

SELECTMEN'S MEETING AGENDA*

Donn B. Griffin Room, Town Hall

732 Main Street, Harwich, MA

Executive Session 5:30 P.M.

Regular Meeting 6:00 P.M.

Monday, March 27, 2023

Remote Participation Optional:

Please join my meeting from your computer, tablet or smartphone.

<https://meet.goto.com/833882629>

You can also dial in using your phone.

Access Code: 833-882-629

United States: [+1 \(408\) 650-3123](tel:+14086503123)

**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

- A. Pursuant to G.L. c. 30A, sec. 21(a)(2) to conduct strategy sessions in preparation for negotiations with non-union personnel and to conduct contract negotiations with non-union personnel including those with employee agreements: Chief of Police, Fire Chief and Town Administrator

III. PLEDGE OF ALLEGIANCE

IV. PUBLIC COMMENTS/ANNOUNCEMENTS

- A. Committee Vacancies

V. CONSENT AGENDA

- A. Approve Board of Selectmen Meeting Minutes:
1. February 27, 2023
 2. March 13, 2023
- B. 1. Board of Registrars Notification of Raymond Gottwald Resignation
2. Accept resignation of Raymond Gottwald as Democratic Member of the Board of Registrars
 3. Discussion and possible vote on replacements
 - Shirley Knowles
 - Rosanne Shapiro
 - Elaine Dickinson

VI. PUBLIC PRESENTATIONS

- A. Wastewater Presentation – GHD
1. Comprehensive Wastewater Management Plan Revision Update
 2. Effluent Recharge Site Investigation
 3. Route 28 Sewer Project
 4. Phase 3 Sewer Project

VII. NEW BUSINESS

- A. Discussion on Fiscal Year 2024 Department Operating Budget
- B. Discussion on Fiscal Year 2024 Monomoy Regional School District Budget
- C. Discussion on proposed changes to Monomoy Regional School District Agreement
- D. Discussion of 2023 Annual Town Meeting Petition Articles
1. Prohibit Balloons
 2. Plastic Reduction
 3. Prohibit Fertilizer Application
 4. Town Way Old Brewster Road
 5. School Choice
 6. Main Street Bog
 7. Amend action of the Towns Annual Meeting 2000, Article 11
- E. Discussion of 2023 Annual Town Meeting Warrant Articles:
1. Vote to place additional articles
 2. Vote to support and recommend articles for 2023 Town Meeting Warrant
 3. Discussion on additional material to be included in warrant
- F. Discussion on authorizing Town Administrator to be the assigned individual for grant programs/funds including American Rescue Plan Act (ARPA) and related pandemic-funds

- G. Approve a New 2023 Seasonal Common Victuallers license for Seagulls Sweet LLC d/b/a Seagulls Sweets – 537 Route 28
- H. Approve the following 2023 Seasonal Common Victuallers license renewals:
 - 1. Schoolhouse Ice Cream & Yogurt LLC – 749 Route 28
- I. Approve the following 2023 Seasonal on-premise liquor license renewals:
 - 1. Ember Pizza Inc. d/b/a Ember Pizza – 600 Route 28
 - 2. Pelham on Earle Operating LLC d/b/a Pelham on Earle – 30 Earle Road
 - 3. Ashwood Food Service Inc. d/b/a Jake’s at Cranberry Valley – 183 Oak Street
 - 4. Saquatucket Snack Shack LLC d/b/a Dockside – 715 Route 28 Unit A
 - 5. The Port Restaurant and Bar, Inc. – 541 Route 28

VIII. **TOWN ADMINISTRATOR’S REPORT**

IX. **SELECTMEN’S REPORT**

X. **CORRESPONDENCE**

XI. **ADJOURNMENT**

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

Authorized Posting Officer:

 Patience Smith-Cabrera, Executive Assistant

Posted by: _____

Town Clerk

Date: _____

March 23, 2023

PUBLIC
COMMENTS /
ANNOUNCEMENTS

**Town of Harwich
Board of Selectmen Committee Vacancies
March 23, 2023**

Agricultural Commission (3 Full / 1 Alternate)	4
Board of Registrars (Democrat)	1
Capital Outlay Committee (Board of Selectmen/Town Administrator Appointee)	2
Community Center Facilities Committee	1
Conservation Commission (1 Alternate)	1
Council on Aging	2
Harwich Accessibility Rights Committee (2 Alternate)	2
Harwich Cultural Council	1
Harwich Energy and Climate Action Committee (2 Alternate)	2
Harwich Housing Committee	1
Historic District/Historical Commission (2 Full Member - 1 Associate Members)	3
Planning Committee - (1 Alternate)	1
Real Estate and Open Space Committee	1
Voter Information Committee	3
Youth Services (1 Full/1 Alternate)	2
Zoning Board of Appeals (2 Alternate)	2

Citizen's Committee Vacancy Forms are available on our website

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IX. **CONTRACTS**

X. **TOWN ADMINISTRATOR’S REPORT**

XI. **SELECTMEN’S REPORT**

XII. **CORRESPONDENCE**

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Authorized Posting Officer:

Patience Smith-Cabrera, Executive Assistant

Posted by: _____

Town Clerk

Date: _____

March 23, 2023

CONSENT AGENDA

**MINUTES
SELECTMEN'S MEETING
TOWN HALL
MONDAY, FEBRUARY 27, 2023
5:00 P.M. - EXECUTIVE SESSION
6:00 P.M. - REGULAR MEETING
REMOTE PARTICIPATION OPTIONAL**

SELECTMEN PARTICIPATING: Michael MacAskill, Larry Ballantine, Julie Kavanagh & Donald Howell

ALSO PARTICIPATING: Joseph F. Powers

CALL TO ORDER

Mr. MacAskill called the meeting to order at 5:00 p.m. to begin with Executive Session.

Mr. Ballantine moved that the Board of Selectmen enter into Executive Session to discuss items as listed below and that the Chair has declared that an open session would have a detrimental effect on the towns bargaining position, 2nd by Ms. Kavanagh. The vote was 4-0-0 with Mr. MacAskill, Mr. Howell, Mr. Ballantine and Ms. Kavanagh all voting aye by roll call.

EXECUTIVE SESSION

- A. Pursuant to G.L. c. 30A, sec. 21(a)(2) to conduct strategy sessions in preparation for negotiations with all non-union personnel including those with employment agreements: Finance Director, Chief of Police, Fire Chief and Town Administrator
- B. Pursuant to MGL c.30A section 21 (a)(3) to discuss with respect to collective bargaining for all town unions and the Chair has determined that open session would have a detrimental effect on the town's bargaining position; Harwich Maintenance Employee Association (HMEA)
- C. Executive Session - G.L. c.30A, §21(a)(7) - To comply with any general or special law - G.L. c.214, §1B

Mr. MacAskill called the meeting back to order and stated that no action was taken on any item under executive session.

PUBLIC COMMENTS/ANNOUNCEMENTS

Fire Chief David LeBlanc was present and announced that the Fire Department has received notification that they are the recipient of a federal grant in the amount of \$68,571. This request was submitted last year and was originally denied because funds ran out before they got to Harwich's application. Since then, ARPA money has been infused into the grant program and Harwich was awarded the secondary award based on that. Chief LeBlanc stated that the town will be responsible for \$3,000 and that the rest will be covered by grant money for the purchase of 8

thermal imaging cameras. Chief LeBlanc acknowledged Firefighter Christina Regan and Deputy Fire Chief Craig Thornton for their work on this grant.

Highway Director Link Hooper was present and stated that the Azalea Drive bridge project is officially underway.

Patrick Otton was present and stated that 2 weeks ago he brought up the issue of registering rental properties. Mr. Otton would like to make sure that this topic is placed on an agenda for discussion and asked to be notified so he can participate.

A. Committee Vacancies

NEW BUSINESS

A. Scott Carpenter, Superintendent to present Fiscal Year 2024 Monomoy Regional School District budget

Superintendent Scott Carpenter was present with School Business Manager Michael MacMilan. Mr. MacMilan stated that they received draft budget figures from the state last week and have updated their presentation to the Board. The figures have not yet been voted by the school committee. Mr. MacSkill stated that he would have the updated information in the packet for next week and that the public could request copies from the Administration Department if needed.

Mr. MacMilan stated that they continue to see an impact of COVID in the need for more academic intervention and broader social and emotional learning supports. They are also seeing financial pressures including inflation, shortage of labor and supply chain issues. Their draft budget request is \$44,323,116. Based on the current draft budget and estimates of foundation enrollment and state funding, there is an increase of \$1,050,770 (3.8%) for Harwich and \$145,077 (1.5%) for Chatham. Mr. MacMilan briefly reviewed the aging building infrastructure and talked about signs of progress surrounding Harwich Elementary School reading achievement and middle school MCAS scores. Mr. MacMilan went on to say that building the budget and assessments include expenditures, revenues and policies. He noted that the 1.5 million dollar increase is a little higher than the last couple of years and seems to be in keeping with the average of the last couple of years. A graph was shown of key facts that impact the budget. Part of the schools budget process always includes asking principals and directors what their budget needs are, which have been outlined in the information provide. The biggest request in the budget is for the creation of 2 district wide curriculum positions. Mr. MacMilan reviewed the schools capital and extraordinary maintenance items which include external lighting, district facilities pickup truck, replacement of the middle school IT network switch, stabilization, replacement of carpet at the middle school and updating all of the PA systems.

Mr. Ballantine asked if the school has a capital plan for all of the other replacement items as previously discussed. Mr. MacMilan responded that they do have a 10 year capital plan for replacing items. He added that the school staff does a great job of maintaining what is existing.

Mr. Howell asked if the boiler replacement would be with or without upgrade of the control systems. Mr. MacMilan responded that it would depend and added that some of the control systems have already been replaced. If they were to replace a boiler, it would include some replacement of some of the control systems.

Mr. MacMilan talked about other revenue sources including school choice, circuit breaker (money received from the state for special education costs), grants and ESSER (federal funds to support response to COVID). He went on to review general fund revenue which includes chapter 70, excess and deficiency, transportation aid, charter school aid, Medicaid and other district revenue.

The total calculated budget is \$44,323,116 minus the calculated general fund revenue and state aid which leaves \$38,010,893 as the calculated amount of each town's share of what remains after revenue. Mr. MacMilan talked about enrollment trends and forecasts and added that enrollment is expected to remain relatively stable for 2 years before there is another decline. These changes impact the budget needs of the district and the assessment calculations. Mr. MacMilan presented slides showing the impact of the foundation of enrollment changes on the assessment calculations as well as information on the draft assessments which include local minimum contributions, operating assessments beyond minimum contributions, transportation, capital and debt. Using these new assessments, Harwich's portion is \$28,470,333, which is an updated number since the Selectmen's packet was released.

The school committee will be meeting and voting on March 9, 2023.

Mr. MacAskill asked what the school has in their E & D account now. Mr. MacMilan responded that the balance is about 2.2 million dollars and that number has been certified by the state. They are planning to use \$800,000 to offset the budget, noting that they are using well over the minimum amount required to offset the budget.

Mr. MacAskill asked Mr. Powers if the health insurance numbers that the town received last week were finalized. Mr. Powers responded that they have come in at a 1.3% increase.

Ms. Kavanagh stated that she was hoping that the state numbers would help, but they have not. Mr. MacMilan noted that they were hoping for the same and added that the revenue to help offset the assessments went down.

Ms. Kavanagh noted that there are 5 or 6 positions that are not funded by elementary and secondary school emergency relief funds (ESSER) and that they are looking to add \$250,000 with the 2 new curriculum positions. Mr. Carpenter responded that they are in a weird place when it comes to the long term impacts of COVID on the children, especially what they are seeing at the preschool level. They have more students that are needing preschool intervention. There is a concern that we are going to need supports that are carried out by ESSER moving forward and they also know that they have a bubble that is sitting at the 8th grade level that will ride over into the high school level. Mr. Carpenter went on to talk about future staffing levels to make sure that they have the proper social and emotional supports in place.

Ms. Kavanagh went back to her comments on the 2 curriculum positions and added that the academic, social and emotional issues are not going away and that to take other positions away and replace them with curriculum positions doesn't put more people in the classroom to help the students and teachers on the front lines. She asked why they wouldn't be funding the curriculum positions with the ESSER funds.

Ms. Kavanagh asked for information on how many special education teachers there are at each school and pointed out that there are a lot of children out there who have not been seen yet. Mr. Carpenter added that they don't know if the spike that they are seeing at the pre-k level is temporary or if it will be something that will have to be added into the long term budget. He assured the Board that the school has had many conversations regarding ESSER funds.

In response to Ms. Kavanagh question about special education teachers, Mr. MacMilan reported that Chatham has 2.5 full time budgeted for next year plus the .5 additional in the budget and Harwich has 6. By adding curriculum positions, they feel that they can support a much wider number of teachers, which the school feels is the most effective use of money. Their hope of the curriculum support positions would be to support improvements in what is happening in the classroom so that the teachers have better tools to support the students. Ms. Kavanagh asked if the teachers are wanting these curriculum positions. Mr. Carpenter responded that some do and some feel differently. They are finding that they have newer and younger staff but that the staff needs more support to get off the ground and be successful.

Mr. Howell asked if they would be looking to contract out or add staff for the pre-school staffing needs. Mr. MacMilan responded that it would be a staff addition. Mr. Howell stated that in order to be able to put together a school that operates and before you even address how many students there are, there are foundational problems that need to be addressed. The problem of disparity in enrollment is going to continue out unless something different happens in Chatham. Mr. Howell feels that the Selectmen in both towns need to have a discussion that this is not sustainable, noting that the numbers provided blow a hole in what Harwich's budget was before everyone came into the room tonight.

Mr. Ballantine stated that he appreciates the clear presentation that was made. He asked if the circuit breakers cover the costs. Mr. MacMilan responded that by definition, it does not cover its costs. Mr. Ballantine hopes that we can keep lobbying the state for coverage.

Sharon Pflieger was present and stated that she has had personal experience with family members who have struggled in school and needed special education assistance. It is vital to have the special education teachers in the schools to help the students get through school and do well throughout their life.

Mr. Powers noted that it is a sour look based on the chapter 70 numbers and asked what the schools plan is if the chapter 70 number doesn't hold to the positive side, noting that we are already in the negative with local aid. Mr. MacMilan responded that the way that the chapter 70 formula works is that you are held harmless to the prior year's funding. The minimum amount you can receive is the prior year's chapter 70 plus \$30.00 per student. Mr. Powers asked if the

existing funding continues, does the school see anyone coming back to Monomoy from Nauset because of decreases. Mr. Carpenter responded that anytime a town on the cape says that a school budget is being impacted and there is a level of uncertainty, you see school choice applications coming into a district that is seen as being stable. Conveying stability is a good thing.

Mr. Powers noted that the information provided that shows the impact of foundation of enrollment will be jarring for anyone that reads it from a Harwich perspective. He asked how we can address the voters at town meeting on how we handle our assessments and that we had come to a great conclusion and now it feels like that it washing away. Mr. Powers asked if Harwich wants to keep pre-k, would that be all on Harwich because of the new assessment or would it be a split district cost. Mr. Carpenter responded that while there is a pre-k program in Harwich, there is also an intensive special needs program happening at Chatham Elementary. Chatham would like to have a pre-k back in their town as soon as there are enough kids to make it viable.

Mr. Powers stated that when you compare the costs for Harwich for all of the general fund operating budgets, we are looking at just over 30 million dollars and now we are talking about Harwich's assessment for the schools at just under 28.5 million dollars. Mr. Powers added that he has never been one to pit town versus education, but we are reaching that equilibrium where we will have to go back to the table to talk about assessment, adding that the pressure on town department heads is not going away.

Ms. Kavanagh said that she can imagine that more needs are going to be identified as we continue to see emotional and social issues. She added that school nurses are very important resources as well.

B. Discuss potential Monomoy Regional School District Regional Agreement amendments for 2023 Annual Town Meeting

Mr. Carpenter stated that last year, they brought to both towns a set of changes to the regional agreement that were fiscally related. Things adjusted how the towns pay for the schools and it was something that came to both boards. Town meetings approved that and created the new funding mechanism. The schools also said that they would be coming back to both boards with the changes that would update obsolete language in the agreement. Provided was a one page summary of what the changes are, which Mr. Carpenter reviewed. The amendments have been presented to the school committee and the Chatham Select Board and they are requesting that it be placed on the upcoming town meeting warrant for vote. The amendments also need to be sent to DESE.

Mr. MacAskill asked if the school committee and Chatham Select Board have voted this yet. Mr. Carpenter responded that Chatham has voted to place it on their town meeting warrant, but have not voted the exact language.

Mr. Howell asked for assurance that the methodology of amending the agreement is still required to go to town meeting. Mr. Carpenter responded that it is spelled out in the regional agreement that is how it has to happen.

Mr. MacAskill said that this will be brought back before the Board for discussion on warrant placement and support.

C. Approve a \$100 fee waiver request for a room rental at 204 Sisson Road submitted by a member of Harwich Climate Action Network

Mr. Howell stated that he knows how the Chair feels about fee waivers in general and understands. Mr. Howell said that he would be happy to pay the application fee and not have any further discussion.

No action was taken.

D. Discussion on 2022 Annual Town Meeting Petitioned Article 57 regarding 204 Sisson Road

Mr. MacAskill stated that he was approached by a person that was going to generate an article. He does remember fairly heavy debate to the article at town meeting and that the motion did pass. This discussion tonight is whether or not the Board is ignoring the article and the will of town meeting. His opinion is that it is not being ignored. There have been 2 committee studies of the building and both have said that the best use of the building is municipal use, that it is not a cultural center. There has been a significant amount of work in that building and there was an overwhelmingly passed budget which allowed the town to bring in a new department head to work on the cultural aspects of the building. The town's maintenance division has been in the building and has put together a capital needs list for it. The Selectmen had voted 5-0-0 to support the continued use of the building as it has been used and that they wanted to see the department head work with the Town Administrator and other appropriate staff to continue to assess the building and make a plan. The new department head has not been on the job for over a year yet and they have already made great progress. March 6th will be a process update on the building and where we are going with it. If you look at article 57, a lot of what was being asked is what we are doing and the asset is being treated as it should.

Mr. Powers relied upon his background and experience and knows that the town sought guidance from counsel. The petitioned article relates to a municipal building and municipal buildings are under the purview of the Board of Selectmen by statute. Even if the article passed, it does not compel the Selectmen to do anything.

Jon Chorey was present and thanked the Board for having this on their agenda. For informational purposes, Mr. Chorey was the past Chair of the Finance Committee and was the Chair at the time this article was on town meeting floor. He feels that the people at town meeting might not agree with the non-binding interpretation. The people voted for article 57 and spelled out what the article was. Mr. Chorey is before the Board tonight because he has been asking them for some precise information on the building, which he has yet to receive. Mr. Chorey stated that he is all for 204 Sisson Road, the cultural center.

Mr. MacAskill stated that this building is not a cultural center, that it is a municipal building with a cultural aspect. The artists involved are very important to the Board and the Board has not swayed once to change the artists or the cultural events that are happening in that building. This is a municipal building and Mr. Powers had pointed out that a certain percentage of the building needs to be cultural use and a certain percentage needs to be municipal use. On March 6, there will be a deeper dive on activities and to seek suggestions on the building.

Mr. Chorey reviewed what article 57 was for. The town asked for a 5-8 year capital plan for the building and Mr. Chorey is only seeing a 3 year plan. He would like to go further and see a 10 year capital plan. The town needs to know what the numbers are. Mr. Chorey always thought that this was a cultural center and feels that the municipal use aspect has only sprung up in the last 6-7 months.

Mr. Chorey commented that he went back and reviewed previous videos and noted that there were statements over and over that any studies would involve the Selectmen, Finance Committee, Capital Outlay Committee, Town Administrator, professionals in the town and the general public. Mr. Chorey does not believe that there has been one public hearing addressing all of those people. Mr. MacAskill responded that he remembers public meetings being discussed, but not public hearings. There have been many public hearings on 204 Sisson Road. Mr. Chorey added that no formal report on the building has been done and that what was submitted is not formal in his opinion.

Mr. Chorey stated that the town has not made a dime from this building and that the Board is asking for roughly 2 million dollars in capital for the building. He wanted to know how money can be asked for if you don't know what the building will be used for. He would like to see a clear definition before another dime is spent in that building and he would like to see the true cost of the building for 5-8 years as article 57 is spelled out. Mr. Chorey would like to see Sean Libby present at the March 6 meeting.

Mr. MacAskill thanked Mr. Chorey for bringing this up. There is a 5 year capital plan and even though it has not been voted yet, it shows the capital needs for the building. He added that it would be up to the Town Administrator or the Board if Mr. Libby will be present at the March 6 meeting. While Mr. Chorey's opinions are valuable, there is a whole other side to this, and people are very happy with what is being done with the building.

Mr. Powers stated that he anticipated the March 6 meeting to be talking about the RFP process for cultural programming and a RFP for human and social service programming. Mr. MacAskill and Mr. Powers will meet on Tuesday morning and may decide to add more to the agenda.

Mr. Powers stated that the building at 204 Sisson Road was closed from 2014-2016. On September 2, 2014, it was remanded back to the Town of Harwich to the Board of Selectmen. It has always been a municipal building for municipal use and it remains a municipal building.

Ms. Kavanagh continues to support both the municipal and cultural use of the building. It has grown in leaps and bounds and she loves to see what is going on there. She added that there have been multiple public meetings on this situation.

Mr. Ballantine stated that he is sympathetic to Mr. Chorey's points and that he would feel more comfortable if we had more of a detailed plan for the building going forward. Mr. MacAskill responded that he would re-agenda this topic, but that it has been discussed at length. Mr. Ballantine followed up by saying that he is not asking for a business plan, just more detail. He wants to use the building in the best ways possible and if that means reaching out to our neighbors, he would like to see that included in discussion.

Mr. Howell has said in the past and still feels that there was an expectation to get a hold of the existing and potential stakeholders to try and come to framework for a plan.

Mr. MacAskill said that in every meeting that he can remember, board members have been asked specific questions and other than specific costs, not one board members has changed the direction of the Town Administrator and department head moving forward on this building. Mr. Howell clarified that he did question the use of the auditorium.

Mr. MacAskill again stated that this would be brought back for the March 6 meeting.

E. Vote to increase membership for Board of Health by adding two Alternate Members

Mr. MacAskill stated that a suggestion was made to add 2 alternate members to the Board of Health. Mr. Powers reviewed the memo provided in the packet from the Health Director. To accomplish what is being requested at the very least would require a general bylaw amendment at Town Meeting. Mr. Powers was unsure if there would need to be a similar or some sort of charter change and would refer that part to counsel.

Mr. Howell said that the power derives from Massachusetts General Law, which cannot be violated. Much like the Planning Board, their alternate members are constrained to a very narrow purpose and cannot be used as a plug in for a meeting in order to get a quorum. He added that Mr. Powers is correct and that this request would be a change to the bylaws and charter. The only good news is that in practice, the town has never splits hairs over the difference between a public health person and a health care person.

Mr. Ballantine stated that he has a difference in opinion on what the role of an alternate member can be. His understanding is that an alternate can fill in for a full member if they are not there and if the chair so declares and that the member promises to be there for the duration of the hearing if it comes back. Mr. Howell responded that it is a statutory requirement and not a town requirement. Mr. MacAskill asked Mr. Powers to clarify what is correct. He added that whether the person can vote or not, it would be a great training ground for new people to be on a committee and learn, especially on a regulatory board.

Board of Health Chair Sharon Pflieger was present and reviewed their request. Adding healthcare into the description would make them somewhat more compliant. The Board of Health's understanding on an alternate member is that if a member is out for various reasons, and the board is looking to have a discussion, that the alternate member can participate in the discussions, maybe not the vote. If you only have 3 members present, it would be handy to have enough members present to have a good discussion.

Mr. Powers asked Ms. Pflieger if she has the relevant state law that generally governs the Board of Health and asked if it is Chapter 111. Ms. Pflieger responded that Chapter 111 is correct. Mr. Powers added that Chapter 111 would stand if there was no charter or bylaw, but that the existing bylaw and charter supersede that presently. Any changes would need to first start at the local level.

F. Discussion on MASS Department of Transportation (DOT) Route 28 West Harwich sidewalk project

Duncan Berry was present and thanked the Board for recent hiring of the Town Planner, noting that it has been a long time without long term service and that Mr. Halkiotis has been excellent. Mr. Berry wanted to address things that he feels have had some slippage in the 6 year history of the TIP project for West Harwich. Initially there was a site visit, then 2 brainstorming sessions, then the special district took place, followed by a conceptual design, then COVID hit. There have also been staffing changes all over the place. At the Planning Board level, they are concerned that discussions from the January 24 meeting may be being violated. There is un-clarity as to what was presented to them as a 75% plan was actually a mark-up of a 50% plan that was never presented to the public. They have only seen a concept plan and a 25% plan. Mr. Berry is asking if the Selectmen could track with the Planning Board on this project. They would appreciate the Selectmen's support to create a letter asking to put the brakes on in order to evaluate what we have, what the inventory is and help track the comments from the January 24 meeting.

Link Hooper was present and said that what was presented at the meeting in January was a 25% design hearing. There was a discussion that may have been misinterpreted about accelerating the next 75% submission with 100%. Although this project is slated for advertising in the fall of 2024, that is not a lot of time under MassDOT standards. While he appreciates Mr. Berry's comments, there was a lot of public outreach done and the public was involved as much as possible. It was made clear back then that these projects can have a 5-7 year waiting timeline and for funding to be materialized. Mr. Hooper was surprised at how amenable DOT has been in some of the asks that came from the brain storm sessions. They have already agreed to continue the brick sidewalks up to the Baptist Church and have contracted the footprint of the projects, which will have less impacts to private property. They are in the process of developing a meeting with Mr. Berry and the Planning Board and whomever else has concerns. Mr. Hooper stated that he can see how someone from the outside could feel as if they have not been listened to. The town did submit a lot of requests but DOT has federal standards that they have to build to. When you are taking someone else's money, there can be strings attached. Mr. Hooper added that design exceptions are also becoming harder and harder to come by.

Mr. Howell stated that there is also a historic planning versus engineering divide and that is where we are with this. He is more concerned about the planning and zoning rather than the engineering. Mr. Howell would like to track all of the things that were discussed at the January 24 meeting. Mr. Howell asked if the Board would have any objection to him attending the upcoming meeting on this topic. No objection was heard.

- G. Approve a 2023 Annual Class II Auto License renewal for Good Son's Motor Cars – 210 Queen Anne Road, Unit 12

Mr. Howell moved to approve a 2023 Annual Class II Auto License renewal for Goodson's Motor Cars-210 Queen Anne Road, Unit 12, 2nd by Mr. Ballantine and approved 4-0-0.

- H. Approve the following Special Permits for the Harwich Chamber of Commerce – 1 Schoolhouse Road

- 1. One day entertainment – June 10, 2023 – 4:00 p.m. to 8:00 p.m. outside at Community Center, 100 Oak Street

Mr. Howell moved to approve the One day entertainment – June 10, 2023 – 4:00 p.m. to 8:00 p.m. outside at Community Center, 100 Oak Street, for the Harwich Chamber of Commerce, 2nd by Mr. Ballantine and approved 4-0-0.

- 2. One day Wines and Malt – June 10, 2023 – 2:00 p.m. to 8:00 p.m. outside at Community Center, 100 Oak Street

Mr. Howell moved to approve the One day Wines and Malt – June 10, 2023 – 2:00 p.m. to 8:00 p.m. outside at Community Center, 100 Oak Street, for the Harwich Chamber of Commerce, 2nd by Ms. Kavanagh and approved 4-0-0.

- 3. Event permit – June 10, 2023 at Community Center, 100 Oak Street

Mr. Howell moved to approve the event permit- June 10, 2023 at Community Center, 100 Oak Street, for the Harwich Chamber of Commerce, 2nd by Ms. Kavanagh and approved 4-0-0.

- I. Approve the following 2023 license renewals for BLM Restaurant Group d/b/a Lanyard Bar and Grill – 429 Route 28
 - 1. Common Victuallers
 - 2. Weekday Entertainment
 - 1:00 p.m. to 1:00 a.m. inside
 - 1:00 p.m. to 10:00 p.m. outside
 - Jukebox, radio, television, dancing by patrons and live performers, live/recorded music, amplification
 - 3. Sunday Entertainment
 - 1:00 p.m. to 1:00 a.m. inside
 - 1:00 p.m. to 10:00 p.m. outside

Jukebox, radio, television, dancing by patrons and live performers,
live/recorded music, amplification

Mr. Howell moved to approve the 2023 license renewals for BLM Restaurant Group d/b/a Lanyard Bar and Grill- 429 Route 28, as listed above, 2nd by Ms. Kavanagh and approved 4-0-0.

OLD BUSINESS

A. Discussion with Director of Planning and Community Development on potential zoning amendment articles for 2023 Annual Town Meeting

Paul Halkiotis was present and stated that he has revised the bylaw amendment and submitted a memo with the highlighted changes. One of the changes that he is hesitating on would trigger additional action required. He is before the Board tonight to see if there is any feedback on the revised draft article. The Planning Board is having a public hearing tomorrow night and understands that some of the Selectmen will be attending.

Mr. Halkiotis had been asked to draft 3 bylaw amendments for annual town meeting. There was really not much discussion at all on the proposed amendments to the flood plan or the additional solar regulations. There was feedback provided on the draft accessory dwelling unit bylaw amendment. In the revised draft version, he removed the minimum lot size and included new requirements for property owners to connect the principal dwelling unit and ADU if the sewer is in front of their property which would minimize any adverse effects to groundwater. Mr. Halkiotis added a requirement that leases for ADU's be for no less than a 6 month time period. The owner would be required to sign an affidavit to this effect. Also added were revisions to the enforcement section if an owner is out of compliance. There were additional comments that were received from the Selectmen and Planning Board from the former Town Planner. Mr. Halkiotis found the comments to be on target. Given the timeframe to complete this assignment, Mr. Halkiotis wrote the public hearing notices before the amendments because there was a month out where he needed to schedule the hearing. He did run into other changes to sections of the bylaw that were connected in some way, however if those changes were to be incorporated, it would trigger the need to do another public hearing notice. A similar situation happened with the recommendation or request to change the minimum lot size requirements in the six ponds district. That section of the bylaw was not included in the original public hearing notice. It is possible for Mr. Halkiotis to write another public hearing notice and schedule a meeting, which would be a regular meeting of the Planning Board on March 28. He stated that it would be helpful for him to know when the hard deadline is to submit items for the warrant. Mr. Halkiotis did meet with the Zoning Board Chair last week who was able to provide background on some of their application experiences. As we know, as time goes on, zoning changes and when zoning changes, it can create non-conformities prior to enactment of these regulations. The ZBA Chair said that with all of the non-conforming properties, the majority of the applications that they are seeing is because something like a garage cannot meet the setback requirements. The ZBA Chair urged Mr. Halkiotis to look at the bylaw to see if flexibility can be added to cover non-conforming lot situations and offered to draft some language changes.

Mr. MacAskill recognized that Mr. Halkiotis was given very little time to accomplish this work.

Ms. Kavanagh thanked Mr. Halkiotis for his work done in a short period of time. She knows that the DCPC was going to be an issue as the Board had talked about the fact that there are a lot of other zoning issues that need to be addressed. At least if we could take the general ADU bylaw, change that, to start the process moving for others to move, then we can go through our other bylaw changes over the course of the year. Ms. Kavanagh thinks that eliminating the square footage will allow most people to come forward with an application see if they can meet all of the other requirements. If we receive inquiries from six ponds, we can explain that we know there is an issue and that it is being worked on. In terms of the sewer, the intent of the ADU was never to allow anyone to have additional bedrooms, even if the property was connected to the sewer. Any ADU being added to a dwelling with a sewer would be mandated to connect anyways. Ms. Kavanagh stated that she is in favor of the 6 month minimum requirement for rentals.

Mr. Ballantine thanked Mr. Halkiotis for his work done and agreed with Ms. Kavanagh's comments.

