

# SELECT BOARD 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, April 1, 2024

## **Remote Participation Optional:**

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

<https://meet.goto.com/978081269>

You can also dial in using your phone.

Access Code: 978-081-269

United States: [+1 \(872\) 240-3212](tel:+18722403212)

*\*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 Chair 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: Police Chief
- B. Pursuant to MGL c. 30A §21(a)(7) to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements, the Open Meeting Law, MGL c. 30A §§ 22(f), (g) to review, approve and or discuss the possible release of executive session meeting minutes dated March 4, 2024 March 11, 2024 & March 25, 2024

### III. **PLEDGE OF ALLEGIANCE**

### IV. **PUBLIC COMMENTS/ANNOUNCEMENTS**

### V. **CONSENT AGENDA**

- A. Accept a gift of a memorial bench to be placed at Long Pond Beach
- B. Approve the Select Board Meeting Minutes for March 19, 2024 and March 25, 2024

### VI. **2024 ANNUAL TOWN ELECTION**

- A. Vote to approve and execute the 2024 Annual Town Election Warrant

### VII. **2024 ANNUAL TOWN MEETING**

- A. Vote to accept, recommend and place the following Articles in the 2024 Annual Town Meeting Warrant:
  - Article 52 Supplemental Appropriation for Phase 3 Wastewater Management Plan Construction Costs
  - Article 53 Fund a Sewer Assistance Program
- B. Vote to close and execute the 2024 Annual Town Meeting Warrant

### VIII. **NEW BUSINESS**

- A. Vote to appoint Edward Spellman, Jr. as Temporary Treasurer/Collector
- B. Discussion on holding a Public Forum on Annual Town Meeting Warrant Articles
- C. Town Administrator to provide an update on Brooks Academy Museum occupancy
- D. Vote to approve the revised Personnel Bylaw Classification and Compensation table to account for;
  - Deputy Library Director
  - Human Resources Generalist
  - Seasonal Activities Coordinator
- E. Approve a 2024 Seasonal Common Victuallers license renewal for Pelham on Earle Operating LLC d/b/a Pelham on Earle, 30 Earle Road
- F. Approve a 2024 Seasonal M.G.L. Chapter 138 Section 12 liquor license renewal for Pelham on Earle Operating LLC d/b/a Pelham on Earle, 30 Earle Road
- G. Approve a new 2024 Annual Innholders license for Pelham on Earle Operating LLC d/b/a Pelham on Earle, 30 Earle Road
- H. Approve a 2024 Seasonal Weekday and Sunday Entertainment license renewal for Pelham on Earle Operating LLC d/b/a Pelham on Earle, 30 Earle Road:
  - Weekday 12:00 p.m. to 10:00 p.m. inside & outside  
Live/recorded music, amplification, dancing by live performers
  - Sunday 12:00 p.m. to 10:00 p.m. inside & outside  
Live/recorded music, amplification, dancing by live performers
- I. Approve a 2024 Weekday and Sunday Entertainment license renewal for Wychmere Harbor Functions, LP d/b/a Wychmere Beach Club, 23 Snow Inn Road:
  - Weekday 11:00 a.m. to 10:00 p.m. outside & 11:00 a.m. to 1:00 a.m. inside  
Live/recorded music, amplification, dancing by live performers and patrons
  - Sunday 11:00 a.m. to 10:00 p.m. outside & 11:00 a.m. to 1:00 a.m. inside  
Live/recorded music, amplification, dancing by live performers and patrons
- J. Approve a 2024 Seasonal Lodging House License renewal for Gingerbread House, 141 Division Street

K. Vote to name the Town Administrator as Agent for the Board to negotiate with the food service license holder at Cranberry Valley Golf Course

IX. **TOWN ADMINISTRATOR'S REPORT**

X. **SELECT BOARD'S MEMBER REPORT**

XI. **CORRESPONDENCE**

XII. **ADJOURNMENT**

*\*Per the Attorney General's Office: The Select Board 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 Select Board's Office at 508-430-7513.*

**Authorized Posting Officer:**

\_\_\_\_\_  
Danielle Freiner, Executive Assistant

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

**Date:** \_\_\_\_\_  
March 28, 2024

# **CONSENT AGENDA**

# Town of Harwich Recreation & Youth Department Recreation & Youth Commission

100 Oak Street, Harwich, MA 02645 | 508-430-7553 | Eric J. Beebe, Director



## Memorial Bench Information and Application

- Applicants must read the memorial bench information and policies, fully complete the application below and return the completed application to Harwich Recreation.
- Harwich Recreation and Town Officials (including Conservation) make all final decisions, including, but not limited to the location and style of the memorial bench.
- A check made payable to the Town of Harwich for the cost of the bench must accompany your completed application. Benches will be installed by the Department of Public Works (DPW) at no cost to the applicant.
- All inscriptions are subject to approval.
- The applicant is responsible for maintenance of the memorial bench beyond the period covered by the warranty and/or maintenance and during the period of the warranty that is not covered by the warranty and is not the result of normal wear and tear. The Town of Harwich reserves the right to deem the bench unserviceable and remove same as necessary. **The Town of Harwich is not liable for damage or vandalism.**
- All memorial bench requests must be accepted in accordance with the Town of Harwich gift policy.
- Existing memorials are not to be moved, disturbed, or obscured by plantings or future growth of plantings.

RECEIVED

MAR 25 2024

BY: #5781

Date: <span style="font-size: 1.5em; color: blue;">March 25 2024</span>			
Applicant Name: <span style="font-size: 1.5em; color: blue;">Joyce Smith</span>			
Address: [REDACTED]	City/Town: [REDACTED]	State: [REDACTED]	Zip Code: [REDACTED]
In Memoriam of: <span style="font-size: 1.5em; color: blue;">Ron Smith</span>			
Requested Bench Location: <span style="font-size: 1.5em; color: blue;">Long Pond Beach</span>	* Requested Location within Park/Beach/Facility: <span style="font-size: 1.2em; color: blue;">left side of lifeguard chair - on boat ramp side of beach, please!</span>		
Alternate Bench Location: —	Alternate Location within Park/Beach/Facility*: —		

**MINUTES  
SELECT BOARD MEETING  
DONN B. GRIFFIN ROOM, TOWN HALL  
732 MAIN STREET, HARWICH, MA  
REGULAR MEETING - 6:00 PM  
TUESDAY, MARCH 19, 2024**

**MEMBERS PARTICIPATING:** Julie Kavanagh, Chair, Michael MacAskill, Vice Chair, Jeff Handler, Clerk and Don Howell

**ALSO PARTICIPATING:** Joseph F. Powers, Town Administrator and Kathleen Barrette, Financial Director

**I. CALL TO ORDER**

Ms. Kavanagh called the meeting of the Harwich Select Board to order at 6:00PM on Tuesday, March 19, 2024 at 6:00 PM and read the Open Meeting Law Notice.

**II. PLEDGE OF ALLEGIANCE**

Ms. Kavanagh invited all attendees to join in the Pledge of Allegiance.

**III. PUBLIC COMMENTS/ANNOUNCEMENTS**

David Guillemette, Chief of Police was present and gave an update on an incident that occurred at the Cape Cod Tech School that morning. He emphasized that it was a false alarm, that everyone did their job and there were no major incidents involved. He expressed his gratitude for everyone's cooperation and professionalism.

Kevin Considine, Deputy Police Chief was present and gave an update on the Annual Polar Plunge noting that \$51,500 had been raised. The money raised by the Plunge will go to Special Olympics and he expressed his gratitude to everyone involved in the event.

Patrick Otton of East Harwich was present and referred to a question that he had posed to the Board in February regarding whether or not a non-binding question about a pool facility could be placed on the May 21st Town Ballot and asked for a response. He also announced that he is holding an open public forum discussion and information sessions on the 5 citizens petitions and gave details of time and place.

**IV. CONSENT AGENDA**

A. Approve the Select Board Meeting Minutes for February 26, 2024

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- B. Approve the Select Board Meeting Minutes for March 4, 2024
- C. Approve the Select Board Meeting Minutes for March 11, 2024
- D. Designate Jennifer Harrington as the 2024 Inspector of Animals

Mr. Handler moved to approve the Consent Agenda as presented, seconded by Howell.

Mr. MacAskill suggested changes in the minutes that Board members agreed with.

Vote: 4:0 in favor with proposed changes. Motion carried.

## **V. NEW BUSINESS**

- A. Approve a Special Permit application for one day entertainment for Cape Farm Supply, 1601 Factory Road, event to be held June 29, 2024, 3:00 p.m. to 11:00 p.m. at The Farm, 1590 Factory Road – Live/recorded music, amplification

Mr. Handler moved to approve a Special Permit application for one day entertainment for Cape Farm Supply, 1601 Factory Road, event to be held June 29, 2024, 3:00 p.m. to 11:00 p.m. at The Farm, 1590 Factory Road – Live/recorded music, amplification. Seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

- B. Fee waiver request from the Harwich Garden Club for a plant sale on May 25, 2024, at Doane Park

Mr. Handler moved to approve a waiver request from the Harwich Garden Club for a plant sale on May 25, 2024, at Doane Park. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

- C. Fee waiver request from National Art Honor Society for an Induction Ceremony on March 20, 2024, 6:00 p.m. to 8:00 p.m. at the Community Center gym

Item removed from the Agenda.

- D. Approve the committee recommendations from the Select Board Interview Committee
  - \* James R. Ferry – Bikeways Committee – Full Member- Term to expire 6/30/2026
  - \* Frank Wiacek, Jr. – Capital Outlay Committee (Select Board Appointment) – Full Member – Term to expire 6/30/2025

Mr. Handler moved to approve the committee recommendations from the Select Board Interview Committee, James R. Ferry – Bikeways Committee – Full Member- Term to expire 6/30/2026

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and Frank Wiacek, Jr. – Capital Outlay Committee (Select Board Appointment) –Full Member –  
Term to expire 6/30/2025

Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

E. Approve a request to relinquish Fish Shanty License Agreement, Eric Hesse

Mr. Handler moved to approve a request to relinquish Fish Shanty License Agreement, Eric Hesse, Seconded by Mr. MacAskill.

Vote 4:0 in favor. Motion carried.

F. Approve the Designer Selection Committee for the Great Sand Lakes Sewer Design

Mr. Handler moved to approve the Designer Selection Committee for the Great Sand Lakes Sewer Design. Seconded by Mr. MacAskill.

Vote: 4:0 in favor. Motion carried.

G. Discussion and possible vote about one day event – River Herring Harvest Celebration

Mr. MacAskill noted that this is a request of the Board to reopen this topic to allow him to have a discussion with Brad Chase from the State regarding a one day herring celebration. He also noted that this is different from the opening of the herring run that had been previously discussed. If he can bring people together to plan the event, he will bring more details and a date back to the Board for final approval.

Don Yanuzzi, Jr., Director of Natural Resources was present and thanked the Board for putting this event together.

Ms. Kavanagh noted that the Board will take an action when Mr. MacAskill comes back to them with more formation. She also noted that the event would not involve staff.

## **VI. 2024 ANNUAL TOWN MEETING**

A. Cape Cod Regional Technical School District Fiscal Year 2025 Budget Presentation

Dr. Sanborn, Superintendent of Cape Cod Regional Technical School District (CCT) was present and gave a presentation on the FY25 Budget. He noted Enrollment, the reasons for the Budget increase, Revenue Sources, Capital Debt and Operating Assessments.

