outdoor License: Thursday, Friday, Saturdays from 4:00 PM – 8:00 PM
- C. Pleasant Bay Watershed Permit 2019 Annual Report – *discussion and approval*
- D. Recreation and Youth Commission Rules and Regulations - *discussion and vote to approve*

IX. **TORNADO RELATED ACTIONS**

- A. Official designation of local emergency declaration pursuant to M.G.L. Ch. 44, Section 31
- B. Deficit spending related to the tornado

X. **CONTRACTS**

XI. **OLD BUSINESS**

- A. Draft Town Administrator Goals - *discussion*

XII. **TOWN ADMINISTRATOR'S REPORTS**

- A. FY 2020 Reserve Fund Transfer of \$50,000.00 Completed for Emergency Related Expenses
- B. CDM Smith Progress Report
- C. Department 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:

Posted by: _____

Town Clerk

Sandra Robinson Admin. Secretary

Date: July 26, 2019

Harwich Housing Committee

Harwich Board of Selectmen
Town Hall
732 Main Street
Harwich, MA 02645

Dear Selectboard,

On May 13, 2019, the Harwich Housing Committee voted to appoint Joe McParland, Jr. to the Community Preservation Committee. We respectfully request that you approve this appointment.

Thank you.

Sincerely,



Art Bodin
Chair, Harwich Housing Committee

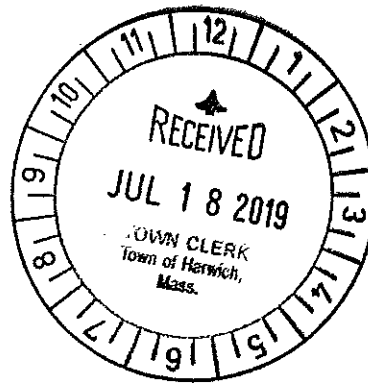


July 17, 2019

To: Mdme. Anita Doucette, Town Clerk
Town of Harwich, Massachusetts

And

Stephen Ford, Selectman
Larry Ballantine, Selectman
Don Howell, Selectman
Mike MacAskill, Selectman
Ed McManus, Selectman
Charleen Greenhalgh, Town Planner



cc: Chris Clark & Planning Board Members

Subject: Resignation from the planning board, Town of Harwich

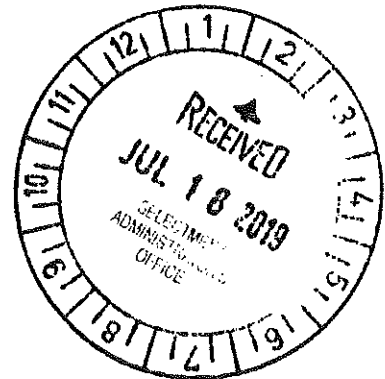
Greetings:

It has been a distinct honor to serve the town of Harwich as a member of the planning board and most recently as its Chair. At this time, I would like to resign this post effective Wednesday, July 31, 2019.

It is my desire to help effect a smooth transition to new leadership between today's date and the date of my resignation.

With warm regards and best wishes,


James T. Joyce Jr
22 Cannon Hill Drive
E. Harwich, MA 02645



June 5, 2014

Chris Clark, Town Administrator
Town Hall
Harwich Ma 02645

Dear Chris,

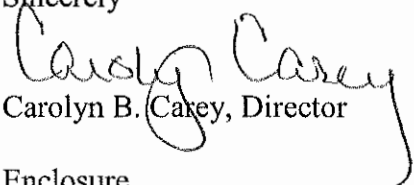
I would like to ask you, through the selectmen to accept the attached gift of \$10,265.00 from the Ora Gaylord Arooth Trust.

This gracious gift in the past has provided the Community Center with needed equipment for the building and helped to pay for some training for the staff along with paying for countless other things that I hope have enhanced the experience of al those that utilize the building.

The letter from Trustee, Carol Ann Rowley asks that the Town sign that we are in receipt of the check. I am sending the entire package to your attention for a signature.

I thank you again for your support to the Community Center and all those we serve.

Sincerely


Carolyn B. Carey, Director

Enclosure





Carol Ann S. Rowley

COPY

July 10, 2019

Harwich Community Center
100 Oak Street
Harwich, MA. 02645

Dear Sir/Madam:

As Trustee of The Ora Gaylord Arooth Trust, I am pleased to deliver the distribution for FY ending February 2019 of \$10,265, for your organization's unrestricted use. Per Mrs. Arooth's request, this distribution is being made in **Memory of Joseph Arooth and Ora Gaylord Arooth** and should be noted as such by you.

I have made the appropriate filings with the Internal Revenue Service and the Massachusetts Attorney General's office, who oversees charities.

For your records, enclosed is the financial statement prepared by the certified public accounting firm of Lamb, Mason, Bulger & Co., P.C..

Please sign the enclosed copy of this letter signifying receipt of the monetary distribution and financial statement and return it to me, at your earliest convenience, in the self addressed, stamped envelope. If you have any questions, please do not hesitate to contact me.

With sincere respect,

CAROL ANN S. ROWLEY, TRUSTEE

:car
Enclosures (3)

DATED: _____ SIGNATURE: _____

576 Long Pond Road
~~Post Office Box 2403~~
Brewster, MA 02631



508-237-2608
508-896-0026
csrowley@outlook.com

THE ORA GAYLORD AROOTH TRUST

Financial Statements – Income Tax Basis

February 28, 2019

THE ORA GAYLORD AROOTH TRUST

Table of Contents

February 28, 2019

EXHIBIT

Independent Accountant's Compilation Report

Financial Statements

Statement of Assets, Liabilities and Fund Balance - Income Tax Basis	A
Statement of Support, Revenues, Expenses, and Fund Balance - Income Tax Basis	B
Notes to Financial Statements	C

LAMB, MASON, BULGER & CO., P.C.
Certified Public Accountants
32 Village Landing, P.O. Box 1233
West Chatham, Massachusetts 02669

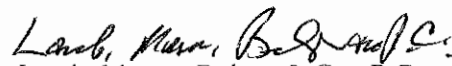
INDEPENDENT ACCOUNTANT'S COMPILATION REPORT

June 17, 2019

To Carol A. Rowley, Trustee
The Ora Gaylord Arooth Trust
Brewster, Massachusetts

Management is responsible for the accompanying financial statements of The Ora Gaylord Arooth Trust, which comprise the statement of assets, liabilities, and fund balance—income tax basis as of February 28, 2019 and the related statement of revenues, expenses, and fund balance - income tax basis for the year then ended in accordance with the income tax basis of accounting, and for determining that the income tax basis of accounting is an acceptable financial reporting framework. We have performed a compilation engagement in accordance with Statements for Accounting and Review Services promulgated by the Accounting and Review Services Committee of the AICPA. We did not audit or review the financial statements nor were we required to perform any procedures to verify the accuracy or completeness of the information provided by management. Accordingly, we do not express an opinion, a conclusion, nor provide any form of assurance on these financial statements.

We draw attention to Note 1 of the financial statements, which describes the basis of accounting. The financial statements are prepared in accordance with the income tax basis of accounting, which is a basis of accounting other than accounting principles generally accepted in the United States of America.


Lamb, Mason, Bulger & Co., P.C.

THE ORA GAYLORD AROOTH TRUST

Statement of Assets, Liabilities and Fund Balance - Income Tax Basis

February 28, 2019

(See Independent Accountant's Compilation Report)

Assets:	
Cash and cash equivalents	\$ 14,469
Investments (at cost)	<u>625,373</u>
Total Assets	<u>\$ 639,842</u>
Liabilities:	
Accrued expenses	\$ 17,658
Accrued charitable distribution	<u>41,060</u>
Total Liabilities	<u>58,718</u>
Fund Balance	<u>581,124</u>
Total Liabilities and Fund Balance	<u>\$ 639,842</u>

THE ORA GAYLORD AROOTH TRUST

Statement of Support, Revenues, Expenses, and Fund Balance - Income Tax Basis

For the Year Ended February 28, 2019

(See Independent Accountant's Compilation Report)

Support and Revenues:	
Dividends and interest	\$ 22,349
Total Support and Revenues	<u>22,349</u>
Expenses:	
Charitable distributions	41,060
Trustee fees	8,364
Federal excise tax	140
Bank fees	25
Filing fees	<u>35</u>
Total Expenses:	<u>49,624</u>
Deficiency of Support and Revenues over Expenses	(27,275)
Fund Balance, Beginning	<u>608,399</u>
Fund Balance, Ending	<u>\$ 581,124</u>

THE ORA GAYLORD AROOTH TRUST

Notes to Financial Statements

February 28, 2019

(See Independent Accountant's Compilation Report)

Note 1 - Summary of Significant Accounting Policies:

Nature of Operations - The Ora Gaylord Arooth Trust is a non-exempt charitable trust established by Ora Gaylord Arooth to provide ongoing support to four specific charitable organizations.

Basis of Accounting - The accounting records and the accompanying financial statements have been maintained and prepared on the accrual method of accounting in accordance with practices permitted for federal income tax purposes, which is a comprehensive basis of accounting other than generally accepted accounting principles (GAAP). The following are the more significant differences between that basis and GAAP:

- 1) As permitted for income tax reporting purposes, the Trust has not implemented all of the financial reporting requirements of FASB Codification 958, *Financial Statements of Not-for-Profit Organizations*. Accordingly, the Trust has not classified the difference between its assets and liabilities as unrestricted net assets, temporarily restricted net assets, and permanently restricted net assets based on the existence or absence of donor-imposed restrictions. In addition, the Trust has not reported the changes in each of those classes of net assets in the accompanying financial statements. That presentation is required by GAAP.
- 2) Investments in marketable securities are recorded at cost. Under GAAP, such investments would be recorded at their fair values.

Cash and Cash Equivalents - The Trust defines its cash and cash equivalents to include only cash in demand deposits.

Investments - Investments in marketable securities are stated at cost or, in the case of contributed securities, at their fair value at date of receipt. Under generally accepted accounting principles, such investments would be recorded at their fair values.

Use of Estimates - The preparation of financial statements requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

Subsequent events - The Trustee evaluated subsequent events for potential required disclosures through June 17, 2019, which is the day the financial statements were available to be issued.

Note 2 - Income Taxes:

The Trust qualifies for and files Form 990PF as a private non-operating foundation under section 4947(a)(1) noncharitable Trust and pays a federal excise tax on net investment income.

THE ORA GAYLORD AROOTH TRUST

Notes to Financial Statements

February 28, 2019

(See Independent Accountant's Compilation Report)

Note 3 - Investments:

Investments at February 28, 2019 are carried at cost. Investments are as follows:

	<u>Cost</u>	<u>Market Value</u>	<u>Unrealized Gain (Loss)</u>
Money Market Funds	\$ 195,370	\$ 195,370	\$ -
Limited Partnership	24,317	23,373	(944)
Common Stock	<u>405,686</u>	<u>597,348</u>	<u>191,662</u>
	<u>\$ 625,373</u>	<u>\$ 816,091</u>	<u>\$ 190,718</u>

Note 4 – Accrued charitable distribution:

Amounts due to trust beneficiaries as required by Section 4942 of the Internal Revenue Code are as follows:

	<u>Status</u>	<u>Purpose</u>	<u>Amount</u>
Lupus Foundation of America	Public Charity	Unrestricted Support	\$ 10,265
Our Lady of Providence Children's Center, Inc.	Public Charity	Unrestricted Support	10,265
Hope Health	Public Charity	Unrestricted Support	10,265
Harwich Community Center	Municipal Entity	Unrestricted Support	<u>10,265</u>
		Total accrued charitable distributions	<u>\$ 41,060</u>



HARWICH Police

DEPARTMENT

183 Sisson Road, Harwich, MA 02645

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



DAVID J. GUILLEMETTE
Chief of Police

KEVIN M. CONSIDINE
Deputy Chief

Memorandum

TO: *Board of Selectmen*
Christopher Clark
Town Administrator

FROM: **David J. Guillemette**
Chief of Police

DATE: **July 22, 2019**

SUBJECT: **Student Police Officer Appointment Recommendation**

Background

The Harwich Police Department currently has an authorized strength of 35 sworn officers to include the Chief of Police. The department currently has one full time police officer opening due to the recent retirement of Deputy Chief Tom Gagnon. A selection process was conducted and a list of five top scoring candidates was presented to the command staff for interviews. All finalist candidates performed well during the interviews. I am pleased to recommend Kyle J. Robbins for the position of Student Police Officer. This appointment is contingent upon a satisfactory background check and his successful completion of all medical and physical requirements for entrance into the recruit academy and his successful completion of the recruit academy. Kyle has signed a conditional offer of employment letter outlining the requirements for the position (see attached conditional offer letter).

Kyle is a graduate of the Municipal Police Training Committee Reserve Intermittent academy and has been working as a Special Police Officer for the Town of Wellfleet during the summer months.

Recommendation

I am requesting that Kyle Robbins be appointed as a Student Police Officer effective October 7, 2019 with an annual salary of \$44,657.75 (Hiring Step). This appointment has a twelve (12) month probationary period, which commences upon his full time appointment date and coincides with his graduation from the police academy. During the probationary period, discipline or discharge is not subject to union representation, grievance, or arbitration.



HARWICH Police

DEPARTMENT

183 Sisson Road, Harwich, MA 02645

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



DAVID J. GUILLEMETTE
Chief of Police

KEVIN M. CONSIDINE
Deputy Chief

July 22, 2019

Mr. Kyle J. Robbins
23 John Turco Drive
Walpole, Ma 02081

Dear Mr. Robbins,

Congratulations on being selected as a finalist for the position of full-time police officer with the Harwich Police Department. I am very pleased to provide you with the conditional offer of employment on behalf of the Board of Selectmen and the Town of Harwich.

This offer is contingent upon you successfully passing a complete background investigation, physical examination, psychological examination, the State of Massachusetts Physical Abilities Test (PAT) and the Recruit Academy (ROC) Entry-Level Fitness Standards adopted July 1, 2019. If you are successful in passing all of these phases, you will be offered employment as a student officer and enrolled in the next available Massachusetts Criminal Justice Training Committee Basic Recruit Academy. Your continued employment is also contingent upon your successful completion of the basic recruit academy which is currently scheduled to start on October 14, 2019. With that start date in mind, I am recommending the Board of Selectmen appoint you effective one week prior which is October 7, 2019. Please be aware the start date of the basic recruit academy is subject to change.