Mr. Howell asked what would stop a homeowner from moving into the ADU and renting out their house as an air b & b. Mr. Halkiotis responded that he could not speak to the air b & b part of the question, but that an owner was and is allowed to move into the ADU under the bylaw. It says that the owner needs to reside in one or the other. Mr. Howell noted that this is a concern form him. Ms. Kavanagh added that when the ADU bylaw was originally created it came with restrictions. If you were to create an ADU and decide to live in it as the owner and rent your house, it would still have a minimum housing timeline. You must live in one and the other would need to show a year round lease to the building commissioner to obtain a sign off. That is something that may want to be considered as it was the original intention.

B. Discussion on creating a Human Resources position

Mr. Howell asked to postpone this topic until next week when Ms. Anderson would be present.

C. Discuss the format and schedule for the March 4, 2023 Joint Budget Meeting

Mr. Powers provided a draft schedule for the March 4 meeting and emphasized that it is a joint meeting with the Board of Selectmen and Finance Committee. The Water/Wastewater Commission has also posted an agenda just in case they have a quorum present. What is shown on the schedule are the budgets that have the greatest changes because of enhancement of services.

Mr. Ballantine suggested that adding an extra half an hour at the end for additional discussion on sources and uses might not be a bad idea.

D. Vote to approve the projects for Cape Cod Water Resources Restoration Project (CCWRRP)

Ms. Kavanagh moved to approve the projects for Cape Cod Water Resources Restoration Project (CCWRRP) as outlined, 2nd by Mr. Howell and approved 4-0-0.

CONTRACTS

- A. Vote to approve a contract amendment with Vanasse Hangen Brustlin, Inc. (VHB) in the amount of \$278,500.00 for design work for the Saquatucket Harbor - Route 28 sidewalk project

Mr. Howell moved to approve a contract amendment with Vanasse Hangen Brustlin, Inc. (VHB) in the amount of \$278,500.00 for design work for the Saquatucket Harbor - Route 28 sidewalk project, 2nd by Ms. Kavanagh and approved 4-0-0.

TOWN ADMINISTRATOR'S REPORT

Mr. Powers announced a contract approval with Web Services of America which is related to software and mapping project that has been ongoing with the Cemetery Department. This would cover work in Evergreen Cemetery similar to work done in Island Pond. The contract amount is \$32,000.

Mr. Powers announced a contract that was issues to Cavossa Disposal for several town buildings. This is a standalone contract for an additional 12 months in the amount of \$13,560.77.

SELECTMEN'S REPORT

Mr. Howell reminded everyone that the Planning Board is holding a public hearing tomorrow night to discuss various zoning amendments. The meeting will start at 6:30 p.m. in the Griffin Room.

CORRESPONDENCE

No correspondence was discussed.

ADJOURNMENT

Mr. Howell moved to adjourn the meeting of the Board of Selectmen, 2nd by Ms. Kavanagh and approved 4-0-0.

Respectfully submitted,
Jennifer Clarke
Recording Secretary

**MINUTES
SELECTMEN'S MEETING
TOWN HALL
MONDAY, MARCH 13, 2023
5:30 P.M.- EXECUTIVE SESSION
6:00 P.M. - REGULAR MEETING
REMOTE PARTICIPATION OPTIONAL**

SELECTMEN PARTICIPATING: Michael MacAskill, Larry Ballantine, Mary Anderson, Donald Howell & Julie Kavanagh

ALSO PARTICIPATING: Joseph F. Powers

I. CALL TO ORDER

Mr. MacAskill called the meeting to order at 5:30 p.m. beginning with Executive Session.

Mr. Ballantine moved that the Board of Selectmen enter into Executive Session to discussion items as listed below and that the Chair has determined that open session would have a detrimental effect on the town's bargaining position or litigating position of the public body, 2nd by Ms. Anderson. The vote was 4-0-0 with Mr. MacAskill, Mr. Ballantine, Ms. Anderson and Ms. Kavanagh all voting aye by roll call.

II. EXECUTIVE SESSION

- A. Pursuant to MGL c.30A section 21 (a)(3) to discuss strategy with respect to collective bargaining for all town unions and the Chair has determined that open session would have a detrimental effect on the town's bargaining position; SEIU
- B. Pursuant to MGL c.30A section 21 (a)(3) to discuss strategy with respect to litigation involving 47 North Road if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;

Mr. MacAskill called the meeting back to order. He reported that no decision was made regarding agenda item a and that a decision was made regarding agenda item b, but that no information would be announced tonight.

III. PUBLIC COMMENTS/ANNOUNCEMENTS

Town Clerk Emily Mitchell was present and stated that there is still time for residents to pull papers if they are interested in running for office at the May 2023 election. Annual Town Election will be held on May 16, 2023. 4 offices will appear on the ballot which include Board of Selectmen, Monomoy Regional School District, Water/Wastewater Commission and Brooks Free Library Board of Trustees. Nomination papers are available in the Town Clerk's Office. The deadline to obtain papers is March 24, 2023 until 5:00 p.m. and the deadline to return papers is March 28, 2023. 50 signatures are required with an additional 10 signatures as a suggestion. Ms. Mitchell also stated that the Town Clerk's Office had implemented a grace period for dog license renewals

which is until March 17, 2023. If licenses are not renewed by that date, dog owner's will be subject to a \$25.00 per dog late fee.

A. Committee Vacancies

Ms. Kavanagh read the list of existing committee vacancies.

Mr. Powers stated that he has received word today from the Monomoy Regional School District that kindergarten registration is now open. Registration started on March 6, 2023 and will run through March 20, 2023. Anyone interested in signing up their child that will be age 5 by September 1, 2023 should contact the school either on their website or at 508-430-7216. This is kindergarten registration for the 2023-2024 school year.

IV. **CONSENT AGENDA**

A. Approve Board of Selectmen Meeting Minutes:

1. February 27, 2023
2. March 4, 2023 - Finance Committee and Board of Selectmen Joint Budget Meeting

B. Vote to approve the Assistant Town Administrator's recommendation to grant permission by NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY for the purpose of to install 30' +/- of 1-3" conduit from the proposed handhole 289/HA2 to a customer installed handhole 289/HB2 at 18 Holmes Road

C. Accept the following committee resignations effective immediately:

1. Joanne D. Lepore, Council on Aging

Mr. Howell moved to approve the Board of Selectmen minutes for February 27, 2023 as amended and March 4, 2023 as well as items b and c of the consent agenda, 2nd by Ms. Kavanagh.

Mr. Howell moved to amend his motion to not include the approval of the February 27, 2023 Board of Selectmen minutes, pending amendments, 2nd by Ms. Kavanagh and approved 4-0-0

Mr. MacAskill stated that the February 27, 2023 minutes would be brought back next week for a vote.

V. **NEW BUSINESS**

A. Approve the following committee appointment recommendations from the Board of Selectmen Interview Committee:

1. Harry Munns - Planning Board from Alternate Member to Full Member expiring 6/30/24.

Mr. Ballantine moved to approve the appointment of Harry Munns to the Planning Board from alternate member to full member with a term to expire on June 30, 2024 as

recommended by the Board of Selectmen Interview Committee, 2nd by Ms. Kavanagh and approved 5-0-0.

B. Disposition of Albro House 728 Main Street

Mr. MacAskill stated that this is on the agenda as a placeholder item.

Mr. Powers stated that he does not have anything specific for this topic but that he has been working with Harwich Housing Advocate Brianna Powell on potential discussions with the Board. The other reason that this information is being put out there is because there are people who thought that this property was under the control of the trustees of the Housing Trust Fund Board. The property remains under the care, custody and control of the Board of Selectmen.

Mr. MacAskill said that for the public, we are talking about this with our Youth Services Director who has announced her retirement. The 204 Sisson Road building has been talked about as a potential location for that position. More information will be provided in the near future.

C. Discussion on FY24 Department Operating Budgets

All discussion was had under the agenda item of draft articles presentation.

D. FY23 Personnel Bylaw FY23 Salary Tables

Mr. Ballantine moved that the Board of Selectmen accept the recommendation of the Town Administrator regarding the FY23 Personnel Bylaw FY23 Salary Tables as presented, 2nd by Mr. Howell and approved 5-0-0.

E. Draft Articles Presentation

The effort of this is to frame the warrant articles as best possible and Mr. Powers asked the Board to hold off on any endorsements. We expect to come back next week to hear from proponents and others and then have the Board move to the position of taking actual endorsements.

Mr. Howell moved to place the Town Officers and Committees on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Mr. Howell moved to place the Reports of Town Officers and Committees on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Mr. Howell moved to place the Elected Officials Salaries on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

With respect to the town operating budget, Mr. MacAskill commented that the overlay surplus of \$200,000 is something that has not been discussed. Mr. Powers responded that the table is meant

to get to the various different sources that we use to fund Article 4 operating budget. The overlay surplus has been in the appendix before, just not broken out in the table.

Mr. Howell moved to place the Town Operating Budget on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Mr. Howell moved to place the Monomoy Regional school District Budget on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Mr. Howell moved to place the Cape Cod Regional Technical School District Budget on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Me. Howell moved to place the Water Department Budget on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Mr. Howell moved to place the Wastewater Department Budget on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Mr. Howell moved to place the Funding Cape Cod Community Media Center on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Mr. Howell moved to place the Items Funded from the Cable Fund on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Ms. Kavanagh stated that regarding the childcare stipend support program, she does not think that we want to include early intervention support and would be looking for a better title. We are really trying to defray the cost of early childhood education from age 3 on up, not intervention.

Mr. Ballantine said that he would like more clarification on this item.

Mr. Howell noted that it is not merely to fund administrative and program management costs but that it would be money that would be portable to defray the costs when a parent decides to bring their child someplace.

Ms. Kavanagh stated that the \$250,000 amount attached to the article came from when we were trying to work with the early childhood educational specialists in town to try.

Ms. Anderson asked if this article should say tuition reimbursement.

Mr. Howell moved to place the Childcare Stipend Support Program on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Mr. Howell moved to place the Fund Technology Enhancements for Brooks Free Library on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Mr. Ballantine asked if the cemetery regulations come from the Selectmen or Cemetery Commission. Mr. Powers responded that he thinks they have come from the Cemetery Commission but would double check.

Mr. Howell moved to place the Amend Cemetery Regulations on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Mr. Powers provided background information on 2000 Special Town Meeting Article 11 when Town Meeting voted to acquire the bog at 374 Main Street and then dispose of it. This was the original action that led to the bog at the property. Mr. Powers added that he was directed to have an article for place holder purposes for the Board's discussion.

Mr. MacAskill feels that this discussion should be held off on tonight because there is zero explanation provided. We wouldn't just be rescinding Article 11. We are trying to take off the handcuffs that were put on by this article. He would like to see it brought back with more information. Mr. MacAskill added that he is not sure why we need to have an article or a petition article and why we cannot enter into an agreement with the Cape Cod Regional Technical School for an agricultural education center at the site since we all agree on that and agriculture has been done there for 22 years. Adding a word behind it seems to have gotten lawyers in a frenzy and it has been completed over complicated.

Mr. Powers offered the article regarding MGL Chapter 41, Section 110A after conversations with the Town Clerk. With all of the various elections that the state tends to call, if a town has not accepted this statute, it would require Town Clerk staff to be present on a Saturday. Most municipalities in the Commonwealth have adopted this. Town Clerk Emily Mitchell was present and stated that this provision would not apply to state and federal elections and would only apply to the voter registration deadlines for local elections. We typically don't see a lot of people coming in on a Saturday voter registration deadline. There would still be the option for people to register to vote online, which is how we see 95% of voter registrations come in. It would be saving the towns resources to not have to staff the office on a Saturday.

Mr. Howell moved to place the Accept MGL., C. 41, Section 110A on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Mr. Howell moved to place the Amendment to the Agreement between the Towns of Chatham and Harwich with respect to the formation of a Regional School District, with Mr. Powers to confirm with Chatham that they will have identical language, on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Mr. Howell moved to place the Promote the Town of Harwich on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Mr. Howell moved to place the Supplemental Annual Allocation of Mass Cultural Council for Local Cultural Council Grants on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Mr. Howell moved to place the Defray the expenses of the Chase Library and Harwich Port Library on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Mr. Ballantine stated that the Board has discussed the revolving funds authorization before. It has gotten to be real money that is going into the revolving funds. Mr. Ballantine noted that his concern about putting monies into the revolving fund because that turns into a significant operation in town. As a Board, we don't see that as a budget item going forward for discussion. When we look at the revolving fund, it was not to supplant hiring people, it was a mechanism to pay for fees for specific programs. After all this information, Mr. Ballantine does not think the 204 Sisson Road should be in the revolving fund.

Mr. Howell said that the revolving funds should be for unforeseen circumstances and should not be for funding and growing programs if there is a known figure that they can fund in the general budget.

Ms. Anderson understands Mr. Ballantine's concerns about Sisson Road. She remembered a big review of revolving funds a year or so ago and that they were okay. Mr. MacAskill responded that there have been a lot of review of the revolving funds and that last year, they were on the agenda 3 times with no comments or decision from the Board other than they thought the number was high. No recommendations were made to lower them at the time of discussion.

To Mr. Ballantine's comment about 204 Sisson Road, Mr. MacAskill responded that we don't bring in enough money right now to matter. We put in \$300,000 as a limit. It seems to him that we would let the building operate for a year and if a relapse comes along, then it can be pulled out. The great part is that this review gets to happen every year.

Mr. Howell said that he has been talking with Dana DeCosta and that they have not coming to any substantive recommendations and feels that it would behoove us to move on to next year.

Mr. Ballantine agreed that the Board has always looked at the revolving funds and that there was a great review last week on a proposed budget going forward. He feels that this should be part of our overall departmental discussions.

Ms. Kavanagh stated that she does not have a problem with the revolving funds.

Mr. Powers noted that this is a standard article that is presented every year and is required to comply with chapter 8 of the bylaw of the Town of Harwich.

Mr. Ballantine moved to place Annual Departmental Revolving Funds Authorization on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 4-1-0 (Howell opposed)

Mr. Howell moved to place Herring Fisheries on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Mr. Powers noted that there are other articles that will possibly be presented which include 3 zoning bylaw amendments, personnel list of positions article, Judah Eldredge supplemental funding article and prior years unpaid bills (if any).

Mr. MacAskill stated that the citizen petition articles will be on the warrant regardless. Mr. Powers responded that the Board has traditionally voted to place them on the warrant.

Mr. Powers reported that there was an inadvertent omission and that there will be an additional article coming forward for the various war memorials.

Mr. Howell moved to place the Community Preservation Act Article-Land Bank Debt Service on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Mr. Howell moved to place the Community Preservation Act Article-Land Bank Debt Service on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Mr. Howell moved to place the Community Preservation Act Article-Appropriations & Housekeeping Expenses on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Mr. Howell moved to place the Community Preservation Act Article-Herring River Land Preservation Project on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Mr. MacAskill stated that on next weeks agenda will be an ask of the Board to support asking the Community Preservation Committee to reconsider their vote to give the \$500,000 that they have given the Affordable Housing Trust for the past 2 years. The motion to bring \$250,000 to the table is a bit punitive to him because of some of the dysfunction that was happening with the trust that has started to be addressed. To talk about housing and then to take the knees out from the housing people to do something and the housing trust to do what it is supposed to do seems off to him.

Mr. Howell feels that the trust needs to be able to bank and hold money for unanticipated projects. The way that the trust is written is a one-way trip. The money goes in and only the trust can disperse it.

Elizabeth Harder was present to speak as a resident. She believes that one of the concerns is that there is no plan for the money. The Affordable Housing Trust is a very important part of housing in Harwich and it is not the only party involved with housing in Harwich. We need to be able to make sure that next year if someone comes to Harwich with a project, that the money is available.

Mr. MacAskill responded that there are 43 houses coming off the SHI list this year. We could use that money to buy our way back into the 43 houses so that we are not going backwards on our 10% affordable housing from the state. We are trying to move forward and, in his opinion, his ask of CPC is to consider not funding the request. Mr. MacAskill asked Ms. Harder to go back and look at the documents to see that there is a plan to move forward.

Ms. Harder stated that as a member of the public and having looked at the CPC proposals there is no plan for the \$500,000. She thinks that buying back property sounds like a great idea and that this is the first she is hearing of it.

Mr. Ballantine feels that there needs to be further education on the trust initiative.

Mr. Howell moved to place the Community Preservation Act Article-Fund Harwich Affordable Housing Trust Fund on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Mr. Howell moved to place the Community Preservation Act Article-Lower Cape Housing Institute on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Mr. Howell moved to place the Community Preservation Act Article-Brooks Academy Renovations on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Mr. Howell moved to place the Community Preservation Act Article-Preservation of 203 Bank Street Old Fire Station on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Mr. Howell moved to place the Community Preservation Act Article-Oak Street Bike Path Crossing Lights on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Mr. Howell moved to place the Community Preservation Act Article-Senior Softball Fields Restrooms on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Mr. Howell moved to place the Community Preservation Act Article-Resurface Courts at Brooks Park on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Mr. Howell moved to place the Community Preservation Act Article-Additional Funding: Sand Pond Restoration Restroom Project on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Mr. Howell moved to place the Community Preservation Act Article-Skinequit Pond Remediation Project on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Mr. Howell moved to place the Community Preservation Act Article-War Memorials Project on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Mr. Powers reviewed the draft list of capital articles to be inserted into the 2023 warrant, adding that there is any number of ways that the articles can be presented. This is a policy discussion that Mr. Powers is looking for direction from the Board on. He noted that he can certainly do stand alone articles, but if done that way, it would double the warrant. Mr. MacAskill commented that

the articles are being presented in the packet as an attempt to reduce the number of articles on Town Meeting floor. Mr. Powers said that if they are separated out, we would see greater than 75 articles on the warrant.

Jon Chorey was present and thanked the Board for bringing this up. He would like to see these articles placed individually on the warrant that way residents can discuss them. He also talked about the Town Moderator reading down the list of articles and asking if anyone has any objections to them. Mr. Chorey feels that it will be difficult if they are all lumped together.

Mr. Ballantine said that he would be reluctant to make Town Meeting any longer than it is. He is in support of Mr. Powers suggestion.

Mr. Howell stated that he feels it could take longer to do it this way than to separate them out. He would be all in and advocating for these articles to be separate on Town Meeting floor. Lumping them as one article can lead to confusion if/when amendments are made.

Ms. Anderson said that she is leaning towards Mr. Chorey and Mr. Howell's suggestions and agreed that she can see confusion happening.

Ms. Kavanagh said that she doesn't have a problem with the process that Mr. Howell and Mr. Chorey talked about. She also wondered why we don't ask our Town Moderator as to what the best way to proceed is.

Mr. MacAskill noted that the capital plan is voted before the articles for funding. Town Meeting will have the first shot at voting the capital plan for the amount showing all these items in year 1. All we are asking voters to do is vote the list of capital items for the funding source. Mr. Howell added that we have not had the discussion about the 2/3 vote requirement to move things in different years.

Mr. MacAskill sees no reason to not group the items. We talk about why people don't participate at Town Meeting and a lot of comments have been the hour the meeting goes to and the number of articles.

Ms. Anderson suggesting grouping them by department which would reduce the list to 7. Mr. Powers added that it would be those plus water and wastewater.

Ms. Kavanagh said that she would not have an issue with grouping them by departments. She would also not have a problem grouping them or leaving them as presented and asking the Town Moderator for his opinion.

Mr. Howell said that he would be willing to compromise and go down to 7 articles. In terms of free cash, Mr. Howell said that we are not going to go over. If someone does not want to fund one of these, the free cash does not go away, it just doesn't get appropriated. Mr. Howell would rather have clarity for people to make decisions. His object isn't to facilitate the fastest Town Meeting ever, he just wants everyone to be able to say what they want to.

In the end, Mr. Powers is looking for direction from the Board. He has heard loud and clear over the budget process that people are concerned about the amount of free cash that we have. Right away he wanted to demonstrate how we are utilizing much of the free cash. More importantly, he said that free cash does disappear and would flow into next years free cash. Mr. Powers does not want to be accused of not telling everyone where the free cash came from, where it is and what it is used for.

Ms. Kavanagh asked that the Town Moderator be shown the format so that he and Mr. Powers can have the discussion. Mr. Powers would also like to include Town Counsel on these discussions.

Mr. Howell moved to place the Capital Outlay Plan Items Funded from Free Cash on the 2023 Town Meeting Warrant as discussed, 2nd by Ms. Anderson and approved 5-0-0.

Mr. Howell moved to place the Capital Outlay Plan Items Funded from Water Retained Earnings on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Mr. Howell moved to place the Capital Outlay Plan Items Funded from Chapter 90 Funds on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Mr. Howell asked what the period of the note is for the West Harwich Route 28 sewer main installation. Mr. Powers responded that this information is part of the discussion that is on going and that he is not equipped to discuss it tonight.

Ms. Kavanagh wanted to point out that we should make sure that the residents along this stretch of Route 28 are aware that there will be a 5-year moratorium on digging up the road after it has been closed and paved. Mr. Howell agreed and wanted to add that the moratorium is not a local level decision.

Mr. Howell moved to place the West Harwich Route 28 Sewer Main Installation on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Mr. MacAskill stated that late this afternoon he received a message from Water/Wastewater Superintendent Dan Pelletier saying that he was trying to submit a community project funding application to Keating's office to try and offset some of the costs for the Route 28 water main replacement project. Mr. Pelletier just received the application today and it is due back on Friday. One of the required items is a letter of support from the elected community leaders.

Mr. Howell moved to allow the Town Administrator and Water/Wastewater Superintendent to form a letter of support for signature by the Board of Selectmen Chairman, 2nd by Ms. Kavanagh and approved 5-0-0.

Mr. Howell moved to place the West Harwich Route 28 Water Main Replacement on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Mr. Howell commented that the East Harwich wastewater collection system expansion is something that needs further discussion as there hasn't been much talk with a number attached to it. Mr. Powers responded that it is part of the capital plan. Mr. Howell argued that the public does not understand that.

Ms. Anderson feels that everyone should know that the wastewater numbers were coming and that they were going to be huge. Mr. Howell responded that it is important for the public to know that these numbers are based on more solid information that we have been given from our new engineering firm.

Mr. Howell moved to place the East Harwich Wastewater Collection System Expansion on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Mr. Howell moved to place the citizens petition regarding the sale, distribution and use of any type of balloon inflated with any type of lighter than air gas within the Town of Harwich on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 4-1-0 (MacAskill opposed).

Mr. MacAskill said that it is state law for these to be put on the warrant and asked why the Board needs to bother with the formality to vote them on the warrant. Mr. Powers strongly recommended that the Board vote to place the articles.

Mr. Ballantine would still like to have Town Counsel look at the citizen petitions to make sure that we are not wasting everyone's time.

Mr. Howell moved to place the citizens petition regarding plastic reduction on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 4-1-0 (MacAskill opposed).

Mr. Howell moved to place the citizens petition regarding fertilizer on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 4-1-0 (MacAskill opposed).

Mr. Howell moved to place the citizens petition regarding the layout as a town way of Shelley Path on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Mr. Powers stated that regarding the Shelley Path article, the petitioners are seeking to have the Selectmen actively lay out a public road as a public way. This article can be placed on the warrant but cannot go forward because it is not legal.

Ms. Anderson asked if the school's choice petition article came before Town Meeting last year and was denied. Mr. Howell responded that it did and that the public has a right to ask every year. Mr. Powers added that it is an ask of the Board and therefore not binding.

Mr. Howell moved to place the citizens petition regarding school choice funds on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 4-1-0 (MacAskill opposed).

Mr. Howell moved to place the citizens petition regarding the established educational facility at 374 Main Street on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Mr. Howell moved to place the citizens petition to amend action of the Towns Annual Meeting of 2000, Article 11, on the 2023 Town Meeting Warrant, 2nd by Ms. Anderson and approved 5-0-0.

Mr. Powers asked the Board to go back to the original 12 page draft warrant document. He reviewed the additional articles to be added which include 3 zoning bylaw amendments, personnel list of positions article, Judah Eldredge supplemental funding article and prior years unpaid bills. Mr. Powers is not aware of any other articles and asked the Board if there are aware of any. He will also put it out to department heads and the general public.

Regarding the zoning articles, Ms. Kavanagh asked if legal counsel is already reviewing these. Mr. Powers believes that they are but will confirm.

Cyndi Williams was present and stated that the Planning Board continued their public hearings until March 14, 2021.

Mr. Powers reviewed the upcoming deadlines for article submittal and asked that the Board do nothing later than April 3, 2023.

Mr. Howell asked that some kind of language be drafted regarding the personnel list of positions article. Mr. Powers responded that he can create anything that the Board asks for, but noted that this is not a Selectmen article, that it came from the Finance Committee and that he is not sure what they are looking to accomplish with this article. He would not want to write the Finance Committee article only to get it wrong from what they are looking for.

Mr. MacAskill stated that an email was received today from the Finance Committee Chair with the subject of position request cost estimate summary information. The Finance Committee recommends a personnel article to be considered in the warrant prior to the budget article, otherwise they will make a positive motion on the budget article, which will not include these positions. Ultimately, the Finance Committee had a vote to make a motion on Town Meeting floor with a lesser amount of the operating budget, taking all of the positions out. Mr. MacAskill feels that this is so far out of the realm of what they should be doing. This is a policy decision, not a Finance Committee decision.

Mr. Ballantine said that he is fine with the Finance Committee disagreeing with the Selectmen but he would still like to try and create what would be a personnel article.

Mr. Howell feels that this should be a personnel article. This is a permanent addition to the size of the town government which will be permanently assessed to everyone's tax bill. He would support the Finance Committee but does not want to be involved in an argument.

Mr. Ballantine said that he is in support of having separate articles on new positions but that they should come from the Selectmen, not the Finance Committee.

Mr. MacAskill noted that we have done this process this way for the last 10 years which is why he says it should be a policy change.

Ms. Anderson said that last year she was adamant that we do not do them separately because there were only 2 positions. She feels a little differently this year due to the number of additions that are being proposed. Ms. Anderson would only present a fulltime or parttime new addition and would not include a position that Mr. Powers has chosen to not fill.

Ms. Kavanagh feels that we are talking about a certain level of service for our taxpayers and is not sure that it is worth divvying up the positions.

Mr. MacAskill noted that the Human Resources position is not going to move forward unless Ms. Anderson would like it to, adding that this would also include changing the job description of the Assistant Town Administrator. Ms. Anderson responded that she would be fine with waiting on the HR position.

Mr. Powers asked that the Board would like to see come back next week.

Mr. Howell responded that he would like to see a draft of something that the Board might actually support.

Ms. Anderson would like to see proposed language of what Mr. Powers thinks might make sense.

Ms. Kavanagh agreed that she is not sure where the Finance Committee is with this, but that she would be happy to look at anything.

Mr. Ballantine would like Mr. Powers to come forward with something in a limited fashion.

Mr. Powers responded that what would make sense to him would be to include a table that lists the positions in the explanation section of Article 4. If we are going to be looking at a multi night Town Meeting, he would want to put it out there on the first night.

Mr. Howell would still like to have the discussion next week and see what the appendix and personnel article would look like. If we are not going to do this, he is not sure that he will support the budget.

Mr. Ballantine moved to add the table for personnel enhancements to Article 4 as outlined by the Town Administrator, 2nd by Ms. Anderson and approved 4-1-0 (Howell opposed).

VII. TOWN ADMINISTRATOR'S REPORT

Mr. Powers gave his thanks to Bob Lawton for the most recent support that he provided the town in the Treasurer/Collectors office.

Mr. Powers reported that the Great Sand Lakes ARPA application has been approved by the reviewers. The next step will be for the application to go before the Barnstable County Commission. He will keep the Board updated as new information is received. Mr. Powers thanked Mr. Pelletier and Mr. Kleekamp for their work on this application.

Mr. Powers wished everyone a Happy St. Patrick's Day.

VIII. SELECTMEN'S REPORT

Ms. Kavanagh suggested that the public watch the Monomoy Regional School Committee meeting that was held on March 9, 2023. She felt that some inappropriate comments were made by the committee regarding Harwich. It is important for people to watch the meeting to help understand why the Harwich Selectmen are questioning some things in the proposed budget. Harwich is not just concerned with the assessment as stated by the school committee. We care about our students and teachers and are listening to them. When we hear our teachers, who are in the classroom asking for other types of assistance, we are going to listen all day long. The Board has a responsibility to the students, teachers and administrators. We are listening to the people in our town that are concerned with the way the budget is moving forward.

Mr. Howell added that this was not an event, it is a process. The event was when we changed the agreement to pull the elementary schools out. That was never designed to be the end result of anything. It had been brought up previously that we were headed towards a disparity. It needs to be stated again that the school needs to have the buildings open with heat and electricity and that is independent of how many children from each town go to the school.

Mr. Ballantine stated that Harwich very much has and will continue to support the schools.

LB-we very much have and will support the schools.

IX. CORRESPONDENCE

A. Budgets – Information from Saturday, March 4 meeting

X. ADJOURNMENT

Mr. Howell moved to adjourn the meeting of the Board of Selectmen, 2nd by Ms. Anderson and approved 5-0-0.

Respectfully submitted,
Jennifer Clarke
Recording Secretary

Board of Selectmen
March 13, 2023



Town of Harwich

Board of Registrars

732 Main Street
Harwich, MA 02645

RECEIVED
TOWN CLERK
HARWICH, MA

023 MAR 22 A 11:42

March 22, 2023

Dear Members of the Board of Selectmen:

In a letter dated March 13, 2023 and received in the Town Clerk's Office on March 15, 2023, Raymond Gottwald notified the Town of his resignation as a member of the Harwich Board of Registrars.

Pursuant to M.G.L. c. 51, § 20, the remaining members of the Board of Registrars formally request that the Board of Selectmen appoint a temporary Registrar to fill the remainder of Mr. Gottwald's term, set to expire June 30, 2024.

Raymond Gottwald served as a Democrat member of the Board of Registrars. The Harwich Democratic Town Committee has submitted a list of three names of enrolled members for your consideration so that the seat can be filled by a member of the same political party consistent with M.G.L. c. 51, § 20.

Thank you for your attention to this matter.

Sincerely,

Mary Ann Pina, Registrar

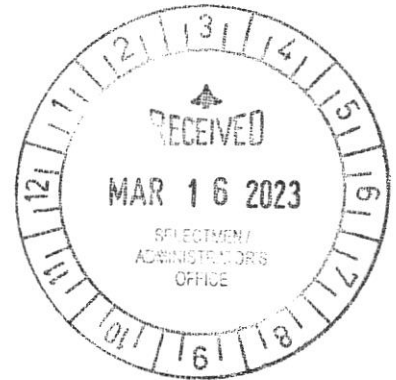
Deborah Sementa, Registrar

Emily Mitchell, Registrar

March 13, 2023

Emily Mitchell, Town Clerk
Town of Harwich
732 Main Street
Harwich, MA. 02645

RECEIVED
TOWN CLERK
HARWICH, MA
2023 MAR 15 A 10:12



Dear Emily;

Please accept my registration as a member of the Board of Registrars.

It has been a distinct honor to serve the Town Of Harwich as their Registrar for the past ten years.

The Harwich Democratic Town Committee will be submitting a list of recommended candidates to serve out the remainder of my term which ends in June 2024.

Sincerely,

A handwritten signature in cursive script that reads "Ray Gottwald".

Ray Gottwald

Harwich Democratic Town Committee

P.O. Box 828

Harwich Port, MA. 02646

RECEIVED
TOWN CLERK
HARWICH, MA.

2023 MAR 15 A 10:12

March 13, 2023

Office of the Board of Selectmen

732 Main Street

Harwich, MA. 02645



Dear Selectmen;

In accordance with Chapter 54, Section 15 of the Massachusetts General Laws, the Harwich Democratic Town Committee is submitting the following names of registered Democrats for your consideration to serve out the remainder of Ray Gottwald's term, ending in June 2024.