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Dr. Sanborn noted that he and Deputy Chief Considine will meet to discuss the amount that CCT pays towards the Resource Officer and figure an amount that works for both the school and the Police Department. He expects that amount to be incorporated into the FY26 Budget.

Mr. MacAskill moved to accept, recommend and place Article 6 Cape Cod Regional Technical School Budget assessment for the Town of Harwich in the amount of \$2,204,820. Seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

#### B. Discussion and possible vote on a debt exclusion article for Monomoy Regional Middle School

Michael McMillan was present and gave a presentation on a debt exclusion article regarding the Monomoy Middle School siding and trim replacement. He showed slides and described the reason for the request in detail. Mr. McMillan also explained the project financing, the timeline for the project and Town options. There is a long term plan for projects which he will supply to the Board.

Mr. Howell confirmed for the record, that it is expected that the building will be there in twenty years.

Board members asked questions which Mr McMillan answered in detail.

Mr. MacAskill commented on the need to move forward on the assessment and on the way it is done.

Board members agreed that they will have those discussions after Town Meeting,

Mr. Powers noted that if the Board approves this, he will need direction on the issue of Debt Exclusion for the 2024 Town Meeting.

Mr. MacAskill requested that the information that is not in the packet, be sent to Board members via email.

Mr. MacAskill moved to vote to create an Article for the Monomoy Regional Middle School Siding Project, estimated amount 2.5 million, contingent on a Debt Exclusion. Seconded by Mr Howell.

Mr. Powers noted that they will have to work with Bond Counsel to create the ballot question and get it to the Board as quickly as possible.

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Discussion continued regarding the money being included in the assessment which is based on estimates. Mr McMillan answered questions from the Board.

Kathleen Barrette, Financial Director was present and explained that the money has been accounted for separately in the latest adjustment.

Mr. Powers confirmed the the \$250,000 earmarked in the debt table is going to be 76.23% for Harwich, which is included in the Draft Article

Mr. MacAskill requested the number for this project, that is built into the Capital Budget.

Mr. McMillan replied that the amount is \$192,000.00.

Ms. Barrette clarified that all the debt documentation has been put forward and she is unsure that this debt could be introduced and approved for a May to June borrowing.

Mr. McMillan described the timeline, if the Select Boards approves the motion.

Vote: 4:0 in favor. Motion carried

Mr. Powers noted that, regarding item C., the Board refer to the list of Articles. He has Article numbers that he is prepared to use. He also emphasized that he is requesting that they accept, recommend and place various Articles.

C. Discussion and possible vote to accept, recommend and place the following Articles in the 2024 Annual Town Meeting Warrant:  
o Town Operating Budget

Mr. Powers noted that this is typically Article 4 and he referred to the pertinent pages in the packet.

Mr. MacAskill asked for the original Budget proposal percentage and noted that Article 4 appears to be 8.1% overall. He requested a document that shows how the Budget went from the original to the 8.1%.

Ms. Barrette will get that information for the Board.

Mr. MacAskill referred to Water Retained Earnings and asked why it is retained earnings and not a budgeted item.

Ms. Barrette responded that the figures noted are not from retained earnings. She also commented that the terminology can be adjusted for clarification.

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Board members made suggestions and asked questions which Ms. Barrette answered.

Mr. Howell commented that he wants to see, in detail, how summary line items were determined.

Ms. Barrette responded that she can supply the information that was being requested and distribute it to Board members.

Mr. MacAskill moved to place Article 4 Town Operating Budget on the Annual Town Meeting Warrant. Seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

Mr. Powers noted that he will inform the Finance Committee at their Public Hearing on the 21st that Article 4 has been placed but not yet voted to accept or recommend.

Mr. Howell noted for the record that he has spoken with a number of the Finance Committee members and they want the same information that he had just requested.

Ms. Barrette will forward the requested information to the Finance Committee also.

Mr. MacAskill confirmed that the answers to the questions he posed, will also be relayed to the Finance Committee. He also requested information regarding the Enhancement of Services (EOS) for the DPW.

Board members emphasized that they are supporting the Budget, they are only requesting more detail.

Mr. Powers asked the Select Board for guidance on Appendix B. He suggested that he can provide as much detail as the Board requires by utilizing MUNIS or other software to generate reports.

Ms. Kavanagh suggested using any format other than MUNIS, that may produce a more easily understood document or spreadsheet.

Mr. MacAskill commented that the way they have done it in the recent past has been successful and he does not see a need to add more information.

Discussion followed regarding the information in Appendix B and the explanation of Enhancement of Services.

Both Mr. Powers and Ms. Barrette emphasized that they can supply all the information requested in whatever format is needed.

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o Monomoy Regional School District Budget

Mr. MacAskill moved to vote to accept, recommend and place Article 5, Monomoy Regional School District Budget Assessment to the Town of Harwich for \$29,876,982. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

o Cape Cod Regional Technical School District Budget

Previously voted.

o Water Department Budget

Mr. MacAskill moved to vote to accept, recommend and place Article 7 Water Department Budget in the amount of \$4,831,887. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

o Wastewater Department Budget

Mr. MacAskill moved to vote to accept, recommend and place Article 8 Wastewater Department Budget in the amount of \$700,432. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

o Transfer from the Special Purpose Wastewater Stabilization Fund for Wastewater to the General Fund

On Mr. Power's recommendation, no action was taken, as this is covered in Article 4.

o Citizen Initiative Petitions  
– Tree Preservation Bylaw

Mr. MacAskill moved to vote to place Article 10 Tree Preservation Bylaw. Seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

Mr. MacAskill moved to vote to support Article 10 Tree Preservation Bylaw. Seconded by Mr. Howell.

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Mr. MacAskill stated that he will be voting not to support this Petition.

Patrick Otton commented that what he had submitted did not translate in the same format, some graphics were eliminated and text was not aligned. He has resent the submission and requested that it be presented in the correct format.

Mr. Powers showed the petitioner what had been included in the packet. He explained that the reason it appeared as it did is because the Town cannot change wording in the petition. Counsel builds the Article based on the Petition and all the other documents. Mr. Powers noted that he had sent the petitioner an email with the Article attached.

Ms. Kavanagh directed Mr. Otton to check his email for the document noted and then have a conversation with Administration.

Mr. Otton went on to explain the reason for and intent of the Petition.

After discussion it was agreed that there will be an informational session held by the Board addressing the Petition Articles.

Mr. Handler noted why he would not be voting to support this Petition.

Vote: 0:4 with all members opposed.

– Home Rule Petition: Pesticides

Mr. MacAskill moved to place Article 13 Home Rule Petition: Pesticides in the Annual Town Meeting Warrant. Seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

Mr. MacAskill moved to support Article 13 Home Rule Petition: Pesticides. Seconded by Mr. Howell.

Mr. Otton explained the reason for and intent of the Petition. He also noted what other Cape towns have done regarding pesticides.

Board members asked questions confirming that this Petition has not been before the Town previously.

Mr. Powers noted that Counsel has reviewed the Petition and he read Counsel's notes. He also stated that Counsel has reviewed all Petitioned Articles and he will share those notes with the Board.

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Vote: 0:4 with all members opposed.

– Authorize Special Act to Enable Harwich to Regulate the Application of Fertilizers

Mr. MacAskill moved to place Article 14 Special Act to Enable Harwich to Regulate the Application of Fertilizers on the Annual Town Meeting Warrant. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

Mr. MacAskill moved to support Article 14 Special Act to Enable Harwich to Regulate the Application of Fertilizers on the Annual Town Meeting Warrant. Seconded by Mr. Howell.

Board members made comments and expressed opinions.

Mr. Otton explained the reason for and intent of the Petition.

Sharon Pflieger, MS and Chair of the Board of Health was present. She commented that she is not speaking on behalf of the Board. She noted that fertilizer cannot at this time be regulated but they do have a policy which follows the state. She made other points regarding pesticides noting the positive roles that they play and emphasizing that there are two sides to the issue.

Vote: 0:3:1 with Mr. MacAskill, Mr. Handler and Ms. Kavanagh opposed and Mr. Howell abstained.

– Affirm Support for a Public Access Swimming Pool and Facilities at the Harwich Community Center

Mr. MacAskill moved to place Article 15 Support for a Public Access Swimming Pool and Facilities at the Harwich Community Center. Seconded by Mr. Handler.

Vote 4:0 in favor. Motion carried.

Mr. MacAskill moved to support Article 15 Support for a Public Access Swimming Pool and Facilities at the Harwich Community Center. Seconded by Mr. Howell.

Board members made comments and expressed opinions.

Mr. Otton explained the reason for and intent of the Petition.

Mr. Powers commented on previous discussions regarding a community or regional pool as recently as a year ago, noting that a Community Compact Grant had been contemplated but there was little interest from other towns.

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Vote: 0:4 with all members opposed.

– Home Rule Petition: Attainable Housing

Mr. MacAskill moved to recommend and place Article 46 to see if the Town will vote to special legislation to amend the Harwich Affordable Housing Trust By-law Chapter 140 to include attainable housing. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

Mr. Handler moved to support Article 46. Seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

Mr. Powers noted that the following items impact upon the Capital Outlay Plan and are currently represented as Article 16. It is for the Town to adopt the five year Capital Plan. The Article should read Fiscal Year 2025-2029. The Raise & Appropriate will be removed and renumbered. He distributed material to the Board and gave a detailed explanation and noted changes and other items to be considered. Mr. Powers noted that FY25 has changes which will be reflected in Appendix C for Article 16 and would be reflected in the Funding Articles that come to follow. He described the removals/changes/additions in detail and suggested possible funding sources for the additions.

Board members asked questions which Mr. Powers answered in detail.

Mr. Powers went on to mention a new request, Assistance to Firefighters Grant for EKG monitors.

David LeBlanc, Fire Chief and Craig Thornton, Deputy Fire Chief were present. Chief LeBlanc explained the request to reappropriate \$13,863.

Mr. Powers noted various ways to reappropriate the funds. He recommended that the Board vote to direct the Finance Director and Town Administrator to account for the request.

Mr. MacAskil moved to vote to direct the Finance Director and Town Administrator to account for the request. Seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

Mr. Powers described the request from the Director of Natural Resources. He commented that he supports the Director of Natural Resources having a vehicle immediately and asked that the Board allow him to work with the Finance Director and other Departments to reallocate.

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The Board directed the Town Administrator to reallocate resources for the benefit of the Natural Resources Director and confirmed that there is no need for this to come before the Capital Plan.

Mr. Powers stated that what is now before the Board is Draft Article 17 to fund Capital Outlay Projects for FY25 from the sources listed. He listed the sources and amounts recommending that it be accepted, recommended and placed.

o Adopt the Capital Plan

- Capital Outlay Plan Items Funded from Free Cash
- Capital Outlay Plan Items Funded from Other Sources
- Capital Outlay Plan Items Funded from Raise & Appropriate
- Capital Outlay Plan Items Funded from Water Retained Earnings
- Capital Outlay Plan Items Funded from Wastewater Retained Earnings

Mr. MacAskill moved to accept, recommend and place Article 17 as an addition in the amount of \$1,089,863 as read. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

Mr. Powers explained Article 18 and what it included.

Mr. MacAskill moved accept, recommend and place Article 18 totaling \$2,892,000 as read. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

Mr. Powers noted that Draft Article 19 is no longer needed for the purpose listed.

Mr. MacAskill moved to renumber Article 20 to be Article 19 and to accept, recommend and place Article 19 in the amount of \$652,000 to be funded by Water Department Retained Earnings. Seconded by Mr Handler.