During your attendance at the academy you will be a student officer in accordance with the provision of Massachusetts General Law chapter 41 section 96B with an annual salary of \$44,657.75 (hiring step). *Upon graduation, you must serve a one year probationary period and can be dismissed at any time without cause.* Discipline or discharge is not subject to grievance or arbitration during this entire period. Following successful completion of your probationary period you will be represented by the Harwich Police Federation on all contractual matters.

I would also like to draw your attention to the attached Police Academy Training Agreement that requires your signature prior to attending the Basic Recruit Academy.

Congratulations again, and I wish you the best of luck during the remainder of the hiring process and the recruit academy. We look forward to you joining the Harwich Police Department. Your signature below indicates you have read and understand all the provisions of this document.

Sincerely,

David J. Guillemette
Chief of Police

 7/22/19
NAME DATE

DJG/kav

Patti Macura

From: Chief David J. Guillemette
Sent: Monday, July 22, 2019 3:34 PM
To: Christopher Clark
Cc: Sandy Robinson; Patti Macura; Deputy Chief Kevin Considine
Subject: Kyle Robbins appointment recommendation
Attachments: Robbins memo and conditional offer.pdf

Chris,

Attached please find my memo and condition offer letter for Kyle Robbins for our 35th full time police officer position. Could you please put this on the selectmen's agenda for next week. We had a few false starts on this process but this one looks like it may work out. If you would like to meet him prior to the meeting next week just let me know and we can set something up.

Thanks,

David J. Guillemette
Chief of Police



Harwich Police Department
183 Sisson Road
Harwich, MA 02645

Office: 508-430-7541

Raymond Gottwald, Chairman
Democratic Town Committee
38 Huckleberry Path
Harwich, MA 02645



July 22, 2019

The Honorable Board of Selectmen
Harwich Town Offices
732 Main Street
Harwich, MA 02645

To The Honorable Board of Selectmen:

As requested, and in accordance with Massachusetts General Laws, Chapter 54, Section 12, the Harwich Democratic Town Committee submits the following names of enrolled Democrats who desire to be Election Officers for a one-year period beginning September 1, 2019.

It is our understanding that the Board of Selectmen shall, not earlier than July 16, 2019, not later than August 13, 2019, appoint Election Officers for each precinct from this filed list, which has also been submitted to the Town Clerk and Board of Registrars.

Johanne M. Arnemann	89 Pleasant Bay Rd	Harwich	774-722-1911
Joyce E. Bearse	19 Sequattom Road	Harwich	432-1892
Charles Callahan	4 Woodbine Road,	Harwich Port	432-3740
Joan Callahan	4 Woodbine Road,	Harwich Port	432-3740
Ursula Corbett	2 Baddeck Street P.O. Box 1642	Harwich	432-3272
Mary Eagan	Echo Woods Road, Box 191	South Harwich	432-8452
Donna W. Eaton	159 Long Pond Dr	Harwich	430-4372
Carolyn Flahive	3 Johns Way,	Harwich	432-9207
Leslie Flynn	54 Oak Street	Harwich	432-2576
William Flynn, Jr	54 Oak Street	Harwich	432-2576
Dorothy M. Harrington	19 Village Green	Harwich Port	432-9150
Shirley Knowles	62 Oak Street	Harwich	432-1048
Wilfrid Remillard	642 Queen Anne Road	Harwich	432-6249
Catherine A. Sacramone	43 Division Street	West Harwich	432-4718
Susan Weinstein	21 Lake Street	Harwich	432-1165
Maddyline Hastings	30 Kendrick Road	Harwich	

Marilyn Schlansky	28 Glenwood Drive Harwich	774-237-0698
Paul Schlansky	28 Glenwood Drive Harwich	
Kathleen Muller	20 Hunts Lane, Harwich	432-1062
Elaine Dickinson	10 Hillcrest Drive, Harwich	
Dean Panko	32 Long Pond Drive, Harwich	508-432-6047
Lynda Burchfield	22 Oak Street	508-631-2959
Donna Tavano	500 Route 28, Harwich Port,	508-432
Colleen Murphy	39 Deep Hole Road,	617-735-0176
Roseanne Shapiro	339 Leightons Lane	508-430-1898
Margaret Rose	87 Grey Neck Road, Harwich	508-364-5256
Joanne Clancy	118 Cemetery Road Harwich	508-432-4297 2019
Mary Anderson	19 Wilmas Way, Harwich	
Kathryn A. Gaudet	89 Riverside Drive, West Harwich	
Carol Genatossio	902 Orleans Road, Harwich	

I will contact you if there are any additional names to be added to this list.
Thank you for your consideration in this matter.

Respectfully,

Raymond C. Gottwald

Raymond Gottwald, Chairman
Harwich Democratic Town Committee

Pc: Board of Registers

2019 Republican Election Workers

Leonora Arneson	18 Wood Lilly Road	432-2645
Ruth Barnett	18 Rainbow Way, Harwich	432-3648
Alice Bonatt	30 Indian Trail, South Harwich	774-212-0988
Emily C. Brutti	28 Hill Crest, Harwich,	397-6233
Janet Bowers	142 Kendrick Rd, Harwich	432-8895
Richard Bowers	P O Box 244, Harwich	432-8895
Eric Carroll	434 Lower County Road	432-9316
Gayle Carroll	434 Lower County Road	432-9316
Judy Davis	170 Gorham Rd, HarwichPort	432-9312
John Eldredge	9 Forsythia Drive, Harwich	432-0965
Richard Gomes	15 Ridgevale Rd, So Harwich	432-1431
Jeffrey Hadley	29 Scotlin Way, Harwich	432-3124
Sandra Hall	24 Intervale Ln, Box 426, So Harwich	432-1963
Linda Hughes	41 Martha Ln, Box 54, So. Harwich	432-7512
Janet Kaiser	4 Spring Tide Lane, Harwich	432-3277
Ann Kaplan	154 Clearwater Dr, Harwich	432-9886
Barbara Madson	247 Church St, Harwich	432-2945
Beverly Millar	11 Carriage Lane, Harwich	432-3142
Sheila O'Toole	990 Queen Anne Rd, Harwich	432-3459
Mary Ann Pina	3 Frances Road, Harwich	774-408-7471
Deborah Sementa	1 Captain Bears Road, Harwich	432-6147
Virginia Stark	105 Uncle Venies Rd Box 869 South Harwich	430-2632
Judith Sullivan	4 Paddock Road, Harwich	432-5526
Pat Switchenko	3 Riley Road, Harwich	432-2458
Lou Urbano	152 Riverside Drive, West Harwich	858-922-4212
Sally Urbano	152 Riverside Drive, West Harwich	425-583-8494
Roberta Winston	512 Route 28, Harwich Port	508-246-4109
Juell Buckwold	28 Ocean Street, South Harwich	508-432-1055
Sue Mills	Gorham Road, Harwich Port	508-432-9057



Patti Macura

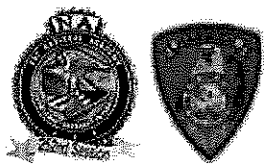
From: Chief David J. Guillemette
Sent: Friday, July 19, 2019 12:58 PM
To: Christopher Clark; Joe Powers
Cc: Sandy Robinson; Patti Macura
Subject: Ember noise violations
Attachments: Ember noise violations packet.pdf

Chris and Joe,

Attached please find my memo and supporting documentation for (3) separate noise / entertainment license violations that occurred at Ember. Please contact me with any questions.

Sincerely,

David J. Guillemette
Chief of Police



Harwich Police Department
183 Sisson Road
Harwich, MA 02645

Office: 508-430-7541



HARWICHPolice

DEPARTMENT

183 Sisson Road, Harwich, MA 02645

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

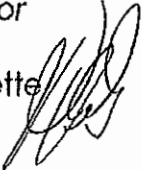


DAVID J. GUILLEMETTE
Chief of Police

KEVIN M. CONSIDINE
Deputy Chief

Memorandum

TO: Board of Selectmen
Christopher Clark
Town Administrator

FROM: David J. Guillemette
Chief of Police 

DATE: July 19, 2019

SUBJECT: Liquor / Entertainment License violation report

In accordance with Town of Harwich Liquor License Regulations section 1.16 I would like to bring to the board's attention (3) entertainment license violations, in the form live or recorded music being played at Ember in a manner that was plainly audible beyond 150 feet. Please note that Ember has already received one written warning for their first violation that occurred on June 28, 2019 which involved music coming from the property at 10:45 PM.

The attached violation reports are for your consideration as to whether to hold a public hearing on the matter. Officers who responded to the complaints and documented their findings will be made available for testimony if a hearing is deemed necessary.

PERSONNEL NARRATIVE FOR PATROL CHRISTOPHER R ARRIGO

Ref: 19-9483-OF

The following is a summary of facts regarding a noise complaint at Ember Pizza:

On June 28, 2019 at approximately 2245 hours, I, Officer Christopher Arrigo responded to a noise complaint at Ember Pizza. Upon arrival, I could hear music coming from the outside patio with a loud base to it. I spoke to the manager, Mr. McMahon and asked him to turn the music off. Mr. McMahon was very courteous and informed me that he would turn the music off immediately. Before I got back to my cruiser, the music was completely off and the restaurant was back in compliance with the noise ordinance.

Respectfully Submitted,

Officer Christopher Arrigo #205

SUPPLEMENTAL NARRATIVE FOR PATROL TYLER J VERMETTE

Ref: 19-9483-OF

To: Harwich Police Department Case #19-9594/19-9483-OF

From: Officer Tyler Vermette

Date: June 30, 2019

Subject: Noise complaint at Ember Pizza

1. On Sunday June 30, 2019, at approximately 9:19pm, I was dispatched to Ember Pizza for the report of loud music. I was informed that the complaint was received from a residence in the vicinity of Bank Street and Woodland Road. While responding to this area, I drove past Ember and observed that a live band was playing outside.
2. I arrived in the area of Bank Street and Woodland Road and parked my cruiser with the front windows down. From this location I was able to hear the live music at Ember clearly. I was able to hear all of the song lyrics and could identify the song that the band was playing (Semi-Charmed Life by Third Eye Blind). It should be noted that this location was in excess of 150 feet away from Ember Pizza.
3. I responded to Ember Pizza and spoke with the manager, Scott McMahon. I informed Mr. McMahon of the complaint and the distance from which I could hear the music. Mr. McMahon agreed to turn the volume down.

Respectfully Submitted,

Officer Tyler Vermette
Harwich Police Department



HARWICH POLICE DEPARTMENT

183 SISSON ROAD HARWICH MA 02645 508-432-1212

www.harwichpolice.com



MEMORANDUM

Date: July 13, 2019
To: Chief David J. Guillemette
From: Lt. John Sullivan
Re: Entertainment Violation at Ember

Chief,

Please find below the entertainment violation we have had at Ember, 600 Route 28.

1. On July 7, 2019 at 8:57 p.m. the Harwich Police Department received a call complaining of loud music coming from Ember. Officer Tyler Vermette responded and arrived and could clearly hear music coming from Ember (Officer Vermette stood outside his cruiser at the intersection of Cross St. and Pleasant St.). Officer Vermette had driven past Ember on his way to the area of Cross and Pleasant and observed live amplified music playing outside. Officer Vermette made contact with the manager, Scott McMahon, and the manager was advised of the complaint. The manager agreed to turn down the music. (Please see attached police report OF-9483).
2. Following our procedure for noise violations, I sent Justin Brackett (owner) a letter explaining the violation advising him this constitutes his 2nd violation for the season.

For Date: 07/07/2019 - Sunday

<u>Time</u>	<u>Name(s)</u>	<u>Duty</u>	<u>Unit</u>	<u>Post</u>
1600	Goshgarian , Aram	Patrol Supervisor	G10	S - SUPERVISOR
1600	Dutra , Derek	Patrol	G20	R - ROVING
1600	NICHOLSON , DIANE	Dispatcher		DP - Dispatcher
1600	Petell , Peter	Patrol	G09	PI - Patrol Investigator
1600	Vermette , Tyler	Patrol	G15	E - EAST
1600	Fazzino , Ryan	Patrol	G19	W - WEST

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>
9-10057	2057	Noise Complaint	Investigated

Call Taker: 1608 - PSD Telecommunicator DIANE NICHOLSON
 Location/Address: [HAR 2082] EMBER PIZZA - 600
 Calling Party:

ID: 190 - Patrol Tyler J Vermette
 Disp-20:58:58 Enrt-20:59:02 Arvd-21:09:43 Clrd-21:22:52

Narrative: 07/07/2019 2058 PSD Telecommunicator DIANE NICHOLSON
 Modified By: 07/07/2019 2112 PSD Telecommunicator DIANE NICHOLSON

Noise complaint, RP states it is coming from Ember, RP is calling f

Narrative: 07/07/2019 2119 PSD Telecommunicator DIANE NICHOLSON
 Audible from Pleasant St, valid complaint, enroute to Ember to have them turn the music down

Narrative: 07/07/2019 2123 PSD Telecommunicator DIANE NICHOLSON
 Made contact with Ember, they will be turning the music down

Narrative: 07/08/2019 0049 Patrol Tyler J Vermette
 Refer to supplemental narrative, 19-9483-OF.

Refer To Incident: 19-9483-OF

Ref: 19-9483-OF

To: Harwich Police Department Case #19-10057/19-9483-OF

From: Officer Tyler Vermette

Date: July 8, 2019

Subject: Noise complaint at Ember Pizza

1. On Sunday July 7, 2019, at approximately 8:57pm, I was dispatched to Ember Pizza for a noise complaint. Ember Pizza is located at 600 Route 28 in Harwich, MA. I was informed that the reporting party was calling from the area of Pleasant Street, Harwich. While responding to this area, I drove past Ember and noticed there was live amplified music playing outside.
2. I parked in the area of Pleasant Street and Cross Street in Harwich. I stood outside the cruiser with the engine turned off. I was able to plainly hear the same live music playing at Ember from this location.
3. I responded to Ember and spoke with the manager, Scott McMahon, and another employee. They agreed to turn down the music.

Respectfully Submitted,

Officer Tyler Vermette
Harwich Police Department



HARWICH POLICE DEPARTMENT

183 SISSON ROAD HARWICH MA 02645 508-432-1212

www.harwichpolice.com



MEMORANDUM

Date: July 15, 2019
To: Chief David J. Guillemette
From: Lt. John Sullivan
Re: Entertainment Violation at Ember

Chief,

Please find below the entertainment violation we have had at Ember, 600 Route 28.