Shirley Knowles, 62 Oak Street, Harwich, MA. 02645

Rosanne Shapiro, 339 Leightons Lane, Harwich, MA. 02645

Elaine Dickinson, 56 Hillcrest Drive, Harwich, MA. 02645

Sincerely,

A handwritten signature in cursive script that reads "Ray Gottwald".

Ray Gottwald, Chair Harwich Democratic Town Committee

PUBLIC
PRESENTATIONS

Harwich Wastewater Projects

GHD Update – March 13, 2023



Project Updates

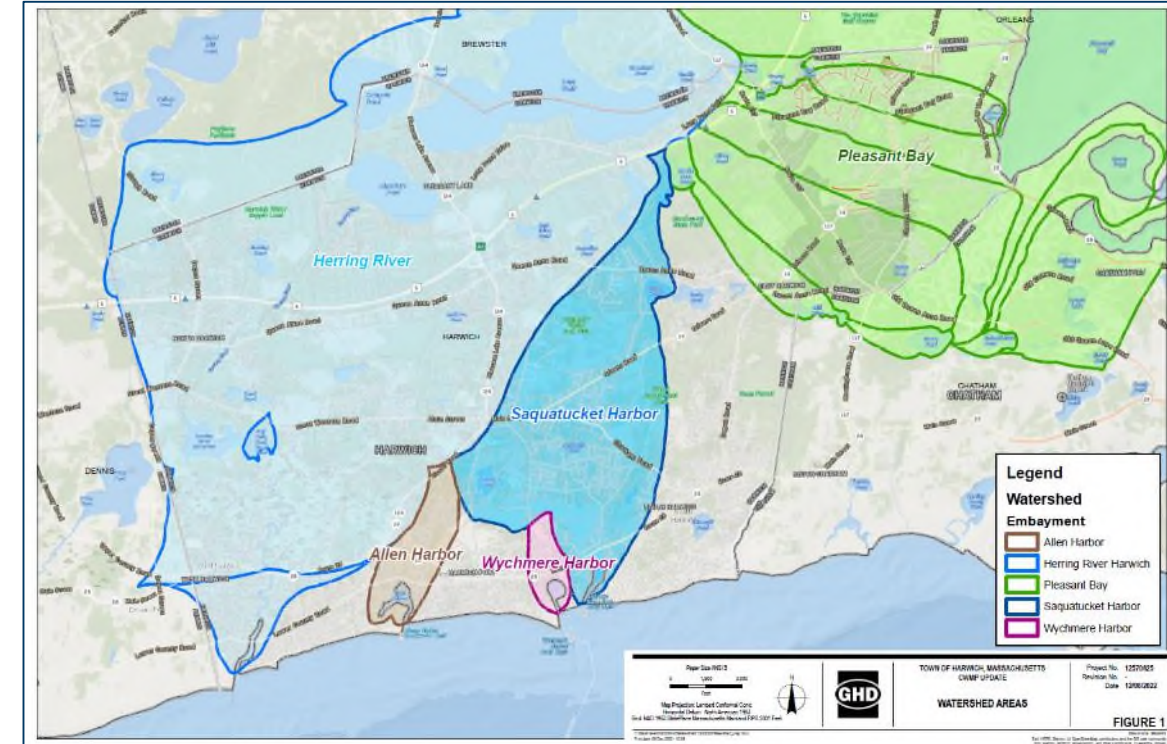
- Comprehensive Wastewater Management Plan (CWMP) Update Project
- Treated Effluent Recharge Evaluation
- Route 28 Low Pressure Sewer
- Phase 3 Sewer Design

CWMP Update Project

→ Project Update

CWMP Background

- The CWMP is a nutrient / wastewater management tool
 - Developed to support the Town's vision for growth (not a zoning plan)
 - Approved CWMP is required to obtain 0% State funding for nutrient related projects
- Initial Comprehensive Wastewater Management Project (CWMP) completed in 2016
 - Currently being revised to address topics raised through public discussion
- Targeted Revision Strategy
 - Intended to provide an open and transparent process to identify components of the CWMP that the Town is considering for revision, gain input from community stakeholders, and provide draft recommendations consistent with stakeholder input.



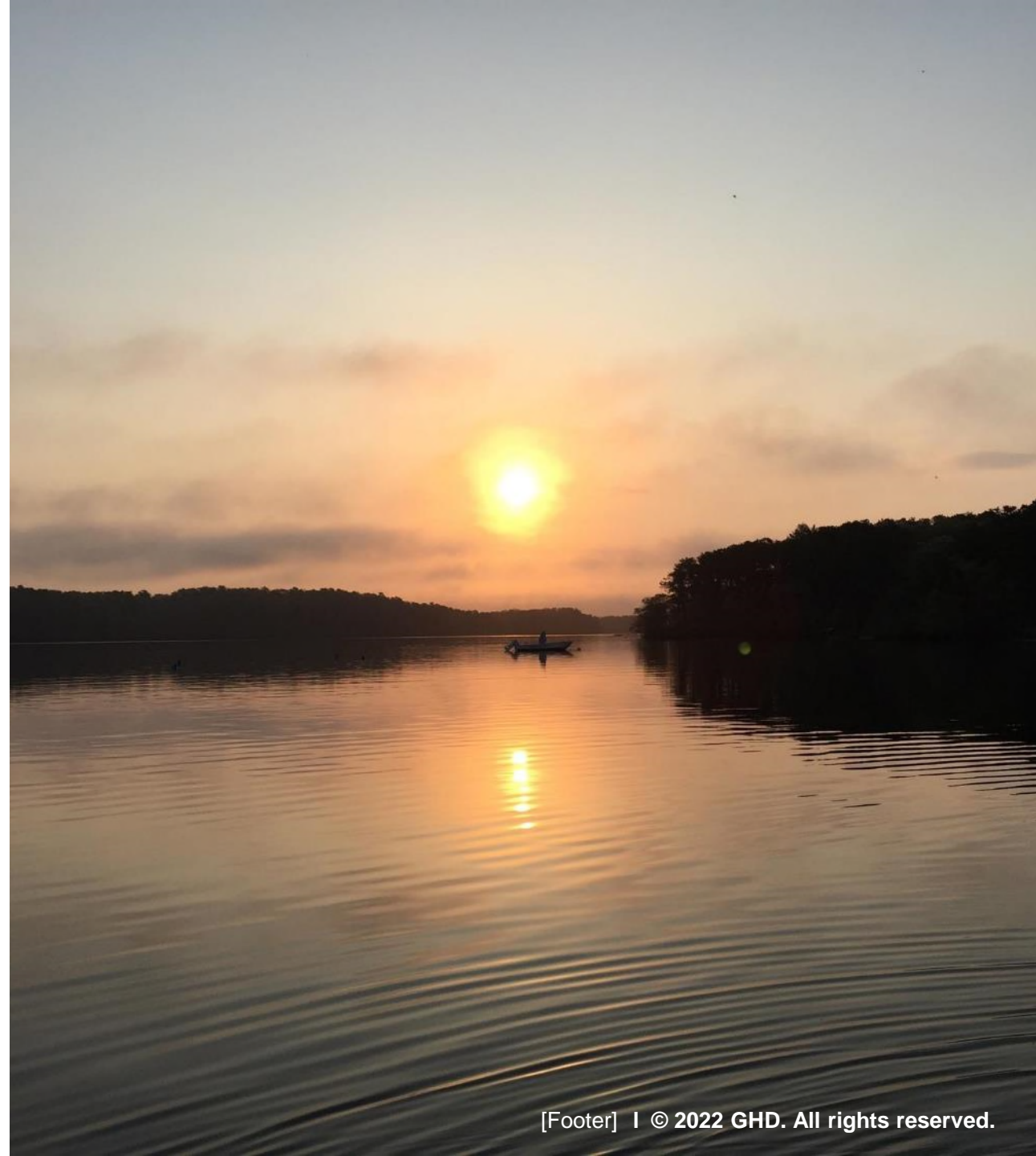
Harwich has five nitrogen impaired estuaries and numerous phosphorus impaired freshwater systems

Comprehensive Wastewater Management Planning

- **Updates since 2016 Report**
 - Partnership opportunities with neighboring communities (Brewster and Dennis)
 - New data from Muddy Creek culvert widening project, updated SMAST modeling
 - Participating in Pleasant Bay Alliance / Pleasant Bay Watershed Permit
 - Initial sewer implementation
- **Topics identified for targeted revision evaluation**
 - **Zoning and buildout assumptions**
 - Partnership opportunities with neighboring communities
 - Ongoing evaluation of incorporating I/A systems through Adaptive Management
 - Implementation phasing & cost models

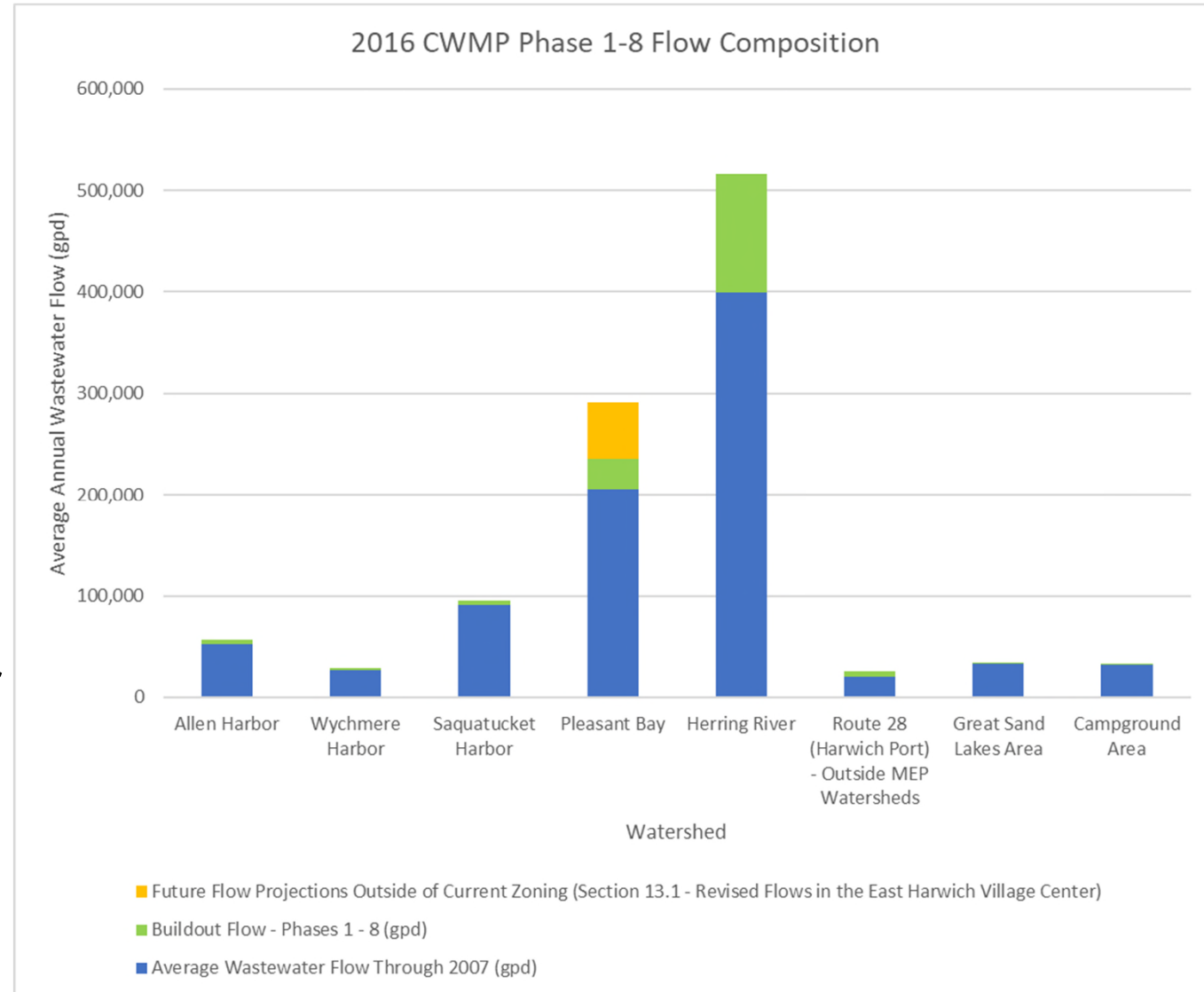
CWMP Listening Sessions

- 2022 Public Listening Sessions
 - Common themes
 - Consideration of freshwater pond health in project phasing
 - Potential acceleration of sewer implementation around Bucks Pond and abutting freshwater ponds to prevent system collapse



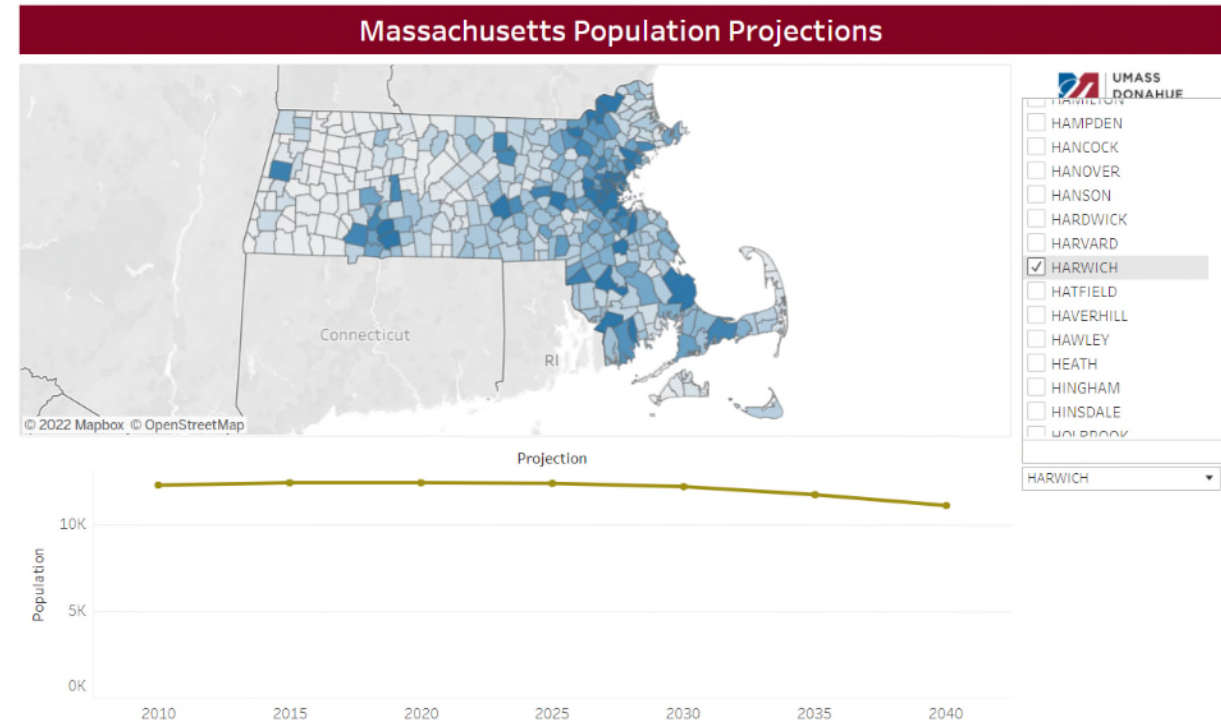
Targeted Revisions – Zoning and Buildout Assumptions

- 2016 future flow projections incorporated:
 - Massachusetts Estuaries Project (MEP) current” estimated flows (calculated based on 2004 – 2007 water use data)
 - “MEP Buildout Projections (maximum development allowable by current zoning) for MEP watersheds
 - Allocation for additional development in Pleasant Bay (East Harwich Village Center Development Allowance)
 - Growth allocations for 3 areas outside of MEP watersheds (Harwich Port, Great Sand Lakes Area, Campground Area)



20-Year Planning Horizon Growth Allowances

- Purpose – estimate growth and redevelopment over 20-year planning horizon (2025 – 2045)
- Discussions with former Town Planner
 - Population projections do not indicate growth in 20-year planning period
 - Town needs to meet 2016 Housing Production Plan goals for affordable housing
 - Redevelopment of commercial properties typically results in similar water uses
- 20-Year Planning Horizon Growth Allowances
 - Required units to meet affordable housing goals
 - Allowance for water usage increase based on historical water data



20-Year Planning Horizon vs. Buildout Flow

- **2025 Wastewater Flows**

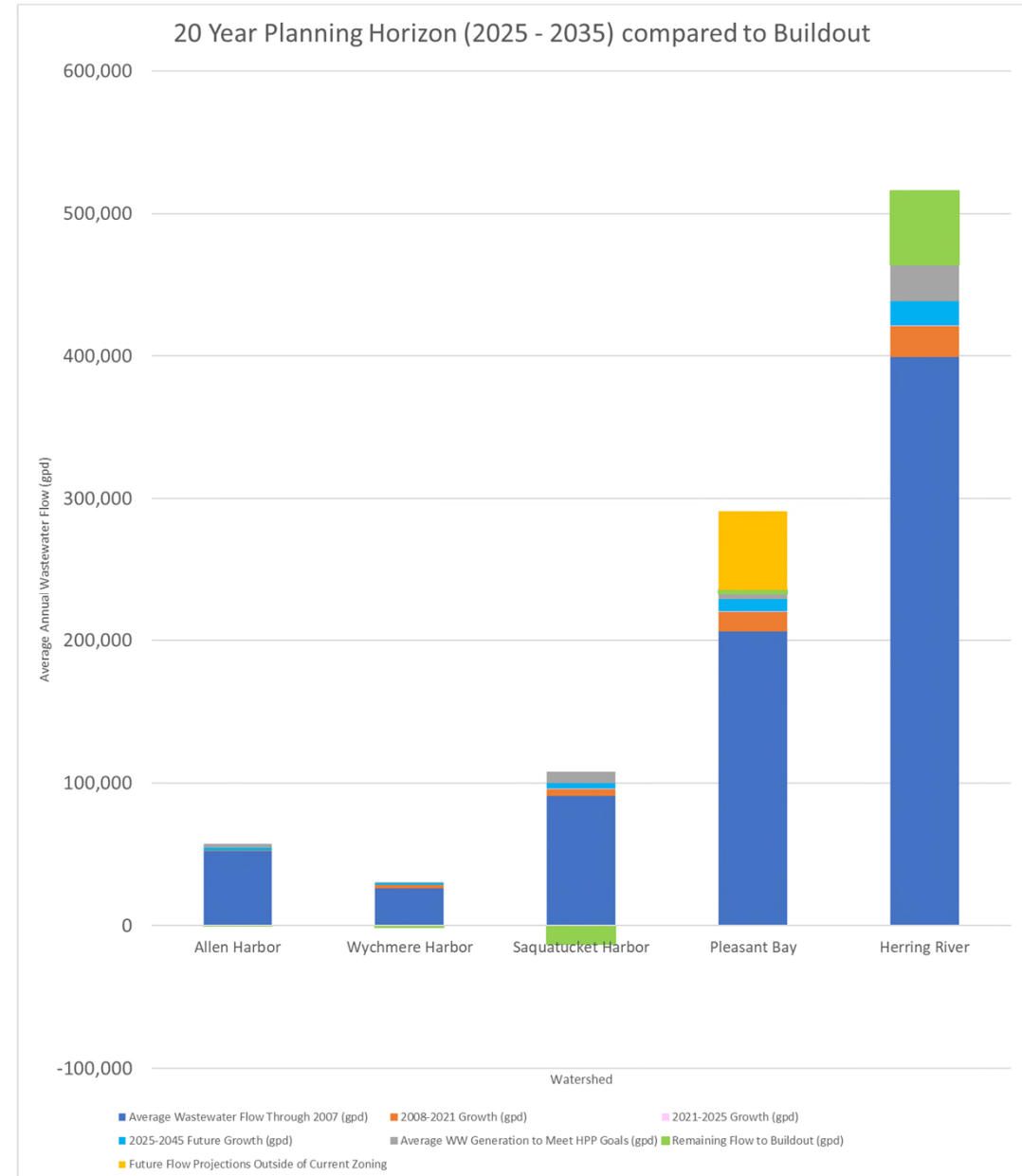
- Dark Blue - Massachusetts Estuaries Project (MEP) current” estimated flows (calculated based on 2004 – 2007 water use data)
- Orange - 2008 to 2021 growth
- Pink – 2021 to 2025 estimated growth

- **2045 Wastewater Flows**

- Gray – Allowance to meet Housing Production Plan Goals
- Light Blue – anticipated water usage increase (based on historic trends)

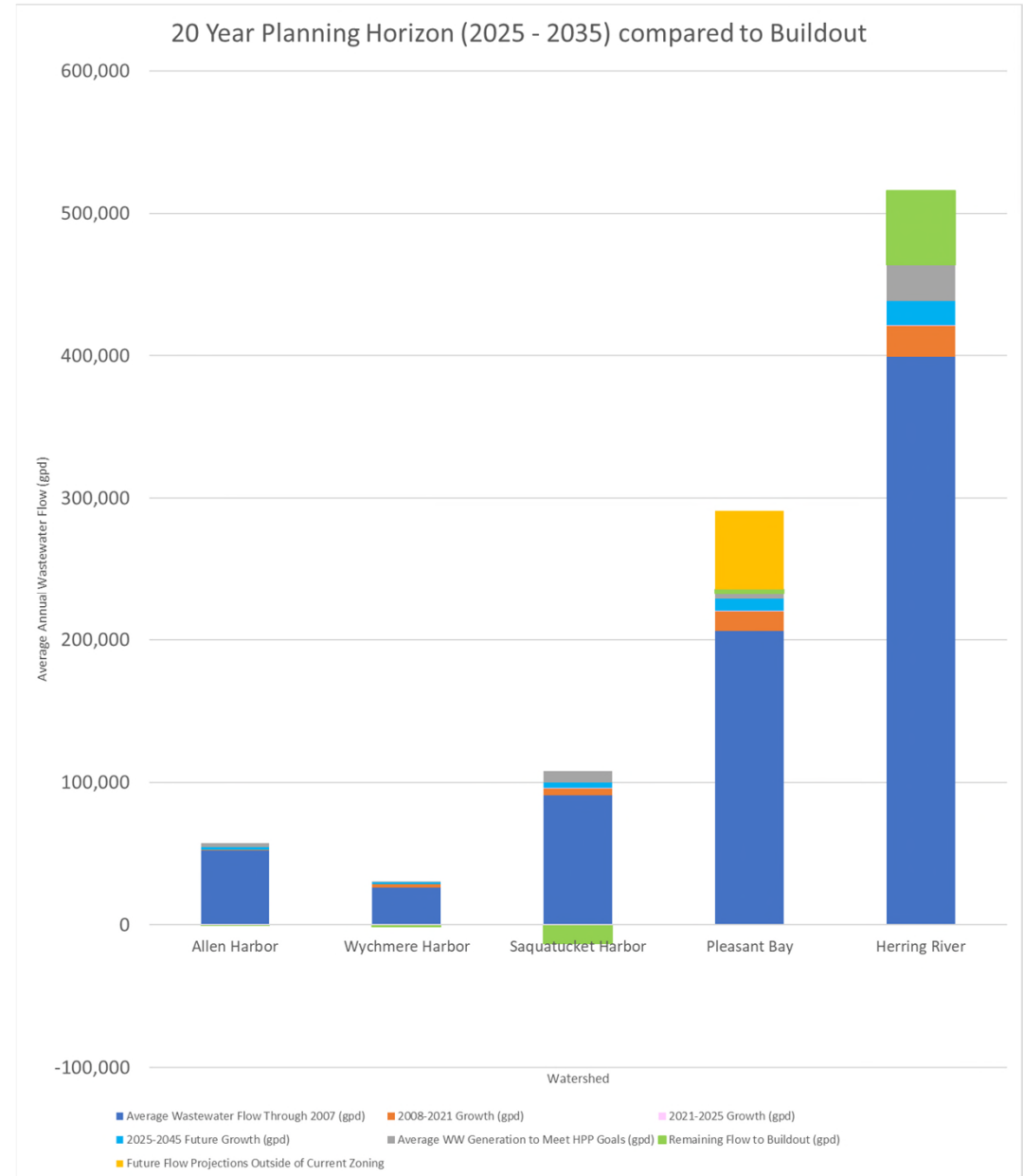
- **Buildout / Additional Flow Allowances**

- Green – Remaining flow capacity to buildout
- Yellow – East Harwich Village Allowance



Options for East Harwich Village Development Allowance

- Allowance above MEP buildout projections
 - 200 new residential units
 - 250,000 square feet of new commercial development
 - Average Flow = 0.06 mgd
- Allowance Options
 - Keep in Pleasant Bay
 - Re-allocate to other watersheds through coordination with Town Planner
 - Ex. Sequatucket Harbor
 - Proposed affordable housing
 - 96 units, average annual flow estimated at 0.02 mgd
 - Remove allocation from flow estimates



Summary

1. Select appropriate planning horizon

- 20-year planning horizon vs. full buildout

2. 20-Year Planning Horizon Growth Allowances

- Housing production plan goals
- Increased water usage (based on historic trends)
- Pleasant Bay – East Harwich Village Center Development Allowance (0.06 mgd) – coordinate with Town Planner to reallocate based on Town needs?
- Should additional allowances be incorporated?

Watershed	Average Raw Wastewater Flow (mgd)	
	20 Year Planning Horizon	Buildout Flow
Allen Harbor	0.06	0.06
Wychmere Harbor	0.03	0.03
Saquatucket Harbor	0.11	0.10
Pleasant Bay	0.23 ¹	0.29 ²
Herring River	0.46	0.52
Route 28 (Harwichport)	0.02	0.03
Great Sand Lakes Area	0.04	0.03
Campground Area	0.04	0.03
Total	0.99	1.08

Notes:

1. Does not include East Harwich Village Center Development allocation (0.06 mgd).

2. Flow estimate includes East Harwich Village Center Development allocation.

Freshwater Initiative

- Analysis being conducted as part of the CWMP
- Compiling inventory of ponds in Town and identifying nutrient threats
- Identifying sources of nutrient loading from stormwater
 - Sheet flow from private properties abutting ponds without vegetative barriers
 - Direct piped outfalls
 - Undersized stormwater systems



Freshwater Initiative

- Outlining Proactive Solutions
 - Surface Stormwater BMPs
 - Subsurface Stormwater BMPs
 - Regulations for properties abutting ponds
 - Collaborative monitoring of ponds
- Outlining Reactive Solutions
 - Alum treatments to ponds
 - Dredging of ponds



Treated Effluent Recharge Evaluation

→ Project Updates

Treated Effluent Recharge Evaluation

- Treated Effluent Recharge Site Screening Analysis conducted
 - Evaluated potential sites based on:
 - Size
 - Ownership
 - Proximity to sensitive receptors
 - Anticipated subsurface conditions
- Previous field investigations indicate clay silt layers in the vicinity of previously considered sites (reduces infiltration capacity)
 - Borings scheduled for this spring to evaluate subsurface conditions at 2 sites
 - If initial field investigations indicate favorable conditions, clean water hydraulic load tests will be conducted

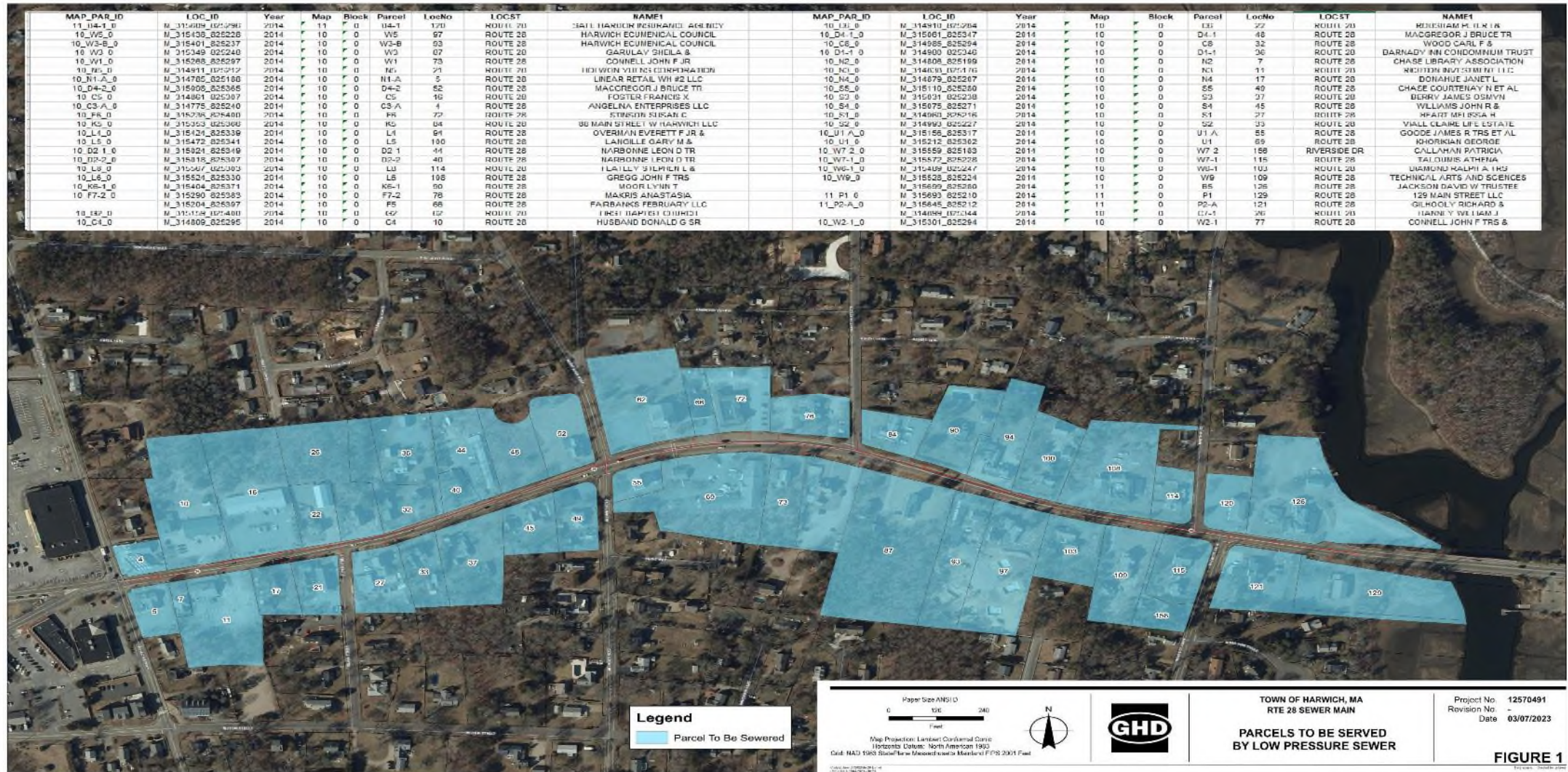


Route 28 Low Pressure Sewer

→ Project Updates

Dry Sewer Route 28 Division Street to Herring River Bridge

This project provides for service connections to all lots along the pipeline, and stub outs to adjacent streets for the future expansion to the West Harwich Service Area.



**Updated Cost Estimate
50% Design
2/27/2023**

Contract Item	Costs
Low Pressure Sewer with Grinder Pumps and Panels	\$5,359,944
Eligible SRF Costs	\$8,099,059
Recommended Appropriation Request	\$6,500,000

- This project will be constructed in conjunction with the MassDOT Roadway Reconstruction project. The Town is currently discussing the terms of that agreement with MassDOT.
- The 'Eligible SRF Costs' reflect the cost for construction of the original gravity sewer design. The current low pressure sewer design will provide a substantial savings in construction costs.