Vote 3:1 in favor with Mr. Howell opposed. Motion carried.

Mr. MacAskill moved to renumber Article 21 to be Article 20 and to accept, recommend and place Article 20 in the amount of \$75,000 to be funded by the Wastewater Retained Earnings. Seconded by Mr. Handler.

Vote: 4:0 in favor. Motion carried.

Mr. Powers noted that Article 21 will be for the Harwich Conservation Trust which will come back to the Board in proper form as Article 21.

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Michael Lach, Executive Director of the Non-Profit Harwich Conservation Trust and Tom Evans, President of the Board of Trustees were present. Mr. Lach described in detail, the purchase of a Conservation Restriction for the purpose of bringing more funding to the Town of Harwich.

Board members agreed to put Article 21 on next week's Agenda for a vote.

Mr. MacAskill moved to reconsider Article 19 Capital Funding Raise & Appropriate, seconded by Mr. Howell.

Vote 3:0:1 in favor with Mr. Howell abstained. Motion carried.

Mr. MacAskill moved to accept, recommend and place Article 19 in the amount of \$652,000 to be funded by Water Department Retained Earnings. Seconded by Mr Handler.

Vote 4:0 in favor. Motion carried.

- o Placeholder-article appropriating funds from sale of 276 Queen Anne Road

Mr. Powers asked that the Board hold action until he receives information from Counsel.

- o Correct Article 24 from the 2023 Annual Town Meeting

Mr. Powers noted that the language has not yet been confirmed by Counsel. Regarding proposed Articles 24-36, Mr. Powers will confirm this at a meeting scheduled for the next day. He requested that the Board hold on all the CPC Articles.

- o Community Preservation Committee
  - Affordable Housing Trust Funds
  - Beach Automated External Defibrillator (AED) Acquisition
  - Cold Brook Trailhead and Public Access Project
  - Harwich Police Soccer Club Street Soccer Pitch
  - Appropriations and Housekeeping Expenses
  - Lower Cape Housing Institute
  - Monomoy Press Box Project
  - North Woods and Water Supply Protection Project
  - Old Bank Street Firehouse Housing
  - Red River Valley Land & Water Protection Project
  - Senior Memorial Softball Field Fencing
  - South Harwich Gravestone Conservation
  - Veterans Memorial Complex Electric Irrigation Replacement
- o Reappropriate funds from Article 31 of the 2013 Annual Town Meeting

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Mr Powers noted that he is waiting for information from Counsel.

- o Placeholder- Finance Director Article for prior article correction

Mr. Powers noted that he is still waiting for information for this Article.

- o Amendment to General Bylaw Chapter 7

Mr. Powers noted that he is waiting for information from Counsel regarding Chapter 7.

- o Amendment to General Bylaw Chapter 271

Mr. Powers noted that he is waiting for information from Counsel regarding Chapter 271.

- o Amendments to Harwich Charter

Mr. Powers noted that Article 45 accounts for 12 distinct changes to the Harwich Charter and he understands that there is a desire to strike Item #6 which he read and explained. He recommended that if the Board votes Draft Article 45 they strike #6.

Mr. Handler moved to accept, recommend and place Article 45, to strike #6 related to 4-3-2I and renumber, seconded by Mr. Howell.

Vote: 4:0 in favor. Motion Carried.

D. Vote to recommend the following placed Articles in the 2024 Annual Town Meeting Warrant:

- o Town Officers & Committees

Mr. Powers noted that Town Officers & Committees is Article 1.

- o Reports of Officers & Committees

Mr. Powers noted that Reports of Officers & Committees is Article 2.

- o Elected Officials' Salaries

Mr. Powers noted that Elected Officials' Salaries is Article 3.

- o Lease Purchase Agreements

Mr. Powers noted that Lease Purchase Agreements is Article 12

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- o Defray Library Expenses

Mr. Powers noted that Defray Library Expenses is Article 47

- o Promote the Town of Harwich

Mr. Powers noted that Promote the Town of Harwich is Article 48

- o Herring Fisheries

Mr. Powers noted that Herring Fisheries is Article 50.

Mr. Powers stated that the Select Board has voted to place those Articles and is now being asked to accept and recommend.

Mr. MacAskill moved to accept and recommend Articles 1, 2, 3, 12, 47, 48 and 50 as read. Seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

E. Discussion on any other Fiscal Year 2025 Budget Items or Warrant Articles

Mr. Powers noted that Section E. is on the Agenda to confirm that the Select Board has previously placed and recommended the following Articles.

- \* Articles that have been placed and recommended:

- o Cape Cod Community Media Center
- o Revolving Fund authorizations
- o Transfer 172 Queen Anne Rd
- o Transfer 178 Queen Anne Rd
- o Transfer 246 Queen Anne Rd
- o Supplement Cultural Council

Mr. Powers read the Articles and votes in order as listed:

Article 39 Vote: 3:1

Articles 40, 41 and 42 Vote: 4:0

Article 49 Vote 4:0

Sharon Pflieger asked if there is an Article regarding the Sewer Assistance Program (SAP).

Ms. Kavanagh replied that it will be discussed at next Monday's meeting.

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## **VII. OLD BUSINESS**

A. Discussion and possible vote on potential municipal tax bill inserts per to Massachusetts General Law Chapter 60, section 3(a)

Ms.Barrette explained that the cost of the inserts is .10 each. There are a total of 15, 786 tax bills to be mailed which brings the total cost to be \$1,578.00. She also noted that adding the inserts will delay the mailing by a week.

Mr. Handler moved to accept the municipal tax bill insert per Massachusetts General Law Chapter 60, section 3(a) contingent upon finding an appropriate funding source. Seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

## **VIII. TOWN ADMINISTRATOR'S REPORT**

Mr. Powers noted that there is signature report for the Board members to sign and he noted that the Finance Committee is holding their Charter required Public Hearing Thursday, March 21st at 6:15PM.

## **IX. SELECT BOARD'S MEMBER REPORT**

Mr. Howell noted that he attended the Monomoy School production of Beauty and the Beast and commented on the outstanding performances. He also noted that he will be participating on a ZOOM call on Friday and gave details on the subject.

Mr. Handler requested that Office Hours be available on the website.

Ms. Kavanagh congratulated Deputy Chief Considine and all the Polar Plunge participants

## **X. CORRESPONDENCE**

## **XI. ADJOURNMENT**

Mr. Howell moved to adjourn. Seconded by Mr. MacAskill.

Vote 4:0 in favor. Motion carried. Meeting adjourned.

Respectfully submitted,

Judi Moldstad  
Board Secretary

March 19, 2024

**MINUTES  
SELECT BOARD MEETING  
DONN B. GRIFFIN ROOM, TOWN HALL  
732 MAIN STREET, HARWICH, MA  
EXECUTIVE SESSION 5:30 PM  
REGULAR MEETING - 6:00 PM  
MONDAY, MARCH 25, 2024**

**MEMBERS PARTICIPATING:** Julie Kavanagh, Chair, Michael MacAskill, Vice Chair, Jeff Handler, Clerk and Don Howell

**ALSO PARTICIPATING:** Joseph F. Powers, Town Administrator and Kathleen Barrette, Finance Director

**I. CALL TO ORDER:**

Ms. Kavanagh called the meeting of the Harwich Select Board to order on Monday, March 25, 2024 at 5:30PM noting that the Board will be entering into Executive Session and will return no earlier than 6:00PM.

**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

Mr. Handler moved to enter into Executive Session 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. Seconded by Mr. Howell.

Vote: 4:0 by roll call vote. Motion carried.

Ms. Kavanagh called the meeting of the Select Board back to order at 6:00PM reporting that in Executive Session, no decisions were made.

Ms. Kavanagh read the Open Meeting Law Notice.

**III. PLEDGE OF ALLEGIANCE**

Ms. Kavanagh invited all attendees to join in the Pledge of Allegiance.

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#### **IV. PUBLIC COMMENTS/ANNOUNCEMENTS**

Mr. Handler noted that he will be choosing the date for the next Office Hours for the month of April. That information will be posted on the Town's website.

Emily Mitchell, Town Clerk was present and noted important dates in relation to both the Special Town Election and the Annual Town Election. She noted all the dates and events in detail, information can be found on the Town Website.

Mike Olgren, President of the Standish Woods Homeowners Association was present with several members of the Association. He noted that they are available to answer questions regarding an Agenda item.

Patrick Otton of Harwich was present and noted that there would be a discussion and information forum for the public on the Citizens' Petitions. He noted dates and times. He also referred to the Tree Cutting By-law (Article 10) and that it had not been in the proper format when it was presented to the Board. He requested that the Select Board follow up and confirm that what is on the Town Warrant is what was submitted and correctly formatted.

Mr. Powers commented that Article 10 now references the omitted graphics.

#### **V. PUBLIC HEARING**

A. Discussion and possible vote to opt out of early Voting by Mail for the Annual Town Election to be held on May 21, 2024

Mr. Handler read the Notice of Public Hearing.

Mr. Howell moved to open the Public Hearing. Seconded by Mr. Mr. MacAskill.

Vote: 4:0 in favor. Motion carried.

Emily Mitchell, Town Clerk gave a brief overview of Voting by Mail and recommended that the Town opt out of offering Vote by Mail, noting the reasons.

No one from the public opted to speak.

Mr. MacAskill moved to close the Public Hearing. Seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

Mr. MacAskill moved to opt out of Vote by Mail for the Annual Town Election to be held on May 21, 2024. Seconded by Mr. Howell.

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Vote: 4:0 in favor by roll call vote. Motion carried.

Ms. Kavanagh took Item A. from New Business out of order, at this time, to accommodate the residents of Standish Woods who were present.

## **VI. 2024 ANNUAL TOWN MEETING**

A. Discussion and possible vote to accept, recommend and place the following Articles in the 2024 Annual Town Meeting Warrant:

- \* Monomoy Middle School Project Draft
- \* Acquisition of Conservation Restriction
- \* Expenditure of Funds from Sale of 276 Queen Anne Road
- \* Correct 2023 Annual Town Meeting Article 24
- \* Community Preservation Committee – Housekeeping Expenses
- \* Community Preservation Committee – Beach AED Equipment
- \* Community Preservation Committee – Cold Brook Trailhead & Public Access
- \* Community Preservation Committee – Harwich Police Soccer Club Pitch
- \* Community Preservation Committee – Affordable Housing Trust
- \* Community Preservation Committee – Lower Cape Housing Institute
- \* Community Preservation Committee – Monomoy Press Box
- \* Community Preservation Committee – North Woods & Water Supply
- \* Community Preservation Committee – 2023 Bank Street Firehouse Housing
- \* Community Preservation Committee – Red River Valley Land & Water Protection
- \* Community Preservation Committee – Senior Memorial Softball Field Fencing
- \* Community Preservation Committee – South Harwich Gravestone Conservation
- \* Community Preservation Committee – Veterans Memorial Complex Electric Irrigation
- \* Repurpose 2013 Annual Town Meeting Article 31 (Library Trustees)
- \* Amend General Bylaw Chapter 7
- \* Amend General Bylaw Chapter 271
- \* To fund the Fiscal Year 2024 Wastewater debt
- \* Electronic Voting

Mr. Powers noted updates and changes in specific Articles as he described each one on the list.