1. On Sunday, July 14, 2019, at approximately 1939, Officer Thomas Griffiths was dispatched to Ember Pizza located at 600 Rt. 28 for a noise complaint. The complaint was coming from 617 Rt. 28. When Officer Griffiths drove by Officer Griffiths could hear amplified music. As Officer Griffiths continued to drive and get closer to 617 Rt. 28 the music started to dissipate and Officer Griffiths could barely hear it. At this time the complaint was not valid however, Officer Griffiths did stop in and speak with the manager, Scott McMahon, and advised him of the complaint. He stated that he would speak to the band and have them turn it down.

2. At approximately 2012 hours Officer Griffiths was dispatched to Ember again for another noise complaint. This time the complainant was calling from Woodland Rd. When Officer Griffiths responded to the area the band was not playing at that time. Officer Griffiths then went to the reporting party's home to speak with them. While speaking with the reporting party the band began to play again. Officer Griffiths could plainly hear the band singing "Happy Birthday" at this time. The music was extremely loud.

3. Officer Griffiths responded back to Ember and met with Scott again and advised him just how loud the music was. He stated that he had tried to ask the band numerous times to turn the speakers down. Officer Griffiths went outside and observed the band to have 5 different members playing all different instruments. They also had large speakers on either side. Scott asked them again to turn the speakers down at this time.

For Date: 07/14/2019 - Sunday

<u>Name</u>	<u>Start - End</u>	<u>Attendance</u>	<u>Duty</u>	
Gagnon, Thomas	1600 - 2000	Detail	Paid Detail	
Job# 19-966-DE Vendor ID:				
<u>Time</u>	<u>Name(s)</u>	<u>Duty</u>	<u>Unit</u>	<u>Post</u>
0800	Holmes, Mark	Traffic	G12	T - TRAFFIC
1600	Gagnon, Thomas	Paid Detail		DETAIL - Detail Assignment
1600	Campbell, Richard	Patrol Supervisor	G10	S - SUPERVISOR
1600	Hutton, Adam	Paid Detail		DETAIL - Detail Assignment
1600	Dutra, Derek	Patrol	G20	W - WEST
1600	NICHOLSON, DIANE	Dispatcher		DP - Dispatcher
1600	Griffiths, Thomas	Patrol	G15	E - EAST
1650	Brickley, Brendan	Paid Detail	G16	DETAIL - Detail Assignment

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>
19-10504	1939	Noise Complaint	Investigated
Call Taker: 1608 - PSD Telecommunicator DIANE NICHOLSON			
Location/Address: [HAR 2082] EMBER PIZZA - 600 RT 28			
Calling Party: - HARWICH, MA 0264:			
ID: 191 - patrol Thomas G Griffiths Jr			
Disp-19:42:57 Enrt-19:42:59 Arvd-19:46:50 Clrd-19:50:13			
Narrative: 07/14/2019 1942 PSD Telecommunicator DIANE NICHOLSON			
Report of loud music coming from Ember			
Narrative: 07/14/2019 1952 PSD Telecommunicator DIANE NICHOLSON			
Made contact with Ember and advised them of the complaint, did not appear to be a violation, but they will turn down the music			
Narrative: 07/15/2019 0842 Patrol Thomas G Griffiths Jr			
Not a violation at this time.			
Refer To Incident: 19-9483-OF			

For Date: 07/14/2019 - Sunday

<u>Time</u>	<u>Name(s)</u>	<u>Duty</u>	<u>Unit</u>	<u>Post</u>
0800	Holmes , Mark	Traffic	G12	T - TRAFFIC
1600	Gagnon , Thomas	Paid Detail		DETAIL - Detail Assignment
1600	Campbell , Richard	Patrol Supervisor	G10	S - SUPERVISOR
1600	Hutton , Adam	Paid Detail		DETAIL - Detail Assignment
1600	Dutra , Derek	Patrol	G20	W - WEST
1600	NICHOLSON , DIANE	Dispatcher		DP - Dispatcher
1600	Griffiths , Thomas	Patrol	G15	E - EAST
1650	Brickley , Brendan	Paid Detail	G16	DETAIL - Detail Assignment

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>
19-10507	2012	Noise Complaint	Investigated
Call Taker: 1608 - PSD Telecommunicator DIANE NICHOLSON			
Location/Address: [HAR 2082] EMBER PIZZA - 600 RT 28			
Calling Party: - HARWICH, MA 0264			
Involved Party: MCMAHON, SCOTT A @ 600 RT 28 - HARWICH, MA 02645-2537			
ID: 191 - Patrol Thomas G Griffiths Jr			
Disp-20:38:29 Enrt-20:38:31 Arvd-20:43:19 Clrd-21:06:40			
Narrative: 07/14/2019 2014 PSD Telecommunicator DIANE NICHOLSON			
Noise complaint for Ember, loud outdoor music			
Narrative: 07/14/2019 2045 PSD Telecommunicator DIANE NICHOLSON			
Delayed response due to other calls going on, no music currently playing at Ember			
Narrative: 07/14/2019 2058 PSD Telecommunicator DIANE NICHOLSON			
Back off at Ember, valid complaint			
Narrative: 07/14/2019 2107 PSD Telecommunicator DIANE NICHOLSON			
Made contact with Ember, valid complaint, they have been advised			
Refer To Incident: 19-9483-OF			

This report is regarding the noise complaint at Ember Pizza.

On Sunday, July 14, 2019, at approximately 1939, I was dispatched to Ember Pizza located at 600 Rt. 28 for a noise complaint. The complaint was coming from 617 Rt. 28. When I drove by I could hear amplified music. As I continued to drive and get closer to 617 Rt. 28 the music started to dissipate and I could barely hear it. At this time the complaint was not valid however, I did stop in and speak with the manager, Scott McMahon, and advised him of the complaint. He stated that he would speak to the band and have them turn it down.

At approximately 2012 hours I was dispatched to Ember again for another noise complaint. This time the complainant was calling from Woodland Rd. According to Google Maps Woodland Rd. is approximately 800 ft. from Ember. When I responded to the area the band was not playing at that time. I then responded to speak with the reporting party who stated that the music was almost "shaking" their house. While speaking with the reporting party the band began to play again. I could plainly hear the band singing "Happy Birthday" at this time. The music was extremely loud.

I responded back to Ember and met with Scott again and advised him just how loud the music was. He stated that he had tried to ask the band numerous times to turn the speakers down. I went outside and observed the band to have 5 different members playing all different instruments. They also had large speakers on either side. Scott asked them again to turn the speakers down at this time.

Respectfully submitted,

Officer Thomas G. Griffiths Jr. #191

Patti Macura

From: Larry Ballantine <larryballantine@yahoo.com>
Sent: Thursday, July 25, 2019 9:07 AM
To: Patti Macura; Christopher Clark; Joe Powers
Subject: Fw: Harwich Tavern update

Patti, please include this e-mail in BOS packet along with current Harwich Tavern licenses you previously sent me.

Thanks,

Larry

----- Forwarded Message -----

From: Mary Albis <mkalbis@comcast.net>
To: Larry Ballantine <larryballantine@yahoo.com>
Sent: Sunday, July 21, 2019, 11:01:13 AM EDT
Subject: Re: Harwich Tavern update

Hi Larry,

Thanks in advance for checking into this. When I told Mr. Tsoukalas that I thought he was only supposed to have one speaker on the ground and one amplifier, he disagreed. He said, "I only have one amplifier and I can have as many speakers as I want." I could be wrong, but I did write down in my meeting notes from May 13, "1 speaker on ground. 1 amplifier." My neighbors remember this as well.

If you think we should come before the Board to discuss this soon, we will be there.

However, if Mr. Tsoukalas is happy with his 3 days a week for outdoor entertainment for the rest of this summer and he is not requesting more days for 2018, we, the neighbors, can live with this.

I guess when his license for 2020 comes up in December, we can hash it out then. Whatever you think is best at this point.

Larry, thanks for being so diligent with this issue. We all really appreciate it. It is especially nice to have quiet Sundays in West Harwich!

Best,
Mary

Sent from my iPhone

On Jul 21, 2019, at 9:58 AM, Larry Ballantine <larryballantine@yahoo.com> wrote:

Mary, let me also check into this. May be time to invite Mr. Tsoukalas back to BOS for an update on outdoor music operation.

Larry

On Friday, July 19, 2019, 9:21:50 PM EDT, Mary Albis <mkalbis@comcast.net> wrote:

Good evening, Larry. Just an update and a concern. We are hearing the Tavern's outdoor music every night now from Thursday through Saturday. It is plainly audible even at our house, over 800 feet from the Tavern.

Tonight was particularly loud and bothersome. I took a walk to the Tavern to ask Mr. Tsoukalas in person to please turn down the music (instead of calling the police).

Here's what I found:

I remember that the provisions of the Tavern's outdoor license stated that there can only be one speaker and one amplifier, and that the speaker must be on the ground. I wrote that down in my notes from the May 13 meeting. While there is only one amplifier, you can clearly see two elevated speakers in this photo.

Is this a violation of their license?

I tried to find the minutes of the May 13 meeting on line, but could only locate minutes through the month of April.

My neighbors have called the police a few times, and the officers do respond. However, they seem reluctant to put in their report that the music is plainly audible.

Mr. Tsoukalas continues to be argumentative and condescending when neighbors try to talk to him in person. He made me feel uncomfortable and wary tonight. He walked out the door of the Tavern with me and wanted to walk with me back to my house to see if he could hear the music. He kept saying, "I can't believe you can hear the music all the way at your house" and "Can you hear it now? I can't." He was pacing up and down on Mansion St. He was frenetic. I felt uneasy and threatened.

I am not in the habit of having strange argumentative men walk me to my house, and my husband was not at home. So I stopped at Bob Carney's house at 5 Mansion St. to stop Mr. Tsoukalas from following me home. I went inside Bob's house and Tsoukalas eventually stopped pacing outside and went back to the Tavern. It was a very unpleasant experience. So much for trying to be a good neighbor and not involving the police. I will never set foot on the Tavern's property again.

Thanks for listening.

Mary Albis

Sent from my iPhone



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

APPLICATION FOR ENTERTAINMENT LICENSE

- Weekday Entertainment (\$75)
 Batters Box (\$50)
 Go Carts (\$50)
 Miniature Golf (\$50)
 Trampolines (\$25)
 Theater (\$150 per cinema)
Automatic Amusement:
 Juke Box (\$100 each)
 Video Games (\$100 each)

Revised
New application
Renewal
Annual
Seasonal
Opening Date

Other Revised

Business Name Harwich Inn + Tavern Phone 617 947 7600

Business Address 77 Route 28 West Harwich, ma

Mailing Address Same

Owners Name & Address James Tsoukalas 77 Route 28 W Harwich

Managers Name & Address James Tsoukalas 77 Route 28 W. Harwich

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

Monday - Saturday 12pm - 8pm outdoors

ENTERTAINMENT TYPE: (Check all appropriate boxes)

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

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

Yes

No

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

1. Describe in complete detail the extent of exposure during the performance and the nature of the entertainment: _____

2. Furnish additional information concerning the condition of the premises and how they are suitable for the proposed entertainment: _____

3. Fully describe the actions you will take to prevent any adverse effects on public safety, health, or order: _____

4. Identify whether and how you will regulate access by minors to the premises: _____

Days/Hours of Business Operation Mon - Sunday 12 pm - close

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

[Signature] owner
Signature of applicant & title

82-4920911
Social Security # or Federal I.D. #

[Signature]
Signature of individual or corporate name

82-4920911
Social Security # or Federal I.D. #

[Signature]
Signature of Manager

82-4920911
Social Security # or Federal I.D. #

—
Signature of Partner

—
Social Security # or Federal I.D. #

—
Signature of Partner

—
Social Security # or Federal I.D. #

REGULATORY COMPLIANCE FORM

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

Building Commissioner

Board of Health

Fire Department

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

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

___ Yes ✓ No

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

1. Describe in complete detail the extent of exposure during the performance and the nature of the entertainment: _____

2. Furnish additional information concerning the condition of the premises and how they are suitable for the proposed entertainment: _____

3. Fully describe the actions you will take to prevent any adverse effects on public safety, health, or order: _____

4. Identify whether and how you will regulate access by minors to the premises: _____

Days/Hours of Business Operation Mon - Sunday 12 pm - close

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

[Signature] owner

Signature of applicant & title S

[Signature]

Signature of individual or corporate name S

[Signature]

Signature of Manager S

Signature of Partner

Social Security # or Federal I.D. #

Signature of Partner

Social Security # or Federal I.D. #

REGULATORY COMPLIANCE FORM

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

Building Commissioner Board of Health Fire Department

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

NUMBER
19-09

THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF HARWICH

FEE
\$75.00

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

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

Harwich Inn & Tavern LLC d/b/a Harwich Inn

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

of West Harwich located at 77 Route 28, West Harwich

Description of Premises: Same

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

Dancing by patrons.

To be conducted on week days between the hours of: 12:00 PM - 12:00 AM inside windows & doors closed

Mondays to Saturdays;

Outdoor -- Thursday, Friday, Saturdays from 4:00 PM to 8:00 PM

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

Date:

May 16, 2019

License granted by:

[Signature]
[Signature]

EXPIRES DECEMBER 31, 2019

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE

Inside Entertainment - Noise from entertainment may not create a nuisance or be heard outside the boundaries of the premises.

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

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

1. This license is granted and approved subject to compliance with the laws of this Commonwealth relative to the exposing, sale and keeping of liquor or other intoxicating beverages and with compliance with the following conditions: —
2. The premises shall be open at all times to inspection by any police officer or constable of the town, or by any State Police Officer.
3. No person or persons under the influence of intoxicating liquor or other intoxicating beverage, or having the appearance thereof, shall be granted admittance to or be permitted to remain in or upon any of the premises described in this license.
4. No dialogue, gesture, song, language or conversation of any description which is directly or indirectly obscene, lascivious or suggestive, shall be permitted to be used by any person or persons while in or upon the premises.
5. Muscle or suggestive dancing or any description or form is prohibited.
6. Gaming of any description, games at which a prize is offered, any game where money is exposed as a prize or inducement, wheels of change and jingle boards are prohibited.
7. Private dining rooms, booths or enclosures for the accommodation of less than four persons shall not be permitted and not less than four persons shall be allowed or permitted to occupy any such room or enclosure.
8. Rooms used for dining rooms and for dancing shall be so lighted as to render it possible to distinguish any person by every other person therein at all times.
9. The license will be suspended for non-compliance with any of the laws of this Commonwealth relating to this particular establishment, and may, after a hearing, be revoked.
10. Non-compliance with the provisions of any of the above regulations will be sufficient cause for suspension, and after hearing the license may be revoked.

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

Board of Selectmen

NUMBER
19-09

THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF HARWICH

FEE
\$75.00

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

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

Harwich Inn & Tavern LLC d/b/a Harwich Inn

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

of West Harwich located at 77 Route 28, West Harwich

Description of Premises: Same

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

Dancing by patrons.