Phase 3 Sewer Design

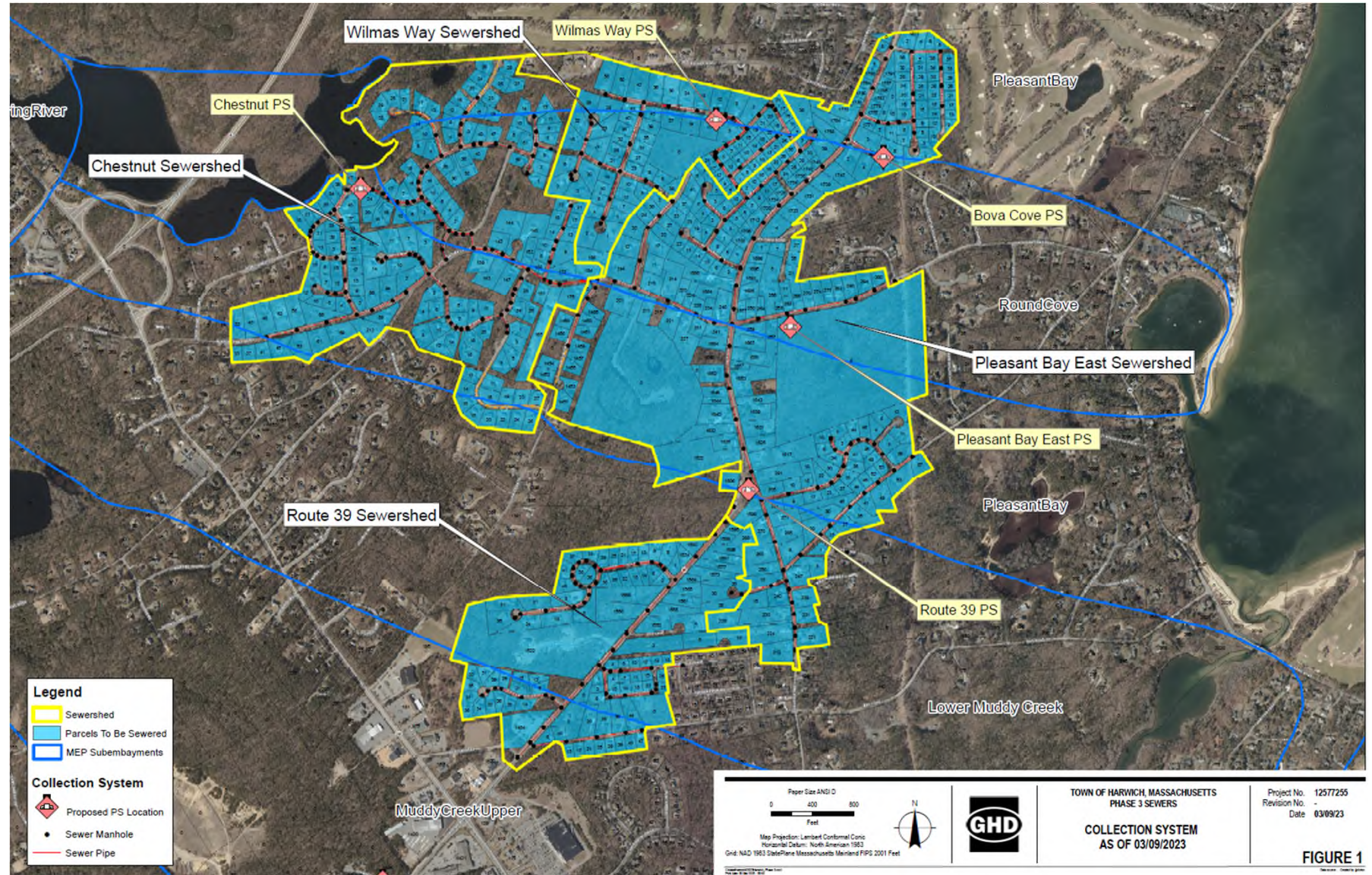
→ Project Updates

Phase 3 Sewer Extension Project

- Project Area
- Flows and Nitrogen Removal Loads
- Updated Cost Estimate
- Project Timeline/Schedule

Phase 3 Project Map

- Pump Stations
 - Pleasant Bay East
 - Chestnut
 - Wilma's Way
 - Bova Cove
 - Route 39
 - Mary Willet (TBD)



Phase 3 Nitrogen Removal Estimate [Update]

Watersheds	Watershed Permit Required Nitrogen Removal Amount (kg/year) [REMOVAL GOAL]	2007 to 2020		2020			Current Nitrogen Still Required to be Removed (kg/year)	2020 to 2040	Nitrogen Required to be Removed (kg/year)
		Growth in Watershed from 2007 to 2020 (kg/year)	New Estimated Removal Goal (kg/year)	Amount Removed from Phase 2 (kg/year)	Estimated Removal from Phase 3 Project (No buildout, includes attenuation) (kg/year)	Estimated removal of Phase 2 and Phase 3 Areas (kg/year)		Anticipated Future Additional Load Outside Sewered Areas – 2040 (kg/year)	
Lower Muddy Creek	986	440	1,426	980	840	1,820	-394	230	-164
Upper Muddy Creek	584	185	769	2,665	255	2,920	-2,151	160	-1,991
Pleasant Bay	1,620	210	1,830	0	1,925	1,925	-95	190	95
Round Cove	1,209	65	1,274	0	1,320	1,320	-46	90	44

Notes:

- The Pleasant Bay Watershed includes 170 kg/year of nitrogen removal from Wequassett Resort
- New update was based on reassignment of parcels to additional sewersheds (Church and Bova Cove)
- Values do not include the newly proposed subdevelopment off Route 39

Wequassett Resort – Preliminary Approach



- The resort would connect to the Phase 3 project via a force main (size to be determined by others) that would run from the property, down Route 28, and up Pleasant Bay Road
- The force main would connect to the gravity sewer on Pleasant Bay Road, near Pheasant Run
- Phase 3 sewer has stopped at Pheasant Run and gravity sewer would be extended to Pleasant Bay Court where force main would discharge
 - This will be designed to eliminate the need for an air release at the top of the hill
- Wequassett Resort will be responsible for the design and construction of the force main and all other infrastructure, including the pump station, located on their property and associated costs

Preliminary Flow Assessment to Chatham

Service Area	Average Annual Raw Wastewater Flow (gpd)	Estimated I&I (gpd)	Average Annual Wastewater Flow w/ I&I (gpd)	Average Future Annual Raw Wastewater Flow (gpd)	Average Future Annual Raw Wastewater Flow w/ I&I (gpd)
Phase 2	100,500	15,400	115,900	169,900	185,300
Phase 3	114,900	20,000	134,900	127,600	147,600
Great Sand Lakes	36,000	6,500	42,500	38,900	45,400
Subtotal	251,400	41,900	293,300	336,400	378,300
Wequassett Resort	17,600	0	17,600	22,500	22,500
Total	269,000	41,900	310,900	358,900	400,800
<i>Chatham Allowance</i>	<i>300,000</i>				

Note: Future Phase 2 flow values include the EHVC flow allocation (55,000 gpd)

Design Adjustments from Last Select Board Meeting

Design Changes Affecting Cost:

- Addition of three pump stations
 - Route 39 – Added to shallow sewer on Church/Orleans Road
 - Bova Cove – Added to shallow sewer on Orleans Road
 - Mary Willet Court – Added as an alternative
- Chestnut Lane/Elm Drive service area added with relocation of pump station
- Provisions for connection of the following roads
 - Victoria Road/Mary Willet – Not originally in Phase 3 service area
 - Washburn Way
 - Caldwell Lane – New subdivision
 - Phase 2 Areas added [Last Board Meeting]
 - Huckleberry Path and Sadies Way, Old Carriage Road, Bay Road, Vicksburg Ave, Williamsburg Ave
 - Bascom Hollow – New development – private sewer
 - Future subdivision off Route 39 – connection of private sewer

Phase 3 - 60% Design Costs

Town of Harwich, MA Phase 3 Sewer Project Preliminary Cost Estimate - 60% Design for Select Board Meeting GHD No. 12577255 3/9/2023	
Contract 1	Cost
Construction	\$25,028,000
Contingency (10%)	\$2,502,800
Construction Total for Contract 1	\$27,530,800
Contract 2	
Construction	\$12,018,000
Contingency (10%)	\$1,201,800
Construction Total for Contract 2	\$13,219,800
Construction Phase Services - Both Contracts (12%)	\$4,890,072
Police Details - Both Contracts (10%)	\$4,075,060
Utilities - Both Contracts	\$240,000
Total for Both Contracts	\$49,957,000
Draft IUP Costs (CWSRF: 7290) Requested	\$48,927,000
Minimum Recommended Appropriation Request	\$50,000,000

Notes

- Contract 1
 - Sewersheds: Pleasant Bay East, Route 39, Bova Cove, Wilma's Way, Church
 - Pump Stations: Pleasant Bay East, Route 39, Bova Cove Wilma's Way
- Contract 2
 - Sewershed: Chestnut
 - Pump Stations: Chestnut, Mary Willet
- Utilities estimated at \$40,000 per pump station (6 pump stations)
- Paving assumes all roads receive temporary trench paving and full width mill and overlay.
- Costs do not include the Wequassett Connection or allocated funding for grinder pumps

SRF Funding

- SRF Program provides low interest loans and principal forgiveness for eligible communities
- Phase 3 funding
 - Interest Rate on the Loan
 - 0% financing
 - Principal forgiveness (up to 35%)
 - Cape & Island Trust – up to 25%
 - Tier 1 Disadvantages Community – 3.3%
 - Infrastructure Bill – up to 7.5%
- Best case scenario
 - 0% interest loan, 30 year term
 - Up to \$17,500,000 in principal forgiveness

Cost Management

- Goal will be to structure contracts to stay within the SRF allocation.
 - A revised cost is presented to SRF in application process; however, town must have appropriation sufficient to cover that cost especially if it exceeds the original SRF IUP value.
 - Consider the addition of Alternative Bid Items to allow the town to make decisions following bidding on what they can or cannot fund under their appropriation.
- Costs for the Wequassett Resort and procurement of grinder pumps should be in subsequent years.
 - Wequassett potential connection could be included as part of the future Great Sand Lakes project and would allow more time for design (of Wequassett's PS and connection), negotiation and permitting.
 - Grinder pumps procurement in year following start of construction, as construction project will be approximately 2-3 years in duration, and pumps would be needed in anticipation of connection letters being issued.
- Next steps - identification of streets carried as alternative bid items and order of preference.

Phase 3 Project Schedule

- Project Evaluation Form (PEF) → Completed August 2022
- Intended Use Plan (IUP) → Phase 3 was listed in Draft IUP (issued December 16th, 2022)
 - SRF funding is spread over multiple SRF years
- Town Meeting → May 2023
- SRF Application → Due October 15, 2023, intend to submit in early summer 2023
- Bidding → Following DEP approval – potentially Fall 2023
- Construction → 24-to-36-month construction period



*** Thank You**

NEW BUSINESS

Date received in the Town Clerk's Office

RECEIVED
TOWN CLERK
HARWICH, MA

2023 JAN 24 A 11: 29

Date received in the Selectmen's Office



**PETITION ARTICLE TO BE INCLUDED
HARWICH ANNUAL TOWN MEETING WARRANT**

TO: BOARD OF SELECTMEN

PETITIONER: Patrick Otton **PHONE:** 617-244-2761

ARTICLE: To see if the Town will vote to:

Prohibit the sale, distribution and use of any
type of balloon inflated with any type of lighter-than-
air gas within the town of Harwich.

(Please see Attachment for complete description)

ESTIMATED COST: \$ 0.00

Explanation:

(Background Information/Justification)

Improper disposal of balloons and restraining
Attachments often released to float and drift away
or not properly disposed are a significant
well documented hazard to wild life and
marine life.

INSTRUCTIONS: All articles submitted by petition must contain the signatures of at least 10 registered voters of the Town of Harwich and must be submitted to the Office of the Selectmen not later than Noon-the second Friday in February for inclusion in the May Annual Town Meeting Warrant. Articles submitted by petition for inclusion in a Special Town Meeting must contain the signatures of at least 100 registered voters of the Town of Harwich and must be submitted to the Office of the Selectmen at least 40 days before the Special Town Meeting. **(changed under article 39 of the May 2013 ATM)**

A. Purpose and intent.

The purpose of this bylaw is to address public concerns regarding the environmental hazards to wildlife and marine life in the Town of Harwich posed by the release and improper disposal of balloons, balloons and their restraining attachments.

B. Definitions.

As used, the following terms shall have the meanings indicated:

LIGHTER-THAN-AIR GAS

A gas that is buoyant in air because it has an average density lower than that of air (including, but not limited to helium gas).

BALLOON

Including, but not limited to, plastic, latex, rubber or Mylar balloons

RESTRAINING ATTACHMENTS

How the balloon is held in place, including but not limited to, ribbon, rope, string, or sticks

C. Applicability.

Effective September 15, 2023, no person shall sell, distribute or use any type of balloon inflated with any type of lighter-than-air gas within the Town of Harwich.

No person shall throw, deposit, discard, or otherwise discharge inflated, underinflated or non-inflated balloons into any street, alley, waterway, park, beach, or other public place in the Town of Harwich unless placing in a trash receptacle.

Further, no person shall knowingly release or cause to be released into the air any balloon(s) inflated with any lighter-than-air gas.

D. Exemptions.

Launching or operation of lighter-than-air aircraft, or the launching of balloons inflated with lighter-than-air gas by government agencies or scientific organizations, is allowed.

E. Enforcement.

Violations of this bylaw shall be subject to noncriminal disposition pursuant to the provisions of Chapter _____, of these bylaws.

This bylaw may be enforced by any Town of Harwich police officer or other designee/agent authorized by the Board of Selectmen.

F. Fines and penalties.

Any person or establishment violating this chapter shall be punished by a non-criminal fine.

Notwithstanding the general penalties set forth under Chapter _____, of these bylaws, the specific penalties for violations of this bylaw shall be as follows:

(1)

First offense: written warning.

(2)

Second offense: \$50.

(3)

Third offense: \$100.

A. Purpose and intent.

The purpose of this bylaw is to address public concerns regarding the environmental hazards to wildlife and marine life in the Town of Harwich posed by the release and improper disposal of balloons, balloons and their restraining attachments.

B. Definitions.

As used, the following terms shall have the meanings indicated:

LIGHTER-THAN-AIR GAS

A gas that is buoyant in air because it has an average density lower than that of air (including, but not limited to helium gas).

BALLOON

Including, but not limited to, plastic, latex, rubber or Mylar balloons

RESTRAINING ATTACHMENTS

How the balloon is held in place, including but not limited to, ribbon, rope, string, or sticks

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Further, no person shall knowingly release or cause to be released into the air any balloon(s) inflated with any lighter-than-air gas.

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E. Enforcement.

Violations of this bylaw shall be subject to noncriminal disposition pursuant to the provisions of Chapter _____, of these bylaws.

This bylaw may be enforced by any Town of Harwich police officer or other designee/agent authorized by the Board of Selectmen.

F. Fines and penalties.

Any person or establishment violating this chapter shall be punished by a non-criminal fine.

Notwithstanding the general penalties set forth under Chapter _____, of these bylaws, the specific penalties for violations of this bylaw shall be as follows:

(1)

First offense: written warning.

(2)

Second offense: \$50.

(3)

Third offense: \$100.

Hines

#	PRINT Name Legibly	Signature	Print Street Address
1	Rebecca Burnit	Rebecca Burnit	Sisson Rd #115
2	Suzan Welsh	Suzan Welsh	Manion Rd #11
3	DAVID (over)	David Dion	MARION RD #17
4	herry Annella	herry Annella	34 Mcquerty Rd Harwich
5	Paula DeLeg	Karen Widegra	57 Woodcrest Dr
6	Sharon Gilmore	Sharon Gilmore	186 Belmont Rd
7	MARIA PIRES	MARIA PIRES	10 White Pine Ct/H
8	MARCOS MIRAM	MARCOS MIRAM	10 White Pine Ave - Harwich
9	AMMY HANES	AMMY HANES	115 SISSON ROAD Harwich
10	Melissa Ziemann	Melissa Ziemann	115 SISSON RD Harwich MA
11	LESLEY KULOM	LESLEY KULOM	Unlabeled Harwich MA
12	MARK STOKER	MARK STOKER	5 - Landung #1 Rd
13	Regina Stoker	Regina Stoker	" "
14	MARK HORAN	MARK HORAN	11 Julia Court, Harwich MA
15	BOB SACKEN	BOB SACKEN	12 INTERVALE CANY HARWICH MA
16	Robert Brown	Robert Brown	78 Schooner Drive
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For Office Use Only

I hereby certify that the above Sixteen (16) names are those of registered voters in
Number of names - use numbers and words

The Town of Harwich

Date: January 31, 2023

Anne N. Doucette, Town Clerk
 Emily Mitchell

TOWN OF HARWICH
 5/1/2023 LOCAL TOWN MEETING
 List of Signatories for a Petition

PROHIBIT INFLATED BALLOON SALE/DISTRIBUTION

Voter ID	Name of Voter	Residential Address	Ward	Precinct	Party
06BRT2937000	BRAMAN, ROBERT T	78 SCHOONER DR HARWICH, MA 02646	0	2	R
02BRA1952001	BURRILL, REBECCA R	115 C SISSON RD HARWICH, MA 02646	0	1	U
08GSN1359006	GILMORE, SHAWN R	186 BELMONT RD HARWICH, MA 02671	0	1	U
07GKY0273000	GONNELLA, KERRY ANN	34 MCGUERTY RD HARWICH, MA 02645	0	3	D
03GDD2962000	GREW, DAVID	11 MARION RD HARWICH, MA 02645-1021	0	3	U
06HTY2370000	HINES, TAMATHA R	115 SISSON RD HARWICH, MA 02646-1025	0	1	D
09HMK2259000	HORAN, MARK D	11 JULIA CT HARWICH, MA 02645	0	4	U
09KLY0666000	KOLOGY, LESLEY ANN	57 ROUND COVE RD HARWICH, MA 02645-1333	0	2	U
10MMS0659001	MIRANDA, MARCOS PIRES	10 WHITE PINE CIR HARWICH, MA 02645	0	2	D
11PMA2659001	PIRES, MARIA M	10 WHITE PINE CIR HARWICH, MA 02645	0	2	D
05SRT2948000	SPENCER, ROBERT STEWART	12 INTERVALE LN HARWICH, MA 02661	0	2	U
02SMK2557000	STOKER, MARK EVAN	5 LANDING PLACE RD HARWICH, MA 02645-2066	0	2	U
03SRA0457000	STOKER, REGINA OSHEA	5 LANDING PLACE RD HARWICH, MA 02645-2066	0	2	U
08FSN1255000	WELSH, SUZAN ANNE	11 MARION RD HARWICH, MA 02645-1021	0	3	U
09WKN1558000	WIDEGREN, KAREN L	51 HILLCREST DR HARWICH, MA 02645	0	2	U
01ZMA0876000	ZIEMAN, MELISSA A	115 SISSON RD HARWICH, MA 02646	0	1	U

End of Report



**PETITION FOR INSERTION OF THE
FOLLOWING ARTICLE IN THE WARRANT
FOR THE TOWN MEETING OF
Harwich**

RECEIVED
TOWN CLERK
HARWICH, MA

2023 FEB -6 P 12: 12



We, the undersigned Registered Voters of the Town, hereby petition your honorable board to insert the following Article in the Warrant for the Town Meeting of Harwich.

To see if the Town will vote to amend the Town's General Bylaw by inserting a new bylaw entitled, Plastic Reduction, as follows, and to authorize the Town Clerk to assign appropriate numbering therefor:

CHAPTER ____: PLASTIC REDUCTION

This bylaw is enacted pursuant to the general police power in order to protect the health, safety and welfare of the inhabitants of the Town.

Effective Date

This Bylaw shall take effect on September 1, 2024.

Purpose and Intent

Plastic food containers and single-use utensils form a significant portion of the solid waste stream going into landfills. Local landfills are running out of room; our future solid waste may have to be transported hundreds of miles to a landfill at considerable cost. Plastic food containers are not recyclable, nor are they biodegradable. Once buried in our landfills, they will persist for centuries. If incinerated the toxins in plastic are linked to cancer and threaten our air quality. Appropriate alternative and sustainable products are readily available from the vendors used by local food establishments; cooperative bulk buying arrangements are possible. Thus, elimination of plastic food containers and utensils is in the best interest of the health and welfare of Town inhabitants.

Definitions

"Disposable Food Service Container" means single-use disposable products for serving or transporting prepared, ready-to-consume food. This includes plates, bowls, trays, hinged or lidded containers, and utensils.

"Food Establishment" means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, as further defined in 105 CMR 590.002. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered a Food Establishment for purposes of this Bylaw.

"Plastic" is defined as any type of plastic resin, which may contain recycled material, and may be sold as recyclable, biodegradable, or compostable. The material is commonly categorized in terms of #1, #2, #3, #4, #5, #6, #7; plastic as referenced includes all categories.

"Prepared Food" means any food prepared for consumption on the Food Establishment's premises, using any cooking or food preparation technique. This does not include any raw uncooked meat, fish or eggs unless provided for consumption without further food preparation.

"Town Facility" means any building, structure, land, or park owned or operated by the Town of Harwich, its agents and departments.

"Town Facility Users" means all persons, societies, associations, organizations, or special event promoters who require a permission to use a Town Facility. Town Facility Users also includes concession contracts with the Town, Town-managed concessions, Town-sponsored events, and food services provided at the Town's expense.

Prohibition

A. Except as provided herein, Food Establishments are prohibited from dispensing Prepared Food to customers in Disposable Food Service containers and utensils made from Plastic.

B. Town Facility Users are prohibited from dispensing Prepared Food to customers in Disposable Food Service containers made from Plastic and providing utensils made from Plastic.

Public and private schools, educational institutions, summer camps, childcare facilities, and other childcare programs approved to participate in USDA Child Nutrition Programs are exempt.

Administration and Enforcement

This Bylaw is enforced by the Town Administrator, or any committee appointed by them. Any Food Establishment or Town Facility User which violates any provision of this Bylaw shall be subject to the following penalties:

First Offense: Written warning

2nd Offense: \$150 fine

3rd Offense and Subsequent Offenses: \$300 fine

Any such fines collected shall be payable to the Town of Harwich. Each day the violation continues constitutes a separate violation. After detection of an initial violation, the designated inspection authority will be required to verify subsequent compliance until compliance with this bylaw is established. All businesses will be routinely inspected until the Town Administrator deems the inspection to be no longer be required.

SIGNER INFORMATION

INSTRUCTIONS TO SIGNERS

For your signature to be valid, you must be a registered voter in the town named above and your signature should be written substantially as registered.

If you are prevented by physical disability from writing you may authorize some person to write your name and residence in your presence.

SIGNER'S STATEMENT

We, the undersigned, are qualified voters of the Town of Harwich and in accordance with the provisions of law request the above article be inserted in the warrant for the Special Town Meeting of Harwich.

	CHECK	I SIGNATURE to be made in person with name substantially as registered (except in case of physical disability as stated above)	IF NOW REGISTERED AT (street, number and apartment number, if any) (city or town will be the same as stated above)	PRECINCT
1	<input checked="" type="checkbox"/>	<i>Debra Kelly</i>	#503 96 Queen Anne Rd Harwich, MA 02645	
2	<input checked="" type="checkbox"/>	<i>Gay A. Hunt</i>	10 Essex Rd Harwich, MA 02646	

ATTENTION VOTERS: Before signing, read signer information on other side.

___Harwich___ TOWN

ATTENTION REGISTRARS: Before certifying signatures, see instructions to registrars below

	CHECK	I SIGNATURE to be made in person with name substantially as registered (except in case of physical disability as stated above)	II NOW REGISTERED AT (street, number and apartment number, if any) (city or town will be the same as stated above)	PRECINCT
3	<input checked="" type="checkbox"/>	<i>Janet S. Cymbala</i>	<i>19 Surrey Ln, Harwich</i>	<i>1</i>
4	<input checked="" type="checkbox"/>	<i>Francis J. Sawyer</i>	<i>2 Englewood Dr C-1</i>	
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WARNING – criminal penalty for unlawfully signing, altering, defacing, mutilating, destroying or suppressing this petition: fine of up to \$1,000 or imprisonment for up to 1 year.

REGISTRAR INFORMATION

INSTRUCTIONS TO REGISTRARS

- You must time stamp or write in date and time these papers are received
 - Check this against the name of each qualified voter to be certified. For names not certified use the code at the right.
 - Draw a line through any blank spaces not containing signatures.
 - Each sheet must be certified by at least three registrars. A facsimile stamp is acceptable.
 - For names not certified use the code to the right.
- N – No such registered voter at that address
 S – unable to identify signature or address as that of voter because of form of signature or address
 T – already signed this petition

CERTIFICATION OF NAMES

Harwich town February 9 month and day

We certify that Three (3) number of names use numbers and words

above signatures checked this are the names of qualified voters from this town.

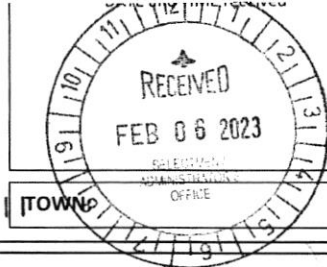
At least three registrars names must be signed or stamped below.

Mary Ann E. Pica
Nikolai A. Dimitra
Raymond C. Estwood

Registrars of voters or Election commissioners of Harwich town

**PETITION FOR INSERTION OF THE
FOLLOWING ARTICLE IN THE WARRANT
FOR THE TOWN MEETING OF
Harwich**

RECEIVED
TOWN CLERK
HARWICH, MA
2023 FEB -6 P 12: 1



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Effective Date

This Bylaw shall take effect on September 1, 2024.

Purpose and Intent

Plastic food containers and single-use utensils form a significant portion of the solid waste stream going into landfills. Local landfills are running out of room; our future solid waste may have to be transported hundreds of miles to a landfill at considerable cost. Plastic food containers are not recyclable, nor are they biodegradable. Once buried in our landfills, they will persist for centuries. If incinerated the toxins in plastic are linked to cancer and threaten our air quality. Appropriate alternative and sustainable products are readily available from the vendors used by local food establishments; cooperative bulk buying arrangements are possible. Thus, elimination of plastic food containers and utensils is in the best interest of the health and welfare of Town inhabitants.

Definitions

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Prohibition

A. Except as provided herein, Food Establishments are prohibited from dispensing Prepared Food to customers in Disposable Food Service containers and utensils made from Plastic.

B. Town Facility Users are prohibited from dispensing Prepared Food to customers in Disposable Food Service containers made from Plastic and providing utensils made from Plastic.

Public and private schools, educational institutions, summer camps, childcare facilities, and other childcare programs approved to participate in USDA Child Nutrition Programs are exempt.

Administration and Enforcement

This Bylaw is enforced by the Town Administrator, or any committee appointed by them. Any Food Establishment or Town Facility User which violates any provision of this Bylaw shall be subject to the following penalties:

First Offense: Written warning

2nd Offense: \$150 fine

3rd Offense and Subsequent Offenses: \$300 fine

Any such fines collected shall be payable to the Town of Harwich. Each day the violation continues constitutes a separate violation. After detection of an initial violation, the designated inspection authority will be required to verify subsequent compliance until compliance with this bylaw is established. All businesses will be routinely inspected until the Town Administrator deems the inspection to be no longer be required.

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CHECK	I SIGNATURE to be made in person with name substantially as registered (except in case of physical disability as stated above)	II NOW REGISTERED AT (street, number and apartment number, if any) (city or town will be the same as stated above)	PRECINCT
✓	<i>William E. Breyer</i>	19 CROSBY RD HARW. PT.	
1	<i>[Signature]</i>	459 ROUTE 28, HARWICH PORT, MA	
2	<i>Karin B. Landon</i>	93 Neil Rd.	

ATTENTION VOTERS: Before signing, read signer information on other side.

___Harwich___ TOWN

ATTENTION REGISTRARS: Before certifying signatures, see instructions to registrars below

CHECK	I SIGNATURE to be made in person with name substantially as registered (except in case of physical disability as stated above)		II NOW REGISTERED AT	PRECINCT
			(street, number and apartment number, if any) (city or town will be the same as stated above)	
3	✓	<i>Stacy Thompson</i>	62 Hoyt Rd H'Pony	
4	✓	<i>Doris Berardi</i>	459 Route 28 Harwich Port, MA	1
5	✓	<i>Carolee Wentworth</i>	9 Paddock Drive	
6	✓	<i>Don Weble</i>	11 Spruce Grove Rd	
7	✓	<i>Robin Boyer</i>	14 Edward Road, Harwich	
8	✓	<i>Adrian Crowell</i>	" " "	
9	✓	<i>Janis McLean</i>	39 Oak St	
10	✓	<i>Walter Rennie Hill</i>	52 John Joseph Rd Harwich	
11	✓	<i>Kent Hill</i>	" " " " " "	
12	✓	<i>Pat G...</i>	12 Intervale Lane Harwich, MA	
13	✓	<i>Thom Witting</i>	1399 Hells Path One, Harwich MA	
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WARNING – criminal penalty for unlawfully signing, altering, defacing, mutilating, destroying or suppressing this petition: fine of up to \$1,000 or imprisonment for up to 1 year.

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 - Each sheet must be certified by at least three registrars. A facsimile stamp is acceptable.
 - For names not certified use the code to the right.
- N – No such registered voter at that address
S – unable to identify signature or address as that of voter because of form of signature or address
T – already signed this petition

CERTIFICATION OF NAMES

Harwich town February 9 month and day

We certify that Fourteen (14) number of names use numbers and words

above signatures checked this ✓ are the names of qualified voters from this town.

At least three registrars names must be signed or stamped below.

Mary Ann E. ...
Deborah A. ...
Raymond C. ...

Registrars of voters or Election commissioners of Harwich town

TOWN OF HARWICH
5/1/2023 LOCAL TOWN MEETING
List of Signatories for a Petition

PLASTIC REDUCTION BYLAW

Voter ID	Name of Voter	Residential Address	Ward	Precinct	Party
11SRN0553000	BAUER, ROBIN L	14 EDWARD RD HARWICH, MA 02645	0	3	U
04BDS1560000	BERARD, DORIS E	459 ROUTE 28 HARWICH, MA 02646	0	1	U
04BTS2760000	BERARD, THOMAS L	459 ROUTE 28 HARWICH, MA 02646	0	1	U
11BBE1940000	BRYDGES, BONNIE E	19 CROWELL RD HARWICH, MA 02646	0	2	D
05CWM1653001	CROWELL, WILLIAM D	14 EDWARD RD HARWICH, MA 02645	0	3	U
02CJT2632000	CYMBALA, JANET S	19 SURREY LN HARWICH, MA 02645	0	1	D
04HKN2743000	HILL, KENTON RONALD	52 JOHN JOSEPH RD HARWICH, MA 02645-2800	0	2	U
01LKN1539000	LARSON, KARIN B	93 NEEL RD HARWICH, MA 02646	0	2	D
01LFS1046000	LAUZON, FRANCIS N	2 ENGLEWOOD DR HARWICH, MA 02645	0	1	D
05MJS0153003	MCGRORY, JANIS C	39 OAK ST HARWICH, MA 02645	0	2	U
06RLE0250000	RENNIE-HILL, LESLIE	52 JOHN JOSEPH RD HARWICH, MA 02645-2800	0	2	U
11SGY2861000	SMITH, GARY A	10 ESSEX PL HARWICH, MA 02646	0	1	U
05SRT2948000	SPENCER, ROBERT STEWART	12 INTERVALE LN HARWICH, MA 02661	0	2	U
08TIL1540000	THOMPSON, ISOBEL A	62 HOYT RD HARWICH, MA 02646	0	1	D
08WDA0446000	WEBBER, DONA RAE	11 SPRUCE GROVE RD HARWICH, MA 02645	0	3	D
07WCE2637000	WENTWORTH, CAROLEE H	9 PADDOCK DR HARWICH, MA 02645	0	1	U
02WKN2762004	WITTING, KAREN A	1399 HALLS PATH ONE HARWICH, MA 02645	0	3	U

End of Report

Date received in the Town Clerk's Office
RECEIVED
TOWN CLERK
HARWICH, MA
2023 FEB -9 A 9:22

Date received in the Selectmen's Office
RECEIVED
FEB 09 2023
SELECTMEN/
ADMINISTRATOR'S
OFFICE

**PETITION ARTICLE TO BE INCLUDED
HARWICH ANNUAL TOWN MEETING WARRANT**

TO: BOARD OF SELECTMEN

PETITIONER: Patrick Otton **PHONE:** 617-244-2761

ARTICLE: To see if the Town will vote to:

To see if the Town will vote to authorize and ask the Select Board to petition the Great and General Court of the Commonwealth of Massachusetts for special legislation, the text of which is set forth, prohibiting the application of fertilizer in the Town of Harwich except for the purposes of commercial agriculture and the residential use of organic fertilizer with low nitrogen and phosphorus for the use in growing fruits and vegetables that is allowable under the USDA National Organic Program organic standards (OMRI listed).