Mr. MacAskill moved to accept, recommend and place Article 9 Monomoy Middle School Project in the amount of 2.5 million, in the Annual Town Meeting Warrant. Seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

Mr. MacAskill moved to accept, recommend and place Article 21 Acquisition of Conservation Restriction on the Annual Town Meeting Warrant. Seconded by Mr. Howell.

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Michael Lach, Executive Director of the Harwich Conservation Trust was present and noted that the Trust had just received the results of an appraisal and the overall authorization can now be reduced from 2.7 million to 2 million.

Mr. Handler confirmed with Mr. Lach that there will be no net capital cost to the Town.

Vote: 4:0 in favor. Motion carried.

Mr. MacAskill moved to accept, recommend and place Article 22 Expenditure of Funds from Sale of 276 Queen Anne Road in the amount of \$1,505,001. Seconded by Mr. Handler.

Vote: 4:0 in favor. Motion carried.

Mr. MacAskill moved to accept, recommend and place Article 23 Correct 2023 Annual Town Meeting Article 24 on the Annual Town Meeting Warrant. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

Mr. Powers noted that Articles 24-36 are the Community Preservation Articles. They have all been vetted by him, the Finance Director, Town Counsel and members of the Community Preservation Committee.

Mr. MacAskill moved to accept, recommend and place Articles 24-36 Community Preservation Committee Articles as presented, in the Annual Town Meeting Warrant. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

Mr. MacAskill moved to accept, recommend and place Article 37 Repurpose 2013 Annual Town Meeting's Article 31 (Library Trustees) in the Annual Town Meeting Warrant. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

Mr. McAskill moved to accept, recommend and place Article 43 Amend General Bylaw Chapter 7 in the Annual Town Meeting Warrant as presented. Seconded by Mr. Howell.

Vote 4:0 in favor. Motion carried.

Mr. MacAskill moved to accept, recommend and place Article 44 Amend General Bylaw Chapter 271 in the Annual Town Meeting Warrant. Seconded by Mr Howell.

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Vote: 4:0 in favor. Motion carried.

Ms. Kavanagh noted that the Board will not be moving forward with the Zoning Bylaws until and if there is a fall Town Meeting.

Mr. MacAskill moved to accept, recommend and place Article 45 to fund the Fiscal Year 2024 Wastewater debt in the Annual Town Meeting Warrant. Seconded by Mr Howell.

Vote 4:0 in favor. Motion carried.

Mr. MacAskill moved to accept, recommend and place Article 51 Electronic Voting Tabulators in the Annual Town Meeting Warrant. Seconded by Mr. Howell.

Mr. Powers noted that no decision has been made on how this Article will be funded. He asked the Board to consider using the Articles with unspent balances which total approximately \$183,000, if it is available.

Kathleen Barrette, Financial Director confirmed that there are available funds in the approximate amount of \$150,000 to \$160,000.

Discussion followed regarding leasing vs purchasing the Electronic Voting Tabulators.

Mr. Powers commented that an estimated cost is from \$15,000 to \$30,000. He recommended that they have sufficient information to place and the funding sources which can be confirmed by next month.

Vote 3:1 in favor with Mr. MacAskill opposed. Motion carried.

B. Discussion and possible vote to accept and recommend the following Articles in the 2024 Annual Town Meeting Warrant:

- \* Town Operating Budget
- \* Adopt the Capital Plan
- \* Capital Outlay Plan Items Funded from Water Retained Earnings

Mr. Powers noted that there will be a fourth Article which will be presented next week. He recommended that the discussion go to Article 4 Town Operating Budget and the Article regarding adopting the Capital Plan.

Mr. MacAskill moved to accept, recommend and place Article 4 Town Operating Budget in the Annual Town Meeting Warrant in the amount of \$45,732,309. Seconded by Mr. Howell.

Mr. Powers noted a scrivener's error on page 90.

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Mr. MacAskill commented on the 8.1% increase and the reasons for it. He noted that the Town's total Debt Service went up 39.1% and noted the reasons for that. He also commented that, moving forward, they should not have Budget Messages that say 1.5% when it is not realistic. He recommended that the Board create a policy on what they expect to come from the Town Administrator and the Finance Director with the budget message. Mr. MacAskill also requested that the Board discuss a realistic timeline moving towards Town Meeting, to allow them more time for discussions. He suggested that conversation take place in June or July.

Mr. Howell commented on increases that the Town cannot control and cautioned that they have to think carefully about out-years.

Mr. MacAskill commented on unchanging line items and noted that he will be requesting that the Board look at those line items and Department turn backs over a three year period.

Mr. Powers referred to Article 4 and the two versions of Appendix B. He emphasized that there was base level language which he will incorporate into the portrait version of Appendix B. He commented that the Board has a Budget that is a statement of their priorities and he congratulated them on that effort.

Vote 4:0 in favor. Motion carried.

Mr. MacAskill moved to adopt, recommend and place Article 16 Adopt the Capital Plan on the Annual Town Meeting Warrant. Seconded by Mr. Handler.

Mr. MacAskill noted that Brooks Academy Museum is off the Capital Plan at this time with the intention of bringing it to a fall Town Meeting. He asked Mr. Powers to explain.

Mr. Powers replied and explained that he removed Brooks Academy Museum as there was no funding source which would accomplish what was envisioned under the Capital Plan in FY25. He also explained the Board's options for the future regarding Brooks Academy Museum.

Mr. Howell suggested that the Article remain in the Capital Plan and gave his reasons.

Board members voiced opinions and discussed the pros and cons of leaving the Museum in the Capital Plan.

Vote 3:1 in favor with Mr. Howell opposed. Motion carried.

Mr. Powers noted a correction and changes to Article 19, Capital Outlay Items Funded from Water Retained Earnings. He suggested that the Board reconsider their "accept, recommend and place" because it now has an updated number.

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Mr. MacAskill moved to reconsider previous vote on Capital Outlay Plan Items Funded from Water Retained Earnings. Seconded by Mr Howell.

Vote: 4:0 in favor. Motion carried.

Mr. MacAskill moved to accept, recommend and place Article 19 Capital Outlay Plan Items Funded from Water Retained Earnings in the amount of \$2,402,000 in the Annual Town Meeting Warrant. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

#### C. Vote to close the 2024 Annual Town Meeting Warrant

No action. This item is held for next week.

Mr. Powers listed the items that will be before the Board on April 1, 2024.

Mr. MacAskill requested that the Warrant include maps and a description of the properties on Queen Anne Road. He also noted some traditional Articles that have not yet been before the Board and asked for a status on those.

Mr. Powers replied giving answers and noting the status of each.

There was conversation about \$100,000 for the Sewer Assistance Program (SAP) and more definite information will be available for the next meeting.

Mr. MacAskill suggested that if an Article is needed that KP Law be asked to create it for next week.

Richard Waystack from the Board of Assessors participated remotely and noted that the criterion is in place to help people in need.

Kathleen Barrette, Finance Director commented that she needed to confirm how it would work, who would be responsible and where the fund would be transferred to, noting that it would end with the right result.

Mr. Waystack noted that the Assessors do not have the right to use their overlay account to fund SAP. He did explain what they can do and how they can participate by vetting for this program.

Mr. MacAskill commented that there should be an Article for the SAP including that it will be funded by a line item in the Water/Wastewater Budget and that the Board of Assessors will do the vetting. And then authorize the use of those funds.

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Ms. Barrette confirmed that the Water/Wastewater Commissioners designated the Water Retained Earnings Funds for SAP.

Mr. Powers will work with counsel to create Article 53 for that purpose.

Discussion followed regarding placing an Article for unpaid bills.

Ms. Barrette noted that she did not expect any additional unpaid bills before Town Meeting.

After discussion out was agreed that an placing Article for unpaid bills is unnecessary.

## **VII. 2024 ANNUAL TOWN ELECTION**

A. Discussion and possible vote on a debt exclusion ballot question for Monomoy Regional Middle School

Mr. MacAskill moved to approve the placement of a debt exclusion ballot question for Monomoy Regional Middle School for the Annual Town Election. Seconded by Mr. Howell.

Vote: 4:0 in favor by roll call vote. Motion carried.

## **VIII. NEW BUSINESS**

A. Phase 3 Sewer Project – Review, approve and execute Orders of Taking for Sewer Pump Stations and Private Road Utility Infrastructure for Phase 3 Sewer Project – Votes may be taken

- \* 43 Chestnut Lane
  - \* 0 Standish Woods Circle
  - \*3 Wilma's Way
- Private Roads to include:
- \* Bascom Hollow
  - \* Brothers Lan
  - \* Caldwell Lane
  - \* Lily Lane
  - \* Live Oak Drive
  - \* Perry's Way
  - \* Scribners Terrace
  - \* Walden Way
  - \* Washburn Way
  - \* Wilma's Way
  - \* McGuerty Road

Mr. Powers distributed documents that reflect updated information, correcting an omission. He gave a summary of the Project and noted that the Board can discuss the Order of Taking and/or develop a process for negotiating on behalf of the parties present. He also stated that the Town

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needs to execute the two separate Orders of Taking. Mr. Powers referred to the pages in the documents regarding the Orders of Taking and noted the few changes. He commented that he is recommending the Orders of Taking as they are necessary for the Town to move forward on Phase 3 of the Projects. He also recommended that the Board vote to direct him to negotiate on the Town's behalf noting that the final agreement would come before the Board. He noted the timeline moving forward, if there is a vote at this meeting.

Mr. MacAskill moved to approve and execute Orders of Taking for Sewer Pump Stations 43 Chestnut Lane, 0 Standish Woods Circle, 3 Wilma's Way as presented and as amended this evening and further to ask the Town Administrator to negotiate damages on the Town's behalf. Seconded by Mr. Howell.

Vote: 4:0 in favor by roll call vote. Motion carried.

Mr Powers noted that he will reach out to the parties tomorrow to start the process. He also noted that included under Item A. are Orders of Taking for Private Road Utility Infrastructure for Phase 3 Sewer Project.

Mr. Handler moved to approve and execute Orders of Taking for Private Utility Infrastructure on the private roads to include: Bascom Hollow, Brothers Lane, Caldwell Lane, Lily Lane, Live Oak Drive, Perry's Way, Scribners Terrace, Walden Way, Washburn Way, Wilma's Way and McGuerty Road. Seconded by Mr. MacAskill.

Mr. Powers referred to a 19 page document in the packet related to the Orders of Taking noting that specific plans are included. He requested that the Board sign the pertinent documents this evening so that they can be recorded the next day.

Vote: 4:0 in favor by roll call vote. Motion carried.

Select Board members signed the pertinent documents.

B. Vote to declare the following Queen Anne Road parcels as surplus properties

- \* 172 Queen Anne Road
- \* 178 Queen Anne Road
- \* 246 Queen Anne Road

Mr. MacAskill moved to declare the following Queen Anne Road parcels as surplus properties: 172 Queen Anne Road, 178 Queen Anne Road, 246 Queen Anne Road. Seconded by Mr. Howell.

Mr. Powers noted that no Board, Committees or Departments had any municipal use for the properties. He stated for the record that the Planning Department had suggested that perhaps the proceeds from these sale of lands could be marked to support affordable housing needs.

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Vote: 4:0 in favor. Motion carried.

C. Approve a M.G.L Chapter 138, Section 15 seasonal liquor license for Maulik Corporation d/b/a Value Mart, 435 Route 28

Mr. Handler moved to approve a M.G.L Chapter 138, Section 15 seasonal liquor license for Maulik Corporation d/b/a Value Mart, 435 Route 28 subject to any terms and conditions that may have been contained in the prior license. Seconded by Mr. MacAskill.