To be conducted on week days between the hours of: 12:00 PM - 12:00 AM inside

Mondays to Saturdays

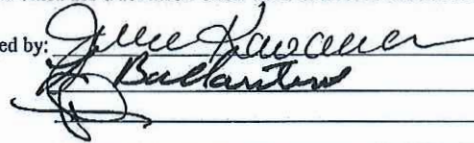
Windows and doors closed

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

Date:

April 22, 2019

License granted by:



EXPIRES DECEMBER 31, 2019

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE

Inside Entertainment - Noise from entertainment may not create a nuisance or be heard outside the boundaries of the premises.

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

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

1. This license is granted and approved subject to compliance with the laws of this Commonwealth relative to the exposing, sale and keeping of liquor or other intoxicating beverages and with compliance with the following conditions: —
2. The premises shall be open at all times to inspection by any police officer or constable of the town, or by any State Police Officer.
3. No person or persons under the influence of intoxicating liquor or other intoxicating beverage, or having the appearance thereof, shall be granted admittance to or be permitted to remain in or upon any of the premises described in this license.
4. No dialogue, gesture, song, language or conversation of any description which is directly or indirectly obscene, lascivious or suggestive, shall be permitted to be used by any person or persons while in or upon the premises.
5. Muscle or suggestive dancing or any description or form is prohibited.
6. Gaming of any description, games at which a prize is offered, any game where money is exposed as a prize or inducement, wheels of change and jingle boards are prohibited.
7. Private dining rooms, booths or enclosures for the accommodation of less than four persons shall not be permitted and not less than four persons shall be allowed or permitted to occupy any such room or enclosure.
8. Rooms used for dining rooms and for dancing shall be so lighted as to render it possible to distinguish any person by every other person therein at all times.
9. The license will be suspended for non-compliance with any of the laws of this Commonwealth relating to this particular establishment, and may, after a hearing, be revoked.
10. Non-compliance with the provisions of any of the above regulations will be sufficient cause for suspension, and after hearing the license may be revoked.

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

Board of Selectmen

The Licensee or Authorized representative, ^{print name and sign here} James J. Sochales
 accordance with chapter 136 of the General Laws, as amended, hereby request a license for the

DATE	TIME	Proposed dancing or game, sport, fair, ex
Sundays	1pm - 2am inside	Dancing & music w/a

Municipal Fee, \$85 j

The Name of the Est4
 -77. 12004-(

The Licensee or Aut
 accordance with chap

DATE TI

Sundays)Ei
 11111080101,- fo5i

gm *bi* r r

Fees per occurrent {Ind
 eratin, ofTery, Su
 1 fee per oc

This license is granted an
 Commonwealth applicabl
 Mayor, Board of Selectm
 regular police officers, de
 therein; may employ to pr
 Police for the services of t
 the Fire DepartMent as sh
 axes. chemical extinguish
 exclusive control and direction of his employees and of the means and apparatus provided for extinguishing fire therein; shall permit no obstruction of any nature in any aisle passageway or stairway of the licensed premises, nor allow any person therein to remain in any aisle passageway or stairway during an entertainment; and shall conform to other rules and regulations at any time made by the Mayor or Board of Selectmen. This license shall be kept on the premise where the entertainment is to be held, and shall be surrendered to any regular police officer or authorized representative of the Department of Public Safety. This license is issued under the Provisions of Chapter 136 of the General Laws, as amended, and is subject to revocation at any time by the Mayor, Board of Selectmen, or Commissioner of Public Safety.

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

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

FORM 90

~~XXX~~ Larry Ballantine ~~XXXX~~ Chairman of Board of Selectman

Fees per occurrence (Individual Sunday(s)): Regular Hours (Sunday 1:00pm - Midnight): \$2.00 S
 Operating on every Sunday in calendar year): Regular Hours (Sunday 1:00pm - Midnight): \$50.0
 Municipal fee per occurrence: Regular hours \$10 per Sunday, special hours \$20 per Sund
 This license is granted and accepted, and the entertainment approved, upon the understanding that such
 Commonwealth applicable to licensed entertainments, and also to the following terms and conditions: T
 Mayor, Board of Selectmen, or Commissioner of Public Safety, to enter and inspect his place of amusem
 regular police officers, detailed by the Commissioner of Public Safety or Chief of the local Police Depa
 therein; may employ to preserve order in his place of amusement only regular or special police officers
 Police for the services of the regular police officers such amount as shall be fixed by him; shall permit a
 the Fire Department as shall be detailed by the Chief of the Fire Department to guard against fire; shall
 axes, chemical extinguishers and other apparatus as the fire department may require; shall allow such m
 exclusive control and direction of his employees and of the means and apparatus provided for extinguish
 passageway or stairway of the licensed premises, nor allow any person therein to remain in any aisle pa
 other rules and regulations at any time made by the Mayor or Board of Selectmen. This license shall be
 entertainment is to be held, and shall be surrendered to any regular police officer or authorized represen
 Public Safety. This license is issued under the provisions of Chapter 136 of the General Laws, as amend
 time by the Mayor, Board of Selectmen, or Commissioner of Public Safety.

This application and program must be signed by the licensee or authorized representative of ente
 be made in the program without permission of the authorities granting and approving the license

THIS LICENSE MUST BE POSTED IN A CONSPIC

FORM 90

Do not wri



PLEASANT BAY
ALLIANCE

Memorandum

To: Harwich Board of Selectmen
From: Carole Ridley
Date: July 23, 2019
Re: Pleasant Bay Watershed Permit Annual Report

On August 3, 2018 MassDEP issued the first of its kind Watershed Permit to the Towns of Brewster, Chatham, Harwich and Orleans. The permit sets forth aggressive goals for achieving nutrient reductions over the twenty-year term of the permit. Adaptive management is one of the fundamental aspects of the Watershed Permit. It is expected that every five years there will be an updated permit that reflects progress already made toward nitrogen removal goals, as well as changes in the watershed that may modify those goals. An annual report is required under the permit so that key data are assembled as the five-year period unfolds. The annual report is due on the anniversary of the permit.

The Pleasant Bay Alliance coordinates regional technical studies and reporting under the permit. A draft of the first annual report compiled by the Alliance and its consultant, Wright-Pierce, is attached. The data in the report have been gathered from and reviewed by town staff and technical consultants from each of the four towns. A draft letter expressing the town's satisfaction with the report is also attached.

The report shows that Harwich is meeting its targeted nitrogen removal in the first five years of the permit. Phase 2 sewerage of East Harwich accounts for 85% of the planned nitrogen removal in the watershed during the first five years of the permit. The potential for Harwich to alter the timing of Phase 3 sewers is noted in the report and, if necessary, can be addressed in greater detail in future annual reports.

Other permit implementation tasks are proceeding as part of activities funded by a grant from the Southeast New England Estuaries Program (SNEP). SNEP is funded by the US EPA and administered by Restore America's Estuaries.

At your meeting on July 29th, I look forward to briefing you on the annual report, and updating you on the status of watershed permit implementation activities funded by the SNEP grant.

Mr. Martin Suuberg
Commissioner
MassDEP
One Winter Street
Boston, MA 02108

Ms. Kristy Senatori
Executive Director
Cape Cod Commission
3225 Main Street
PO Box 226
Barnstable, MA 02630

Re: Pleasant Bay Watershed Permit 2019 Annual Report

Dear Ms. Senatori and Commissioner Suuberg:

I am writing to convey the Town of Harwich's endorsement of the enclosed Pleasant Bay Watershed Permit 2019 Annual Report.

The annual report has been prepared by the Pleasant Bay Alliance with input from Town of Harwich staff and consultants. It contains an accurate representation of the activities undertaken by the Town of Harwich individually and in coordination with the Alliance and other member towns, to meet the nitrogen removal targets identified in the Watershed Permit.

Thank you for your review and consideration of this report.

Sincerely,

Christopher Clark
Town Administrator

town meetings in May, this report includes such information even though it is several months beyond

Implementation Plan as Contained in the 2018 TWMP (Expected Project Completion and Potential Annual Nitrogen Removals)

Bristol		Chatham		Harwich		Orleans		Total
Activity	kgN/yr*	Activity	kgN/yr*	Activity	kgN/yr*	Activity	kgN/yr*	kgN/yr*
Res. fertilizer control	131	Res. fertilizer control	241	Muddy Creek Bridge		Res. fertilizer control	241	1,760
Capt GC fertigation	230	Muddy Creek Bridge						
Capt GC fert. reduction	920							
All towns: develop TWMP, demonstrate 20% consistency, execute IMR, obtain Watershed Permit								
Develop denit plan		Harwich connection		Ph 2 sewers	2,672	Amended CWMP		3,145
Drain control plan				Res. fertilizer control	200	Linnier's Pond aqua	273	
Strengthen GC plan						FRS evaluation		
All towns: update monitoring data, re-model Bay, evaluate nitrogen trading options, prepare plan for next 5 yr								
On-site denit systems	118			Ph 2 sewers	1,192	MtgHouse Pond sewers	2,024	4,887
						Other aquaculture	1,316	
						On-site denit systems	674	
On-site denit systems	118	Fruitfish Creek sewers	305			On-site denit systems	674	7,107
		Hydett Cove sewers	2,605			Other aquaculture	908	
On-site denit systems	118	Muddy Creek sewers	1,087			On-site denit systems	674	2,350
On-site denit systems	100	Crows Pond sewers	1,214	Ph 2 sewers	972			3,145
		Bassett Harbor sewers	511	Harwich eff. disposal	(267)	****		
		Hessent Bay sewers	901					
		Chatham Harbor sewers	5,181					
Total	3,871	Total	13,059	Total	4,540	Total	8,974	26,444

Levels perform to current nitrogen loads without growth, and represent estimates of removal potential.
 Phase (Years 1 to 5) includes activities that are firm commitments by the towns and are necessary to gain DEP enforcement discretion.
 Phases 2 through 5 (Years 6 to 20) include activities that are now planned and considered enforceable until such time as they may change
 pending on the outcomes of Phase 1 and application of each town's adaptive management program, as per The Watershed Permit.
 Discharge of Harwich effluent within the Pleasant Bay watershed may become necessary if alternative disposal sites are not developed.

sr-s2stt tilsrst 4(gums .7115 crwrn 'mats sow= 1,..:1* rev l arsmo → sr:
 tless.INC iITrte -s *will ♣ = 1,041.lo* grill :114 ..1s* 17471 -----
 Amain 5** teams III:4
 Clket ,Serl JetteJr *ere": - i t I
 Total lan 2:raJ LIAO" TOW 4,2101 To

- grInV#411 army4 111111TV ^qtr#11141 itit"-t VISASl. ilear Wilirtargir riarraases FIT ri.suerral yablorilia,
- IP. rim num freers 20i idules actwasetlisatara bah alrawitamme**e3amma anal art Tecessaratague 1316 referemees siwator%
- • Pinsists t 1406 lTeerr:a ts teesideicOresel eat are iirrahiersitl Trot zerohl%esszle until zocc't treesates mar charm
 Ms:sea:Aft 12:b Tr* (141.10 J4 as4 ,3ap 1cctrin at e_114.14 .7444-Naa orzessr Iv,- The ll411 Tegnslt
- • • The drouoftra.wc etVisoelt n=.11 Pis=cr.:1*aap vost-JoSed *C-tv ZeVinie nez =7.31 if alitr+asat =aa: was art n:st Otrr). essel

the end of the previous calendar year. Further, some data are regularly reported on a year basis, that is through the end of June. Therefore, this annual report contains information spanning from August 2018 to June 2019.

WATER CONSUMPTION

Water consumption is the most important indicator of septic nitrogen load. Table 2 presents water consumption data for the four towns in a format that shows the total metered water any year, along with the per-service residential and commercial use. The current version of Table 2 contains town-wide data. In the coming year, the Alliance will work with water departments to explore the feasibility of reporting watershed-specific water consumption data. (Such data is not intended to be the basis for a new estimate of water nitrogen load each year, but instead should be a straightforward way to identify trends in the largest sources of load (residential and commercial septic flows).

Table 2
Summary of Water Consumption Data

	2014	2015	2016	2017	2018	Avg
Number of Water Services						
Brewster	7,405	7,423	7,426	7,491	7,249	
Chatham	7,083	7,143	7,200	7,236	7,236	
Harwich	9,805	9,858	9,890	9,919	9,969	
Orleans	5,266	5,279	5,249	5,262	5,257	
Total	29,557	29,701	29,765	29,918	29,711	
Total Metered Water, Mgal/yr						
Brewster	395	475	454	381	402	421
Chatham	413	481	473	408	464	448
Harwich	673	761	810	670	706	728
Orleans	804	834	840	799	803	816
Total	1784	2071	2077	1758	1875	1913
Per-Service Residential Use, gpd						
Brewster	129	157	149	119	138	138
Chatham	143	172	170	140	169	159
Harwich	175	205	217	174	185	190
Orleans	142	158	163	140	144	149
Average	147	171	174	143	158	159
Per-Service Commercial Use, gpd						
Brewster	293	423	375	419	451	412
Chatham	336	296	331	382	266	322
Harwich	394	440	468	396	378	415
Orleans	252	271	280	272	251	265
Average	344	358	364	367	337	354

Town-wide data shown above for illustrative purposes only

Rainfall at Chatham Airport, Inches,						
Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sept	10.96	14.59	7.05	16.71	8.76	11.61

STATUS OF NITROGEN REMOVAL ACTIVITIES AND ESTIMATES OF REMOVALS TO DATE

Table 3 summarizes the nitrogen removals accomplished to date for each town. In the first year of the Watershed Permit, no new large-scale nitrogen removal projects went on line, but Orleans removed 60 kg/yr in the Lonnie's Pond shellfish harvesting demonstration.

The MEP reports have estimated that a load removal of 17,717 kg/yr is needed to restore water quality. Watershed-wide, the four towns removed 1,769 kg/yr prior to the Watershed Permit issuance. In the first five years of the permit, the towns have committed to another 3,145 kg/yr, most of which (2,872 kg/yr) is attributable to Phase 2 of Harwich's sewer program.

Compared to the target load removal of 17,717 kg/yr, the overall status of TMDL compliance is:

Load removed prior to Watershed Permit issuance:	10.0%
Additional load removed through FY 2019:	0.4%
Total load removed through FY 2019	10.4%
Targeted load removal through FY 2023	27.7%

With completion of Harwich's Phase 2 sewer program, the 2023 goal is achievable. Figure 1 illustrates the progress to date and shows the importance of Harwich's project to achievement of the five-year goal. As of June 2019, Harwich has awarded the first of three construction contracts for Pleasant Bay sewerage, an important step toward achievement of the 5-year goal.