(please see attached further Article)

ESTIMATED COST: 0

Explanation:

(Background Information/Justification)

This Home Rule petition asks the state legislature to allow the Town of Harwich to establish its own fertilizer regulations. Beacon Hill does not have the seashore, ponds, embayments and estuaries. These are all endangered by human sourced pollution of nitrogen and phosphorous from fertilizers. Harwich's 22 ponds and 11+ miles of coastline are the life and assets for all residents, property owners, visitors, and business in Harwich. It is the reason we live here and they need to be protected and cared for.

(please see attached further Explanation)

INSTRUCTIONS: All articles submitted by petition must contain the signatures of at least 10 registered voters of the Town of Harwich and must be submitted to the Office of the Selectmen not later than Noon-the second Friday in February for inclusion in the May Annual Town Meeting Warrant. Articles submitted by petition for inclusion in a Special Town Meeting must contain the signatures of at least 100 registered voters of the Town of Harwich and must be submitted to the Office of the Selectmen at least 40 days before the Special Town Meeting. (changed under article 39 of the May 2013 ATM)

#	PRINT Name Legibly	Signature	Print Street Address
✓ 1	Kerry Connelly	Kerry Connelly	34 McQuerty rd Harwich MA
✓ 2	Victor J Goldsmith	Victor J Goldsmith	10 PADDOCK DR
✓ 3	SHEILA HOUSE	Sheila House	42 Pine Knoll Rd Harwich
✓ 4	Judith Miller	Judith Miller	239 Church St
✓ 5	Peter Abel	Peter Abel	196 Beech Rd
✓ 6	Kelly Ekstrom	Kelly Ekstrom	196 Bay Road, Harwich
✓ 7	Rebecca R. Birrell	Rebecca R. Birrell	115 Sisson Rd Unit C
✓ 8	MARK Kalkha	Mark Kalkha	22 Goreham Fitchio Walk
✓ 9	JANIS McGRATH	Janis McGrath	39 DAK ST
✓ 10	Hetti Smith	Hetti Smith	10 GRASSY FOND Rd #124
✓ 11	Christie Laidlaw	Christie Laidlaw	740 main ST Harwich
✓ 12	JOP CHOREY	Jop Chorey	153 GORHAM ROAD
✓ 13	Nancy Hipp	Nancy Hipp	28 Cahoon Rd
✓ 14	Clayton Ryan	Clayton Ryan	16 Indigo Ln
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I, the undersigned, do hereby certify that the above Twelve (12) names are those of registered voters in
 The Town of Harwich
 Date: February 9, 2023
 Anita N. Doucette, Town Clerk
 Emily Mitchell

ARTICLE

Authorize special act to enable Harwich to regulate the application of fertilizers

To see if the Town will vote to authorize and ask the Select Board to petition the Great and General Court of the Commonwealth of Massachusetts for special legislation, the text of which is set forth below, prohibiting the application of fertilizer in the Town of Harwich except for the purposes of commercial agriculture and the residential use of organic fertilizer with low nitrogen and phosphorus for the use in growing fruits and vegetables that is allowable under the USDA National Organic Program organic standards (OMRI listed), and to authorize the General Court, with the approval of the Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage, as follows:

An Act prohibiting the application of fertilizer used in the Town of Harwich except for the purposes of commercial agricultural and the residential use of organic fertilizer with low nitrogen and phosphorus for the use in growing fruits and vegetables that is allowable under the USDA National Organic Program organic standards (OMRI listed).

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

Section 1. There is sound scientific evidence to conclude that nitrogen and phosphorus in fertilizers are contaminants that negatively affect fresh and salt waters when present in excessive amounts. These excessive amounts of nitrogen and phosphorus contribute to undesirable algae and aquatic plant growth within all Harwich water bodies. This undesirable algae and aquatic plant growth has an adverse effect on public health through the degradation of waters used for drinking water, shell fishing, and recreational swimming and boating.

Section 2. It is necessary to prohibit the application of fertilizer that contains phosphorus and nitrogen so as to improve the water quality of the Town of Harwich. The soils of Harwich are unique insofar as Harwich has significant amounts of coarse, sandy soils that are subject to rapid water infiltration, percolation and leaching of nutrients, and such unique local conditions require that Harwich prohibit the application of nitrogen and phosphorus added to soils through the application of fertilizers. This Act should help Harwich to achieve compliance with the Total Maximum Daily Loads (TMDL) prescribed by the Commonwealth of Massachusetts for nitrogen and phosphorus in its waters.

Section 3. Notwithstanding any General or Special law to the contrary, including but not limited to any General or Special law conferring exclusive authority upon the Department of Agriculture to regulate and control the application of fertilizers elsewhere in the Commonwealth, the application of fertilizer containing nitrogen or phosphorus, or any other pollutants in the Town of Harwich is prohibited, except for the purposes of commercial agricultural and the residential use of organic fertilizer with low nitrogen and phosphorus for the use in growing fruits and vegetables that is allowable under the USDA National Organic Program organic standards (OMRI listed).

Section 4. This act shall take effect upon passage.
Or to take any other action related thereto. (Select Board)

(Simple Majority Vote Required)

PROPOSED MOTION

I move this article be accepted and adopted as printed in the warrant and that the Select Board be authorized to approve the final language of the Special Legislation.

SUMMARY

Water is what brings people here and makes us want to stay in this special place of ours. Water is our most valuable environmental resource and our most valuable economic asset. It directly or indirectly affects every resident, property owner, visitor, and business in Harwich. Harwich has 22 ponds/lakes and 11 miles of coastline, water is our lifeblood and it is our responsibility to keep it healthy and protect what we love. Yes, please move forward to regulate fertilizers. Supporting the preparation of a Home Rule Petition an act addressing clean and healthy waters will protect Harwich's environment, wildlife, residents, visitors, pets, economy and property values before all is lost.

SB: Recommendation to be made at Town Meeting

FC: Recommendation to be made at Town Meeting

Authorize special act to enable Harwich to regulate the application of fertilizers
(Background Information/Justification)

Why do you live on Cape Cod? The seashore? The ponds? The woodlands? The embayments? The estuaries? All of these are under sever threat of degradation and loss due to the impact of human development. Speaking only of water quality, human behavior degrades water in three principal causes: septic systems, fertilizers, and run-off.

Nitrogen harms all salt water ecosystems and life. Phosphorous harms all fresh water ecosystems and life. Given our sandy soil, a permeable sand bar, above a sole-source aquifer for which we rely for our drinking water, these elements quickly permeate and spread throughout the Cape.

The number one source of nitrogen pollution and phosphorus pollution are septic systems.

Fix: Sewering *Cost:* \$4,000,000,000.00 (Billion) *Time:* 50 years

The number two source of nitrogen, phosphorous and potassium pollution are chemical fertilizers.

Fix: Stop applying chemical fertilizers *Cost:* \$0.00 (Nothing) *Time:* Today, Immediate

The third source of water contamination is run-off from rolling down-hill waterfront landscaped lots and roadways.

Fix: Stop applying chemical fertilizers, build roadway catch basins *Cost:* tbd *Time:* on-going

Both Nantucket and Orleans have successfully passed via town meetings to ask the MA legislature for Home rule on regulating fertilizers. Yes, this is a 'hot' topic, pros & cons, questions on how to implement, how to enforce, how to educate, what alternatives are available, etc. etc. Orleans has lead the way, done the hard work and it is all summarized on the Orleans' town web page.

see: <https://www.town.orleans.ma.us/1109/Fertilizer-Home-Rule-Petition-2022>

The native and natural ecology of Cape Cod long ago figured out how to thrive and grow with our sandy soil and intermittent rains. Both the seashore and the ponds thrived with life. However today with our current landscaping habits and practices we are endangering the environment we live in. Nitrogen and phosphorous pollution on Cape Cod is negatively affecting our fresh water ponds and seashore – those very resources for which we live and visit the Cape.

Beacon Hill is not on Cape Cod. Given our local conditions and risks to our environment the Town of Harwich should be able to establish its own fertilizer regulations. This petition will ask the state legislature to allow Harwich to establish its own fertilizer regulations rather than Beacon Hill. Until permission from the MA legislature is given there will be no change in the current landscaping practices.

In 2021 Harwich had to rescind an earlier fertilizer regulation made that year by the Board of Health. Please, lets move forward to regulate fertilizers, making it a little easier to live on Cape Cod, to appreciate what we have before it is all lost. Cape Cod is a seasonal tourist based economy, what will it look like with further cyanobacteria algae blooms, loss of eelgrass, loss of shellfish, etc.? Cape Cod is not an urban environment. Trying to make it so is destroying the very essence of why we choose to live on Cape Cod.

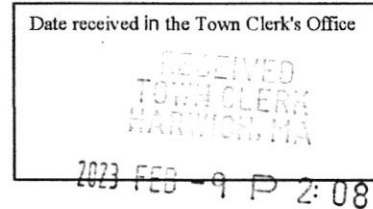
Water is what brings people here and makes us want to stay in this special place of ours. Water is our most valuable environmental resource and economic asset. It directly or indirectly affects every resident, property owner, visitor, and business in Harwich. Harwich has 22 ponds/lakes and 11+ miles of coastline. Water is our lifeblood and it is our responsibility to keep it healthy and protect what we love.

TOWN OF HARWICH
 5/1/2023 LOCAL TOWN MEETING
 List of Signatories for a Petition

APPLICATION OF FERTILIZER PROHIBITION

Voter ID	Name of Voter	Residential Address	Ward	Precinct	Party
05APR2760003	ABEL, PETER C	196 BAY RD HARWICH, MA 02645-1525	0	3	U
02BRA1952001	BURRILL, REBECCA R	115 C SISSON RD HARWICH, MA 02646	0	1	U
09CJN2752000	CHOREY, JONATHAN P	153 GORHAM RD HARWICH, MA 02646	0	1	U
04EKY1269000	EKSTROM, KELLY A	196 BAY RD HARWICH, MA 02645-1525	0	3	U
11GVA2353002	GOLDSMITH, VICTORIA A	10 PADDOCK DR HARWICH, MA 02645	0	1	D
07GKY0273000	GONNELLA, KERRY ANN	34 MCGUERTY RD HARWICH, MA 02645-1506	0	3	D
06HSA0655000	HOUSE, SHEILA	42 PINE KNOLL RD HARWICH, MA 02645	0	1	D
01KMK0852000	KELLEHER, MARK P	22 GORDON RITCHIE RD HARWICH, MA 02671	0	1	U
06LCE0667000	LAIDLAW, CHRISTINE ISABEL	740 MAIN ST HARWICH, MA 02645	0	4	D
05MJS0153003	MCGRORY, JANIS C	39 OAK ST HARWICH, MA 02645	0	2	U
10RCN1243000	RYAN, CLAYTON T JR	16 INDIGO LN HARWICH, MA 02645	0	4	U
08SPI2047000	SMITH, PATTI A	10 GRASSY POND RD HARWICH, MA 02646	0	1	U

End of Report



**PETITION ARTICLE TO BE INCLUDED
HARWICH ANNUAL TOWN MEETING WARRANT**

TO: BOARD OF SELECTMEN

PETITIONER: Denise Bouvier, Trustee First Shelley Path Realty Trust and Others

PHONE (508)521-3226

ARTICLE: To see if the Town will vote pursuant to Massachusetts General Laws chapter 82, section 21 – 24, as amended, and any other applicable statutes to accept the laying out as a town way by order of the Board of Selectmen.

A certain parcel of land situated in Harwich, Barnstable County, Massachusetts, shown as Old Brewster Road, so called, shown on a plan of land entitled "Definitive Subdivision, Shelley Path, Lotting Plan, prepared for Robert & Patricia Shelley, prepared by Cyprus Design Inc. 1501 Main St., Unit 24, Tewksbury MA 01876" recorded with the Barnstable District Registry of Deeds at Book 668, Page 72.

Beginning at a point on the Northerly side of Main Street Extension and Old Brewster Road, so called, all as shown on said plan, to a point South Westerly $34^{\circ} 56' 00''$ for a distance of 72.18', thence North Easterly $21^{\circ} 02' 55''$ for a distance of 52.21', thence turning Easterly 90° for a distance of 33.00', thence turning South Westerly by two courses, a distance of 40.14' and 50.83' respectively, thence turning $34^{\circ} 56' 00''$ to points on a curve, 93.55' and 27.05' respectively, thence turning North Westerly $16^{\circ} 35' 05''$, a distance of 91.14' to the point of beginning: and such plan is referred to for more particular description and to authorize the Board of Selectmen to take by eminent domain, an easement, or in fee; or take any other action relative thereto.

ESTIMATED COST: \$0.00

Explanation:

(Background Information/Justification)

This article proposes submittal of an improved road created and approved under the subdivision control law for acceptance by the Town of Harwich through a vote of town meeting. Acceptance of a portion of Old Brewster Road as shown on the approved subdivision plan will allow the Town of Harwich to facilitate and provide life safety services over the roadway.

All future maintenance, plowing, replacement and improvement costs of the roadway will be borne by the homeowner's association in perpetuity ensuring that the Town of Harwich incurs no costs associated with the dedication of the way or its future upkeep.

INSTRUCTIONS: All articles submitted by petition must contain the signatures of at least 10 registered voters of the Town of Harwich and must be submitted to the Office of the Selectmen not later than Noon-the second Friday in February for inclusion in the May Annual Town Meeting Warrant. Articles submitted by petition for inclusion in a Special Town Meeting must contain the signatures of at least 100 registered voters of the Town of Harwich and must be submitted to the Office of the Selectmen at least 40 days before the Special Town Meeting.

#	PRINT Name Legibly	Signature	Address Now Registered (number, street name, and apartment number if applicable)
✓ 1	BRIAN REEFEN	<i>[Signature]</i>	627 Queen Anne Rd, Harwich
✓ 2	CANDACE REEFEN	<i>[Signature]</i>	627 Queen Anne Rd, Harwich
✓ 3	ANGELA FRANCIS	<i>[Signature]</i>	8 MORGAN CIR HARWICH, MA.
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For Office Use Only

I hereby certify that the above Three (3) names are those of registered voters in
Number of names - use numbers and words
 The Town of Harwich *[Signature]*
 Date: February 9, 2023 Emily Mitchell, Town Clerk

Date received in the Board of Selectmen's Office

Date received in the Town Clerk's Office

**PETITION ARTICLE TO BE INCLUDED
HARWICH ANNUAL TOWN MEETING WARRANT**

TO: BOARD OF SELECTMEN

PETITIONER: Denise Bouvier, Trustee First Shelley Path Realty Trust and Others

PHONE (508)521-3226

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ESTIMATED COST: \$0.00

Explanation:

(Background Information/Justification)

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#	PRINT Name Legibly	Signature	Address Now Registered (number, street name, and apartment number if applicable)
✓ 1	Elizabeth Dubuque	<i>Ed Dubuque</i>	74 Hawksnest Rd.
✓ 2	Paul Wiersma	<i>Paul Wiersma</i>	3 Shady Dr
✓ 3	Robert Fratus	<i>Rob Fratus</i>	74 Hawksnest Rd
✓ 4	Debra Viera	<i>Debra Viera</i>	3 Shady Dr.
✓ 5	Tessa LeBlanc	<i>Tessa LeBlanc</i>	4 Sand Piper Rd
✓ 6	MaryleBlanc	<i>MaryleBlanc</i>	4 Sand Piper Rd
✓ 7	David LeBlanc	<i>David LeBlanc</i>	4 Sand Piper Rd
✓ 8	Dawn Gaudin	<i>Dawn Gaudin</i>	98 Old Chatham Rd
✓ 9	Jennifer Lundell	<i>Jennifer Lundell</i>	14 Murray Lane
✓ 10	TERESA TOSTU	<i>Teresa Tostu</i>	9 PARALLEL ST.
✓ 11	Tracy Ennes	<i>Tracy Ennes</i>	306 Main St
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For Office Use Only

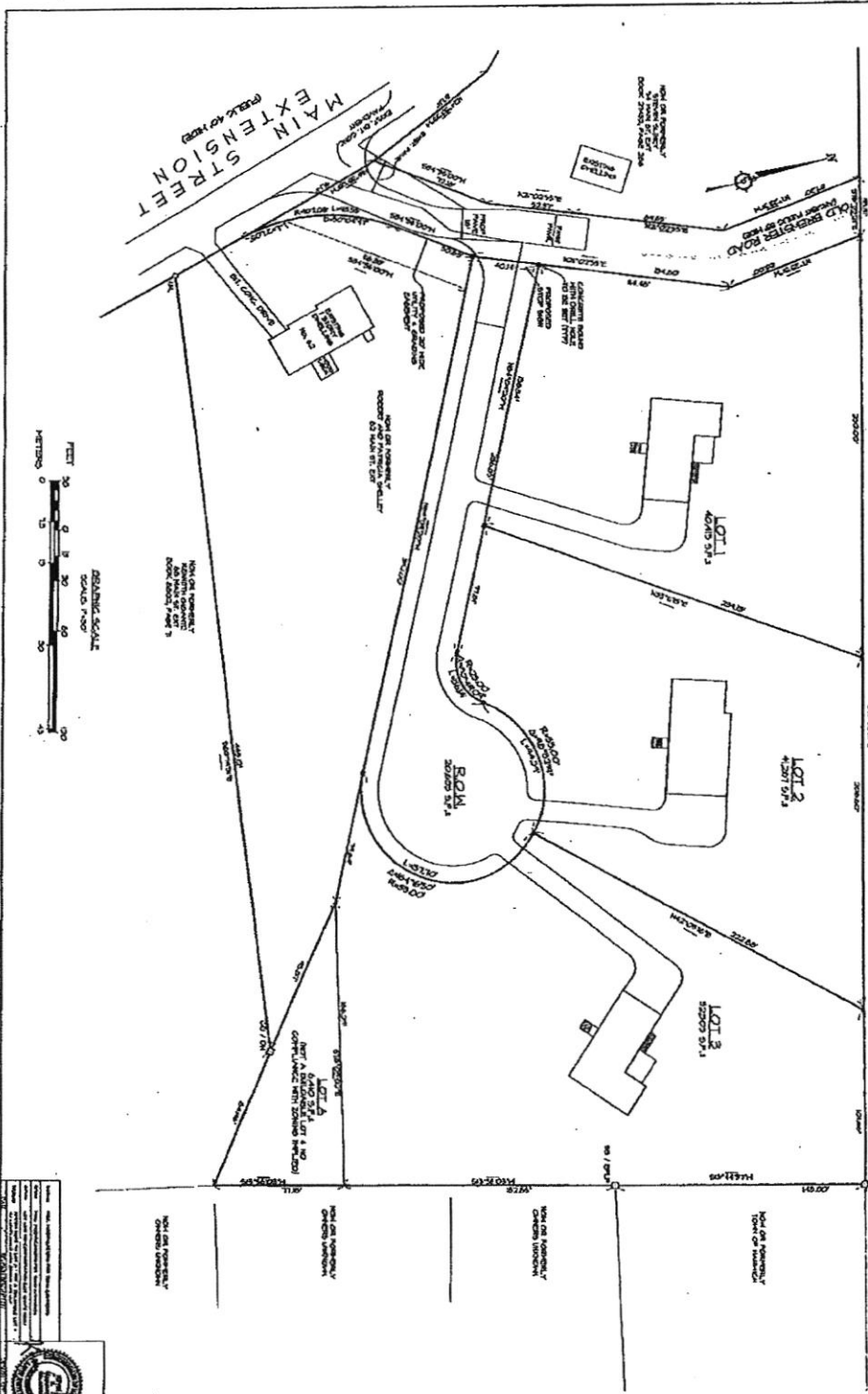
I hereby certify that the above Eleven (11) names are those of registered voters in
Number of names - use numbers and words
The Town of Harwich

Date: February 9, 2023

Emily Mitchell
Emily Mitchell, Town Clerk

MID CAPE HIGHWAY ROUTE 6

DIMENSIONAL TABLE		
ZONE R-1		
REQUIRE	LOT 1	LOT 2
MIN. AREA	40,000 SQ. FT.	40,000 SQ. FT.
MIN. FRONT YARD	50 FT.	50 FT.
MIN. SIDE YARD	5 FT.	5 FT.
MIN. REAR YARD	5 FT.	5 FT.
MIN. HEIGHT	30 FT.	30 FT.
MIN. LOT COVERAGE	25%	25%
MIN. DRIVEWAY	10 FT.	10 FT.
MIN. DRIVEWAY	10 FT.	10 FT.



NOTICE: THIS PLAN IS SUBJECT TO THE ZONING REGULATIONS OF THE TOWN OF MIDDLETOWN, CONNECTICUT.

NOTICE: THE TOWN ENGINEER HAS REVIEWED THIS PLAN AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE ZONING REGULATIONS OF THE TOWN OF MIDDLETOWN, CONNECTICUT. HOWEVER, THE TOWN ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PLAN AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

APPROVED BY THE TOWN ENGINEER

[Signature]

DATE: 10/17/07

APPROVED BY THE BOARD OF ZONING APPEALS

[Signature]

DATE: 10/17/07

RESERVED.

ADDRESS: 42 MAIN STREET EXTENSION, MIDDLETOWN, CT 06457

OWNER: ROBERT & PATRICIA SHELLEY

DESIGNER: CURTIS DESIGN, INC.

DEFINITIVE SUBDIVISION SHELLY PATH

LOTING PLAN

42 MAIN STREET EXTENSION, MIDDLETOWN, CT 06457

OWNER: ROBERT & PATRICIA SHELLEY

DESIGNER: CURTIS DESIGN, INC.

SCALE: 1"=40'

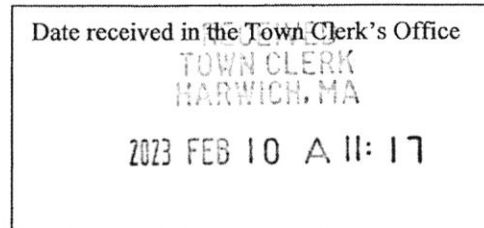
SHEET 3 OF 4, DWG. 04-07-10

TOWN OF HARWICH
 5/1/2023 LOCAL TOWN MEETING
 List of Signatories for a Petition

ROAD TAKING-OLD BREWSTER ROAD/SHELLEY PATH

Voter ID	Name of Voter	Residential Address	Ward	Precinct	Party
12BBN2463000	BREEN, BRIAN F	627 QUEEN ANNE RD HARWICH, MA 02645	0	2	D
06BAA1666000	BREEN, C ANDREA	627 QUEEN ANNE RD HARWICH, MA 02645	0	2	U
01DEH1864000	DUBUQUE, ELIZABETH	74 HAWKSNEST RD HARWICH, MA 02645	0	2	U
10ETY0566000	ENNES, TRACY	306 MAIN ST HARWICH, MA 02645	0	4	U
10RAA1072000	FRANCIS, ANGELA MARIE	8 MORGAN CIR HARWICH, MA 02645	0	4	U
06FRT1463002	FRATUS, ROBERT D JR	74 HAWKSNEST RD HARWICH, MA 02645	0	2	U
04GDD0764001	GOULD, DAVID H	98 OLD CHATHAM RD HARWICH, MA 02645	0	4	U
08LDD0468001	LEBLANC, DAVID J	4 SANDPIPER RD HARWICH, MA 02661	0	2	U
05LMY1167000	LEBLANC, MARCY A	4 SANDPIPER RD HARWICH, MA 02661	0	2	U
05LTA0499000	LEBLANC, TESSA ROSE	4 SANDPIPER RD HARWICH, MA 02661	0	2	U
11LJR2189001	LUNDELL, JENNIFER L	14 MURRAY LN HARWICH, MA 02671	0	1	U
10VDA0861000	VIERA, DEBBRA B	3 SHADY DR HARWICH, MA 02645	0	2	D
04VPL0169000	VIERA, PAUL A	3 SHADY DR HARWICH, MA 02645	0	2	U
09ZTA0655000	ZONTINI, THERESA MARIE	9 PARALLEL ST HARWICH, MA 02645	0	1	D

End of Report



**PETITION ARTICLE TO BE INCLUDED
HARWICH ANNUAL TOWN MEETING WARRANT**

TO: BOARD OF SELECTMEN

PETITIONER: Daniel Baker

PHONE: 774-392-0657

ARTICLE: To see if the Town will vote to:

Ask the Board of Selectman, acting on behalf of the Town, to petition the state legislature, to amend the Massachusetts General Laws governing the dispersal of School Choice funds, to include all other forms of alternative education, as currently allowed by the state, e.g., homeschool and private school participants, etc. In addition, the petition should be made with language requesting that any changes to the MGL's should consider interim support to address any negative draw down impacts to the Public School System, during any resultant adjustment phase.

ESTIMATED COST: \$0.00

Explanation:

(Background Information/Justification)

This article is intended to encourage changes to the Massachusetts General Laws to extend the dispersal of School Choice funds to all other forms of state allowed alternative education, e.g., homeschool and private school participants, etc. Under the current School Choice laws, MGL Part I Title XII Chapter 76 Sections 12B & 12C, School Choice funds may only be dispersed to another Massachusetts public school or alternative state allowed charter schools, all other state allowed education alternatives, e.g., homeschool and private school participants, etc., are excluded from the School Choice program, and thus, excluded from any School Choice funds following the student thereto. State authorized School Choice funding following the student to one form of state allowed alternative education, while excluding School Choice funding from all other state allowed alternative forms of education, leans heavily towards being discriminatory.

#	PRINT Name Legibly	Signature	Address Now Registered (number, street name, and apartment number if applicable)
✓ 1	Mary Kaldis-Thompson	Mary Kaldis-Thompson	14 Tupelo Drive Harwich MA
✓ 2	Christopher Thompson	Christopher Thompson	14 Tupelo Drive Harwich MA
✓ 3	Matthew Thompson	Matthew Thompson	14 Tupelo Drive Harwich MA
N 4	Charles J. DONNOR	Charles J. Donnor Jr	15 Tupelo Drive, Harwich MA
✓ 5	Karen Beetham	Karen Beetham	11 Tupelo Dr. Harwich MA
✓ 6	Gerald Beetham	Gerald Beetham	11 Tupelo Dr Harwich MA
✓ 7	Kathleen Shurtell	Kathleen Shurtell	6 TUPELO DR. HARWICH, MA
✓ 8	DENNIS STORRELL	Dennis Shurtell	6 TUPELO DR. HARWICH, MA
N 9	Cheryl Yafiades	Cheryl Yafiades	7 TUPELO DR. HARWICH MA
✓ 10	Arlene M Johnson	Arlene M Johnson	19 Tupelo Dr
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As mentioned during last year's town meeting, real estate values and AP classes are important, but does Harwich really believe that children who would thrive in an alternative state allowed education opportunity should be sacrificed to benefit others?

Potential benefit for the Taxpayers: School Choice could eventually be a benefit to the taxpayers of Massachusetts, as well. Currently Charter Schools are entitled to receiving the full funding allotted for each child, although if future changes to the School Choice laws incorporate fractional funding vs full funding for all state allowed alternative education (including charter schools); families would have some skin in the game, which would result in wiser alternative educational choices and eventually a reduction in taxpayer burden.

Today, if the parent/student determines that state allowed homeschooling/private schooling is the correct educational choice for the student, they have to pay 100% out of pocket. Only those of sufficient wealth can afford school choices outside the public/charter school system. Those families that do pay out of pocket are also paying taxes supporting a public school/charter system that does not suit their needs, without the ability to recoup funds legally allotted for their child.

For families that are currently homeschooling/private schooling in the Monomoy School district, and this change would end discriminatory leaning practices and ensure fair and equitable treatment for all.

National School Choice Week: The third week in January has been proclaimed "National School Choice Week" by Presidential, gubernatorial and mayoral proclamations (which includes homeschooling/private schooling); and has recently been further supported by Senate Simple Resolution 11 which passed by unanimous consent on February 1 2023 and introduced to the House under Resolution H.Res.51 (2023-2024). For more information regarding "National School Choice Week", please go to website "schoolchoiceweek.com".

Many likely know that Arizona recently signed the most comprehensive School Choice program into law. Many other states have enacted similar programs. State-by-state School Choice information can also be found the "schoolchoiceweek.com" website.

Please join us to help end discriminatory leaning practices in education and vote for freedom of choice, educational diversity, fair/equitable treatment for all and greater student success.

INSTRUCTIONS: All articles submitted by petition must contain the signatures of at least 10 registered voters of the Town of Harwich and must be submitted to the Office of the Selectmen not later than ***Noon-the second Friday in February*** for inclusion in the May Annual Town Meeting Warrant. Articles submitted by petition for inclusion in a Special Town Meeting must contain the signatures of at least 100 registered voters of the Town of Harwich and must be submitted to the Office of the Selectmen at least 40 days before the Special Town Meeting.