Vote 4:0 in favor. Motion carried.

D. Approve the following M.G.L Chapter 138, Section 12 seasonal liquor licenses:

1. Ajj Corp. d/b/a The Weatherdeck Restaurant, 168 Route 28
2. The Belmont Condominium Beach Club Corp., 1 Belmont Road
3. Ember Pizza Inc. d/b/a Ember, 600 Route 28
4. 554 Street Bar LLC d/b/a Three Monkeys, 554 Route 28
5. Mt Group LLC d/b/a Mad Minnow Bar & Kitchen, 554 Route 28
6. Port Restaurant and Bar, Inc., 541 Route 28
7. Saquatucket Snack Shack LLC d/b/a Dockside, 715A Route 28
8. The Lucky Labrador, Inc. d/b/a Perks, 545 Route 28
9. Wychmere Harbor Functions Lp d/b/a Wychmere Harbor Beach & Tennis Club

Mr. Handler moved to approve the following M.G.L Chapter 138, Section 12 seasonal liquor licenses #1-9 as noted in the packet with conditions previously contained in prior licenses. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

E. Approve a new 2024 Seasonal Entertainment license for 554 Street Bar d/b/a 3 Monkeys, 554 Route 28:

- \* Weekday 1:00 p.m. to 4:00 p.m. & 6:00 p.m. to 10:00 p.m. inside – Live/recorded music, amplification, dancing by live performers
- \* Sunday 1:00 p.m. to 4:00 p.m. & 6:00 p.m. to 10:00 p.m. inside – Live/recorded music, amplification, dancing by live performers

Mr. Howell noted the differences between the new license request and the previous license.

Mr. Handler moved to approve a new 2024 Seasonal Entertainment license for 554 Street Bar d/b/a 3 Monkeys, 554 Route 28 as noted in the packet with conditions previously contained in prior years including time and type. Seconded by Mr. MacAskill.

Vote: 4:0 in favor. Motion carried.

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F. Approve the following 2024 Seasonal Common Victauller license renewal:

1. 554 Street Bar d/b/a 3 Monkeys, 554 Route 28
2. MT Group d/b/a Mad Minnow Bar & Kitchen, 554 Route 28
3. Port Restaurant and Bar, Inc., 541 Route 28
4. Belmont Condominium Trust Beach Club d/b/a The Beach, 1 Belmont Road
5. Saquatucket Snack Shack LLC d/b/a Dockside, 715A Route 28
6. AJG Corporation d/b/a The Weatherdeck Restaurant, 168 Route 28
7. Lucky Labrador, Inc. d/b/a Perks, 545 Route 28
8. Wychmere Harbor Functions, LP d/b/a Wychmere Beach Club, 23 Snow Inn Road
9. Seagulls Sweets, 537 Route 28

Mr. Handler moved to approve the following 2024 Seasonal Common Victauller license renewals #1-9 as noted in the packet with conditions previously contained in prior license of 2023.

Seconded by Mr. MacAskill.

Vote: 4:0 in favor. Motion carried.

G. Approve the following 2024 Seasonal Entertainment license renewals:

1. MT Group d/b/a Mad Minnow Bar & Kitchen, 554 Route 28 Weekday 4:00 p.m. to 10:00 p.m. inside & outside Live Recorded Music, amplification, dancing by live performers
  - \* Sunday 4:00 p.m. to 10:00 p.m. inside & outside Live Recorded Music, amplification, dancing by live performers

Mr. Handler moved to approve the following 2024 Seasonal Entertainment license renewal as noted in the packet with conditions previously contained in prior years including time and type as voted in 2023. MT Group d/b/a Mad Minnow Bar & Kitchen, 554 Route 28 Weekday 4:00 p.m. to 10:00 p.m. inside & outside Live Recorded Music, amplification, dancing by live performers, Sunday 4:00 p.m. to 10:00 p.m. inside & outside Live Recorded Music, amplification, dancing by live performers. Seconded by Mr. MacAskill.

Vote: 4:0 in favor. Motion carried.

2. Port Restaurant and Bar, Inc., 541 Route 28
  - \* Weekday 10:00 a.m. to 12:00 a.m. inside & 10:00 a.m. to 10:00 p.m. outside Jukebox, radio, television, live/recorded music, amplification, dancing by live performers
  - \* Sunday 10:00 a.m. to 12:00 a.m. inside & 10:00 a.m. to 10:00 p.m. outside Jukebox, radio, television, live/recorded music, amplification, dancing by live performers

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Mr. Howell moved to approve the following 2024 Seasonal Entertainment license renewal for the Port Restaurant and Bar, Inc., 541 Route 28 with the following conditions: Weekday 10:00 a.m. to 12:00 a.m. inside & 11:00 a.m. to 10:00 p.m. outside with acoustic entertainment only. Sunday 1:00 p.m. to 12:00 a.m. inside & 1:00 p.m. to 10:00 p.m. outside with acoustic entertainment only. Seconded by Mr. Handler.

Mr. Howell withdrew his motion.

Mr. Handler withdrew his second and noted that he supports allowing the earlier times for inside.

Mr. MacAskill moved to approve the 2024 Seasonal Entertainment license renewal for the Port Restaurant and Bar, Inc., 541 Route 28 specific to the inside: Weekday 10:00 a.m. to 12:00 a.m. inside, Sunday 10:00 a.m. to 12:00 a.m. inside for jukebox, radio, television, live recorded music with amplification, dancing by performers. Seconded by Mr. Handler.

Vote: 3:1 in favor with Mr. Howell opposed. Motion carried.

Mr. MacAskill moved to approve the 2024 Seasonal Entertainment license renewal for the Port Restaurant and Bar, Inc., 541 Route 28 specific to the outside: Weekdays 11:00 a.m. to 10:00 p.m. and Sunday 1:00 p.m. to 10:00 p.m. to include a jukebox, radio, television, live and recorded music - acoustic only with no amplification, dancing by live performers. Seconded by Mr. Handler.

Vote: 4:0 in favor. Motion carried.

3. Belmont Beach Condominium Trust Beach Club d/b/a The Beach, 1 Belmont Road  
\* Weekday 5:00 p.m. to 10:00 p.m. inside  
Live/recorded music, amplification, dancing by live performers & patrons

Mr. Handler moved to approve the following 2024 Seasonal Entertainment license renewal Belmont Beach Condominium Trust Beach Club d/b/a The Beach, 1 Belmont Road, Weekday 5:00 p.m. to 10:00 p.m. inside, Live/recorded music, amplification, dancing by live performers & patrons. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

4. Lucky Labrador, Inc. d/b/a Perks, 545 Route 28  
\* Weekday 12:00 p.m. to 12:00 a.m. inside & 11:30 a.m. to 10:00 p.m. outside  
Jukebox, radio, television, live/recorded music, amplification, dancing by live performers & patrons

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\* Sunday 1:00 p.m. to 12:00 a.m. inside, 3:00 p.m. to 12:00 a.m. inside & 6:00 p.m. to 10:00 p.m. outside Inside 1:00 p.m. to 12:00 a.m. ambient music & television only Inside 3:00 p.m. to 12:00 a.m. jukebox, radio, television, live/recorded music, amplification, dancing Outside 6:00 p.m. to 10:00 p.m. jukebox, radio, television, live/recorded music, amplification, dancing

Mr. Handler moved to approve the following 2024 Seasonal Entertainment license renewal: Weekday 12:00 p.m. to 12:00 a.m. inside & 11:30 a.m. to 10:00 p.m. outside, Jukebox, radio, television, live/recorded music, amplification, dancing by live performers & patrons, Sunday 1:00 p.m. to 12:00 a.m. inside, 3:00 p.m. to 12:00 a.m. inside & 6:00 p.m. to 10:00 p.m. outside. Inside 1:00 p.m. to 12:00 a.m. ambient music & television only Inside 3:00 p.m. to 12:00 a.m. jukebox, radio, television, live/recorded music, amplification, dancing. Outside 6:00 p.m. to 10:00 p.m. jukebox, radio, television, live/recorded music, amplification, dancing as noted in packet with conditions previously contained in prior license of 2023 including time and type. Seconded by Mr. MacAskill.

Vote 4:0 in favor Motion carried.

H. Approve the following 2024 Seasonal Amusement license renewals:

1. Grand Slam Entertainment, 322 Main Street – Weekday & Sunday 10:00 a.m. to 9:00 p.m. – Batters box & video games
2. AJG Corporation d/b/a Harbor Glen Mini Golf, 168 Route 28 – Weekday & Sunday 11:00 a.m. to 9:00 p.m. – Mini golf
3. Hall Karts, Inc. d/b/a Bud's Go-Karts, 9 Sisson Road – Weekday & Sunday 9:00 a.m. to 10:00 p.m. – Go Carts

Mr. Handler moved to approve the following 2024 Seasonal Amusement license renewal: Grand Slam Entertainment, 322 Main Street – Weekday & Sunday 10:00 a.m. to 9:00 p.m. – Batters box & video games as noted in packet with conditions previously contained in prior licenses. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

Mr. Handler moved to prove the following 2024 Seasonal Amusement license renewal AJG Corporation d/b/a Harbor Glen Mini Golf, 168 Route 28 – Weekday & Sunday 11:00 a.m. to 9:00 p.m. – Mini golf as noted in packet with conditions previously contained in prior license. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried.

Mr. Handler moved to approve the following 2024 Seasonal Amusement license renewal: Hall Karts, Inc. d/b/a Bud's Go-Karts, 9 Sisson Road – Weekday & Sunday 9:00 a.m. to 10:00 p.m. –

March 25, 2024



as noted in packet with conditions previously contained in prior license. Seconded by Mr. MacAskill.

Vote 4:0 in favor. Motion carried.

I. Approve a 2024 Seasonal Innholders license renewal for Allen Harbor Inn LLC d/b/a Allen Harbor Rentals, 326 Lower County Road

Mr. Handler moved to approve a 2024 Seasonal Innholders license renewal for Allen Harbor Inn LLC d/b/a Allen Harbor Rentals, 326 Lower County Road as noted in packet with conditions previously contained in prior license, Seconded by Mr. MacAskill.

Vote: 4:0 in favor. Motion carried.

## **IX. CONTRACTS**

A. Approve an agreement with Nextgrid, Inc. For the decommissioning and removal of renewable- energy electric generating facilities at 0 Depot Road and authorize the Chair to sign.

Mr. Handler moved to approve an agreement with Nextgrid, Inc. for the decommissioning and removal of renewable- energy electric generating facilities at 0 Depot Road and authorize the Chair to sign. Seconded by Mr. Howell.

Mr. Powers explained that the Board is being asked to vote to approve and sign upon the endorsement of the other party.

Vote: 4:0 in favor Motion carried.

B. Approve a contract with McGovern Auto Group Corp Services in the amount of \$75,126.85 for the purchase of a 2024 Ford Super Duty F-350

Mr. Handler moved to approve a contract with McGovern Auto Group Corp Services in the amount of \$75,126.85 for the purchase of a 2024 Ford Super Duty F-350. Seconded by Mr. MacAskill.

Vote: 4:0 in favor. Motion carried.

C. Approve a contract with McGovern Auto Group Corp Services in the amount \$118,335.50 for the purchase of a 2024 Ford Super Duty F-550

March 25, 2024

Mr. Handler moved to approve a contract with McGovern Auto Group Corp Services in the amount \$118,335.50 for the purchase of a 2024 Ford Super Duty F-550. Seconded by Mr. Howell.