Individual town performance toward the 2023 goal is listed in Table 3 and summarized as follows:

- **Brewster:** With residential and golf course fertilizer controls, Brewster has accomplished its share of the 2023 watershed-wide goal.
- **Chatham:** Its existing residential fertilizer control ordinance addresses all of Chatham's goal for the first 5 years of the permit.
- **Harwich:** To accomplish its share of the required nitrogen removal, Harwich should put in place a residential fertilizer control ordinance and complete Phase 2 of its proposed sewer system (East Harwich). Harwich has already reached agreement with Chatham to receive the wastewater collected from the Pleasant Bay Watershed and is developing a fertilizer ordinance.
- **Orleans:** Through its residential fertilizer control ordinance and the Lonnie's Pond shellfish harvesting demonstration, Orleans has addressed about 60% of its 2023 target. The remainder is expected to be achieved through additional shellfish harvesting at Lonnie's Pond or at new sites.

**Table 3
Summary of Nitrogen Removal Achievements and Goals**

	Brewster		Chatham		Harwich		Orleans	
	Activity	Load	Activity	Load	Activity	Load	Activity	Load
Nitrogen Load Removals Previously Accomplished, kg/yr	Res fertilizer controls	121	Res fertilizer controls	247	None	-	Res fertilizer controls	241
	GC fertilizer controls	1,160						
New Nitrogen Load Removals Accomplished in FY 2019, kg/yr	None	-	None	-	None	-	Lonnie's Pd demo	50
Cumulative Nitrogen Load Removals Accomplished by end of FY 2019, kg/yr		1,281		247		-		301
Goals, kg/yr								
By 2023		1,281		247		2,872		514
By end of program		2,262		4,076		4,399		6,980

**Figure 1.
Pleasant Bay Nitrogen Removal Progress**



PERFORMANCE OF SPECIFIC NITROGEN REMOVAL TECHNOLOGIES

Each town’s plan is based on a set of nitrogen removal technologies. The nitrogen removal associated with each technology is determined by a few key parameters, as outlined in the appendices to the TWMP. Findings to date are reported below. Monitoring and reporting on these key factors is an important part of the towns’ adaptive management programs.

Shellfish Harvesting

Orleans is evaluating the regulatory, ecosystem, and private business issues of aquaculture to remove nitrogen and improve water quality. Issues have included size of oysters, their marketability, the nitrogen removal in shell and flesh, nitrogen removal rates, sediment denitrification, and overall water quality impacts. After three years of our demonstration project in Lonnie’s Pond to identify and evaluate these parameters, the town has contracted with an aquaculture firm to move this effort to the next step. Monitoring has shown that approximately 0.3% of oyster harvest weight is nitrogen (combined shell/flesh) and the Town has initially targeted 75 kg nitrogen removal in 2019.

On-going monitoring will quantify the nitrogen removal and water quality improvements, as well as continuing to develop information on denitrification in the sediments below the aquaculture beds. Monitoring during the demonstration project phase showed that this denitrification removed up to 36% additional nitrogen, but further discussions are necessary with DEP to determine the amount of that removal that can be applied to the overall goals. Technical assistance to the Lonnie's Pond project is partially supported by the funding from EPA's Southern New England Program (SNEP).

Public Sewering

The operative variables are the measured water use at a given home or business, the estimated 10% consumptive use (water used outside the building that does not become wastewater), and the 26.25-mg/l estimate of septic system impact on the embayment. No adjustment is needed for the nitrogen in the treatment plant effluent, since the discharge location is outside the Pleasant Bay watershed.

A sensitivity analysis is proposed in future MEP modeling to address the assumed consumptive use. Harwich is prepared to measure the water use at homes and businesses that are sewered to be able to compute the nitrogen load removed from the watershed. (A wastewater flow measuring device is proposed at the Harwich connection point into the Chatham sewer system. Flow measurement can be used as a check against the computation above, once adjusted for infiltration/inflow and the nitrogen removal that would have occurred in the abandoned septic system.)

On-Site Denitrification

The key variables are the measured water use at a given home or business, the estimated consumptive use (water used outside the building that does not become wastewater), and the effluent concentration compared to the 26.25-mg/l estimate of septic system impact on the embayment.

Research conducted under the SNEP grant on behalf of Brewster has determined that on-site denitrification systems would need to produce an effluent nitrogen concentration no greater than 12 mg/l to achieve the TMDL for the major subwatersheds in the Town. This indicates that a 14.25-mg/l removal is available for systems proposed in Brewster. Brewster continues to evaluate the availability of systems to meet this strict effluent standard in a reliable and cost-effective fashion. Brewster will use the information on these systems developed under the SNEP grant over the next one to two years to finalize a plan on how and where they will be utilized and whether or not other options may be more cost effective over time.

Golf Course Fertilizer Reduction

MEP modeling established baseline conditions for calculating fertilizer impacts, including application rates and nitrogen leaching. Nitrogen removals from that baseline are computed based on the reduction in applied nitrogen and the assumed 20% fertilizer leaching rate. No new information is available to adjust the 930 kg/yr removal already taken by Brewster for

fertilizer reductions at the Captain's Golf Course. The Town is working with the Golf Course to collect fertilizer data from the last few years and to develop a standardized process for recording and analyzing the information. This information will be presented in the next annual report.

Captain's Golf Course Fertigation

The key variables are the annual volume of groundwater withdrawn for golf course irrigation and the average nitrogen concentration of that groundwater. Brewster has estimated that an annual load reduction of 230 kg can be accomplished with this approach.

Brewster has compiled the following data in support of that estimate:

- Volume of irrigation water withdrawn: 44,429,000 gallons in 2018
- Average nitrogen concentration of: 2.1 mg/l

Based on these data, and assuming a 20% leaching rate for the nitrogen applied to the ground surface from the irrigation water, a total of 282 kg of nitrogen was captured during 2018.

Permeable Reactive Barriers

PRB performance is determined by the groundwater nitrogen load entering and leaving the reactor. Orleans has installed a PRB at the Nauset Middle School (located in the Town Cove watershed) and has monitored its performance through an on-going demonstration project; preliminary performance has indicated total nitrogen concentrations of 1 to 2 mg/l on the downgradient side of the PRB. Additional monitoring is necessary to resolve other related issues, such as quantification of overall nitrogen removal, predominant groundwater flow directions and the portion of wastewater nitrogen flowing through the PRB.

WATER QUALITY MONITORING DATA AND HABITAT ASSESSMENTS

Embayment Monitoring

The focuses of ongoing monitoring programs are:

- **Water column nitrogen and dissolved oxygen:** The Alliance's Water Quality Monitoring Program will conduct its 20th monitoring season in 2019. Monitoring occurs at approximately 24 stations selected to track TMDL compliance. A DEP-approved Quality Assurance Project Plan (QAPP) is in place and includes the following parameters: nitrogen (DON, PON, DIN, TON, TN), oxygen, temperature, salinity, and phytoplankton pigments. Sample collection occurs five times annually from July through September. Water samples are analyzed by the UMass Dartmouth School for Marine Science and Technology (SMAST) and results are reported to the Alliance. The Alliance issues periodic reports reviewing the sampling results and conducts in-depth statistical trend assessments on a five-year basis. The most recent statistical trend assessment was further evaluated by SMAST to recommend assessment improvements to better address ecological and regulatory implications. The Alliance monitoring program is funded annually by the towns and will continue.

The most current report on statistical trends in water quality data is the Cadmus Group report, July 2015 (*Pleasant Bay Alliance Water Quality Monitoring Program: Statistical Analysis of 2000-2014 Water Quality Monitoring Data*). The Alliance plans to update the statistical trend assessment on a five-year basis, with the next report expected in 2020.

- **Eelgrass coverage and vitality** – Eelgrass coverage is a key parameter for TMDL compliance. The Alliance and its member communities have utilized eelgrass surveys conducted by the MassDEP Eelgrass Mapping Project. The project conducted mapping using aerial imagery and field verification methods. Data are available for the following years: 1994, 2001, 2006, 2010 and 2012. DEP intends to conduct some additional mapping in the summer of 2019, to be available in 2020. The specific schedule and extent of future mapping to be conducted by the program need to be identified, to determine whether additional data collection will be necessary to monitor future changes in Pleasant Bay eelgrass beds. The MassDEP report for 2012 can be found at:

https://docs.digital.mass.gov/dataset/massgis-data-massdep-eelgrass-mapping-project?_ga=2.170582688.1209249591.1560872870-1878295305.1557759152

- **Benthic infauna health and diversity** – The diversity and species in the sediment animal population is a key indicator of ecosystem health in Pleasant Bay. As part of the integrated MEP assessment, quantitative sediment sampling for benthic animals was completed at 34 locations throughout the Bay and this information was compared with water quality and eelgrass measurements. This information was utilized in the characterization of ecosystem health and the development of Pleasant Bay TMDLs. In 2008, as part of the Muddy Creek inlet improvement plan, SMAST conducted an updated assessment of benthic infauna at six locations. In 2014, the Center for Coastal Studies (CCS) collected benthic infauna samples at all MEP locations except Muddy Creek. (The samples were collected using different protocols from prior MEP work.) This effort was undertaken in concert with a benthic mapping project for the Cape Cod National Seashore. The results of this CCS study are provided in a report entitled *Below the Surface of the Bay, Marine Ecosystem Assessment of Pleasant Bay, Cape Cod, MA*, and is available at:

<https://fopb.wildapricot.org/resources/Documents/FCRV/FoPB-Below%20the%20Surface-CLEAN.pdf>

Recently the Alliance asked SMAST to assess the water quality, eelgrass, and benthic infauna data needed for assessing ecological health in Pleasant Bay through updated MEP modeling.

Project-Specific Monitoring

Monitoring programs related to mitigation measures for specific projects are:

- **Orleans** worked with SMAST to develop a management plan and monitoring program for an oyster growing pilot project in Lonnie's Pond. Orleans' reporting

of monitoring data related to the first year of the Lonnie's Pond oyster growing project is expected in early 2020.

- **Brewster** has agreed to monitor groundwater irrigation water quality at the Captains Golf Course and to evaluate the ongoing reductions from fertilizer management at the golf course. Initially it was proposed to conduct the field evaluation in year 1 of the permit but given funding constraints it will take place in years 2 to 5 of the permit.
- **Chatham and Harwich** are undertaking bacterial and nitrogen-related water quality monitoring and vegetation monitoring to evaluate changes in water quality resulting from the Muddy Creek Restoration Bridge Project. The first Muddy Creek comprehensive monitoring report, and a vegetation monitoring report, are available at
<http://pleasantbay.org/programs-and-projects/wetlands-protection/muddy-creek-restoration/muddy-creek-restoration-monitoring-results>.

Copies of Alliance-sponsored reports are available on the PBA website, *www.pleasantbay.org*. Such data will also be available Cape-wide through the Cape Cod Commission by mid-2020.

CAPITAL COMMITMENTS AND EXPENDITURES

The four towns' financial commitments and intentions are summarized in Table 4. The high points are as follow:

Brewster

Since 2011 Brewster has invested over \$750,000 in the development and implementation of the Town's Integrated Water Resource Management Plan (IWRMP). The IWRMP evaluates all the water resources in town, including management of the nitrogen load to Pleasant Bay from Brewster's portion of the watershed.

Work related to the Pleasant Bay Watershed includes the development of the 2015 Pleasant Bay Nitrogen Management Alternatives Report. More recently it has included analyses and implementation planning for the use of alternative onsite septic systems to remove nitrogen. A portion of this work was funded under a \$25,000 DLTA grant issued to the Town by the Cape Cod Commission to focus on the implementation of a municipal alternative septic system program.

The Town expects to spend between \$250,000 and \$400,000 in the next four years of the permit to move forward with the onsite denitrification program, and evaluate the nitrogen loading reductions at Captains Golf Course. This includes \$75,000 approved at the May 2019 Town Meeting. Expenditures for the following five years will be determined once the extent of the onsite septic system program, or an alternative approach, are clarified.

Summary of Capital Commitments

	Brewster	Chatham	Harwich	Orleans
but not expended	\$0.75 M for IWRMP	\$75 M for sewers and WWTF \$47.5 M for sewers	\$2.265 M paid to Chatham for capacity \$22.45 M for sewer project (ATM 2018)	\$51 M for planning \$2.7 M for sewer and WWTF design
Permit Yr 1 to 5		\$1M for sewers		\$6.1M for downtown sewers (portion)
appropriations	\$0.075 M for on-site program (ATM 2019) \$0.175 M to \$0.325 M for on-site program	\$7.15 M for sewers \$10-20 M every 2 to 3 years for sewers	\$4.50 M to be paid to Chatham for capacity	\$47.7 M for sewer and WWTF constr. (ATM 2019) 2021--\$0.85M Mtghse survey 2022--\$1.5M Mtghse design 2023--\$17M Mtghse constr.
Permit Yr 6 to 10 appropriations		\$15-20 M every 2 to 3 years for sewers		2024--\$3.4M PRB constr.

Chatham expenditures and appropriations are town-wide, not just Pleasant Bay

FY 2024 to FY 2028 Permit Year 6 to 10
 4. nricipatM future a pprnpxiortt

\$1:5-lil Mever;) t.3
 yeats for ;ewers

1023-7

2.021--

NOW. Chadian knidir. tfreand axorapir)atains ury town-widenot just Mesmorit Buy

Chatham

The Town of Chatham has an approved CWMP that partitioned the Town into two phases; Phase 1 includes areas to be sewerred to achieve TMDL compliance is all Chatham watersheds (including Pleasant Bay), and Phase 2 calls for sewerred of the remainder of the Town not needed to meet TMDLs. To date, the Town has appropriated over \$130 million dollars toward these goals, and most recently appropriated approximately \$15 million to address areas targeting the Pleasant Bay Watershed, including support of the Harwich CWMP through the connection project that will allow portions of East Harwich to be sewerred and treated at the Chatham Water Pollution Control Facility (WPCF).

The Chatham-Harwich Regionalization Connection Project (Phase 1D-1) is out for bids in July 2019 and is anticipated to start construction in fall of 2019. This will serve as the connection for East Harwich in addition to serving over 60 properties within the Muddy Creek Watershed, a subwatershed to Pleasant Bay.