#	PRINT Name Legibly	Signature	Address Now Registered (number, street name, and apartment number if applicable)
✓ 1	Daniel W. Baker	<i>Daniel W. Baker</i>	54 North Westgate Road
✓ 2	Susan A. Baker	<i>Susan A. Baker</i>	54 North Westgate Road
✓ 3	Hannah M. Baker	<i>Hannah Baker</i>	54 North Westgate Road.
✓ 4	Lufone Tribastone	<i>Lufone Tribastone</i>	19 Sugar Hill Dr.
✓ 5	Steven Tribastone	<i>Steven Tribastone</i>	19 Sugar Hill Dr.
✓ 6	Andrew Senatore	<i>Andrew Senatore</i>	56 N. Westgate Rd
✓ 7	Heidi Baker	<i>Heidi Baker</i>	54 N. Westgate Rd
✓ 8	TERESA L. MORRIS	<i>Teresa L. Morris</i>	8 Hummingbird Lane
✓ 9	Andrea Cahoun	<i>Andrea Cahoun</i>	1601 Factory Rd.
✓ 10	Leo Cahounes	<i>Leo Cahounes</i>	1601 Factory Rd
✓ 11	Judy Frallicciardi	<i>Judy Frallicciardi</i>	1024 Factory Rd
✓ 12	ALFONSO FRALICCIA	<i>Alfonso Frallicciardi</i>	1024 FACTORY RD
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For Office Use Only

I hereby certify that the above Twenty (20) names are those of registered voters in

Number of names - use numbers and words

The Town of Harwich

Date: February 13

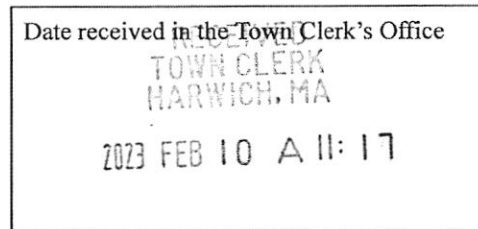
Emily Mitchell
Emily Mitchell, Town Clerk

TOWN OF HARWICH
5/1/2023 LOCAL TOWN MEETING
List of Signatories for a Petition

SCHOOL CHOICE FUNDS

Voter ID	Name of Voter	Residential Address	Ward	Precinct	Party
07BDL0962000	BAKER, DANIEL W	54 NORTH WESTGATE RD HARWICH, MA 02645-1600	0	4	R
06BHH2295000	BAKER, HANNAH MARIE	54 NORTH WESTGATE RD HARWICH, MA 02645-1600	0	4	U
11BHI0297000	BAKER, HEIDI RACHEL	54 NORTH WESTGATE RD HARWICH, MA 02645-1600	0	4	R
06BSN1665001	BAKER, SUSAN A	54 NORTH WESTGATE RD HARWICH, MA 02645-1600	0	4	R
08BGD0552000	BEETHAM, GERALD W	11 TUPELO DR HARWICH, MA 02645	0	4	U
05BKN2352001	BEETHAM, KAREN LYNNE	11 TUPELO DR HARWICH, MA 02645	0	4	U
11CAA0156000	CAKOUNES, ANDREA K	1601 FACTORY RD HARWICH, MA 02645	0	4	U
08CLO1756001	CAKOUNES, LEO G	1601 FACTORY RD HARWICH, MA 02645	0	4	U
06FAO1956000	FRALLICCIARDI, ALFONSO J	1024 FACTORY RD HARWICH, MA 02645-1635	0	4	D
06FJH1956002	FRALLICCIARDI, JUDETH E	1024 FACTORY RD HARWICH, MA 02645-1635	0	4	R
05JAE1135000	JOHNSON, ARLENE M	19 TUPELO DR HARWICH, MA 02645	0	4	U
08KMY2360003	KALDIS-THOMPSON, MARY	14 TUPELO DR HARWICH, MA 02645-1711	0	4	U
01MTA2752000	MORRIS, TERESA LYNN	8 HUMMINGBIRD LN HARWICH, MA 02645-2021	0	2	U
11SAW0759000	SENATORE, ANDREW T	56 NORTH WESTGATE RD HARWICH, MA 02645	0	4	U
07SDS2749000	SHORTELE, DENNIS P	6 TUPELO DR HARWICH, MA 02645-1711	0	4	U
02SKN1750004	SHORTELE, KATHLEEN P	6 TUPELO DR HARWICH, MA 02645-1711	0	4	D
01TCR0690002	THOMPSON, CHRISTOPHER J	14 TUPELO DR HARWICH, MA 02645-1711	0	4	R
01TMW0492001	THOMPSON, MATTHEW S	14 TUPELO DR HARWICH, MA 02645-1711	0	4	R
07TLE1153000	TRIBASTONE, LUANNE	19 SUGAR HILL DR HARWICH, MA 02645	0	3	R
08TSN1489000	TRIBASTONE, STEVEN	19 SUGAR HILL DR HARWICH, MA 02645	0	3	R

End of Report



**PETITION ARTICLE TO BE INCLUDED
HARWICH ANNUAL TOWN MEETING WARRANT**

TO: BOARD OF SELECTMEN

PETITIONER: Leo Cakounes

PHONE: 508-364-2512

ARTICLE: To see if the Town will vote to:


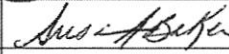


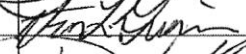
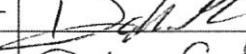
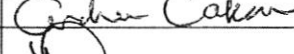
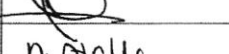
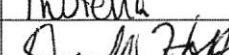
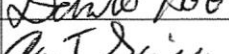
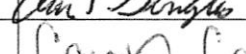

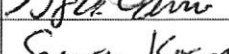
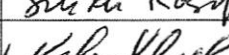
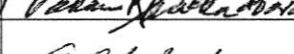
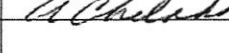
To see if the Town will vote to authorize and Direct the Board of Selectmen to enter into an Agreement with an Established Educational Facility, private party, or Not for Profit entertee, through all means necessary including yet not limited to, a Inter-municipal agreement or long term lease for purpose to create and operate an Agricultural/Environmental Educational Facility on said land acquired at the Harwich Annual Town Meeting 2000, Article 11, situated at 374 Main Street, North Harwich, shown on Harwich Assessors Map 47 as Parcel A-10 containing 33.6 acres, more or less. Being further shown on a plan recorded in the Barnstable County Registry of Deeds in Plan 460 Page 55 and further described in the deed recorded in the Barnstable Registry of Deeds of Book 10792 Page 257 being known as The Main Street Bog. Further authorize the Board of Selectmen to pursue any means necessary to accomplish this action, including yet not limited to, partition to Massachusetts State Legislature subject to Section 7 Chapter 293 of the Acts of 1998 entitled Establishment of Cape Cod Open Space Land Acquisition Program, an any other related questions of purposeful use of said land. Execute any and all instruments as may be necessary on behalf of the Town and to ack fully thereon.

ESTIMATED COST: \$0.00

Explanation:

(Background Information/Justification)

To expand the use of public land to Agricultural and Environmental Education which current use is Agriculture

#	PRINT Name Legibly	Signature	Address Now Registered (number, street name, and apartment number if applicable)
✓ 1	Leo Cakouvas		1601 FACTORY Rd
✓ 2	Susan A. Baker		54 N. Westgate Rd.
T 3	Susan A. Baker		54 N. Westgate Rd.
✓ 4	Daniel W. Baker		54 North Westgate Road
✓ 5	Frank L Greener		33 Rocky Way
✓ 6	Debra Greener		33 Rocky Way
✓ 7	Andrea Cakouvas		1601 Factory Rd.
✓ 8	Michael Merrill		22 Moss Hill Rd.
✓ 9	Maggie Stella		16 Freeman St.
N 10	Donald Holt		20 Lynch Lane
✓ 11	Aaron T. Giness		4 Aaron's way
✓ 12	Carolyn Carey		88 Northeast Drive
✓ 13	Gary Carrico		8 Community Way
✓ 14	Susan Kosoff		84 Neel Road
✓ 15	Uthman Khatamuddin		4 Picty Green Lane
✓ 16	Angelica Chilaka		331 Main St.
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For Office Use Only

I hereby certify that the above Fourteen (14) names are those of registered voters in
Number of names - use numbers and words

The Town of Harwich

Date: February 13, 2023

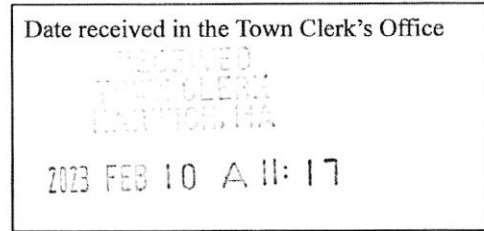
Emily Mitchell
Emily Mitchell, Town Clerk

TOWN OF HARWICH
 5/1/2023 LOCAL TOWN MEETING
 List of Signatories for a Petition

ESTABLISHED EDUCATIONAL FACILITY-374 MAIN STREET

Voter ID	Name of Voter	Residential Address	Ward	Precinct	Party
07BDL0962000	BAKER, DANIEL W	54 NORTH WESTGATE RD HARWICH, MA 02645-1600	0	4	R
06BSN1665001	BAKER, SUSAN A	54 NORTH WESTGATE RD HARWICH, MA 02645-1600	0	4	R
11CAA0156000	CAKOUNES, ANDREA K	1601 FACTORY RD HARWICH, MA 02645	0	4	U
08CLO1756001	CAKOUNES, LEO G	1601 FACTORY RD HARWICH, MA 02645	0	4	U
02CCN1866000	CAREY, CAROLYN B	88 NOR'EAST DR HARWICH, MA 02645	0	3	D
11CGY1571000	CARREIRO, GARY A	8 COMMUNITY WAY HARWICH, MA 02645-2900	0	2	U
12CAA0150000	CHILAKA, ANGELINA ANN	339 MAIN ST HARWICH, MA 02645	0	4	D
11GAN2561000	GINGRAS, AARON T	4 AARON'S WAY HARWICH, MA 02645	0	4	U
03GDA2866002	GREINER, DEBRA E	33 ROCKY WAY HARWICH, MA 02645	0	1	R
02GFK1067000	GREINER, FRANK L JR	33 ROCKY WAY HARWICH, MA 02645	0	1	U
01KVN0333000	KHACHADOORIAN, VAHAN J	4 PUTTING GREEN LN HARWICH, MA 02645-1947	0	4	D
09KSN0843000	KOSOFF, SUSAN	84 NEEL RD HARWICH, MA 02646-2516	0	2	D
02MML1671000	MACASKILL, MICHAEL D	22 MOSS HILL RD HARWICH, MA 02645	0	1	U
05SMT0289000	STELLA, MARGARET S	6 FREEMAN ST HARWICH, MA 02646	0	1	D

End of Report



**PETITION ARTICLE TO BE INCLUDED
HARWICH ANNUAL TOWN MEETING WARRANT**

TO: BOARD OF SELECTMEN

PETITIONER: Leo Cakounes

PHONE: 508-364-2512

ARTICLE: To see if the Town will vote to:

To see if the Town will vote to Amend action of the Towns Annual Meeting of 2000, Article 11 purchase of 374 Main Street, North Harwich, described in deed recorded at Barnstable County Registry of Deeds Book 10792 Page 257 and shown on a plan Recorded at Barnstable County Registry of Deeds in Plan Book 460 Page 55 by adding the following...the property described in the article for (AGRICULTURAL AND ENVIRONMENTAL EDUCATION,) preservation, open space, and to ack fully thereon.

ESTIMATED COST: \$0.00



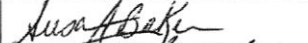
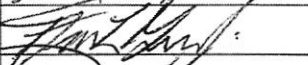
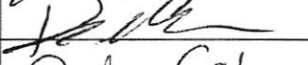
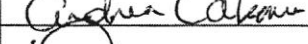
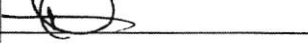
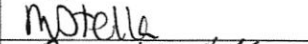

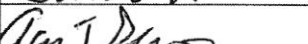
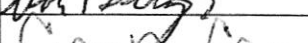

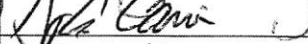

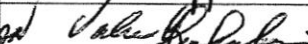
Explanation:

(Background Information/Justification)

To Expand the use of Public Land to Agriculture and Environmental Education which current use is Agiculture

INSTRUCTIONS: All articles submitted by petition must contain the signatures of at least 10 registered voters of the Town of Harwich and must be submitted to the Office of the Selectmen not later than Noon-the second Friday in February for inclusion in the May Annual Town Meeting Warrant. Articles submitted by petition for inclusion in a Special Town Meeting must contain the signatures of at least 100 registered voters of the Town of Harwich and must be submitted to the Office of the Selectmen at least 40 days before the Special Town Meeting.

INSTRUCTIONS: All articles submitted by petition must contain the signatures of at least 10 registered voters of the Town of Harwich and must be submitted to the Office of the Selectmen not later than Noon-the second Friday in February for inclusion in the May Annual Town Meeting Warrant. Articles submitted by petition for inclusion in a Special Town Meeting must contain the signatures of at least 100 registered voters of the Town of Harwich and must be submitted to the Office of the Selectmen at least 40 days before the Special Town Meeting.

#	PRINT Name Legibly	Signature	Address Now Registered (number, street name, and apartment number if applicable)
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✓ 2	Daniel W. Baker		54 North Westgate Road
✓ 3	Susan A. Baker		54 N. Westgate Road
✓ 4	Frank L. Greener		33 Rocky Way
✓ 5	Debra Greener		33 Rocky Way
✓ 6	Andrea Cakournes		1601 Factory Rd.
✓ 7	Michael MacAkill		22 Moss Hill Rd
✓ 8	Maggie Stella		6 Freeman St
N ✓ 9	Donald Holt		20 Lynch Lane
✓ 10	AARON T. GINGLES		4 AARON'S WAY
✓ 11	Carolyn Carey		88 Norwood Dr
✓ 12	GARY CARREIRO		8 Community Way
✓ 13	Susan Kosoff		54 Neil Road
✓ 14	VAAAN KATHAROU		4 Pitting Green Lane
✓ 15	Angela Chulaka		339 Main St - Harwich
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For Office Use Only

I hereby certify that the above Fourteen (14) names are those of registered voters in
Number of names - use numbers and words

The Town of Harwich

Date: February 13, 2023

Emily Mitchell
Emily Mitchell, Town Clerk

TOWN OF HARWICH
5/1/2023 LOCAL TOWN MEETING
List of Signatories for a Petition

AMEND ATM 2000 ARTICLE 11-PURCHASE OF 374 MAIN STREET

Voter ID	Name of Voter	Residential Address	Ward	Precinct	Party
07BDL0962000	BAKER, DANIEL W	54 NORTH WESTGATE RD HARWICH, MA 02645-1600	0	4	R
06BSN1665001	BAKER, SUSAN A	54 NORTH WESTGATE RD HARWICH, MA 02645-1600	0	4	R
11CAA0156000	CAKOUNES, ANDREA K	1601 FACTORY RD HARWICH, MA 02645	0	4	U
08CLO1756001	CAKOUNES, LEO G	1601 FACTORY RD HARWICH, MA 02645	0	4	U
02CCN1866000	CAREY, CAROLYN B	88 NOR'EAST DR HARWICH, MA 02645	0	3	D
11CGY1571000	CARREIRO, GARY A	8 COMMUNITY WAY HARWICH, MA 02645-2900	0	2	U
12CAA0150000	CHILAKA, ANGELINA ANN	339 MAIN ST HARWICH, MA 02645	0	4	D
11GAN2561000	GINGRAS, AARON T	4 AARON'S WAY HARWICH, MA 02645	0	4	U
03GDA2866002	GREINER, DEBRA E	33 ROCKY WAY HARWICH, MA 02645	0	1	R
02GFK1067000	GREINER, FRANK L JR	33 ROCKY WAY HARWICH, MA 02645	0	1	U
01KVN0333000	KHACHADOORIAN, VAHAN J	4 PUTTING GREEN LN HARWICH, MA 02645-1947	0	4	D
09KSN0843000	KOSOFF, SUSAN	84 NEEL RD HARWICH, MA 02646-2516	0	2	D
02MML1671000	MACASKILL, MICHAEL D	22 MOSS HILL RD HARWICH, MA 02645	0	1	U
05SMT0289000	STELLA, MARGARET S	6 FREEMAN ST HARWICH, MA 02646	0	1	D

End of Report

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF HARWICH
ANNUAL TOWN MEETING
May 1, 2023**

BARNSTABLE, ss:

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

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in elections and Town affairs to meet in the Community Center Gymnasium, 100 Oak Street in said Town on May 1, 2023 at 7:00 P.M., then and there to act on the following articles:

TOWN OFFICERS AND COMMITTEES

ARTICLE 1: To choose various Town Officers and Committees.

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 4 (Four): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

Nays: 0 (Zero): none

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

REPORTS OF TOWN OFFICERS AND COMMITTEES

ARTICLE 2: To hear reports of all Town Officers and Committees for the year 2022.

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 4 (Four): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

Nays: 0 (Zero): none

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

ELECTED OFFICIALS' SALARIES

ARTICLE 3: To see if the Town will vote the salaries of the Elected Officials of the Town for fiscal year commencing July 1, 2023 and ending June 30, 2024 as follows; and to act fully thereon. Estimated cost: \$121,719.

Selectmen (5)	\$2,400 each	12,000
Moderator	\$1,000	1,000
Water & Wastewater Commissioners (5)	\$1,000 each	5,000
Library Trustees (7)	\$1,000 each	7,000
Town Clerk	\$96,719	96,719
		121,719

Explanation: This is a customary, required article to identify the salaries of the elected officials of the Town of Harwich. The Town Clerk salary is the equivalent of a position in the Personnel Bylaws Classification and Compensation that would be at the M5, Step 5 level. All salaries listed above are found in and funded by the Operating Budget (Article 4, Appendix B).

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 4 (Four): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

Nays: 0 (Zero): none

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

TOWN OPERATING BUDGET

ARTICLE 4: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow such sums of money as may be required to defray Town charges for Fiscal Year 2024; and to act fully thereon. By request of the Board of Selectmen. (BUDGET – APPENDIX B). Estimated Cost: \$43,130,177.

(Article 4 continues on to Page 12)

Article 4 (continued)

SOURCES:	
Betterments	70,000
Cable Fund	214,996
CPA	166,650
Golf Infrastructure	98,450
Overlay Surplus	200,000
Water Enterprise	818,913
Wastewater Enterprise	62,148
Subtotal	1,631,157
Local Receipts	15,782,472
Taxes	25,716,548
Operating Budget	43,130,177

Explanation: The Town’s Operating Budget (outlined in line-item detail in Appendix B showing salaries & wages as well as expenses) covers three main areas of expenditures: the Departmental Budgets, Debt Service (“payments” comprised of principal and interest) and Semi-fixed and Fixed Costs including the town’s mandatory retirement contributions to the Barnstable County Retirement System as well as insurances (group health insurance and general insurance and deductibles).

The Board of Selectmen are recommending additions to staffing (the costs of which are borne in the respective departments as well as the Medicare & Vacation (Line #23), and the lines covering retirement and group health insurance discussed above) which equal eight (8) new, full-time positions. The Harwich Charter (our primary governing document) requires that “[t]he creation of any new full-time, compensated position which requires the approval of the board of selectmen shall not become effective until the position has been funded by a vote of town meeting” (Harwich Charter, Chapter 4, Section 5 Responsibilities for Administrative Reorganization, Clause 4-5-2, Page C:8). This article meets that obligation. Additionally, this article moves a vacant Building Inspector position from a part-time (.5 Full-Time Equivalent (FTE)) to full-time as shown in Appendix B.

FINANCE COMMITTEE RECOMMENDS [awaiting FinCom recommendation]. VOTE: YES-0, NO-0

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 4 (Four): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

Nays: 0 (Zero): none

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

MONOMOY REGIONAL SCHOOL DISTRICT BUDGET

ARTICLE 5: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow such sums of money as may be required to pay for the Monomoy Regional School District Assessment for Fiscal Year 2024, and to act fully thereon. By request of the Monomoy Regional School Committee. Estimated cost: \$28,469,466

Operating	26,179,856
Capital	153,120
Transportation	739,557
Debt	1,396,933
MRSD Assessment	28,469,466

FINANCE COMMITTEE RECOMMENDS [awaiting FinCom recommendation]. VOTE: YES-0, NO-0

ROLL CALL VOTES:

Board of Selectmen: [Awaiting final recommendation of the Board of Selectmen]

To accept and adopt:

Yeas: 0 (Zero): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

Nays: 0 (Zero): none

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

CAPE COD REGIONAL TECHNICAL SCHOOL DISTRICT BUDGET

ARTICLE 6: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money as may be required to pay for the Cape Cod Regional Technical High School District Assessment for Fiscal Year 2024, and to act fully thereon. By request of the Cape Cod Regional Technical High School District. Estimated cost: \$2,014,200

Operating	\$1,400,362
Debt	\$613,838
CCRTHS Assessment	\$2,014,200

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 4 (Four): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

Nays: 0 (Zero): none

WATER DEPARTMENT BUDGET

ARTICLE 7: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow such sums of money as may be required to defray the Water Department Operating Budget for Fiscal Year 2024, and to act fully thereon. By request of the Water and Wastewater Commission. Estimated cost: \$ 4,552,834

Salaries	1,390,562
Expenses	1,759,155
Debt	534,204
Indirect Costs	818,913
OPEB	50,000
Total	4,552,834

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 4 (Four): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

Nays: 0 (Zero): none

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

WASTEWATER DEPARTMENT BUDGET

ARTICLE 8: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow such sums of money as may be required to defray the Wastewater Department Operating Budget for Fiscal Year 2024, and to act fully thereon. By request of the Water and Wastewater Commission. Estimated cost: \$1,993,973

Salaries	175,178
Expenses	444,528
Debt	1,312,119
Indirect Costs	62,148
Total	1,993,973

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 4 (Four): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

Nays: 0 (Zero): none

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

FUND CAPE COD COMMUNITY MEDIA CENTER

ARTICLE 9: To see if the Town vote to raise and appropriate or transfer from available fund or borrow such sums of money that may be required for the purpose of funding the public access station, Cape Cod Community Media Center, 17 Shad Hole Rd. Dennis Port, MA 02639. Providing the public access television to the citizens of Harwich; or to act fully thereon. By request of the Board of Selectmen. Estimated Cost: \$157,037

Explanation: To be funded from the PEG Access and Cable Related Fund. The Town of Harwich receives funding from Comcast subscriber fees to fund and maintain Public, Education and Government television stations (PEG access). Under the current 10 year agreement with Comcast the Town will allocate funds directly to Cape Cod Community Media Center. The funding was previously paid directly from Comcast. The appropriation sum has been based on calendar year 2022 actual revenue into the fund.

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 4 (Four): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

Nays: 0 (Zero): none

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

ITEMS FUNDED FROM THE CABLE FUND

ARTICLE 10: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to fund the items in the table below, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$47, 222.00.

Equip Meeting Rooms & Field Equipment	4,388
Fund Ch. 22 at Monomoy Regional High School	42,834
Total	47,222

Explanation: The request for “Equip Meeting Rooms & Field Equipment” is part of an ongoing project to equip and/or update equipment in various meeting rooms led by the Channel 18 Director. The second line is a request from the Monomoy Regional School District. The last such request was in 2019 and the costs were embedded in the District’s budget. The District is requesting that the funds for Fiscal Year 2024. The two towns in the district agreed in 2019 for the costs for Channel 22 to be split 50-50%. This request is for the funds to be allocated in accordance with the present assessment model in the District’s Regional Agreement which would be as follows (per the District): Harwich: \$42,833.79 (76.56%), Chatham: \$13,114.21 (23.44%).

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.

VOTE: YES-0, NO-0

ROLL CALL VOTES:

Board of Selectmen:

Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

To accept and adopt:

Yeas: 4 (Four):

Nays: 0 (Zero): none

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

LEASE PURCHASE AGREEMENTS

ARTICLE 11: To see if the Town will vote to enter into various lease purchase financing agreements for town equipment included in the operating budget for FY 2023, said leases may be a term not to exceed the useful life of the equipment as determined by the Board of Selectmen; or to act fully thereon. By request of the Board of Selectmen.

Explanation: The statute requires a recommendation by the Town Administrator and a two-thirds vote of Town Meeting whenever there are items to be funded by lease agreements within the Operating Budget. The lease agreements funded by the operating budget relate to procurements for the Police Department in Fiscal Year 2024.

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero):

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

PRESCHOOL FAMILY SUPPORT PROGRAM

ARTICLE 12: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to fund a Preschool Family Support Program for the 3 and 4 year old population within the Town of Harwich, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$250,000.00.

Explanation: The Board of Selectmen is looking to initiate a program to provide support for families with preschool-aged children (3 and 4 years old) in the form of stipends to aid covering the ever-increasing cost of preschool costs. This program is like many offered throughout Cape Cod.

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 4 (Four): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

Nays: 0 (Zero): none

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

FUND TECHNOLOGY ENHANCEMENTS FOR BROOKS FREE LIBRARY

Article 13: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to be used for the purchase and replacement of technology equipment and software for the Brooks Free Library, and to act fully thereon. By request of the Board of Selectmen and the Board of Library Trustees. Estimated cost: \$25,000.00

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 4 (Four): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

Nays: 0 (Zero): none

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

OPIOID SETTLEMENT DISTRIBUTIONS

ARTICLE 14: To see if the Town will vote to transfer from certified cash a sum of money representing the National Opioid Settlement distributions received to date to provide the Town with support services to mitigate the impacts of the opioid epidemic, said funds to be expended under the direction of the Board of Selectmen pursuant to grant agreements between the Town and various nonprofit entities providing substance abuse services to residents of the Town; or to take any other action relative thereto. Requested by the Board of Selectmen. Estimated cost: \$60,000.00

Explanation: This article appropriates the available funds in Free Cash related solely to the National Opioid Settlement Funds for the Town of Harwich in Fiscal Year. The town received \$63,841. The Board of Selectmen affirmed the following uses and recipients for these funds with

the balance carrying over to the next fiscal year to be combined with future settlement distributions.

Recipient	Amount
Outer Cape Health Services	37,500
Duffy Health Center	15,000
Gosnold	7,500
Total	60,000

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 4 (Four): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

Nays: 0 (Zero): none

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

ADOPT THE CAPITAL PLAN

ARTICLE 15: To see if the Town will vote pursuant to Section 9-6 of the Town Charter to adopt the five (5) year Capital Plan for FY 2024 as proposed by the Board of Selectmen and set forth in Appendix C of this Warrant, and to act fully thereon. By request of the Board of Selectmen. (APPENDIX C)

Explanation: Please see Appendix C for the Five Year Capital Plan

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): none

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):
 Nays: 0 (Zero): None

CAPITAL OUTLAY PLAN ARTICLES

CAPITAL OUTLAY PLAN ITEMS FUNDED FROM FREE CASH

ARTICLE 16: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to fund the items in the table below included in the FY 2024 Capital Outlay Plan, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$4,906,922.

	Project	Amount	Department	Uses
1	Beautify the villages of Harwich	50,000	Administration	
2	Engines/Other Fire Equipped Vehicles	350,000	Fire Department	
3	Equipment replacements	36,580	Fire Department	
4	Wixon Landing improvements	30,000	Harbormaster	
5	Technology reinvestment	387,000	Info. Tech.	
6	Equipment replacements	64,115	Police Department	
7	Police Cruisers	183,000	Police Department	
8	Technology replacement	20,000	Police Department	
9	Equipment replacements	75,000	Public Works	
10	Road maintenance/improvements	700,000	Public Works	
11	Vehicle replacements	515,000	Public Works	
12	100 Oak Street (Community Center)	145,500	Facilities Maintenance	
13	204 Sisson Road (old Middle School)	1,982,427	Facilities Maintenance	
14	273 Queen Anne Rd (Transfer Station)	157,300	Facilities Maintenance	
15	ADA compliance requirements	121,000	Facilities Maintenance	
16	739 Main Street (Brooks Free Library)	90,000	Facilities Maintenance	
TOTAL:		4,906,922		

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
 VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 4 (Four): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

Nays: 0 (Zero): none

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

CAPITAL OUTLAY PLAN ITEMS FUNDED FROM WATER RETAINED EARNINGS

ARTICLE 17: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to fund the items in the table below included in the FY 2024 Capital Outlay Plan, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$775,000.

Pavement management plan	175,000
New well construction	600,000
Total	775,000

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 4 (Four): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

Nays: 0 (Zero): none

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

CAPITAL OUTLAY PLAN ITEMS FUNDED FROM CHAPTER 90 FUNDS

ARTICLE 18: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to fund the roads maintenance plan in the FY 2024 Capital Outlay Plan, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$700,000.

Explanation: The town has traditionally funded road improvements in the amount of \$1,400,000 per year; relying upon a debt exclusion for \$700,000 and the balance coming from Chapter 90. As you saw under Article 16 on Line #10, the Town is seeking to fund the traditional amount with \$700,000 appropriated via free cash and the balance from this article; thereby foregoing a debt exclusion for road improvement projects.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-0, NO-0

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 4 (Four): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

Nays: 0 (Zero): none

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

WEST HARWICH ROUTE 28 SEWER MAIN INSTALLATION

ARTICLE 19: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the design, permitting, and construction of a dry sewer pipe along Route 28 including any and all other costs incidental and related thereto; provided that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote; and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$6,500,000.

Explanation: Funds approved under this article would be used to construct a dry sewer pipe for future use on Route 28 in West Harwich from the Dennis town line to the Herring River Bridge. The Massachusetts Department of Transportation (Mass DOT) is planning to repave this stretch of Route 28 in 2024. Once Mass DOT completes its paving project, a road cut moratorium will be placed on this stretch of Route 28 for 5 years.

PROPOSITION 2 ½ Debt Exclusion – There will be a companion Ballot Question on the Annual Town Election Warrant.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-0, NO-0

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 4 (Four): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

Nays: 0 (Zero): none

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:
Yeas: 0 (Zero):
Nays: 0 (Zero): None

WEST HARWICH ROUTE 28 WATER MAIN REPLACEMENT

ARTICLE 20: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to complete the design, permitting, and construction of the Route 28 water main replacement project including any and all other costs incidental and related thereto, and to act fully thereon.

By request of the Board of Selectmen and the Water and Wastewater Commission. Estimated cost: \$17,500,000.

Explanation: The existing water main along Route 28 was installed in the 1940's and is beyond its useful life. This section of water main has experienced several large water main breaks requiring large distribution system shut downs due to limited & aging gate valves.

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:
Yeas: 4 (Four): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine
Nays: 0 (Zero): none

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio
To accept and adopt:
Yeas: 0 (Zero):
Nays: 0 (Zero): None

EAST HARWICH WASTEWATER COLLECTION SYSTEM EXPANSION

ARTICLE 21: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to implement Phase 3 and portions of Phase 8 of the Town of Harwich Comprehensive Wastewater Management Plan (CWMP), approved by the Massachusetts Secretary of Energy and Environmental Affairs in a Massachusetts Environmental Policy Act Certificate dated May 13, 2016, consisting of the design, permitting, and construction of sewers in the Pleasant Bay Watershed, including any and all other costs incidental and related thereto; provided that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$50,000,000.

Explanation: The proposed wastewater collections system will satisfy the nitrogen removal requirements set forth in the Pleasant Bay Watershed Permit for the Round Cove and Pleasant Bay sub-watersheds.

PROPOSITION 2 ½ Debt Exclusion – There will be a companion Ballot Question on the Annual Town Election Warrant.

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 4 (Four): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

Nays: 0 (Zero): none

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

COMMUNITY PRESERVATION COMMITTEE ARTICLES

COMMUNITY PRESERVATION ACT – LAND BANK DEBT SERVICE

ARTICLE 22: To see if the Town will vote to appropriate from Community Preservation Act Funds - \$166,650.00 from the FY 2022 Undesignated Fund Balance to fund the payment of Land Bank Debt Service; and to act fully thereon. By request of the Community Preservation Committee. Estimated Cost: \$166,650.00.

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 4 (Four): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

Nays: 0 (Zero): none

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – HOUSEKEEPING EXPENSES

ARTICLE 23: To see if the Town will vote to hear the report of the Community Preservation Committee and to appropriate or set aside the following sums of money from FY 2024 Estimated Revenue of the Harwich Community Preservation Act Fund as required by G.L., Chapter 44B and Chapter 149, §298 of the Acts of 2004 as follows:

- Set aside the sum of \$198,700.00 for the Open Space Reserve;
- Set aside the sum of \$151,200 for the Community Housing Reserve;
- Appropriate from FY 2024 Estimated Annual Revenue the sum of \$50,000 for administrative expenses;

and to act fully thereon. By request of the Community Preservation Committee.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.

VOTE: YES-0, NO-0

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 4 (Four): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

Nays: 0 (Zero): none

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – HERRING RIVER LAND PRESERVATION PROJECT

ARTICLE 24: To see if the Town will vote to appropriate from Community Preservation Act Funds 125,000.00 from the Open Space Reserve to fund the Bells Neck Road-Herring River Land

Preservation Project; Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund – Open Space Reserve; and to act fully thereon. By request of the Community Preservation Committee. Estimated Cost: \$125,000.00.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.

VOTE: YES-0, NO-0

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 4 (Four): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

Nays: 0 (Zero): none

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – FUNDING HARWICH AFFORDABLE HOUSING TRUST FUND

ARTICLE 25: To see if the Town will vote to appropriate from Community Preservation Act Funds \$250,000.00 with \$210,000 from the Community Housing Reserve and \$40,000 from FY 2024 Estimated Annual Revenue to fund the Affordable Housing Trust; and to act fully thereon. By request of the Community Preservation Committee. Estimated Cost: \$250,000.00.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.

VOTE: YES-0, NO-0

ROLL CALL VOTES:

Board of Selectmen:

Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): none

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – LOWER CAPE HOUSING INSTITUTE

ARTICLE 26: To see if the Town will vote to appropriate from Community Preservation Act Funds - \$7,500.00 from FY 2024 Estimated Annual Revenue to fund the Lower Cape Housing

Institute; Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund – Community Housing Reserve; and to act fully thereon. By request of the Community Preservation Committee. Estimated Cost: \$7,500.00.