Vote: 4:0 in favor. Motion carried

D. Approve a contract a with McGovern Auto Group Corp Services in the amount of \$107,476.10 for the purchase of a 2024 Ford Super Duty F-450

Mr. Handler moved to approve a contract with McGovern Auto Group Corp Services in the amount of \$107,476.10 for the purchase of a 2024 Ford Super Duty F-450. Seconded by Mr. Howell

Vote: 4:0 in favor. Motion carried.

## **X. TOWN ADMINISTRATOR'S REPORT**

Mr. Powers reported that he has no announcements.

## **XI. SELECT BOARD'S MEMBER REPORT**

Mr. Howell requested a report from Mr. Powers regarding Brooks Academy that states whether or not it is possible to get a waiver allowing them to get the main floor open.

Mr. Handler requested an update on HARC which Mr. Howell said he would provide.

## **XII. CORRESPONDENCE**

## **XIII. ADJOURNMENT**

Mr. MacAskill moved to adjourn. Seconded by Mr. Handler.

Vote: 4:0 in favor. Motion carried.

Respectfully submitted,

Judi Moldstad  
Recording Secretary

March 25, 2024

**2024 ANNUAL**  
**TOWN ELECTION**

**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF HARWICH  
TOWN ELECTION WARRANT  
MAY 21, 2024**

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 Tuesday, May 21, 2024.

POLLS WILL BE OPEN AT 7:00 A.M. and CLOSE AT 8:00 P.M.

To choose on one (1) ballot the following Town Officers and Committees: One (1) member of the Select Board for a three year term; One (1) Moderator for a three year term; One (1) member of the Monomoy Regional School Committee for a three year term; Three (3) Trustees of the Brooks Free Library for a three year term; Two (2) Water/Wastewater Commissioners for a three year term; One (1) member of the Housing Authority for a five year term.

***BALLOT QUESTION***

1. Shall the Town of Harwich be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay the Town's allocable share of the bond issued by the Monomoy Regional School District to pay costs of renovating and reconstructing the exterior siding of the Monomoy Regional Middle School, including the payment of all costs incidental and related thereto?

YES \_\_\_\_\_ NO \_\_\_\_\_

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2024.  
(month)

\_\_\_\_\_  
Julie E. Kavanagh, Chair

\_\_\_\_\_  
Michael D. MacAskill, Vice Chair

\_\_\_\_\_  
Jeffrey F. Handler, Clerk

\_\_\_\_\_  
Donald F. Howell

Select Board  
Town of Harwich

Attest:

\_\_\_\_\_  
Emily Mitchell, Town Clerk

Posted by: \_\_\_\_\_, 2024.  
Constable

**2024 ANNUAL**  
**TOWN MEETING**

SUPPLEMENTAL APPROPRIATION FOR PHASE 3 WATERSHED MANAGEMENT PLAN  
CONSTRUCTION CONTRACTS

ARTICLE 52: To see if the Town will vote to amend the vote take under Article 19 of the 2023 Annual Town Meeting for the West Harwich Sewer Main Replacement Project to include supplementing the funds appropriated under Article 21 of the 2023 Annual Town Meeting for the East Harwich Wastewater Collection System Expansion Project; and to act fully thereon.

By request of the Select Board

Explanation: At the 2023 Annual Town Meeting, the Town vote to authorize a borrowing of \$6.5 Million for the West Harwich Sewer Main replacement project. Based on actual bids received, the current estimate for this project is \$1.5 Million. In addition, Town Meeting voted to authorize a borrowing of \$50,000,000 for the East Harwich Wastewater Collection System Expansion Project. Both borrowing authorizations were subject to a debt exclusion vote at the 2023 Annual Town Election. The current article seeks to amend the vote under Article 19 of the 2023 Annual Town Meeting to allow the expenditure of any funds not needed for the West Harwich Sewer Main replacement project for the East Harwich Wastewater Collection System Expansion Project.

*Finance Committee Recommendation:*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE [ ].**  
**VOTE: YES-0, NO-0**

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero):

Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

**Finance Committee:**

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero):

Peter Hughes, Robert McCready, Mark Kelleher, Dana DeCosta, Daniel Tworek, Mark Ameres, Michele Gallucci

FUND A SEWER ASSISTANCE GRANT PROGRAM

ARTICLE 53: To see if the Town will vote to transfer from Retained Earning of the Sewer Enterprise Fund the sum of \$100,000 to implement a sewer assistance grant program that will provide financial assistance to income eligible individuals to connect their properties to the Town's sewer system and/or to decommission existing Title 5 septic systems; and further to authorized the Select Board, or its designee, to establish the grant program including eligibility criteria for participation in the program, the standards for providing assistance to individual homeowners, and the requirement for an appropriate grant agreement; and further that in making this appropriation Town Meeting make a finding that this grant program serves a valid public purpose of supporting the Town's implementation of the Comprehensive Wastewater Management Plan by facilitating compliance with the watershed regulations of the Massachusetts Department of Environmental by reducing the introduction of nitrogen into the watershed cause by septic systems; or to act fully thereon

By request of the Select Board

Explanation: This appropriation will fund a grant program to provide financial assistance to income eligible homeowners to connect their properties to the Town's sewer system and to decommission their existing septic systems. The Select Board will develop the details of the program including income eligibility for participation.

*Finance Committee Recommendation:*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE [ ].**  
**VOTE: YES-0, NO-0**

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero):

Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

**Finance Committee:**

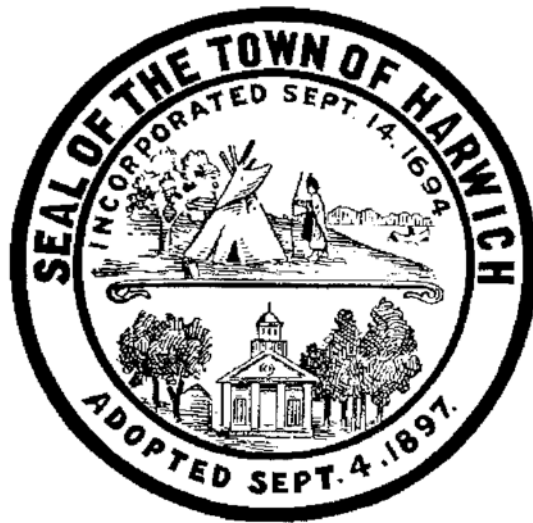
To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero):

Peter Hughes, Robert McCready, Mark Kelleher, Dana DeCosta, Daniel Tworek, Mark Ameres, Michele Gallucci

**ANNUAL TOWN MEETING  
WARRANT  
WITH  
RECOMMENDATIONS**



**May 6, 2024  
7:00 p.m.  
Harwich Community Center  
100 Oak Street  
Harwich, MA 02645**



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**MAY 6, 2024**

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- 44. Amend General Bylaw Chapter 271 ##
- 45. Amend the Harwich Charter ##
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- 47. Defray Library Expenses ##
- 48. Promote the Town of Harwich ##
- 49. Supplemental Cultural Council ##
- 50. Herring Fisheries ##
- 51. Fund Electronic Voting at Town Meetings ##
- 52. Supplemental Appropriation for Phase 3 WMP Construction Contracts ##
- 53. Fund a Sewer Assistance Grant Program ##

**Appendices**

- A. Annual Town Election Warrant
- B. Fiscal Year 2025 Select Board Recommended Budget
- C. Capital Outlay Plan Fiscal Year 2025 - 2029

DRAFT

## VOTING PROCEDURES

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

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

Motions	Debatable	Non Debatable	Amendable	Non Amendable	Second Required	Second Not Required	Majority Vote	2/3 Vote	3/4 Vote	May Reconsider	Cannot Reconsider
Adjourn	X			X	X		X				X
Adjourn (in a time certain)	X		X		X		X			X	
Amendment	X		X		X		X			X	
Adopt a Resolution	X		X		X		X				X
Accept & Adopt	X		X		X		X <sup>1</sup>			X	
Postpone Indefinitely	X			X	X		X			X	
Previous Question		X			X			X			X
Terminate Debate											
Reconsider <sup>2</sup>	X			X	X			X			X
Consider Articles	X		X		X			X			X
Out of Order											
Point of Order		X								X	
1. Unless a greater than simple majority required by General Laws of Town of Harwich by-laws.											
2. See section 1.207											

## TAX RATE CHART

THE CHART BELOW SHOWS THE AMOUNT OF MONEY REQUIRED TO CHANGE THE FY2024 TAX RATE.						
TAX RATE CHANGE IN \$/1000			DOLLARS REQUIRED			
	\$	0.01				\$95,117
	\$	0.05				\$475,584
	\$	0.10				\$951,167
	\$	0.15				\$1,426,751
	\$	0.20				\$1,902,334
	\$	0.25				\$2,377,918
	\$	0.30				\$2,853,501
	\$	0.35				\$3,329,085
	\$	0.40				\$3,804,669
	\$	0.45				\$4,280,252
	\$	0.50				\$4,755,836
	\$	0.55				\$5,231,419
	\$	0.60				\$5,707,003
	\$	0.65				\$6,182,587
	\$	0.70				\$6,658,170
	\$	0.75				\$7,133,754
	\$	0.80				\$7,609,337
	\$	0.85				\$8,084,921
	\$	0.90				\$8,560,504
	\$	0.95				\$9,036,088
	\$	1.00				\$9,511,672

## **MUNICIPAL FINANCE TERMS**

**APPROPRIATION:** An authorization granted by a town meeting, city council or other legislative body to expend money and incur obligations for specific public purposes. An appropriation is usually limited in amount and as to the time period within which it may be expended.

**AVAILABLE FUNDS:** Balances in the various fund types that represent nonrecurring revenue sources. As a matter of sound practice, they are frequently appropriated for unforeseen expenses, capital expenditures, or other one-time costs. Examples of available funds include free cash, stabilization funds, overlay surplus, water surplus, and retained earnings.

**CHERRY SHEET:** Named for the cherry-colored paper on which they were originally printed, the Cherry Sheet is the official notification to cities, towns, and regional school districts of the next fiscal year's state aid and assessments. The aid is in the form of distributions, which provide funds based on formulas and reimbursements that provide funds for costs incurred during a prior period for certain programs or services.

**FREE CASH:** Remaining, unrestricted funds from operations of the previous fiscal year, including unexpended free cash from the previous year, actual receipts in excess of revenue estimated on the tax recapitulation sheet, and unspent amounts in budget line items. Unpaid property taxes and certain deficits reduce the amount that can be certified as free cash.

**OVERLAY** (Overlay Reserve, or Allowance for Abatements and Exemptions): An account that funds anticipated property tax abatements, exemptions, and uncollected taxes. Additions to the overlay reserve need not be funded by the normal appropriation process but instead raised on the tax rate recapitulation sheet.

**RESERVE FUND:** An amount (not to exceed 5 percent of the tax levy for the preceding year) set aside annually within a community's budget to provide a funding source for extraordinary or unforeseen expenditures. In a town, the finance committee can authorize transfers from this fund for "extraordinary or unforeseen" expenditures. Other uses of the fund require budgetary transfers by town meeting.

**STABILIZATION FUND:** A fund designed to accumulate amounts for capital and other future spending purposes, although it may be appropriated for any lawful purpose (MGL c. 40 § 5B). Communities may establish one or more stabilization funds for different purposes and may appropriate any amounts into them. A two-thirds vote of town meeting is required to establish, amend the purpose of, or appropriate money from a stabilization fund. A majority vote of town meeting is required to appropriate money into a stabilization fund.