The Town also has two other sewer projects (Phase 1D-2: Route 137 – Morton Road Sewer Extension Project and the Phase 1E – Stony Hill/Crowell Road Infrastructure Improvements Project) that are both anticipated to begin construction late fall 2019 or early spring 2020. The Phase 1D-2 project will sewer 30 properties within sub-watersheds to Pleasant Bay (whereas the bulk of this project addresses the Town’s southern facing estuaries), and the Phase 1E project will sewer 10 properties in the Frost Fish Creek sub-watershed and provide stormwater improvements to a discharge to that same sub-watershed.

Harwich

The Town of Harwich has an approved Comprehensive Wastewater Management Plan (CWMP) that calls for sewerred large sections of the Pleasant Bay watershed located in East Harwich. Town Meeting in 2018 approved over \$20 million of spending on the construction of a sewer system hooking in approximately 650 parcels in this area. The area known as Phase 2 of the CWMP has gone out to bid in various phases known as Contract 1, Contract 2 and Contract 3. Contract 1 has been awarded to the Robert B. Our Company who will commence work in the summer of 2019 with an anticipated two-year construction schedule. Contract 2 will be advertised for bid during the summer of 2019 and it is anticipated that Contract 3 will be out for bid in the late summer or early fall of 2019. The Phase 2 sewer system will connect into the Chatham wastewater treatment facility upon completion. Harwich was successful in obtaining a state revolving fund (SRF) loan at a 0% interest due to its nitrogen removal efforts as well as regional cooperation with the town of Chatham.

The Town of Harwich is currently undergoing a review of its CWMP with a potential to re-sequence some of the phases of the plan. Phase 3 was anticipated to also be in the Pleasant Bay watershed, but this may be delayed until Phase 4 due to progress of another multi-town effort in a separate watershed. The Towns of Dennis, Harwich and Yarmouth are working closely together to form the DHY Clean Waters Community Partnership that anticipates the construction of a treatment facility in the town of Dennis with all three towns utilizing that facility and effluent recharge sites in all three towns.

Orleans

Prior to the Watershed Permit issuance, Orleans spent \$3.4M on the design and installation of downtown sewers in the area of a Mass DOT construction project to avoid a road opening prohibition. Another \$2.7M was spent in the design of a new WWTF. While these expenditures do not immediately accrue to the benefit of Pleasant Bay, they are part of the infrastructure that will eventually serve portions of Orleans in the Pleasant Bay watershed.

In FY 2021, the Town expects to spend \$0.85M on survey and preliminary design of sewers in the Meetinghouse Pond sub-embayment of the Pleasant Bay system. Final design (at \$1.5 million) would be completed in FY 2022, enabling the \$17M construction to begin in FY 2023. Upon completion in FY 2025, septic nitrogen from households in the Meetinghouse Pond sub-watershed would be removed from this area and treated/disposed outside the Pleasant Bay watershed, at the WWTF mentioned above. The goal is the removal of an annual load of 2,015 kg, or about 30% of Orleans' share of the TMDLs. Under the current plan, those removals would begin in the second 5-year segment of the Implementation Schedule, consistent with the Watershed Permit.

Orleans has continued with its shellfish harvesting demonstration project in Lonnie's Pond. The Town has established an initial nitrogen removal target of 75 kg/yr through the Lonnie's Pond Management Plan. The Plan is implemented through an aquaculture contractor and a monitoring contractor. Ward Aquafarms of Buzzards Bay was selected as the aquaculture contractor, while SMAST was selected as the monitoring contractor. The Plan provides the option to place 5.5 million small oysters or 2.1 million larger oysters in the Pond to achieve the nitrogen removal target. The oysters will be grown for the summer and removed by the end of the growing season in the same year. Oysters will be grown to market size in another location. In CY 2018, the demonstration project removed 60 kg of nitrogen from the Pleasant Bay Watershed. This represents about 3% of the Town's overall goal for multiple shellfish harvesting operations in the Pleasant Bay watershed. The Watershed Permit's Implementation Schedule calls for 273 kg/yr removal in place by the end of FY 2023, which translates to three other harvesting area of comparable size to the Lonnie's Pond operation.

Based on the success of a PRB at the Middle School, Orleans is now planning to add this technology to its plan, and its 5-yr CIP includes \$3.4 million in FY 2024 for constructing one or more PRBs in the Pleasant Bay Watershed.

The Orleans Amended CWMP is in draft form and the Town plans to complete it before the end of FY 2023, consistent with the Implementation Schedule.

(The Commission has requested annual documentation of each town's ability to support the level of funding that is proposed, as well as the financial impact on users. That request will be addressed in subsequent annual reports.)

PROGRESS IN NON-STRUCTURAL AND NON-SEWERING OPTIONS

Non-structural options include such techniques as residential lawn fertilizer controls, land set-asides, rezoning, etc. Non-sewering approaches include on-lot denitrification, inlet widening, etc. Progress in FY 2019 includes:

Brewster

Brewster developed the framework for an advanced onsite septic system program and evaluated the level of treatment needed from each septic system in the main subwatersheds that are located within the Town. The framework includes recommendations for a general bylaw and Board of Health regulation to implement the onsite system requirements. It also includes initial approaches for managing the operation, maintenance and monitoring of systems that would be installed for nitrogen removal.

In addition, since 2008, the Town, along with the Brewster Conservation Trust has permanently preserved approximately 250 acres of open space in the Pleasant Bay watershed, removing land from development that would impact the buildout nitrogen load to the Bay. Preserving this land reduces the impact of buildout development on the future nitrogen load to Pleasant Bay

Chatham

Chatham continues to investigate opportunities to address stormwater infrastructure improvements throughout the town as part of its MS4 program. The Town adopted its revised fertilizer bylaw in November 2014 and continues to support and enforce these requirements.

The Town, in cooperation with the Town of Harwich, completed upgrades and renovations to the Muddy Creek Bridge several years ago. The two towns in coordination with the Pleasant Bay Alliance are monitoring the success of that project. The project basically changed out small culverts which limited flow with a clear span bridge to allow for increased tidal flow during each tide cycle.

Chatham is also seeking to purchase additional open space adjacent to Goose Pond as part of its Land Bank Open Space. This would preserve an additional 4.17 acres within the Pleasant Bay Watershed.

Harwich

In 2016, the Town, in cooperation with the Town of Chatham, removed an earthen dike and culvert structure that blocked tidal flow between Muddy Creek and Pleasant Bay, and replaced it with a new Muddy Creek Bridge. The two towns in coordination with the Pleasant Bay Alliance are monitoring the success of that project. The project allows for increased tidal flow during each tide cycle.

The Town of Harwich relies heavily upon the updated state regulations for fertilizer control. The Health Department monitors the state regulations carefully and through a campaign of education tries to insure environmentally responsible use of fertilizer. The Health Department in coordination with the Conservation Department are considering additional regulations on the local level to supplement state regulations. Said review is still underway.

The Town of Harwich, working through its Board of Selectmen and its Conservation Commission, works closely with Harwich Conservation Trust to purchase property or obtain the necessary conservation restrictions to protect environmental resources throughout the town. Over the past fifteen years this partnership has led to the purchase of the 43-acre Monomoy River Woodlands and the 49-acre Pleasant Bay Woodlands properties in the Pleasant Bay watershed. More recently this partnership led to the protection of the 17-acre Marini property adjacent to Muddy Creek in the Pleasant Bay Watershed.

Orleans

Annual Town Meeting in May 2019 was asked to appropriate funds to acquire the 26-acre Sipson's Island and a one-acre parcel within the Lonnie's Pond watershed. There are no current zoning changes anticipated in the Pleasant Bay watershed, although 2017 rezoning in the downtown area is expected to help concentrate growth there, outside the Pleasant Bay watershed.

MODELING OF WATERSHED LOADS AND EMBAYMENT WATER QUALITY

The SMAST/MEP technical report that forms the basis for the Pleasant Bay TMDLs, and the nitrogen load removals by town, was completed in 2006. With funding from the EPA SNEP grant, the Alliance is overseeing a re-modeling of the watershed loads and receiving water quality. This effort allows the input of additional water quality and habitat data accumulated since the early 2000s. This remodeling is expected to be complete by 2020 and will be a key factor in the towns' adaptive management programs. Updated estimates of watershed nitrogen load should be available for inclusion in the second annual report.

PROPOSED CHANGES IN THE IMPLEMENTATION PLAN AND PERMIT

The Watershed Permit anticipates "mid-course corrections" in any of the town's nitrogen removal plan by allowing changes to the implementation schedule at the end of each 5-year segment of the permit term. After the first year, there are no reported intentions of modifications to the implementation schedule, other than informal discussions.

The Town of Harwich is currently undergoing a review of its CWMP with a potential to re-sequence some of the phases of the plan. Nitrogen removal activities in the Pleasant Bay watershed are not likely to be affected in the first 5 years of the Watershed Permit.

The Alliance is investigating "nitrogen trading", whereby one town could remove more than its share of nitrogen load on behalf of another town that would remove less than its share. The second town would pay the first town for the nitrogen load removed on its behalf. That

investigation is funded in part by the EPA SNEP grant. The study would be concluded during the third year of the Watershed Permit. Any changes in the Implementation Schedule that potentially could emerge from that study are unlikely to proceed in the first 5 years of the permit.

GROWTH IN NITROGEN LOAD

Growth in the watershed nitrogen load, to the extent not already accounted for in a town's plan, represents both a financial burden and the need to expand/modify the plan. Growth is defined as increased nitrogen load since the baseline years that are part of the 2006 MEP report and 2010 update related to Muddy Creek. Those baseline years are:

Brewster: 2002 to 2004
Chatham: 2002 to 2003
Harwich: 2004 to 2007
Orleans: 2002 to 2003

A broad assessment of trends is possible through analysis of the water use data described above and in Table 2. That assessment will be included in later-years' annual reports once watershed-specific data are available.

NEW GROUNDWATER DISCHARGE PERMITS

There are 11 Groundwater Discharge Permit holders in Brewster, Chatham, Harwich and Orleans. There are three facilities with GWD permits located in the Pleasant Bay:

- Pleasant Bay Health & Living Center (Brewster), 26,500 gpd permitted maximum
- Chatham Bars Inn (Chatham), 60,000 gpd permitted maximum
- Wequassett Inn (Harwich), 45,000 gpd permitted maximum

Each facility has a total nitrogen discharge limit of 10 mg/l of total nitrogen. The Pleasant Bay Health & Living Center regularly meets its permit requirements. The Chatham Bars Inn has experienced some excursions in effluent nitrogen concentration. The Wequassett Inn has experienced some minor excursions, but generally produces very good effluent.

As of June 2019, there are no applications pending for new GWD permits in the watershed.

There are two other GWD permits of note in the region. The municipal wastewater treatment facility in Chatham discharges outside the Pleasant Bay watershed but is soon to receive wastewater and nitrogen load from the Pleasant Bay watershed in Harwich. Similarly, the Town of Orleans is seeking a GWD permit for the proposed Orleans municipal WWTF discharge at a site off Lots Hollow Road. Those Orleans facilities will receive and treat wastewater and nitrogen load from at least the Meetinghouse Pond sub-watershed.

Each Town's Health Department has provided data on new Title 5 systems and new private wells in the Pleasant Bay watershed, as follows:

	All Title 5 Permits Issued Town-wide	New Title 5 Systems in Pleasant Bay Watershed	New Private Potable Wells in Pleasant Bay Watershed
Brewster	148		
Chatham			
Harwich	195	12	3
Orleans	110	6	1

DATA FROM BUILDING DEPARTMENTS AND ASSESSORS

In future annual reports, town departments will provide information on development and redevelopment as derived from the towns' traditional annual reports that are released before Town Meetings. The Commission has also requested data on the location and square footage of new structures and the number of new bedrooms in the watershed. The Alliance and the towns will work with Commission staff during the second year of the permit to develop a practical cost-effective approach toward meeting this reporting goal.

STAKEHOLDER INVOLVEMENT

Since the issuance of the Watershed Permit in August 2018, the following public meetings and hearings have been conducted related to Pleasant Bay nitrogen reductions:

Brewster

Meetings were held with the Select Board and Board of Health to discuss implementation of the Town's IWRMP, including the actions proposed for Pleasant Bay.

Chatham

As the Town of Chatham is well into its implementation program, the Town has used Town meetings to support these projects, including the most recent vote of an additional \$7.15 million dollars for wastewater authorization and debt exclusion that passed in May 2019. A portion of these funds is for work in the Pleasant Bay watershed.

The Town also maintains a detailed site on its webpage that provides information regarding the approved plan and links to current sewer infrastructure projects.

<https://www.chatham-ma.gov/comprehensive-wastewaternutrient-management-plan>

In addition, the Town through its consultant GHD provides a construction implementation webpage to inform residents of ongoing work related to the sewer implementation that can be found at:

<https://chathamscproject.info/>

Harwich

The Town's wastewater project is actively covered on the Town website. The Town hired Weston & Sampson (whose representative is Charlie Sumner a former administrator in the town of Brewster) to assist in outreach efforts along with CDM Smith pertaining to the Pleasant Bay watershed area improvements contained in Phase 2. The Board of Selectmen, Board of Health and the recently approved by town meeting (pending) Water/Wastewater Commission will continue outreach efforts throughout this project.

Orleans

Orleans developed a Consensus Plan to move forward with wastewater management solutions through a comprehensive public process involving local boards, citizens, and regional & state officials. The public process was critical to a successful program. Since adopting a plan for limited public sewers augmented by non-traditional remediation technologies, the Town has continued to make all wastewater planning decisions at the Board of Selectmen level, with opportunity for public input at every step.

With approval of a downtown public sewer system in May 2019, responsibility for implementing the construction program was transferred to the Board of Water & Sewer Commissioners. The Town is presently working to develop sewer regulations and will seek public input before they are approved.

Lonnie's Pond residents have been advised of the Town's ongoing demonstration project to grow oysters in Lonnie's Pond. All pond abutters were noticed as part of the Conservation Commission approval process.

Alliance

The Alliance made public presentations on the Pleasant Bay watershed permitting approach at well-attended conferences:

- The Cape Cod Commission's OneCape conference in Harwich in August 2018 (an update presentation is scheduled for the 2019 OneCape conference.)
- WBNERR's Cape Coastal Conference in Hyannis in December 2018, and
- The Annual Conference of the New England Water Environment Association in Boston in January 2019.

In the upcoming year, additional stakeholder involvement will occur as follows

Brewster

Additional meetings with the Select Board, Board of Health and the public are planned in 2019 and 2020 to discuss the implementation of the Watershed Permit and how Brewster will meet its nitrogen reduction goals. The options for using advanced onsite systems will be presented and input will be solicited on issues related to the implementation of the Town program, including financing options and the requirements of the operation, maintenance and monitoring of the onsite treatment system.