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 3 (Three): Michael MacAskill, Mary Anderson, Larry Ballantine

Nays: 0 (Zero): none

Abstention: 1 (One) Donald Howell

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – BROOKS ACADEMY RENOVATIONS

ARTICLE 27: To see if the Town will vote to appropriate from Community Preservation Act Funds - \$640,000.00 to fund the Exterior Preservation and Window Restoration at Brooks Academy Museum and an additional \$50,000.00 to fund combination storm windows in the event that the preservationists determine that combination storm windows are necessary to the preservation, said appropriations consisting of \$250,000.00 from the Historic Preservation Reserve, \$198,700.00 from FY 2024 Estimated Annual Revenue for Historic Preservation, and \$241,300.00 from FY Estimated Annual Revenue; Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund – Historic Preservation Reserve; and to act fully thereon. By request of the Community Preservation Committee. Estimated Cost: \$690,000.

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 4 (Four): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

Nays: 0 (Zero): none

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – WAR MEMORIALS PROJECT

ARTICLE 28: To see if the Town will vote to appropriate from Community Preservation Act Funds - \$256,282.40 from FY2024 Estimated Annual Revenue to fund the Revolutionary War and Civil War Memorial to be located at the Evergreen Cemetery; Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund – Undesignated Fund Balance; and to act fully thereon. By request of the Community Preservation Committee. Estimated Cost: \$256,282.40.

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 4 (Four): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

Nays: 0 (Zero): none

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – PRESERVATION OF 203 BANK STREET OLD
FIRE STATION

ARTICLE 29: To see if the Town will vote to appropriate from Community Preservation Act Funds - \$350,000.00 from FY2024 Estimated Annual Revenue to fund the 203 Bank Street Preservation of the Old Fire Station; and to authorize the Board of Selectmen to accept an historic preservation restriction on the property. Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund – Undesignated Fund Balance; and to act fully thereon. By request of the Community Preservation Committee. Estimated Cost: \$350,000.00.

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 4 (Four): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

Nays: 0 (Zero): none

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):
Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – OAK STREET BIKE PATH CROSSING LIGHTS

ARTICLE 30: To see if the Town will vote to appropriate from Community Preservation Act Funds - \$13,000.00 from FY2024 Estimated Annual Revenue to fund the Oak Street Bike Path Crossing Lights Project; Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund – Undesignated Fund Balance; and to act fully thereon. By request of the Community Preservation Committee. Estimated Cost: \$13,000.00.

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 4 (Four): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

Nays: 0 (Zero): none

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – SENIOR SOFTBALL FIELDS RESTROOMS

ARTICLE 31: To see if the Town will vote to appropriate from Community Preservation Act Funds - \$150,000.00 from FY2024 Estimated Annual Revenue to fund the Senior Softball Fields Restroom Project; Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund – Undesignated Fund Balance; and to act fully thereon. By request of the Community Preservation Committee. Estimated Cost: \$150,000.00.

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 4 (Four): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

Nays: 0 (Zero): none

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – RESURFACE COURTS AT BROOKS PARK

ARTICLE 32: To see if the Town will vote to appropriate from Community Preservation Act Funds - \$110,000.00 from 2024 Estimated Annual Revenue to fund the Brooks Park Tennis Court/Pickle Ball Resurfacing Project; Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund – Undesignated Fund Balance; and to act fully thereon. By request of the Community Preservation Committee. Estimated Cost: \$110,000.00.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.

VOTE: YES-0, NO-0

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 4 (Four): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

Nays: 0 (Zero): none

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – ADDITIONAL FUNDING: SAND POND
RESTROOM PROJECT

ARTICLE 33: To see if the Town will vote to appropriate from Community Preservation Act Funds - \$35,000.00 from FY 2024 Estimated Annual Revenue to fund the Sand Pond Restroom additional funding request; Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund – Undesignated Fund Balance; and to act fully thereon. By request of the Community Preservation Committee. Estimated Cost: \$35,000.00.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.

VOTE: YES-0, NO-0

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 4 (Four): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

Nays: 0 (Zero): none

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – SKINEQUIT POND REMEDIATION PROJECT

ARTICLE 34: To see if the Town will vote to appropriate from Community Preservation Act Funds - \$92,000.00 from FY2024 Estimated Annual Revenue to fund the Skinequit Pond Remediation Project; Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund – Undesignated Fund Balance; and to act fully thereon. By request of the Community Preservation Committee. Estimated Cost: \$92,000.00.

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 4 (Four): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

Nays: 0 (Zero): none

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

ACCEPT MGL, C.41, SECTION 110A

ARTICLE 35: To see if the Town will vote to accept the provisions of G.L., Chapter 41, §110A relative to office hours on Saturday; or take any other action relative thereto. By request of the Board of Selectmen and the Town Clerk.

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 4 (Four): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

Nays: 0 (Zero): none

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

Explanation: Recent statewide legislation, collectively referred to as the VOTES Act, made significant changes to election laws including voter registration deadlines. New registration

deadlines now fall almost exclusively on Saturdays. Acceptance of Massachusetts General Laws, Chapter 41, Section 110A would allow the Town Clerk's Office to remain closed on Saturdays, and to adjust the voter registration deadline to the preceding Friday at 5:00 PM, for local elections. It will not impact voter registration deadlines for state elections, state primaries, or presidential primaries. If the Clerk's Office ever anticipated large voter registration turnout, the Town Clerk could set the deadline for the Saturday date.

BYLAW AMENDMENTS

AMEND GENERAL BYLAWS, CHAPTER 300 – WATER

ARTICLE 36: To see if the Town will vote to amend the General Bylaws, Chapter 300 Water, by amending the schedule of fines as set forth below (Text to be added is in bold. Text to be deleted is shown as strikethrough):

“§ 300-1. Authority.

ARTICLE I

Water Supply Emergency

This bylaw is adopted pursuant to the police and home rule powers of the Town and also pursuant to the authority conferred by MGL c. 40, § 21.

§ 300-2. Purpose.

The purpose of this bylaw is to maintain the public health, safety and welfare by protecting the Town's water supply whenever there is in force a state of water supply emergency by providing for enforcement of any restrictions, requirements, provisions or conditions duly imposed by the Town of Harwich with the approval of the Department of Environmental Protection (DEP).

§ 300-3. Definitions.

For the purpose of this bylaw the following terms shall have the meanings indicated:

ENFORCEMENT AUTHORITY — The Town of Harwich's Board of Water Commissioners or its designee or other department or board having responsibility for the operation and maintenance of the water supply, the health agent, the Town police, and the Fire Chief or his authorized designee.

STATE OF WATER SUPPLY EMERGENCY — A state of water supply emergency declared on petition of the Town by the Department of Environmental Protection pursuant to MGL c. 21G, §§ 15 through 17 or MGL c. 111, § 160 or by the Governor.

§ 300-4. Requirements.

The following shall apply to all users of water supplied by the Town of Harwich: following notification by the Town of Harwich of the existence of a state of water supply emergency, no person shall violate any provision, condition, requirement or restriction included in a plan approved by the Department of Environmental Protection which has as its purpose the abatement of a water supply emergency. Notification of any provision, restriction, requirement, or condition with which users of water supplied by the Town of Harwich are required to comply to abate a situation of water emergency shall be sufficient for the purposes of this bylaw if it is published in a newspaper of general circulation within the Town of Harwich or by such other notice as is reasonably calculated to reach and inform all users of Town of Harwich water.

§ 300-5. Violations and penalties.

Any person or entity that violates this bylaw shall be liable to the Town of Harwich in the amount of ~~\$50~~ **\$100** for the first violation and ~~\$100~~ **\$300** for each subsequent violation. Fines shall be recovered by indictment or on complaint before the District Court or by noncriminal disposition in accordance with MGL c. 40, § 21D. Each separate instance of noncompliance following issuance of any warning or citation pursuant to this section or each day of a continuing violation shall constitute a separate offense.

§ 300-6. Right of entry.

Agents of the enforcement authority may enter by owner permission or by warrant only any property for the purpose of inspecting or investigating any violation of this bylaw or for the purpose of enforcing the same.

§ 300-7. Severability.

The invalidity of any portion or provisions of this bylaw shall not invalidate any other portion, provision or section hereof.

§ 300-8. Authority.

ARTICLE II

Water Use Restriction

This bylaw is adopted by the Town under its police powers to protect public health and welfare and its powers under MGL c. 40, § 21 et seq. and implements the Town's authority to regulate water use pursuant to MGL c. 41, § 69B. This bylaw also implements the Town's authority under MGL c. 40, § 41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

§ 300-9. Purpose.

The purpose of this bylaw is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a state of water supply conservation or state of water supply emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town or by the Department of Environmental Protection.

§ 300-10. Definitions.

For the purpose of this bylaw the following terms shall have the meanings indicated:

ENFORCING PERSON — The Board of Water Commissioners, the Board of Health and health agent, police officers of the Town and any other persons designated by the Board of Water Commissioners to enforce this bylaw.

PERSON — Any individual, corporation, trust, partnership or association, or other entity.

STATE OF WATER SUPPLY CONSERVATION — A state of water supply conservation declared by the Town pursuant to § 300-11 of this bylaw.

STATE OF WATER SUPPLY EMERGENCY — A state of water supply emergency declared by the Department of Environmental Protection under MGL c. 21G, §§ 15 to 17.

WATER USERS or WATER CONSUMERS — All public and private users of the Town's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular facility.

§ 300-11. Declaration of state of water supply conservation.

The Town, through its Board of Water Commissioners, may declare a state of water supply conservation upon a determination by a majority vote of the Board that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a state of water supply conservation shall be given under § 300-13 of this bylaw before it may be enforced.

§ 300-12. Restricted water uses.

A declaration of a state of water supply conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions, or requirements shall be included in the public notice required under § 300-13.

- A. Odd/even day outdoor watering. Outdoor watering by water users with odd- numbered addresses is restricted to odd-numbered days. Outdoor watering by water users with even-numbered addresses is restricted to even-numbered days.
- B. Outdoor watering ban. Outdoor watering is prohibited.
- C. Outdoor watering hours. Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a state of water supply conservation and public notice thereof.
- D. Filling swimming pools. Filling of swimming pools is prohibited.
- E. Automatic sprinkler use. The use of automatic sprinkler systems is prohibited.

§ 300-13. Notice.

Notification of any provision, restriction, requirement or condition imposed by the Town as part of a state of water supply conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform all users of water of the state of water supply conservation. Any restriction imposed under § 300-12 shall not be effective until such notification is provided. Notification of the state of water supply conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

§ 300-14. Termination of state of water supply conservation.

A state of water supply conservation may be terminated by a majority vote of the Board of Water Commissioners upon a determination that the water supply shortage no longer exists. Public notification of the termination of a state of water supply conservation shall be given in the same manner required by § 300-13.

§ 300-15. Water supply emergencies.

Upon notification to the public that a declaration of a state of water supply emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, or condition of any order approved or issued by the Department intended to bring about an end to the state of emergency.

§ 300-16. Violations and penalties.

Any person violating this bylaw shall be liable to the Town in the amount of ~~\$50~~ **\$100** for the first violation and ~~\$100~~ **\$300** for each subsequent violation, which shall inure to the Town. Fines shall be

recovered by indictment, or on complaint before the District Court, or by noncriminal disposition in accordance with MGL c. 40, § 21D. Each day of violation shall constitute a separate offense.

§ 300-17. Severability.

The invalidity of any portion or provision of this bylaw shall not invalidate any other portion or provision thereof;"

Or to take any other action relative thereto. By request of the Board of Water/Wastewater Commission.

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

AMEND ZONING BYLAW – CHAPTER 325, ARTICLE V USE REGULATIONS

ARTICLE 37: To see if the Town will vote to amend the Code of the Town Of Harwich §325 Article V Section 14. T Supplemental regulations, as shown below. Deleted words are crossed out, proposed new words are **Bold and underlined**.

T. Single-Family Dwelling with Accessory Apartment.

1. **Purpose** - The intent of permitting accessory apartments is to:

(a) Increase the number of small dwelling units available for rent in Town;

(b) Increase the range of choices of housing accommodations;

(c) Encourage greater diversity of **the demographic** population with particular attention to young adults and senior citizens; and

(d) Encourage a more economic and energy-efficient use of the Town's housing supply while maintaining the appearance and character of the Town's single-family neighborhoods.

2. Definitions.

1. **Dwelling, Single-Family with Accessory Apartment - A single-family dwelling as a principal use, along with a dwelling unit serving as a separate accessory apartment that is,**

either located within the principal dwelling, attached to it or in a detached residential accessory building on the same lot. The accessory apartment shall be a self-contained dwelling unit containing a kitchen, bedroom(s) and bathroom facilities. Accessory dwellings shall have their own separate access from the principal dwelling unit. The accessory apartment shall be an accessory use related to the principal single family dwelling use.

2. **Owner** - One or more individuals holding title to the property.
3. **Criteria** - An **accessory apartment** is allowable within a single-family dwelling, either attached or detached, provided that the following criteria have been satisfied:
 - (a) Only one **accessory apartment** is permitted for each principal dwelling unit.
 - (b) The accessory apartment may not be held in separate ownership from the principal use.
 - (c) Only one of the principal dwelling or accessory apartment may be rented at any given time and if rented, shall be rented for a term of no less than six consecutive months. **Prior to the issuance of a Building Permit, the Owner shall submit a notarized affidavit that states that the owner is or will be in residence in one of the units.**
 - (d) The accessory apartment shall not exceed **1,000** square feet **of gross floor area**.
 - (e) The accessory apartment shall have not more than two bedrooms.
 - (f) At least one off-street parking space shall be provided for the accessory apartment.
 - (h) The accessory apartment shall be designed so that, to the degree reasonably feasible, the appearance of the property remains that of a single-family property with matching materials, colors, window styles and roof design for one structure, if the apartment is attached, or for both structures, if the apartment is detached.
 - (i) The principal dwelling unit and accessory apartment shall meet all **Board of Health** wastewater treatment requirements for the combined number of bedrooms. **If the municipal sewer main has been installed in proximity to the property, the owner must connect the principal dwelling and accessory apartment to the sewer, if available, prior to use of the accessory apartment.**
 - (j) The proposed use shall not exceed the building or site coverage **in the applicable Zoning District**.
 - (k) If an addition **to the principal dwelling** is to be **constructed** for the **accessory apartment**, the addition shall **comply all with** setback **requirements in the applicable Zoning District**.
 - (l) **Only one of the principal dwelling or Accessory Apartment may be rented at any given time. The Owner of a property with an Accessory Apartment must reside in either the principal dwelling unit or the Accessory Apartment.**

- (m) **The Zoning Board of Appeals may grant a Special Permit for preexisting nonconforming principal dwellings and residential accessory buildings that do not comply with the setback or lot coverage requirements in the applicable Zoning District.**

Upon receipt of a complete Building Permit application for a change or expansion of use for construction of the accessory apartment, the Building Commissioner shall determine compliance with the Criteria listed above.

4. **If the Building Commissioner makes a determination that the owner is not in compliance with the Criteria listed above, including Criteria (3) c. above, after the issuance of a Certificate of Occupancy, the Owner may be subject to fines for the Zoning violation. In addition to being fined, the approval of the accessory apartment may be revoked, if the Owner does not correct a Zoning violation within 30 days. If the approval of the accessory apartment is revoked by the Building Commissioner, the owner will be required to remove the improvements that were constructed to create the accessory apartment within 90 days of said determination. The owner shall comply with all requirements of the State Building Code in restoring the principal dwelling or detached structure to its condition prior to the construction of the accessory apartment.**

Or to take any other action relative thereto. By request of the Planning Board.

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

AMEND ZONING BYLAW – CHAPTER 325, ARTICLE XVII FLOODPLAIN REGULATIONS

ARTICLE 38: To amend the Code of the Town Of Harwich Article XVII §325 –Floodplain Regulations by deleting the entire existing section and replacing it with the following new Floodplain Regulations.

Article XVII
Floodplain Regulations

§ 325-104 Purpose

The purpose of the Floodplain Overlay District is to:

- 1. Promote flood resiliency through planning and design;**
- 2. Reduce the creation of new public safety hazards caused by new construction and redevelopment in flood zones;**
- 3. Reducing the occurrence of public emergencies resulting from adversely impacting water quality, contamination, and pollution due to flooding;**
- 4. Reducing the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;**
- 5. Reducing costs and safety risks associated with the response and cleanup of flooding conditions;**
- 6. Reducing damage to public and private property resulting from flooding waters.**

§ 325-105 Establishment Of Floodplain Districts

The Floodplain District is herein established as an overlay district superimposed over the underlying Zoning Districts. The district includes all Special Flood Hazard Areas within the Town of Harwich designated as Zones A, AE, AH, AO, A99, V, or VE on the Barnstable County Flood Insurance Rate Map (FIRM) dated July 16, 2014 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the Districts shall be defined by the 1% chance base flood elevations shown on the FIRM and further defined by the Barnstable County Flood Insurance Study (FIS) report dated July 16, 2014. All flood zones referenced within this Floodplain Overlay District Bylaw shall mean the flood zones designated on the FIRM dated July 16, 2014. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Department and Conservation Commission.

§ 325-106 Abrogation

The floodplain management provisions found in this Floodplain Overlay District Bylaw shall take precedence over and shall supersede any less restrictive, conflicting sections of the Zoning Bylaws, Code of the Town of Harwich or regulations in the Town of Harwich.

§ 325-107 Relation to Other Districts.

The Floodplain Overlay District is superimposed over the other Zoning Districts shown on the Official Zoning Map. All buildings, structures, uses or land included within the Floodplain Overlay District shall be subject to all the restrictions and regulations of the underlining Zoning District in addition to those set forth in this article.

§ 325-108 Designation of Floodplain Administrator

The Town of Harwich hereby designates the Building Commissioner to be the official Floodplain Administrator for the Town.

§ 325-109 Degree Of Protection

The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

§ 325-110 Severability

The degree of flood protection required by this Floodplain Overlay District Bylaw is based on reasonable scientific and engineering considerations but does not imply total flood protection. This Bylaw shall not create liability on the part of the Town of Harwich or any officer or employee

thereof for any flood damage that may result from reliance on the provisions hereof, or from any administrative decision made hereunder.

§ 325-111 Requirement To Submit New Technical Data

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to: FEMA Region I Risk Analysis Branch Chief, 99 High St., 6th floor, Boston, MA 02110 and a copy of notification to: Massachusetts NFIP State Coordinator, MA Dept. of Conservation & Recreation, 251 Causeway Street, Boston, MA 02114.

§ 325-112 Unnumbered A Zones

In A Zones, in the absence of FEMA Base Flood Elevation (BFE) and/or floodway data, the Town of Harwich Building Department shall reasonably obtain, review and utilize base flood elevation and floodway data available from a Federal, State, or other source for determining whether residential and nonresidential structures must be elevated to or above base flood level, whether floodproofing is required or whether encroachments in floodways should be prohibited.

§ 325-113 Floodway Encroachments

In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

In Zone AE, along watercourses that have a regulatory floodway designated on the Town's FIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

§ 325-114 Watercourse Alterations or Relocations in Riverine Areas

In a riverine situation, the Floodplain Administrator shall notify the following entities of any alteration or relocation of a watercourse:

- Adjacent Communities, especially upstream and downstream;
- NFIP State Coordinator: Massachusetts Department of Conservation and Recreation, 251 Causeway Street, 8th floor, Boston, MA 02114.
- NFIP Program Specialist - Federal Emergency Management Agency, Region I, 99 High Street, 6th Floor, Boston, MA 02110.

§ 325-115 Drainage Requirements in AO and AH Zones

Before any activity that constitutes Development, New Construction, Substantial Improvement, Site Alterations or Subdivision (as those terms are defined herein) is commenced within Zones AO and AH on the FIRM, the Floodplain Administrator shall confirm that the work includes adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

§ 325-116 Recreational Vehicles

In A, AH, AE, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

§ 325-117 Permit Requirements

The Town of Harwich requires a permit for all proposed construction or other development in the Floodplain Overlay District, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or filling, grading, drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

§ 325-118 Variances From The State Building Code Floodplain Provisions

Variances to the flood-resistant standards as found in the MA State Building Code may only be issued by the MA State Building Code Appeals Board.

Upon learning that an applicant intends to file for a variance from the State Building Code Appeals Board, the Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks

to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the Floodplain Overlay District.

The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

§ 325-119 Variances From This Local Floodplain Overlay District Bylaw

A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted by the Board of Appeals if they make the following findings: (1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

§ 325-120 Enforcement

Violations of any section or provision of this Bylaw may be enforced by the institution of enforcement actions, either criminal or civil, either legal or equitable or both, or by fines of not more than three hundred (300) dollars for each offense. Each day that such offense continues shall constitute a separate offense.

§ 325-121 Subdivision Within Floodplain Overlay Districts

All preliminary and definitive subdivision applications filed with the Town of Harwich Planning Board for land located within the Floodplain Overlay District shall be reviewed by the Planning Board as part of its review under the Subdivision Control Law and the Harwich Subdivision Regulations to assure that:

- (a) Such proposals minimize flood damage;
- (b) Public utilities and facilities are located and constructed so as to minimize flood damage; and
- (c) Adequate drainage is provided.

§ 325-122 Base Flood Elevation Data for Subdivision Proposals

When proposing subdivisions greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the proposed subdivision plans.

§ 325-123 Use Regulations.

A. Existing Regulations

1. All development in the floodplain, including structural and nonstructural activities, whether permitted by right or by Special Permit, must be in compliance with the following:

- (a) Section of the State Building Code which addresses floodplain and coastal high-hazard areas (currently 780 CMR).
- (b) Wetland Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00).
- (c) Inland Wetlands Restriction, DEP (currently 310 CMR 13.00)
- (d) Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00).
- (e) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).
- (f) Minimum Requirements for the Subsurface Disposal of Sewage Regulations, Town of Harwich.
- (g) Harwich Wetlands Protective Bylaw.

2. Any variance from the provisions and requirements of the above-referenced state or local regulations may only be granted in accordance with the required variance procedures of these state or local regulations.

B. Other Use Regulations

- 1. Within Zones AH and AO on the FIRM, adequate drainage paths are required around structures on slopes, to guide floodwaters around and away from proposed structures.
- 2. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available federal, state, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

3. Located within the floodplain are areas designated as coastal high-hazard areas (Zone VE). Since these areas are extremely hazardous due to high-velocity waters from tidal surges and hurricane wave wash, the following provision shall apply: all new construction shall be located landward of the reach of mean high tide. Existing contour intervals of site and elevations of existing structures must be included on any plan proposal.

§ 325-124 Permitted Uses

The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged, provided that they are permitted in the underlying district and they do not require structures, fill, or storage of material or equipment:

- A. Agricultural uses, such as farming, grazing, horticulture, etc.
- B. Forestry and nursery uses.
- C. Outdoor recreational uses, including fishing, boating, play areas, etc.
- D. Conservation of water, plants, and wildlife.
- E. Wildlife management areas and foot, bicycle and/or horse paths.
- F. Temporary nonresidential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
- G. Buildings lawfully existing prior to September 30, 1980.

§ 325-125 Special Provisions For Lifting Existing Structures To New and Appropriate Elevations

- A. Notwithstanding the provisions of any other provision of the Harwich Zoning Bylaw to the contrary, except as otherwise provided pursuant to Subsection C of this section, a person shall be allowed to lift an existing structure located in an area of special flood hazard to a new and appropriate elevation, or constructing a staircase or other attendant structure necessitated by such raising without the need for Board of Appeals relief; provided, however, that this exemption shall apply only to the minimum extent or degree necessary to allow the structure to meet the new and appropriate elevation with adequate means of ingress, egress and accommodation of typical basement facilities.
- B. Appurtenant to lifting an existing structure, the existing structure may be relocated elsewhere on the lot as long as said relocation does not create a new, or increase the intensity of a setback nonconformity.
- C. The exemption established pursuant to Subsection A of this section shall not be available to a person who has altered or is seeking to alter the original dimensions of a structure if, had the alteration not been made, the structure could have been raised to meet the new and appropriate elevation either without the exemption or with an exemption of lesser degree than is needed with the alteration.

§ 325-126 Definitions

The definitions contained herein pertain only to this article of the bylaw.

AREA OF SPECIAL FLOOD HAZARD

The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE, or V.

ATTENDANT STRUCTURE

Means an area to accommodate utilities, laundry facilities or mechanicals which are otherwise typically located within a basement area. [Added 5-6-2019 ATM by Art. 26]

BASE FLOOD

The flood having a one-percent chance of being equaled or exceeded in any given year.

COASTAL HIGH-HAZARD AREA

The area subject to high-velocity waters, including but not limited to hurricane wave wash. The area is designated on a FIRM as Zone V1-30, VE, VO or V.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

DISTRICT

Floodplain District.

EXISTING STRUCTURE

Any commercial or municipal structure or residential dwelling that currently exists, or existed prior to the catastrophic event, at the time a request is made to elevate

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

Administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD INSURANCE RATE MAP (FIRM)

An official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY

An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of flood-related erosion hazards.

FLOODWAY

The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE

A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST APPLICABLE FLOOD ELEVATION STANDARD

Means the 1% FEMA base flood elevation plus up to an additional three feet.

HIGHEST ADJACENT GRADE

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE

Any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior or
 2. Directly by the Secretary of the Interior in states without approved programs.
- [US Code of Federal Regulations, Title 44, Part 59]

LOWEST FLOOR

The lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of state and local regulations.

NATIONAL FLOOD INSURANCE PROGRAM (NFIP)

A program administered by the Federal Emergency Management Agency (FEMA)

NEW AND APPROPRIATE ELEVATION

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

NEW CONSTRUCTION

Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement. [Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE

A vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - See FLOODWAY

SPECIAL FLOOD HAZARD AREA

The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A99, AR, AO, AH, V, VO, or VE. [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION

The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE

A structure, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed.

SUBSTANTIAL REPAIR OF A FOUNDATION

When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended

by MA in 9th Edition BC]

TYPES OF FLOOD ZONE DESIGNATIONS

1. ZONE A - An area of special flood hazard without water surface elevations determined.
2. ZONE AE - Area of special flood hazard with water surface elevations determined.
3. ZONE AH - Areas of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) feet, and with water surface elevations determined.
4. ZONE AO - Area of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) ft. (Velocity flow may be evident; such flooding is characterized by ponding or sheet flow.)
5. ZONE A99 - Area of special flood hazard where enough progress has been made on a protective system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. (Flood elevations may not be determined.)
6. ZONE X - Areas of minimal or moderate flood hazards or areas of future-conditions flood hazard.
7. ZONE V - Area of special flood hazards without water surface elevations determined, and with velocity, that is inundated by tidal floods (coastal high hazard area)
8. ZONE VE - An area of special flood hazards, with water surface elevations determined and with velocity, that is inundated by tidal floods (coastal high hazard area)

VARIANCE

A grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION

The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

Or to take any other action relative thereto. By request of the Planning Board.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.

VOTE: YES-0, NO-0

ROLL CALL VOTES:

Board of Selectmen:

Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

AMEND ZONING BYLAW – CHAPTER 325, ARTICLE XXII LARGE SCALE GROUND-MOUNTED PHOTOVOLTAIC ARRAYS

ARTICLE 39: To see if the Town will vote to amend the Code of the Town of Harwich by inserting the following new section following Article XXII Large Scale Ground-Mounted Photovoltaic Arrays. The proposed new sections are 325-149.1 – 325-149.10.

§ 325 -149.1 **Accessory Photovoltaic Installations In Commercial Districts**

- A. Purpose and Intent - The purpose of this bylaw is to provide standards for the placement, design, construction, operation, monitoring, modification and removal of accessory photovoltaic equipment installed as ground mounted, rooftop mounted or canopies constructed over commercial parking lots in all commercial Zoning Districts. These regulations are intended to address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations. The provisions set forth in this section shall apply to the construction, operation, and/or repair of solar photovoltaic installations within all commercial Zoning Districts.

§ 325 -149.2 **Applicability**

This section applies to photovoltaic installations that require a Special Permit / Site Plan review listed in section 325 Attachment 1 Table 1 Use Regulations. Special Permit / Site Plan applications shall be subject to approval by the Planning Board acting as the Special Permit granting authority (SPGA).

§ 325 -149.3 **General Requirements**

- A. The following requirements shall apply to solar photovoltaic installations.
1. Compliance with all other laws and regulations - The construction and operation of all solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical and communications requirements. All buildings and fixtures forming part of a photovoltaic installation shall be constructed in accordance with the State Building Code.
 2. Building Permit and building inspection - No solar photovoltaic installation shall be constructed, installed or modified as provided in this section without obtaining a Building Permit.
 3. All plans of the solar photovoltaic installation shall be stamped by a Registered Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;
 4. The detail sheets of the Site Plan shall show one or three-line electrical diagrams detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices.
 5. The Site Plan shall include documentation of the major system components to be used, including the PV panels, mounting system, and inverter.
 6. The applicant shall submit an operation and maintenance plan which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.
 7. Information on noise (inverter) and reflectivity/glare of the solar panels shall be provided and potential impacts to abutters shall be mitigated.

8. The project engineer shall certify that the photovoltaic facility complies with all applicable Federal and State standards.
9. The Special Permit application shall include a written report prepared and signed and stamped by an Electrical Engineer, explaining how the photovoltaic facility will be connected to the power grid. The report should provide the technical, economic and other reasons for the proposed location and design.
10. The Site Plan shall clearly show all of the proposed changes to the site, existing and proposed contours a two foot counter intervals, grading, vegetation clearing, landscape plantings, security measures, exterior lighting, screening and structures.
11. The name, address, and contact information for the proposed system installer shall be provided.
12. Proof of liability insurance shall be provided.
13. Upon submission of the Special Permit / Site Plan application, the Planning Board will be authorized to hire technical review consultants, as needed, to advise them on technical issues related to the proposed installation, pursuant to Massachusetts General Laws, Chapter 14, Section 53G. The applicant will be required to pay the estimated cost of the consultant's fees at the time of submitting the Special Permit application.
14. The applicant shall submit an Operations and Maintenance plan for the photovoltaic installation, which shall include: maintaining safe access to the installation, stormwater management, emergency shutoff and general procedures for operational maintenance of the installation.
15. The Special Permit application shall include a letter of intent submitted to the utility company that operates the electrical grid where the installation is to be located. The letter must inform them about the proposed solar photovoltaic installation and the owner's intent to install and connect a customer-owned photovoltaic facility. Off-grid systems shall be exempt from this requirement.
16. Safety and Emergency Response
The applicant shall provide a copy of the project summary, electrical schematic and Site Plan to the Fire Chief for review and approval. The applicant shall cooperate with Fire Department in developing an emergency response plan. The location of the emergency shut off for the photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
17. Hazardous Materials
Photovoltaic panels shall not contain hazardous materials. Manufacturer specification sheets for the photovoltaic facility shall be submitted. The project engineer shall provide a letter that states that there are no hazardous material in the proposed installation.
18. Setbacks
All photovoltaic facilities shall meet the minimum setback for the applicable Zoning District as provided in Table 2 Area Regulations. All of the equipment for photovoltaic facilities, must meet the front, side and rear setbacks in the applicable Zoning District. Equipment such as transformers and /or inverters shall be enclosed within in a sound barrier.
19. Screening & Buffers
All appurtenant structures, including but not limited to equipment shelters, storage facilities, transformers, and substations shall be screened from view with a solid 6' high fence, architecturally compatible materials or a densely planted evergreen landscaped buffer, that will to the greatest extent possible, screen the facility from view.
20. Decommissioning
The owner, operator, or his successors in interest shall remove all photovoltaic installation that have reached the end of its useful life or is no longer operating. The owner or operator shall

physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal.

21. Lighting

Lighting of photovoltaic installations shall comply with § 325-133. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes and shall be reasonably shielded from abutting properties. Where feasible, lighting of the photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

22. Signage

Signs on photovoltaic installation shall comply with the sign code § 325-26, 27, 28, 29, 30 and 31. A sign shall be provided that identifies the owner and provides a twenty-four-hour emergency contact phone number. Photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the photovoltaic installation.