## **MUNICIPAL FINANCE TERMS RELATED TO CAPITAL IMPROVEMENTS**

**CAPITAL ASSETS:** – Any tangible property used in the operation of government that is not easily converted into cash and that has an initial useful life extending beyond a single financial reporting period. Capital assets include land and land improvements; infrastructure, such as roads, bridges, water and sewer lines; easements;

buildings and building improvements; vehicles, machinery and equipment. Communities typically define capital assets in terms of a minimum useful life and minimum initial cost.

**CAPITAL BUDGET:** An appropriation or spending plan that uses borrowing or direct outlay for capital or fixed asset improvements. Among other information, a capital budget should identify the method to finance each recommended expenditure (e.g., tax levy or rates) and identify those items that were not recommended.

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

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

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

### **MUNICIPAL FINANCE TERMS RELATED TO PROPOSITION 2 ½ TERMS**

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

**CAPITAL OUTLAY EXPENDITURE EXCLUSION:** A temporary increase in the tax levy to fund a capital project or to make a capital acquisition. Such an exclusion requires a two-thirds vote of the selectmen or city council (sometimes with the mayor's approval) and a majority vote in a communitywide referendum. The exclusion is added to the tax levy only during the year in which the project is being funded and may increase the tax levy above the levy ceiling.

**CONTINGENT APPROPRIATION:** An appropriation that authorizes spending for a particular purpose only if subsequently approved in a voter referendum. Under MGL c. 59 § 21C (m), towns may make appropriations from the tax levy, available funds, or borrowing contingent on the subsequent passage of a Proposition 21/2 override or exclusion question for the same purpose. If initially approved at an annual town meeting, voter approval of the contingent appropriation must occur by September 15. Otherwise, the referendum vote must occur within 90 days after the town meeting dissolves. The question may be placed before the voters at more than one election, but if the appropriation is not approved by the applicable deadline, it is null and void. If contingent appropriations are funded through property taxes, DLS cannot approve the tax rate until the related override or exclusion question is resolved or the deadline passes, whichever occurs first.

**DEBT EXCLUSION:** An action taken by a community through a referendum vote to raise the funds necessary to pay debt service costs for a particular project from the property tax levy but outside of the limits under Proposition 21/2. By approving a debt exclusion, a community calculates its annual levy limit under Proposition 21/2, then adds the excluded debt service cost. The amount is added to the levy limit for the life of the debt only and may increase the levy above the levy ceiling.

**LEVY:** The amount a community raises through the property tax. The levy can be any amount up to the levy limit, which is reestablished every year in accordance with Proposition 21/2 provisions.

LEVY CEILING: – A levy ceiling is one of two types of levy (tax) restrictions imposed by MGL c. 59 § 21C (Proposition 2 1/2). It states that, in any year, the real and personal property taxes imposed may not exceed 2 1/2 percent of the total full and fair cash value of all taxable property. Property taxes levied may exceed this limit only if the community passes a capital exclusion, debt exclusion, or special exclusion.

LEVY LIMIT: A levy limit is one of two types of levy (tax) restrictions imposed by MGL c. 59 § 21C (Proposition 21/2). It states that the real and personal property taxes imposed by a city or town may only grow each year by 21/2 percent of the prior year's levy

NEW GROWTH: The additional tax revenue generated by new construction, renovations and other increases in the property tax base during a calendar year. It does not include value increases caused by normal market forces or revaluations.

OVERRIDE: A vote by a community at an election to permanently increase the levy limit. An override vote may increase the levy limit no higher than the levy ceiling. The override question on the election ballot must state a purpose for the override and the dollar amount.

OVERRIDE CAPACITY: The difference between a community's levy ceiling and its levy limit. It is the maximum amount by which a community may override its levy limit.

Note: The glossary definitions found on pages 4, 5 and 6 of this Warrant were derived from the Municipal Glossary published the Division of Local Services (January 2020).

The entire glossary can be found at:

<https://www.mass.gov/info-details/municipal-governance-training-and-resources>



**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF HARWICH  
ANNUAL TOWN MEETING  
May 6, 2024**

BARNSTABLE, ss:

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

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in elections and Town affairs to meet in the Community Center Gymnasium, 100 Oak Street in said Town on May 6, 2024 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.

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

REPORTS OF TOWN OFFICERS AND COMMITTEES

ARTICLE 2: To hear reports of all Town Officers and Committees for the year 2024.

:

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

ELECTED OFFICIAL 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, 2024 and ending June 30, 2025 as follows; and to act fully thereon. Estimated cost: \$136,616

Selectmen (5)	\$2,400 each
Moderator	\$1,000
Water & Wastewater Commissioners (5)	\$1,000 each
Library Trustees (7)	\$1,000 each
Town Clerk	\$111,616

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

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 2025; and to act fully thereon.

By request of the Select Board. (BUDGET – APPENDIX B). Estimated Cost: \$45,732,309

<b>FUNDING SOURCES</b>	
Betterments	145,000
Cable Fund	226,964
Golf Improvement Receipts Reserved	95,200
Harbor Improvement Fund	200,000
Harbor Waterways Fund	200,000
Overlay Surplus	400,000
Special Purpose Wastewater Stab. Fund	500,000
Water Enterprise Indirect Costs	861,327
Wastewater Enterprise Indirect Costs	62,148
<b>Subtotal</b>	<b>2,690,639</b>
<b>Local Receipts</b>	<b>16,307,350</b>
<b>Taxes</b>	<b>26,734,320</b>
<b>Operating Budget</b>	<b>45,732,309</b>

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 use of retained earnings from the Water and Wastewater Departments is solely to account for the indirect costs provided by staff in the Operating Budget.

Additionally, this operating budget includes several enhancements of services (EOS) including:

- **Administration (Dept. 149: lines 29 & 30 in Appendix B):** A new, full-time, benefitted position of Human Resources Generalist as well related fringe benefits, Human Resource programming and funds to support merit increases throughout the organization totaling \$115,000 in line 29 and \$30,000 in line 30.
- **Fire Department (Dept. 220: line 76 in Appendix B):** Additional overtime for shift coverage totaling \$231,190.00 in line 76.
- **Community Center (Dept. 540: line 111 in Appendix B):** \$52,000.00 in line 111 in Appendix B for building enhancements including additional security cameras and monitors, blinds, furniture and cleaning.

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

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 2025, and to act fully thereon. By request of the Monomoy Regional School Committee. Estimated cost: \$29,876,982

Operating	27,213,481
Capital	323,626
Transportation	787,996
Debt	1,551,879
<b>Total Assessment - Harwich</b>	<b>\$29,876,982</b>

Explanation: This article represents the total assessment for the Town of Harwich to the Monomoy Regional School District and reflects a 4.9% increase over the FY 2024 assessment rate. The capital line includes the capital project at the Harwich Elementary School (roof units) as well as the debt line including the debt service payment anticipated to include the Middle School project (see Article 9 of this warrant).

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

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 2025, and to act fully thereon. By request of the Cape Cod Regional Technical High School District. Estimated cost: \$2,204,820

Operating	1,546,671
Debt	658,149
<b>Assessment for Town of Harwich</b>	<b>2,204,820</b>

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 0 (Zero): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

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 2025, and to act fully thereon.

Salaries	1,363,256
Expenses	1,817,878
Debt	739,426
Indirect Costs	861,327
OPEB	50,000
<b>Total</b>	<b>\$4,831,887</b>

By request of the Board of Water/Wastewater Commissioners. Estimated cost: \$4,831,887.

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

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 2025, and to act fully thereon.

Salaries	\$202,624
Expenses	\$435,660
Indirect Costs	\$62,148
<b>TOTAL</b>	<b>\$700,432</b>

By request of the Board of Water/Wastewater Commissioners. Estimated cost: \$700,432.

Explanation: Funding for this article will come from Wastewater Enterprise Fund Receipts (\$50,000), Enterprise Fund Retained Earnings (\$100,000), and a subsidy through the General Fund (\$550,432).

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

MONOMOY MIDDLE SCHOOL RENOVATION PROJECT

**ARTICLE 9:** To see if the Town will vote to approve the \$2,500,000.00 debt authorized by the Monomoy Regional School District to pay costs of renovating and reconstructing the exterior siding of the Monomoy Regional Middle School, including the payment of all costs incidental and related thereto, provided that the approval of the District's borrowing by this vote shall be subject to and contingent upon an affirmative vote of the Town to exempt its allocable share of the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. Chapter 59, Section 21C (Proposition 2-1/2, so-called); and to act fully thereon.

By request of the Select Board. Estimated cost: \$2,500,000.00.

Explanation: The borrowing authorized is contingent upon the passage of the related ballot question (Question #1) which appears on the Annual Town Election warrant (see Appendix A).

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

PETITIONED ARTICLE – TREE PRESERVATION BYLAW

ARTICLE 10: To see if the Town will vote to:

Trees are a tremendous asset to our community and environment. The Harwich Tree Preservation Bylaw encourages the preservation and protection of trees on residential, commercial and industrial lots during building activities as defined in this Bylaw and monitors for their survival after construction.

This Bylaw does not prohibit a landowner's right to remove a protected tree. Removal of protected trees will be authorized so long as the property owner undertakes one of the mitigation options set forth herein. This Bylaw incentivizes the preservation of protected trees by requiring property owners to compensate for any Protected Trees that are removed, either by planting new ones or by contributing to the Tree Bylaw Revenue Account that supports the Town's tree planting and maintenance efforts.

This Article would establish a program intended to incentivize the protection of certain trees on lots within the Town of Harwich. It would require, prior to any building activities as defined in this Article, the submission of an application and plan to the Planning Department that identifies trees that qualify as "Protected Trees," within the lot perimeter setback area of the lot, defined as the "Tree Lot." This Article does not prohibit any property owner from removing any tree, protected or not, from their property, however if a protected tree is proposed for removal it will require either a payment into a Tree Bylaw Revenue Account or replacement of the protected tree with a suitable species in accordance with this Article. This would eliminate the ability for property owners to "clear-cut" their lot prior to a building activity. This Article does not restrict cutting or removal of trees outside of the "Tree Lot." Nor does this Article prevent an owner from cutting or removing trees if there is no building or construction activities. The Article is intended to encourage the preservation of existing trees for their environmental benefits and positive impact on the character of the community.

To see if the Town will vote to add new Chapter: Tree Preservation Bylaw to the Harwich General Bylaws as follows:

**HARWICH TREE PRESERVATION BYLAW**

**§175-1 PURPOSE & INTENT**

The Harwich Tree Preservation Bylaw encourages the preservation and protection of trees on residential, commercial and industrial lots during building activities as defined in this Bylaw and monitors for their survival after construction.

This Bylaw does not prohibit a landowner's right to remove a protected tree. Removal of protected trees will be authorized so long as the property owner undertakes one of the mitigation options set forth herein. This Bylaw incentivizes the preservation of protected trees by requiring property owners to compensate for any Protected Trees that are removed, either by planting new ones or by contributing to the Tree Bylaw Revenue Account that supports the Town's tree planting and maintenance efforts.

This Bylaw does not discourage the removal of hazardous trees (as defined herein) for reasons of public health and safety nor does this Bylaw discourage the removal of a tree(s) that by size or otherwise is not subject to the protections set forth herein.

This Bylaw defines which trees are of preservation value (“Protected Trees”) and designates the area(s) of a lot or parcel where those trees are protected (“Tree Yard”).