Chatham

The Town continues to be an active member on the Pleasant Bay Alliance, and also the Cape Cod Water Protection Collaborative as hosted by the Cape Cod Commission.

In addition, the Town actively engages with the public through its Board of Selectmen meetings and Town Meeting process, the Water & Sewer Advisory Committee, who provide advice and recommendations to the Water & Sewer Commissioners regarding the water and sewer systems for the Town of Chatham, and neighborhood meetings related to implementation of various stages of the implementation of the CWMP.

Harwich

The Town's past efforts will continue to be modified and improved to seek additional input from the various stakeholders involved in the town's compliance with its Comprehensive Wastewater Management Plan. The town continues to be an active member on the Pleasant Bay Alliance and will continue to learn from the group of efforts made throughout the region on the wastewater permitting side.

Orleans

The Board of Water & Sewer Commissioners will hold regular, noticed meetings to review progress on public sewer construction. Regular reporting to the Town regarding the Lonnie's Pond oyster project will be made to the Water Quality Committee, and all reports will be posted on the Town website. The Town's engineering consultant will meet with the Board of Selectmen to report on progress of a demonstration Permeable Reactive Barrier currently installed at Nauset Middle School. Planning for future installation of PRBs at strategic locations will take place during 2019-2020.

Alliance

A public outreach program is part of the watershed permit implementation activities funded by EPA under the SNEP grant and now ongoing. That outreach program will occur in 2020 and 2021.

Key issues for the public are:

- The large cost of nitrogen removal programs
- Fairness in allocation of costs among users and non-users and between residential and commercial property owners.
- Proper incorporation of non-traditional approaches to nitrogen removal.

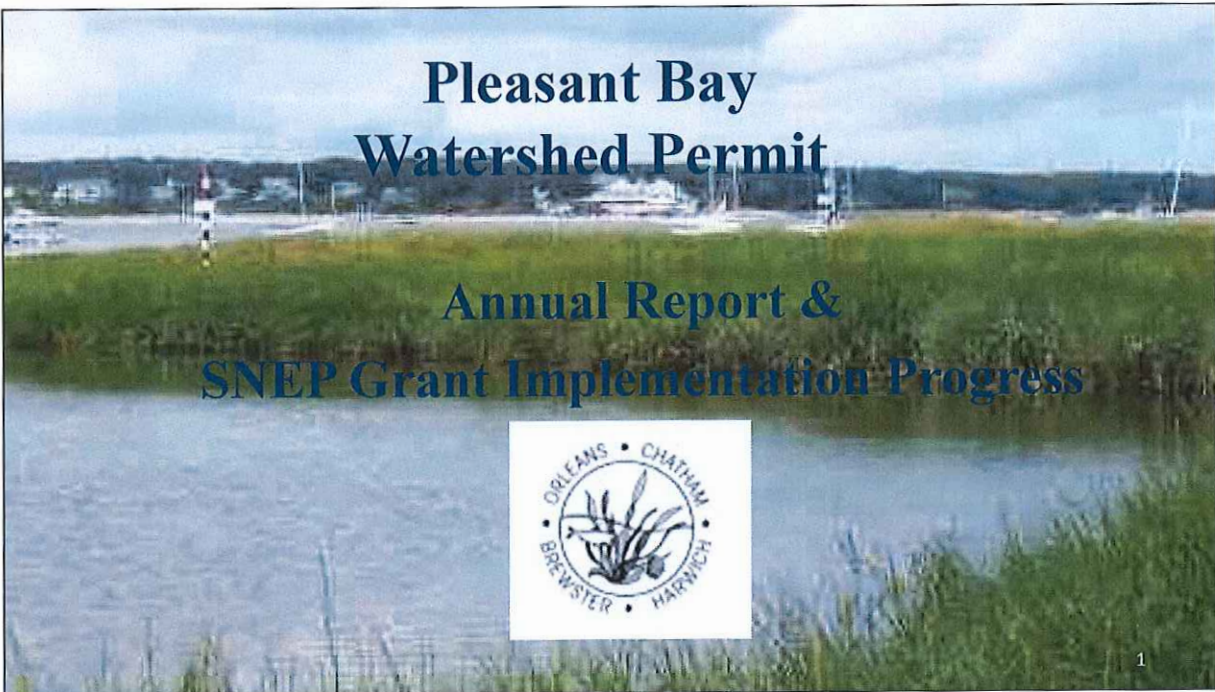
DISCUSSION AND CONCLUSIONS

The two basic goals of the annual report have been accomplished:

- Compliance documentation
- Compilation of information to inform adaptive management

While only one year has transpired under the Watershed Permit, and much is to be done in years 2 through 5, it is fair to say that:

- The towns are proceeding under the terms of the permit, and
- The towns are on track to meet the nitrogen removals stipulated under the permit.



What is a Watershed Permit?

- Requires a TWMP and IMA
- 20-year renewable permit
- Allows for adaptive management
- Provides traditional contingency plan
- Voluntary

Pleasant Bay Watershed Permit

- Issued August 2018
- First of its kind in Massachusetts
- Culmination of efforts of many partners
- Aggressive goals set and completed in record time

3

N Removal Responsibility

- Attenuated N load removal req'ment
= 17,700 kg/yr (100%)
- Requirement by Town:
 - Brewster— 2,300 kg/yr (13%)
 - Chatham— 4,100 kg/yr (23%)
 - Harwich— 4,400 kg/yr (25%)
 - Orleans— 6,900 kg/yr (39%)

4

Implementation Schedule

Phase	Years	Brewster		Chatham		Harwich		Orleans		Total
		Activity	kgN/yr*	Activity	kgN/yr*	Activity	kgN/yr*	Activity	kgN/yr*	kgN/yr*
	up to 2018	Res. fertilizer control Capt GC fertigation Capt GC fert. reduction	121 230 930	Res. fertilizer control Muddy Creek Bridge	247	Muddy Creek Bridge		Res. fertilizer control	241	1,769
All towns: develop TWMP; execute IMA; obtain Watershed Permit										
1 **	1 to 5	2019 to 2023	Develop denit plan Devel. conting. plan Strengthen GC plan	Harwich connection		Ph 2 sewers Res. fertilizer control	2,672 200	Amended CWMP Lonnie's Pond aqua. PRB evaluation	273	3,145
All towns: update monitoring data, re-model Bay, evaluate nitrogen trading options, prepare plan for next 5 yr										
2 ***	6 to 10	2024 to 2028	On-site denit systems			Ph 3 sewers	1,565	MtHouse Pond sewers Other aquaculture On-site denit systems	2,014 1,516 674	5,887
3 ***	11 to 15	2029 to 2033	On-site denit systems	Frostfish Creek sewers Ryders Cove sewers	803 2,605			On-site denit systems Other aquaculture	675 906	5,107
4 ***	16 to 20	2034 to 2038	On-site denit systems	Muddy Creek sewers	1,597			On-site denit systems	675	2,390
	after year 20	after 2038	On-site denit systems	Crows Pond sewers Bassing Harbor sewers Pleasant Bay sewers Chatham Harbor sewers	1,214 511 901 5,181	Ph 8 sewers Harwich effl. disposal	970 (867)	****		8,146
			Total	1,871	13,059	Total	4,540	Total	6,974	26,444

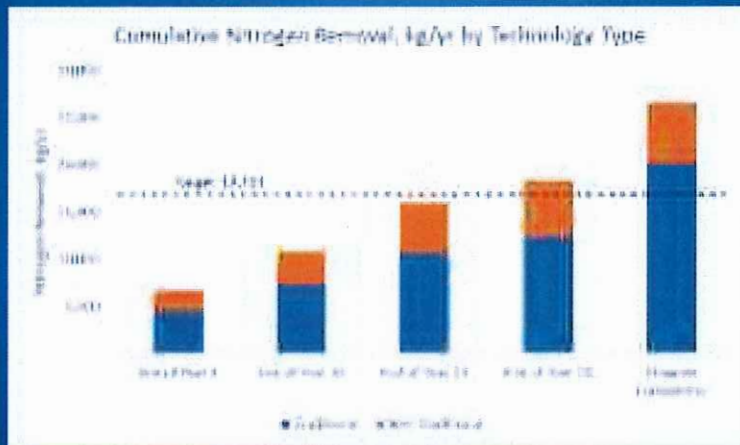
5

Load Removal Commitments, kg/yr

	Brewster	Chatham	Harwich	Orleans	Total
Years 1 to 5	1,281	247	2,872	514	4,914
Years 6 to 10	118		1,565	4,204	5,887
Years 11 to 15	118	3,408		1,581	5,107
Years 16 to 20	118	1,597		675	2,390
After Year 20	236	7,807	103		
Total	1,871	13,059	4,540	6,974	26,444

6

Implementation Progress



7

Permit Reporting

- Annual reports required
- Submit to MassDEP and Cape Cod Commission
- Basis for permit modifications every five years

8

Permit Implementation

- \$250,000 SNEP Grant
- SNEP-supported Implementation:
 - Optimize non-traditional nitrogen removal measures (
 - Model the effects of optimized NT measures using updated model
 - Reinforce effectiveness through stakeholder engagement, outreach, education

Implementation Plan for De-Nitrifying I/A Systems

- Identify targeted effluent N concentration to achieve TMDL
- Identify BATs to meet targeted effluent N concentration
- Develop municipal implementation framework (technologies, cost, regulations, monitoring, etc)
- Issues
 - Effectiveness of technologies
 - Monitoring requirements
 - Incentives



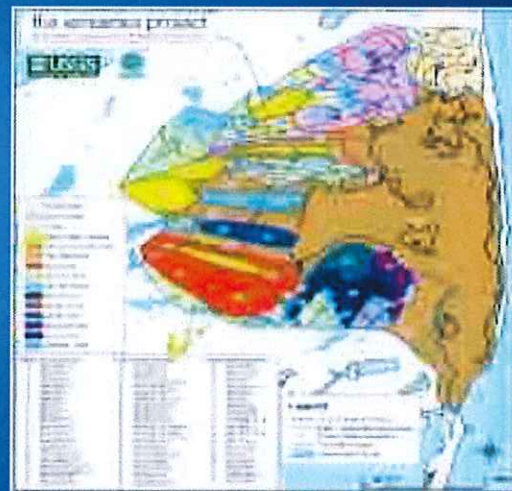
Aquaculture for N Removal

- Develop management plan -- Yr 1 target 75kg/25% N removal
- Develop RFP/selected private grower – June 2019 deployment
- Develop monitoring plan for N removal credit
- Synthesize multi-yr results
- Issues
 - Performance variables
 - Credit for other N removal factors (ie, sediments)



N Trading Pilot Project

- Develop framework based on existing models
 - 2-party IMA preferred
- 3 different scenarios
 - Equivalency factors
- Examine financial, legal, regulatory issues with towns
- Develop implementation plan
- Issue –
 - Existing and future loads



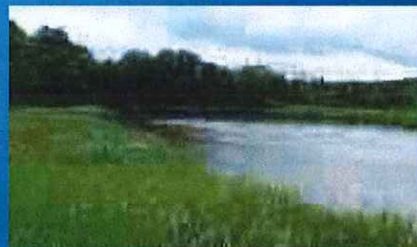
Update Ecosystem Model

- Update baseline assessment data in the linked model to reflect current conditions.
 - Update N loading model land use, water use data
 - Hydrodynamics
 - WQ data
- Model runs
 - Composite baseline
 - Optimized scenarios



Outreach & Education

- Technical reports, presentations
- Guidebook for Watershed Permit Implementation
- Videos
- Speakers bureau
- Data/model public access



Harwich Recreation & Youth Department Park, Beach & Commission

100 Oak Street, Harwich MA 02645



To: Harwich Board of Selectmen
From: Harwich Recreation Department and Commission
Date: 5-8-19
Re: Amended Pets on Beaches Policy

At a meeting of the Recreation and Youth Commission on March 26, 2019 the Commission voted unanimously to add the following language to the Town Beach Rules and Regulations:

Pets are prohibited at all Town of Harwich beaches and parking lots on Saturdays and Sundays, 9am-4:30pm, from Labor Day through Columbus Day.

The Recreation and Youth Commission also held a public hearing on the matter on February 26, 2019. There were approximately 27 members of the general public in attendance. A productive discussion took place with compromises discussed with the Recreation and Youth Commission.

We appreciate your attention to this matter.

Harwich Recreation Director

Recreation and Youth Commission Chairman

100 Oak Street

Harwich, MA 02645

Fax 508-430-7579

Director:

Eric J. Beebe 508-430-7552

ebeebe@town.harwich.ma.us

Executive Assistant:

Lee A. Ames 508-430-7553

leeames@town.harwich.ma.us

Recreation Program Specialist II:

Susan H. Fraser 508-430-7554

sfraser@town.harwich.ma.us

EXHIBIT A – VOTE OF THE SELECTMEN

TOWN OF HARWICH, MASSACHUSETTS
BOARD OF SELECTMEN

Vote to Declare a Major Disaster, Incur Liability in Excess of Appropriations under Ch. 44, Section 31, and to Express Official Intent to Reimburse with Proceeds of a Borrowing

Voted: That the Board of Selectmen declares a major disaster in the Town of Harwich, resulting from the tornadoes and sheer wind event of July 23, 2019, which event poses an immediate threat to the health or safety of persons or property.

Further Voted: That the Town Administrator is authorized to expend \$1,000,000 to pay costs related to the Town's response to the July 23, 2019 tornadoes and sheer wind event, including, but not limited to, employee overtime, debris removal, contractual assistance and emergency repairs to public buildings and infrastructure and costs incidental and related thereto, in accordance with the provisions of Chapter 44, Section 31 of the General Laws.

Further voted: That the Board of Selectmen intends to propose an article for the next town meeting to provide funds for these costs by raising in the tax levy, transferring, authorizing a borrowing and issuing bonds or notes therefor, or otherwise, or any combination thereof.

Further voted: That the Chairman is hereby authorized to send the attached proposed letter to the Director of Accounts at the Department of Revenue seeking authorization to deficit spend up to \$1,000,000 under Chapter 44, Section 31 of the General Laws for the purposes described above.

Further voted: That the Board of Selectmen expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and any time after the date of passage of this vote in the maximum amount and for the aforementioned costs associated with the Town's response to the July 23, 2019 tornadoes and sheer wind event (the "Projects") with the proceeds of bonds, notes, or other obligations authorized to be issued by the Town. The bonds or notes shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The Board of Selectmen of the Town hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Town Treasurer or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration. This declaration is made solely for purposes of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations. This declaration does not bind the Issuer to make any expenditure, incur any indebtedness, or proceed with the Projects. This declaration and the above votes shall take effect from and after their adoption.