23. Utility Connections

All utility connections from the photovoltaic installation shall be located underground. In the event that site constraints make it cost prohibitive due to soil conditions and/or topography of the site, or any requirements of the utility provider, the Board may waive this requirement. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

§ 325 -149.4 Monitoring & Maintenance

The facility's owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Fire Chief.

§ 325 -149.5 Modifications

All material modifications to a photovoltaic installation made after issuance of the building permit shall require approval of the Board.

§ 325 -149.6 Abandonment or Decommissioning

Any photovoltaic installation which has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

1. Removal Physical removal of all photovoltaic installations, structures, equipment, security barriers and transmission lines from the site and disposal in accordance with local, state, and federal waste disposal regulations.
2. Restoration - Restoration or re-vegetation of the site as necessary to minimize erosion. The Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

§ 325 -149.7 Financial Surety

Applicants shall provide a form of surety, either through escrow account, bond or other method approved by the Planning Board, to cover the cost of removing the entire photovoltaic installation in the event the Town has to intervene by removing the photovoltaic installation and remediating the property. The applicant shall submit a surety bond in an amount and form determined to be reasonable by the Planning Board, but in no event to exceed more than 125% of the estimated cost of removal. Such surety will not be required for municipal or state owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal and prepared by a professional engineer licensed to practice in the Commonwealth of Massachusetts. The amount shall include a mechanism for calculating increased removal costs due to inflation.

§ 325 -149.8 Standards for Review and Approval

The Planning Board shall consider, in addition to the requirements above, the following specific criteria:

1. The Planning Board shall make written findings that each of the review standards set forth above has been met, that the location of the photovoltaic facility is suitable and that the size and design are appropriate for the neighborhood.

2. The Planning Board shall also impose, in addition to any applicable conditions specified in this section, such conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purposes of this section, including, but not limited to: screening, lighting, fences, modification of the exterior appearance of the structures, limitation upon size, method of access or traffic features, parking, removal upon cessation of use or other requirements. Such conditions shall be imposed in writing and the applicant may be required to post bond or other surety for compliance with said conditions in an amount satisfactory to the Planning Board.

§ 325 -149.9 **Commercial Rooftop Photovoltaic Installations**

Rooftop Solar Installations are allowed By-Right in all commercial Zoning Districts. Solar panels shall not extend over the edge of the roof and shall not extend above the roofline higher than ten feet.

§ 325 -149.10 **Residential Photovoltaic Installations**

1. **Rooftop Solar Installations**

Rooftop Solar Installations are allowed By-Right in all residential Zoning Districts. Solar panels shall not extend over the edge of the roof and shall not extend above the ridge line of the roof.

2. **Ground Mounted Solar Installations**

Ground Mounted Solar Installations are allowed By-Right contingent upon the following requirements:

Setbacks – Ground mounted solar panels must comply with all of the setback requirements in the applicable Zoning District.

Height – Ground mounted solar panels shall not exceed 15 feet in height.

Screening – Ground mounted solar panels shall be screened from view from any public or private way. The solar installation shall be screened with a minimum of six foot high solid fence or densely planted evergreen buffer.

Location – Ground mounted solar panels shall be mounted in the rear yard behind the rear building line.

Or to take any other action relative thereto. By request of the Planning Board.

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

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

ARTICLE 40: To see if the Town will vote to approve an amendment to the “Agreement between the Towns of Chatham and Harwich with Respect to the Formation of a Regional School District”, as voted by the Monomoy Regional School District Committee on _____; a copy of which is available at the Town Clerk’s Office of each respective town, and to act fully thereon. By Request of the Board of Selectmen and Monomoy Regional School District. (APPENDIX D)

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

AMEND CEMETERY REGULATIONS

ARTICLE 41: To see if the Town will vote, pursuant to General Laws Chapter 114, Section 23, to approve the Cemetery Regulations, as adopted by the Cemetery Commissioners at a meeting held on February 16, 2023, a copy of which shall be on file with the Town Clerk once they are adopted by the Cemetery Commission; and to act fully thereon. By request of the Cemetery Commission

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 4 (Four): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

Nays: 0 (Zero): none

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

ACQUISITION OF EASEMENT AT 129 ROUTE 28 FOR ROUTE 28 WATER MAIN PROJECT

ARTICLE 42: To see if the Town will vote to authorize the Board of Selectmen to acquire, by gift, purchase and/or eminent domain, an easement for public utility purposes, including, without limitation, the construction, installation, operation, maintenance, repair and replacement of utilities and other related rights, appurtenances and facilities, including, but not limited to, the right to undertake directional drilling to support the Route 28 Water Main Replacement Project, and for any and all purposes incidental or related thereto, in, on, under and near a certain parcel of land located at 129 Route 28 (Assessor’s Parcel ID 11-P1-0); and, further, to raise and appropriate, transfer from available funds, or borrow, a sum of money to fund any land acquisition costs and all other expenses incidental thereto; and to act fully thereon. By request of the Board of Water/Wastewater Commissioners. Estimated Cost: \$10,000.00.

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

AUTHORIZE SELECTMEN TO CONVEY PARCEL OF LAND AT 276 QUEEN ANNE ROAD

ARTICLE 43: To see if the Town will vote to authorize the Board of Selectmen to convey a parcel of land containing 2.25 acres, more or less, and all improvements thereon, if any, located at 276 Queen Anne Road, identified as Assessor's Parcel ID 69-M1-0, on such terms and conditions as the Board of Selectmen shall determine; and to authorize the Board of Selectmen to enter into all agreements and take any and all actions as may be necessary or convenient to accomplish the foregoing purposes; and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$10,000.

Explanation: This article is the last step necessary for the Board of Selectmen to offer this parcel for sale through the RFP (Request for Proposal) process. The estimated cost is related to any costs related to the procurement process required of RFPs and is funded from free cash.

ACQUISITION OF FOREST STREET PROPERTY

ARTICLE 44: To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain, or otherwise, that property described in a deed to Samuel D. Constan, dated June 15, 2005, recorded with the Barnstable County Registry of Deeds in Book 20143, Page 148, including four (4) parcels of land located off Forest Street, identified as Parcel ID 31-P10-0 (0 Forest Street), containing 0.840 acres, more or less; Parcel ID Parcel ID 31-C9-0 (0 Forest Street), containing 1.910 acres, more or less; Parcel ID 31-C1-A-0 (0 Parallel Street), containing 0.140 acres, more or less; and Parcel ID 31-C6-0 (0 Forest Street), containing 17,860 S.F., more or less; and further to authorize the Board of Selectmen to enter into all agreements and take any and all actions as may be necessary or convenient in furtherance of this article; and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$5,000.

Explanation: The current owners of the parcels referenced in the article are interested in gifting them to the Town. The cost referenced is to account for any unforeseen costs related to this taking and is funded from free cash.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.

VOTE: YES-0, NO-0

ROLL CALL VOTES:

Board of Selectmen:

Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

AUTHORIZATION PAYMENT IN LIEU OF TAXES (PILOT) AGREEMENTS

ARTICLE 45: To see if the Town will vote to designate the Board of Selectmen, the Board of Assessors, and the Town Administrator, collectively, as the “authorized officer” to negotiate and enter into Payment in Lieu of Tax Agreements for solar or wind powered energy systems and co-located energy storage systems pursuant to M.G.L. c.59, § 5, Clause 45th, and to take any other action relative thereto. By request of the Board of Assessors and the Board of Selectmen.

Explanation: The Town has received an inquiry from a photovoltaic solar array vendor who has been granted permission by the Commonwealth of Massachusetts through the Department of Transportation (DOT) to install solar canopies at the property known as the “Park & Ride” in Pleasant Lake village (292 Pleasant Lake Avenue). While the Town is not a party to this installation, the vendor has requested to enter into a “Payment In Lieu of Taxes” or PILOT agreement. If the Board of Selectmen were to enter into such an agreement (that matter is still pending as of this writing), adoption of this article is necessary.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.

VOTE: YES-0, NO-0

ROLL CALL VOTES:

Board of Selectmen:

Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

ANNUAL DEPARTMENTAL REVOLVING FUNDS AUTHORIZATION

ARTICLE 46: To see if the Town will vote to set spending limits for various revolving funds that have been authorized pursuant to Section 8.2 of the Town Code; and to act fully thereon. By request of the Town Administrator.

<u>Revolving Fund</u>	<u>FY 2024 Spending Limit</u>	<u>Disposition of FY22 Fund balance</u>
<i>Golf Pro Shop and Restaurant Lease Revenue</i>	<i>\$250,000</i>	<i>Available for expenditure</i>
<i>Golf Infrastructure fund</i>	<i>\$140,000</i>	<i>Available for expenditure</i>
<i>Council on Aging</i>	<i>\$125,000</i>	<i>Available for expenditure</i>
<i>Cemetery</i>	<i>\$100,000</i>	<i>Available for expenditure</i>
<i>Community Center</i>	<i>\$100,000</i>	<i>Available for expenditure</i>
<i>Recreation</i>	<i>\$175,000</i>	<i>Available for expenditure</i>
<i>Albro House</i>	<i>\$10,000</i>	<i>Available for expenditure</i>
<i>Wetlands</i>	<i>\$6,000</i>	<i>Available for expenditure</i>
<i>204 Sisson Road Municipal Building</i>	<i>\$300,000</i>	<i>Available for expenditure</i>
<i>Sidewalks</i>	<i>\$50,000</i>	<i>Available for expenditure</i>
<i>Tax Title Collection</i>	<i>\$36,000</i>	<i>Available for expenditure</i>

Explanation: This is a standard article required under the General Bylaws Chapter 8, Section 8-2. The only change requested spending limit is to increase the limit for the 204 Sisson Road Municipal Building Revolving Fund from \$225,000 to \$300,000.

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 3 (Three): Michael MacAskill, Mary Anderson, Larry Ballantine

Nays: 1 (One): Donald Howell

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

SUPPLEMENTAL FUNDING FOR BROOKS ACADEMY RENOVATIONS

ARTICLE 47: To see if the Town will vote to transfer from the Sale of Land Sinking Fund a sum of money to complete the renovations to Books Academy and all costs incidental and related thereto; and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$475,000.

Explanation: The current foundation project has led to several “concealed conditions” that need to be corrected. Additionally, the Town’s Facilities Manager has been provided updated information for a more efficient boiler system to be installed after the foundation project has been completed. The funds available for these costs are from the Sale of Land Sinking Fund and were specifically generated from the sales of 5 Bells Neck and 203 Bank Street. The law requires said funds to be used on any outstanding debts on those buildings. Given that there are no debts, the funds can be used in the manner requested above.

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

SUPPLEMENTAL APPROPRIATION FOR JUDAH ELDREDGE PROPERTY

ARTICLE 48: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to supplement the amount previously appropriated under Article 55 of the 2018 Annual Town Meeting for the purpose of acquiring the Judah Eldredge property located on Seth Whitefield Road; or to take any other action relative thereto. By request of the Board of Selectmen. Estimated cost: \$400,000.

Explanation: This article seeks to provide additional funding to complete the proposed taking as originally outlined in under Article 55 of the 2018 Annual Town Meeting. The town is presently seeking an appraisal; however we do not expect the appraised value to be greater than the assessed value. The article will bring the total of available funds to \$750,000. This article is to be funded from free cash.

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

TRANSFER FREE CASH TO THE STABILIZATION FUNDS

ARTICLE 49: To see if the Town will vote to transfer from free cash a sum of money to the General Stabilization Fund, a sum of money to the Affordable Housing Special Purpose Stabilization Fund, and a sum of money to the Wastewater Special Purpose Stabilization Fund; or to take any other action relative thereto. Requested by the Board of Selectmen. Estimated cost \$1,200,000.00.

Explanation: The town has \$7,090,842 available in free cash (separate from the \$63,841 in free cash dedicated to opioid funds). If this article, the previous articles and the upcoming articles relying on free cash are adopted, the town will have approximately \$200,000; which, if unspent, will eventually be factored into next year's free cash calculations.

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

FUND PRIOR YEAR'S UNPAID BILLS

ARTICLE 50: To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to pay unpaid bills of prior years as provided for in M.G.L. Ch.

44, Section 64, and to act fully thereon. By request of the Town Administrator. Estimated cost: \$10,696.

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

DEFRAY THE EXPENSES OF THE CHASE LIBRARY AND HARWICH PORT LIBRARY

ARTICLE 51: To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$20,000 to help defray the expenses of the Chase Library and the Harwich Port Library; said funds to be expended under the direction of the Chase Library and Harwich Port Library Trustees; and to act fully thereon. By request of the Town Administrator. Estimated Cost: \$20,000

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 4 (Four): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

Nays: 0 (Zero): none

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

PROMOTE THE TOWN OF HARWICH

ARTICLE 52: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money for the Harwich Chamber of Commerce to promote the Town and

its businesses and cultural endeavors to advance economic development initiatives for and with the Town of Harwich. Said monies to be used to manage and fulfill year-round visitor/resident/business information services, to promote and market the Town, to generate and initiate materials and activities that encourage the establishment, growth and sustainability of businesses in Harwich, and to implement economic development objectives and activities in partnership with the Town; and to act fully thereon. By request of the Town Administrator. Estimated cost: \$50,000.00

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 4 (Four): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

Nays: 0 (Zero): none

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

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

ARTICLE 53: To see if the Town will vote to raise and appropriate and/or transfer from available a sufficient sum of money to supplement the Massachusetts Cultural Council annual allocation for community grant awards to artist, performers, and interpretive scientist who bring events and programs to local venues which enhance the cultural experience of Harwich citizens of all ages, and to act fully thereon. By request of the Town Administrator. Estimated Cost: \$4,000.00

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 4 (Four): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

Nays: 0 (Zero): none

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

REAFFIRM AND EXTEND M.G.L., CHAPTER 59, §5, CLAUSE 56

ARTICLE 54: To see if the Town will vote to reaffirm and extend MGL Chapter 59, §5, Clause 56. Upon acceptance of this section by the Town, the Board of Assessors may grant, real and personal property tax abatement up to 100% of the total tax assessed to members of the Massachusetts National Guard and to Reservists on active duty in foreign countries for the fiscal year they performed such service subject to eligibility criteria to be established by the Board of Assessors. The authority to grant abatements under this section shall expire after 2 years of acceptance unless extended by a vote of the city or town. Said change to take effect FY 2025 and act fully thereon. By request of the Harwich Veterans Agent and Board of Assessors.

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED.
VOTE: YES-0, NO-0**

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 4 (Four): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

Nays: 0 (Zero): none

Finance Committee:

Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Daniel Tworek, Robert McCready, Michelle Gallucio

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

[ARTICLE 55 THROUGH 61 ARE THE SEVEN (7) PETITIONED ARTICLES PRESENTLY BEFORE THE BOARD.]

HERRING FISHERIES

ARTICLE 62: To see what action the Town will take in regard to the Herring Fisheries; and to act fully thereon. Customary Article.

FY 2024 OPERATING BUDGET
Board of Selectmen Recommendations

LINE #	DEPT #	DEPT NAME	2022 ACTUAL	2023 ORIG BUD	2024 BOS RECOMMEND	% Change
		GENERAL FUND - BAL	3,497,289	1,819,823	1,015,050	-44.2%
1	114	MODERATOR S&W	0	1,000	1,000	0.0%
2	122	SELECTMEN S&W	11,400	762,500	12,500	-98.4%
3	122	SELECTMEN - EXP	4,225	8,750	8,750	0.0%
4		Sub-Total	15,625	771,250	21,250	-97.2%
5	131	FINANCE COMMITTEE S&W	0	3,000	3,000	0.0%
6	131	FINANCE COMMITTEE - EXP	888	2,000	2,000	0.0%
7		Sub-Total	888	5,000	5,000	0.0%
8	131	FINANCE COMMITTEE RESERVE FUND	0	50,000	50,000	0.0%
9	135	TOWN ACCOUNTANT - S&W	253,797	284,406	282,824	-0.6%
10	135	TOWN ACCOUNTANT - EXP	8,757	8,139	9,844	20.9%
11	136	AUDIT - EXP	40,000	45,000	49,000	8.9%
12		Sub-Total	302,554	337,545	341,668	1.2%
13	141	ASSESSORS - S&W	153,596	206,844	234,344	13.3%
14	141	ASSESSORS - EXP	80,062	140,450	147,080	4.7%
15		Sub-Total	233,658	347,294	381,424	9.8%
16	143	TOWN COLLECTIONS - S&W	9,460	15,000	14,000	-6.7%
17	143	TOWN COLLECTIONS - EXP	5,060	6,140	9,190	49.7%
18		Sub-Total	14,520	21,140	23,190	9.7%
19	144	POSTAGE	41,921	50,000	50,000	0.0%
20	145	TREASURER - S&W	285,319	296,268	307,839	3.9%
21	145	TREASURER - EXP	99,093	92,353	93,173	0.9%
22		Sub-Total	384,413	388,621	401,012	3.2%
23	148	MEDICARE & VACATION	335,417	444,354	506,358	14.0%
24	149	ADMINISTRATION - S&W	396,135	543,821	418,861	-23.0%
25	149	ADMINISTRATION - EXP	117,995	133,000	163,000	22.6%
26		Sub-Total	514,129	676,821	581,861	-14.0%
27	152	LEGAL SERVICES - EXP	193,633	185,000	185,000	0.0%
28	152	CLAIMS & SUITS	0	500	500	0.0%
29		Sub-Total	193,633	185,500	185,500	0.0%
30	155	INFORMATION TECHNOLOGY - S&W	62,655	91,940	94,758	3.1%
31	155	INFORMATION TECHNOLOGY - EXP	253,651	439,500	474,247	7.9%
32		Sub-Total	316,306	531,440	569,005	7.1%
33	156	IT CHANNEL 18 S&W	143,040	153,629	169,054	10.0%
34	156	IT CHANNEL 18 EXP	27,193	37,240	48,400	30.0%
35		Sub-Total	170,233	190,869	217,454	13.9%
36	157	CONSTABLE S & W	375	700	700	0.0%

FY 2024 OPERATING BUDGET
Board of Selectmen Recommendations

LINE #	DEPT #	DEPT NAME	2022 ACTUAL	2023 ORIG BUD	2024 BOS RECOMMEND	% Change
37	161	TOWN CLERK - S&W	274,661	238,499	246,336	3.3%
38	161	TOWN CLERK - EXP	40,983	61,304	60,360	-1.5%
39		Sub-Total	315,644	299,803	306,696	2.3%
40	171	CONSERVATION - S&W	153,334	160,786	197,658	22.9%
41		CONSERVATION - EXP	5,059	6,686	11,532	72.5%
42		Sub-Total	158,393	167,472	209,190	24.9%
43	173	HOUSING ADVOCATE - S&W			75,223	0.0%
44		HOUSING ADVOCATE - EXP			2,500	0.0%
45		Sub-Total			77,723	0.0%
46	174	TOWN PLANNER - S&W	128,473	153,036	174,015	13.7%
47		TOWN PLANNER - EXP	2,442	5,601	6,581	17.5%
48		Sub-Total	130,916	158,637	180,596	13.8%
49	176	BOARD OF APPEALS - S&W	0	2,050	2,050	0.0%
50		BOARD OF APPEALS - EXP	265	800	4,256	432.0%
51		Sub-Total	265	2,850	6,306	121.3%
52	180	ALBRO HOUSE - EXP	2,814	5,000	5,000	0.0%
53	181	OLD RECR BUILDING - EXP	4,239	6,500	6,500	0.0%
54	182	WEST HARWICH SCHOOL - EXP	402	1,600	0	-100.0%
55		Sub-Total	7,455	13,100	11,500	-12.2%
56	183	COMMUNITY DEVELOPMENT - S&W	5,053	0	0	0.0%
57	183	COMMUNITY DEVELOPMENT - EXP	11,032	5,898	5,898	0.0%
58		Sub-Total	16,086	5,898	5,898	0.0%
59	191	PUBLIC BUILDINGS REPAIRS	0	2,000	2,000	0.0%
60	192	TOWN/FIN COM REPORTS	0	10,000	10,000	0.0%
61	194	ADVERTISING	0	30,000	30,000	0.0%
62	210	POLICE - S&W	3,885,844	4,310,121	4,353,117	1.0%
63	210	POLICE - EXP	336,392	528,237	604,555	14.4%
64		Sub-Total	4,222,236	4,838,358	4,957,672	2.5%
65	220	FIRE - S&W	4,229,895	4,397,138	5,002,085	13.8%
66	220	FIRE - EXP	497,698	597,499	800,714	34.0%
67		Sub-Total	4,727,593	4,994,637	5,802,799	16.2%
68	241	BUILDING - S&W	456,026	455,517	610,081	33.9%
69	241	BUILDING - EXP	7,059	14,885	17,085	14.8%
70		Sub-Total	463,085	470,402	627,166	33.3%
71	291	EMERGENCY MANAGEMENT - S&W	5,810	5,408	5,515	2.0%
72	291	EMERGENCY MANAGEMENT - EXP	3,176	8,500	8,500	0.0%
73		Sub-Total	8,987	13,908	14,015	0.8%

FY 2024 OPERATING BUDGET
Board of Selectmen Recommendations

LINE #	DEPT #	DEPT NAME	2022 ACTUAL	2023 ORIG BUD	2024 BOS RECOMMEND	% Change
74	296	NATURAL RESOURSCES S&W	114,867	116,307	124,320	6.9%
75	296	NATURAL RESOURCES - EXP	25,394	27,100	27,100	0.0%
76		Sub-Total	140,262	143,407	151,420	5.6%
77	297	PLEASANT BAY ALLIANCE	23,760	25,232	25,232	0.0%
78	411	TOWN ENGINEER - S&W	0	101,589	176,277	73.5%
79	411	TOWN ENGINEER - EXP	41,420	39,350	40,850	3.8%
80		Sub-Total	41,420	140,939	217,127	54.1%
81	421	HIGHWAY - S&W	2,727,671	2,778,807	3,066,415	10.4%
82	421	HIGHWAY - EXP	3,590,599	3,355,968	3,881,470	15.7%
83		Sub-Total	6,318,271	6,134,775	6,947,885	13.3%
84	423	SNOW/ICE - S&W	110,215	40,000	40,000	0.0%
85	423	SNOW/ICE - EXP	293,332	95,000	95,000	0.0%
86		Sub-Total	403,547	135,000	135,000	0.0%
87	424	STREET LIGHTS	24,165	30,000	30,000	0.0%
88	491	CEMETERY ADMINISTRATION - S&W	71,434	71,434	80,162	12.2%
89	491	CEMETERY ADMINISTRATION - EXP	4,470	5,108	5,108	0.0%
90		Sub-Total	75,904	76,542	85,270	11.4%
91	510	BOARD OF HEALTH - S&W	213,724	269,893	284,597	5.4%
92	510	BOARD OF HEALTH - EXP	10,320	18,425	18,425	0.0%
93	510	BOARD OF HEALTH - OPIOID ABATEMENT	0	0	102,328	
93		Sub-Total	224,044	288,318	405,350	40.6%
94	540	COMMUNITY CENTER - S&W	196,209	203,327	261,935	28.8%
95	540	COMMUNITY CENTER - EXP	120,329	120,682	158,152	31.0%
96		Sub-Total	316,538	324,009	420,087	29.7%
97	541	COUNCIL ON AGING - S&W	378,115	448,127	465,118	3.8%
98	541	COUNCIL ON AGING - EXP	64,793	112,773	118,045	4.7%
99		Sub-Total	442,908	560,900	583,163	4.0%
100	542	YOUTH COUNSELOR S&W	96,854	98,154	105,148	7.1%
101	542	YOUTH COUNSELOR EXPENS	3,100	4,250	4,430	4.2%
102		Sub-Total	99,954	102,404	109,578	7.0%
103	543	VETERANS EXPENSE/BENEFITS	115,546	145,018	145,805	0.5%
104	550	DISABILTY RIGHTS - EXP	0	500	500	0.0%
105	560	HUMAN SERVICES	81,193	83,250	83,250	0.0%
106	610	LIBRARY - S&W	718,507	755,032	817,333	8.3%
107	610	LIBRARY - EXP	271,021	280,183	300,400	7.2%
108		Sub-Total	989,528	1,035,215	1,117,733	8.0%

FY 2024 OPERATING BUDGET
Board of Selectmen Recommendations

LINE #	DEPT #	DEPT NAME	2022 ACTUAL	2023 ORIG BUD	2024 BOS RECOMMEND	% Change
109	629	RECREATION SEASONAL S&W	224,274	219,179	298,919	36.4%
110	629	RECREATION & YOUTH S&W	259,070	264,600	279,271	5.5%
111	629	RECREATION & YOUTH EXP	43,577	48,075	59,225	23.2%
112		Sub-Total	526,922	531,854	637,415	19.8%
113	633	HARBORMASTER - S&W	338,883	360,621	386,952	7.3%
114	633	HARBORMASTER - EXP	198,819	250,879	324,470	29.3%
115		Sub-Total	537,702	611,500	711,422	16.3%
116	670	BROOKS ACADEMY MUSEUM COMMISSION - EXP	15,080	14,000	14,000	0.0%
117	670	HISTORICAL COMMISSION - S&W	0	2,040	2,040	0.0%
118	670	HISTORICAL COMMISSION - EXP	0	350	350	0.0%
119		Sub-Total	0	2,390	2,390	0.0%
120	692	CELEBRATIONS - EXP	0	1,600	1,600	0.0%
121	695	GOLF S&W	951,340	1,002,424	1,070,470	6.8%
122	695	GOLF - EXP	622,509	656,114	702,122	7.0%
123	695	GOLF CAPITAL OUTLAY	64,190	68,000	73,000	7.4%
124		Sub-Total	1,638,039	1,726,538	1,845,592	6.9%
125	698	CULTURAL AFFAIRS - S&W			79,685	0.0%
126		CULTURAL AFFAIRS - EXP			2,500	0.0%
127		Sub-Total	0	0	82,185	0.0%
128		GOLF IMA MRSD	31,741	83,538	84,418	1.1%
129	199	ELECTRICITY - CVEC	66,759	77,644	77,644	0.0%
130		Total Departmental Budgets	28,196,611	29,115,995	30,506,099	4.8%
778		Total Debt Service (Prin & Int)		3,082,196	2,541,802	-17.5%
		Semi-Fixed & Fixed Costs				
		Barnstable County Retirement System		3,504,895	3,474,024	-0.9%
		Unemployment Compensation		20,000	20,000	0.0%
		Group Health Insurance		5,275,725	5,362,192	1.6%
		OPEB		250,000	250,000	0.0%
		General Insurance		910,082	956,060	5.1%
		General Insurance Deductible		20,000	20,000	0.0%
				9,980,702	10,082,276	1.0%
		TOTAL TOWN (Full Cost of Art. 4)		42,178,893	43,130,177	2.3%

Enhancement of Services: Additions to Staffing

Line # Eight (8) Full-time Positions:

- 65 Fire Dept.: 4 Firefighters (4)
- 68 Building Dept.: Planning/Zoning Coordinator (1)
- 81 Highway Dept.: Custodian (at Com. Ctr.) (1)
- 97 Community Ctr.: Program Specialist (1)
- Shared 1.0 FTE resource for Conservation/Building (1)
- Building Inspector goes from .5 to 1.0 FTE

FTE = Full-Time Equivalent



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

APPLICATION FOR A NEW COMMON VICTUALLERS LICENSE

Fee: \$50 Annual _____ # of seats 12
Seasonal X Opening date 4/14/23

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

Business Name Seagulls sweet LLC Phone 617 407 9372

Doing Business As (d/b/a) Seagulls sweets

Business Address 537 Ma-28, Harwich port, Ma 02646

Mailing Address 537 Ma-28 BOX 9, Harwich port, Ma 02646

Email Address _____

Name of Owner BE THI MAI

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

[Signature] owner
Signature of applicant & title Federal I.D. # _____

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

[Signature] By _____
Signature of individual or corporate name Corporate officer (if applicable)

REGULATORY COMPLIANCE FORM

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

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

*Application must include payment, Certificate of Insurance showing workers comp coverage and Workers Comp Affidavit. Any application missing information or documentation will be deemed incomplete and sent back to the applicant.



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

APPLICATION FOR COMMON VICTUALLERS LICENSE RENEWAL

Fee: \$50

Annual

Seasonal

Opening date MAY 27, 2023

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

Business Name SCHOOLHOUSE ICE CREAM Phone 508 432 7355 *land*
+ YOGURT LLC

Doing Business As (d/b/a) _____

Business Address 749 ROUTE 28 - HARWICH PORT, MA 02646

Mailing Address same

Email Address _____

Name of Owner SUSAN STANLEY

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

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

By signing below, I am certifying that the premises to be licensed as described herein have been inspected and found to be in compliance with applicable local codes and regulations, including zoning ordinances, health regulations and building and fire codes.

Susan Stanley
Signature of Applicant, Owner or Manager

3/9/23
Date

Federal I.D. #

*FIRE DEPT MAY 18
Workers certif being FAXED
comp 3/15*

*Application must include payment, Certificate of Insurance showing workers comp coverage and Workers Comp Affidavit. Any application missing information or documentation will be deemed incomplete and sent back to the applicant.



Commonwealth Of Massachusetts
Alcoholic Beverages Control Commission

Jean M. Lorizio, Esq.
Commission Chairman

2023

Retail License Renewal

License Number: 00095-RS-0506

Municipality: HARWICH

License Name : Ember Pizza Inc

License Class: Seasonal

DBA : Ember

License Type: Restaurant

Premise Address: 600 Route 28 Harwich, MA 02646

License Category: All Alcoholic Beverages

Manager: Justin Brackett

I hereby certify and swear under penalties of perjury that:

1. I am authorized to sign this renewal pursuant to M.G.L. Chapter 138;
2. The renewed license is of the same class, type, category as listed above;
3. The licensee has complied with all laws of the Commonwealth relating to taxes; and
4. The premises are now open for business (if not, explain below).



Signature

3-15-23

Date

Justin Brackett

Printed Name

President

Title

Additional Information:

Please sign this form only in the month of March and return to your Local Licensing Authority.



Commonwealth Of Massachusetts
Alcoholic Beverages Control Commission

Jean M. Lorizio, Esq.
Commission Chairman

2023
Retail License Renewal

License Number: 06790-RS-0506

Municipality: HARWICH

License Name : Saquatucket Snack Shack LLC

License Class: Seasonal

DBA : Dockside

License Type: Restaurant

Premise Address: 715 Route 28 A Harwich, MA 02646

License Category: Wines and Malt

Manager: Arthur Donowski

I hereby certify and swear under penalties of perjury that:

1. I am authorized to sign this renewal pursuant to M.G.L. Chapter 138;
2. The renewed license is of the same class, type, category as listed above;
3. The licensee has complied with all laws of the Commonwealth relating to taxes; and
4. The premises are now open for business (if not, explain below).

Arthur Donowski
Signature

3/20/2023
Date

ARTHUR DONOWSKI
Printed Name

COO
Title

Additional Information:

Please sign this form only in the month of March and return to your Local Licensing Authority.



Commonwealth Of Massachusetts
Alcoholic Beverages Control Commission

Jean M. Lorizio, Esq.
Commission Chairman

2023

Retail License Renewal

License Number: 00074-RS-0506 Municipality: HARWICH
License Name : Port Restaurant And Bar Inc License Class: Seasonal
DBA : License Type: Restaurant
Premise Address: 541 Route 28 Harwich, MA 02646 License Category: All Alcoholic Beverages
Manager: Justin R Brackett

I hereby certify and swear under penalties of perjury that:

- 1. I am authorized to sign this renewal pursuant to M.G.L. Chapter 138;
- 2. The renewed license is of the same class, type, category as listed above;
- 3. The licensee has complied with all laws of the Commonwealth relating to taxes; and
- 4. The premises are now open for business (if not, explain below).

[Handwritten Signature]
Signature

JUSTIN Brackett
Printed Name

3-15-23
Date

President
Title

Additional Information:

Please sign this form only in the month of March and return to your Local Licensing Authority.