Town of Harwich, Massachusetts
Approval to Incur Liability in Excess of Appropriations under Ch. 44, Section 31

I. Approval of the Chief Executive.

I, the Clerk of the Board of Selectmen of the Town of Harwich, Massachusetts, certify that at a meeting of the board held on July 29, 2019, of which meeting all members of the board were duly notified and at which a quorum was present, the vote attached hereto as Exhibit A was unanimously passed, which vote appears on the official record of the board in my custody.

Clerk of the Board of Selectmen

Date: July ____, 2019

II. Certificate of Town Clerk.

I, the Town Clerk of the Town of Harwich, Massachusetts, certify that the signature of the Clerk of the Board of Selectmen appearing above is the genuine signature of the person who executed this certificate, and who held such office when this certificate was executed.

Town Clerk

Date: July ____, 2019

(Town Seal)

III. Approval of the Director of Accounts

In accordance with Chapter 44, Section 31 of the General Laws, I, the Director of Accounts of the Division of Local Services of the Massachusetts Department of Revenue (the "Director of Accounts"), approve the \$1,000,000 emergency appropriation for costs associated with the Town's response to the July 23, 2019 tornadoes and sheer wind event.

Director of Accounts

Date: _____, 2019



July 29, 2019

Marie Jane Handy
Director of Accounts
P.O. Box 9569
Boston, MA 02114-9569
handym@dor.state.ma.us

Dear Ms. Handy,

Pursuant to M.G.L. Chapter 44, Section 31 the Town of Harwich formerly requests authorization to pay certain liabilities without appropriation necessitated by a local emergency caused by the the Tornado and storms that occurred on July 23, 2019. At a duly held meeting on July 29, 2019, the Harwich Board of Selectmen, by a majority vote, declared a major disaster in the Town of Harwich and authorized its Chairman to send this letter to the Director of Accounts seeking authorization to pay any emergency expenditures.

On behalf of the Town of Harwich we respectfully request authorization to deficit spend up to \$1,000,000 for the emergency situation in the town that has affected the public's health and safety. The funds will be used to fund employee overtime, debris removal, contractual assistance and emergency repairs to public buildings and infrastructure.

Thank you for your consideration and attention to this matter.

Sincerely,

Larry Ballantine, Chairman

CC: Christopher Clark
Joseph Powers
Carol Coppola

Performance Management Plan for Harwich Town Administrator

Setting Goals

Goal setting is essential for establishing and managing expectations, tracking and measuring progress, and elevating performance. We recommend using the S.M.A.R.T. goal setting process.

In setting goals, make sure each goal meets these five criteria:

S The goal must be specific – clearly defining expectations and explaining the objective. This goal clearly specifies what is to be accomplished.

M The goal must be measurable. Identify and define specific metrics for quantity, quality, timeliness and cost that can be objectively measured.

A The goal must be attainable. Ensure that the goals are challenging, but within reason.

R The goal must be relevant. All goals need to be evaluated against the overarching company and business goals.

T The goal must be time-bound. Specify a date or elapsed amount of time when the goal needs to be completed.

As you write your S.M.A.R.T. goals, answer the following questions honestly to ensure you are truly setting S.M.A.R.T. goals.

What? This is your statement of outcome. What are you trying to accomplish? What will it look like?

When? Your goal needs to be realistic and so does your schedule. Allow the proper amount of time to complete the task and establish a deadline that takes into consideration possible setbacks.

Why? Sometimes it's obvious why certain tasks and projects need to be executed. Other times it's not. If it is not clear to you "why" you are setting an objective as your goal, stop and ask your manager to explain the rationale. If you are the leader of a project, it is important that you openly address the reasons for a project. No one can be expected to fully commit to achieve a goal without being told candidly and completely why it's a goal in the first place.

How? This is about methodology, measurement and engaging your Team members' expertise. By asking 'How are we going to make this happen?' and 'How will we know when we have succeeded?' you're honoring the value they bring to the table. Not only will you arrive at the best possible solution, you will increase your Team's energy, enthusiasm, and sense of ownership.

How Much? This is the question about resources required – and resources returned. How much do you need in terms of cash, raw materials and sweat and how much will you get back if you achieve your goal? You can think of it as the Team's return on investment or cost-return ratio. It is important to consider the cost to execute and the payback from achieving your goal.

Performance Management Plan for Harwich Town Administrator

Results-Based Goals

There should be 3 to 5 results-based goals. The goals must be specific, clearly defining expectations and explain the objective. The goals must also be measurable, attainable and relevant.

Results-Based Goal One

Manage the Town's finances for a level funded budget or for a minimal increase in expenses of no more than 2% with BOS approval and avoid the use of capital exclusions and limit the use of debt exclusions.

- Negotiate employee contracts with an awareness of the budget limitations in line with this overall 2% goal.
- Develop a detailed plan to improve the OPEB funding and management /pursue new sources of revenue to fund costs.
- New funding sources should be presented to the BOS prior to adoption
- Increase stabilization and reserve fund balances to meet reserve policy objectives.
- Retain the town's AAA bond rating.

Manager Comments:

Employee Comments:

Results-Based Goal Two

Lead/manage town staff by increasing delegation, team processes and IT efficiency steps.

- Delegate specific assignments to staff with appropriate authority and accountability measures.
- Develop labor, cost and permitting data bases to propose possible efficiencies and reduce permitting effort and time.
- Work to reduce non-retirement turnover.
- Implement procurement practices and policies throughout all departments and town projects
- Use TA goals as template so staff goals are consistent

Manager Comments:

Employee Comments:

Performance Management Plan for Harwich Town Administrator

Results-Based Goals

There should be 3 to 5 results-based goals. The goals must be specific, clearly defining expectations and explain the objective. The goals must also be measurable, attainable and relevant.

Results-Based Goal Three

Oversee Harwich's input into the Dennis/Harwich/Yarmouth community partnership on wastewater.

- Provide project oversight to continue Phase 2 according to current schedule, costing and property assignment.
- Work with consultant, town engineer and project manager to reduce costs where possible.
- Work with Project Manager, Department Heads and Selectmen to effectively communicate wastewater actions to the residents of the town.
- Support DHY sewer special legislation and three town agreement allowing the three-town agreement to be brought before town meeting in the Fall.

Manager Comments:

Employee Comments:

Results-Based Goal Four

In your role as member of the affordable housing trust, aggressively pursue the creation of affordable housing opportunities throughout the town.

- Explore new potential parcels for affordable house use, including possible private-public or non-profit-public partnerships.
- Develop and support new affordable housing without building. Expand existing buy down program, town sponsored rental assistance programs or rent to own programs and actively work to preserve existing Subsidized Housing Inventory (SHI) units through outreach and, when required, with financial involvement/ commitment.
- Work with other housing partners in Town and in surrounding Towns building support and collaboration for initiatives, including town committees that also play an important role in housing, planning and open space such as the Harwich Housing Committee, Housing Authority, Planning Board, Real Estate & Open Space and Community Preservation Committee.
- Educate, Engage and Communicate with town residents and organizations about Harwich Housing initiatives and programs and why affordable housing is important to the town in order to build broad consensus.
- Identify permanent funding strategies for the Trust.

Manager Comments:

Employee Comments:

Performance Management Plan for Harwich Town Administrator

Results-Based Goals

There should be 3 to 5 results-based goals. The goals must be specific, clearly defining expectations and explain the objective. The goals must also be measurable, attainable and relevant.

Results-Based Goal Five

Create a more transparent budget process for the taxpayers of Harwich.

- Develop a more user-friendly website where the taxpayers can educate themselves on the town's budget and budget process.
- Create a format for the town warrant which includes understandable information on the budget and specifically on the towns outstanding debt and debt repayment schedule.
- Engage residents prior to development of the budget to gather information on resident budget priorities
- TA and staff should be fully prepared to answer questions during Annual Town Meeting

Manager Comments:

Employee Comments:

Performance Management Plan for Harwich Town Administrator

Core Competencies

The Core Competencies should reflect the knowledge, skills and behaviors that the employee must demonstrate.

Collaborates

Builds partnerships and works collaboratively with others to meet shared objectives.

Manager Comments:

Employee Comments:

Attracts Top Talent

Attracts and selects the best talent to meet current and future town needs.

Manager Comments:

Employee Comments:

Develops Talent

Develops people to meet both their career goals as well as the Town's goals.

- Work with employees on training/mentoring programs

Manager Comments:

Employee Comments:

Builds Effective Teams

Building strong teams that can work together to attain the Town's goals.

Manager

Employee

Performance Management Plan for Harwich Town Administrator

Core Competencies

The Core Competencies should reflect the knowledge, skills and behaviors that the employee must demonstrate.

Communicates Effectively

Develops and delivers clear and effective communications throughout the organization.

Manager Comments:

Employee Comments:

Ensures Accountability

Holding self and others accountable to meet commitments.

- Review TA performance vs. goals quarterly
- TA follow-through with quarterly updates of staff
- Actions assigned by BOS to TA during the year are to be reviewed quarterly

Manager Comments:

Employee Comments:

Drives Results

Consistently strive to attain results, even under difficult circumstances.

Manager Comments:

Employee Comments:

Manager

Employee

Courage

Addresses difficult issues, saying what needs to be said.

Manager

Employee

Performance Management Plan for Harwich Town Administrator

Core Competencies

The Core Competencies should reflect the knowledge, skills and behaviors that the employee must demonstrate.

Instills Trust

Gaining the confidence and trust of others through honesty, integrity, and authenticity.

- Feedback from BOS, staff, residents

Manager Comments:

Employee Comments:

Decision Making

Making good and timely decisions that keep the town moving forward.

- Propose budget priorities to fulfill financial goals

Manager Comments:

Employee Comments:

Managing Risk Goals

There should be 2 to 3 goals. Understanding the risks that may impact the town and acting promptly to deal with them.

Assure that there is an appropriate governance structure and full cooperation with the audit process.

Manager Comments:

Employee Comments:

Make sure that there is an early identification and prompt escalation of all issues.

Manager Comments:

Employee Comments:

Performance Management Plan for Harwich Town Administrator

Town Goals

Actively promote the town's positive image and values. There should be 2 to 3 goals.

Emphasis integrity, teamwork and excellence with all town employees.

Manager Comments:

Employee Comments:

Encourage all town employees to understand the importance of a transparent and responsive government for the residents of the town.

Manager Comments:

Employee Comments:

Work to improve the quality of life for all residents of the town.

Manager Comments:

Employee Comments:

Development Goals

Performance Management Plan for Harwich Town Administrator

Performance Rating

There are five ratings categories: **Extraordinary, Exceeded Expectations, Achieved Expectations, Below Expectations, and Unsatisfactory**

Definitions

Extraordinary

- Exceeded all performance goals.
- Went beyond the goals to develop even greater performance expectations.
- Was always cited as a leading example in their peer group.

Exceeded Expectations

- Exceeded all goals.
- Was an outstanding role model for the town employees.
- Demonstrated a clear understanding of the needs of the town.
- Helped town employees to perform their jobs to the same level of excellence.

Achieved Expectations

- Achieved all the critical goals and may have exceeded expectations for some goals.
- Exhibited a strong commitment to the town's needs and inspired all town employees to exhibit that commitment.
- Demonstrated a clear commitment to the core competencies.
- Demonstrated a strong commitment to the town's goals.

Below Expectations

- Did not achieve one or more critical goals; and or
- Did not provide the leadership described in the core competencies.
- Did not promote the town's goals.

Unsatisfactory

- For the current year the employee failed to meet the required goals and standards for his/her role, despite regular feedback and support from his/her manager/managers to improve overall performance.
- A documented time-bounded Performance Improvement Plan will be agreed to following the year-end assessment, if not already in place.

Performance reviews throughout the year shall be done on a quarterly basis to allow the manager and the employee to understand where they are regarding the goals and core competencies. The quarterly review will include written assessments by the employee and the manager/managers. This will allow for a more productive and transparent PMP process.

Acknowledgement of Performance Rating structure

Manager:

Employee:

Performance Management Plan for Harwich Town Administrator

Year End Review

Manager Review:

Overall Performance Rating

Comments

Signature and Date

Employee Review:

Comments

Signature and Date

To: Chris Clark, Town Administrator
From: Charles L. Sumner, Owner Project Manager/Outreach Coordinator
Subject: Wastewater Improvement Project Update
Date: July 26, 2019

The Town has issued construction contract no.1 for the sewerage collection works improvement project to Robert B. Our Company. The contract includes the furnishing and installation of approximately 29,500 linear feet of sewer piping and 2 submersible pumping stations, along with associated work. This construction contract commenced on July 17, 2019 and must be completed within 730 calendar days or July 15, 2021. Final roadway paving will not be completed until November of 2021.

The contractor is in the process of mobilizing and initiating planning for this project by developing a phased construction schedule. Initial construction will commence on August 19, 2019 on, the following roads:

1. Cemetery Road
2. Compass Road
3. Ellis Drive
4. Herndon Road, and
5. White Pine Circle

As various roads are being sequenced property owners will receive a notice of construction form from the Town prior to the commencement of construction in your neighborhood. This notice will include an attachment referred to as the "Sanitary Sewer Stub Location" form. This form is important in order to identify the preferred location of the service lateral pipe for each individual property. This form should be filled out and returned to the Harwich Health Department at Town Hall, 732 Main Street, Harwich, MA.

Please remember that this will not necessitate that you connect to the new sewer collection system at this time. After this 2-year construction effort where the sewer mains are placed in the street and the system is ready to receive sewage at the Chatham Treatment Plant the Board of Health will send a further notice indicating that it is time to connect to the system. A time frame of at least one year will be given to the property owners to connect to the collection system. So for your individual planning purposes property owners will not have to connect to the sewer collection system for approximately a 3-year period.

If any property owner needs any assistance filling out this form please contact John Desimone, Resident Engineer for CDM Smith at 508-579-1009. Information and instructions on how to fill out this form is also available on the Harwich Water Department's website at www.harwichwater.com. In addition the Town has placed a copy of the existing plans for both your individual septic system and water service on the Towns website at www.harwich-ma.gov/health.

If you have any questions or need further assistance do hesitate to contact to contact Charles Sumner, Owner Project Manager/Outreach Coordinator at either 508-430-7514, extension no. 3313 or at wastewater@townofharwich.us. As our contractor finalizing their construction sequencing plans we will provide additional information on the construction schedule on the towns website. Thank you for your patience and cooperation during construction of this important project.

Sincerely
Charles Sumner
Owner Project Manager/Outreach Coordinator