Trees cannot be assigned a monetary value, they are ‘priceless.’ The preservation of existing trees and the promotion of new tree planting is a public purpose that protects the ecology and public health, welfare, environment and aesthetic character of the Town of Harwich and its residents. Trees serve a variety of functions that this Bylaw intends to protect and enhance. These valuable functions include but are not limited to reducing energy consumption, providing shade, improving air quality, providing vital wildlife habitat, erosion control, reducing storm-water runoff, buffering noise pollution, increasing property values, and positively contributing to the visual character of the Town.

§175-2

DEFINITIONS

The following words, terms, and phrases, when used in this Bylaw, shall have the meaning ascribed to them in this section:

**AGGREGATE DIAMETER:** The combined diameter of a multiple-trunk tree measured at breast height. Breast height: see definition below.

**BUILDING ACTIVITY:** One of the following types of work performed on a lot:

- *Work performed pursuant to a special permit (as defined in MGL Ch. 40A Sec. 9 and the Harwich Zoning Bylaw);*
  - *Work performed pursuant to site plan approval (as defined in the Harwich Zoning Bylaw);*
  - Construction of a new dwelling (including after razing an existing dwelling);
  - Construction of a structure on a vacant lot;
  - Construction of a subdivision;
  - Construction of a structure or addition that increases the gross floor area of a residential, commercial, or industrial structure by 50% or more;
  - Demolition of a structure(s) with a footprint of 250 square feet or greater;
  - Construction of any accessory structures requiring a building permit including but not limited to sheds 200 square feet, detached garages, pools, retaining walls with a height of four feet or greater;
- or

- Clearing, grading, grubbing or other site preparation work performed prior to undertaking any of the above.

**CERTIFICATE OF**

**EXEMPTION:**

Formal permission granted to proceed with building activity without the need for a tree permit.

**CERTIFIED ARBORIST:**

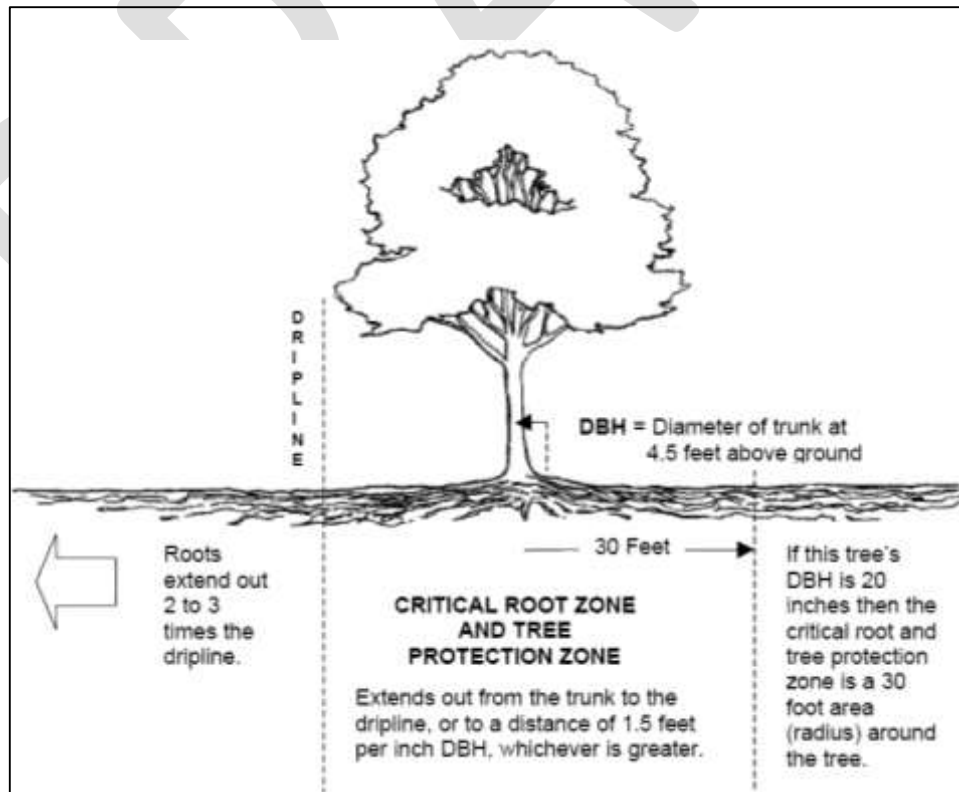
An arborist certified by the Massachusetts Arborists Association or International Society of Arboriculture, or any successor organization.

**CRITICAL ROOT ZONE**

**(CRZ):**

The minimum area beneath the tree canopy of a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The CRZ is represented by a circle centering on the tree's trunk and extending outwards towards the tree's drip line. The minimum radius of the CRZ shall be determined by multiplying the tree's diameter at breast height in inches by 18 (1.5 feet per inch DBH). See Figure 1 below.

Figure 1



**Example:** A tree with a diameter at breast height of 20 inches shall have a CRZ of 360



**inches or 30 feet (20" x 18"= 360")**

**Calculating the CRZ:**

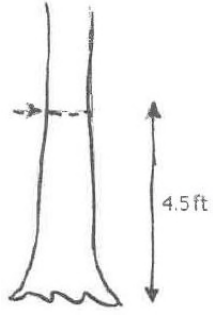
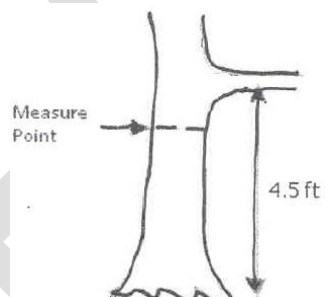
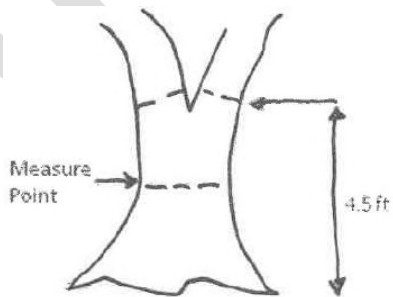
First you need to calculate the tree's Diameter at Breast Height (DBH). DBH can be measured using a caliper measuring tool, or for trees that are too large, DBH can be measured by dividing the tree's circumference by pi ( $\pi$ ). Diameter = circumference /  $\pi$  (3.14)

The Critical Root zone extends from the trunk of the tree to its drip line, or to a distance of 1.5 feet per inch DBH, whichever is greater.  
CRZ = Diameter \* 1.5 feet (18 inches)

**DIAMETER BREAST**

**HEIGHT (DBH):**

The diameter of the trunk of a tree 4.5 feet above the existing grade at the base of the tree. For trees that have branches or swelling at 4.5' above grade that interferes with measurement or for multi-stemmed trees refer to Table 1 below.

<b>TABLE 1: HOW TO MEASURE DIAMETER AT BREAST HEIGHT (DBH)</b>	
<p><b>Standard Tree</b></p> <p>For those trees on a site that are at least 6 inches in diameter at a height of 4.5 feet above the existing grade at the base of the tree. For trees on a slope, measure on the uphill side of the tree.</p>	
<p><b>Tree has branches or swelling at 4.5'</b></p> <p>Measure DBH below the branch or swelling immediately below where branches cease to affect diameter of the stem. Record the height at which the diameter was measured.</p>	
<p><b>Multi-stemmed Trees</b></p> <p>If a tree splits into multiple trunks below 4.5' above the existing grade, the DBH shall be considered to be the measurement taken at the narrowest point beneath the split.</p>	

**HAZARDOUS TREE:** A tree that is dead, diseased, injured and/or that is dangerously close to existing structures, utilities, streets, sidewalks or other existing improvements or is causing disruption of public utility service, or poses a threat to pedestrian or vehicular safety, or drainage or passage issues upon right-of-way and/or that is harming the health or condition of other trees on the same site.

**INVASIVE SPECIES:** Any tree that is listed on the most recent version of the Massachusetts Prohibited Plant List as published by the Massachusetts Department of Agriculture. Invasive species as defined in this Bylaw are not protected trees.

Here is link to Massachusetts prohibited plant list:

<https://www.mass.gov/info-details/massachusetts-prohibited-plant-list>

Up dates:

<https://www.mass.gov/info-details/massachusetts-prohibited-plant-list-update>

Including but not limited to these examples:

<i>Acer platanoides</i>	Norway Maple
<i>Acer pseudoplatanus</i>	Sycamore Maple
<i>Ailanthus altissima</i>	Tree-of-Heaven
<i>Phellodendron amurense</i>	Amur Cork-tree
<i>Robinia pseudoacacia</i>	Black Locust

**OVERSTORY TREE:** A tree that will generally reach a mature height of more than 40 feet.

**PROTECTED TREES:** Any tree with a diameter at breast height (DBH) of six-inches (6”) or greater of any one of the species listed in Table 2 below.

Removal of Protected Trees shall require a permit before being removed, encroached upon, or in some cases, pruned.

Invasive species as defined in this Bylaw are not protected trees.

<b>Table 2: List of Tree Species that are Protected Trees</b>	
<b>Overstory Species</b>	<b>Understory Species</b>
Atlantic White Cedar ( <i>Chamaecyparis thyoides</i> )	American Holly ( <i>Ilex opaca</i> )
Black tupelo ( <i>Nyssa sylvatica</i> )	Sassafras ( <i>Sassafras albidum</i> )
Gray Birch ( <i>Betula populifolia</i> )	Eastern Red Cedar ( <i>Juniperus virginiana</i> )
River Birch ( <i>Betula nigra</i> )	Shadbush ( <i>Amelanchier Canadensis</i> )
White Ash ( <i>Fraxinus americana</i> )	Flowering Dogwood ( <i>Cornus florida</i> )
Green Ash ( <i>Fraxinus pennsylvanica</i> )	Cockspur Hawthorne ( <i>Crategus crus-galli</i> )
Red Maple ( <i>Acer rubrum</i> )	Sweetbay Magnolia ( <i>Magnolia virginiana</i> )
Willow, various species ( <i>Salix</i> spp.)	Ironwood ( <i>Ostrya virginiana</i> )
Atlantic White Cedar ( <i>Chamaecyparis thyoides</i> )	American Hornbeam ( <i>Carpinus caroliniana</i> )
Pitch Pine ( <i>Pinus rigida</i> )	
White Oak ( <i>Quercus alba</i> ) and other <i>Quercus</i> species	
Hackberry ( <i>Celtis occidentalis</i> )	
American Beech ( <i>Fagus grandifolia</i> )	

Tulip Poplar ( <i>Liriodendron tulipifera</i> )
White Spruce ( <i>Picea glauca</i> )
Black Spruce ( <i>Picea mariana</i> )
American basswood ( <i>Tilia Americana</i> )
Black Gum/Sourgum ( <i>Nyssa sylvatica</i> )
Black Cherry ( <i>Prunus serotina</i> )

DRAFT

**REMOVE, EMOVED,  
REMOVAL or REMOVING:**

The cutting down of any Protected Tree and all other acts that directly or indirectly result in the death of a Protected Tree prior to any building activity or within two years thereafter, as determined by a certified arborist based on arboricultural practices recommended by the International Society of Arboriculture, including, but not limited to, damaging, poisoning, excessive pruning or other direct or indirect actions.

Grading, grubbing, changing the contour within the CRZ is not permitted if the health of the protected tree is threatened.

Removal or altering the understory vegetation within the CRZ is not permitted if the health of the protected tree is threatened.

**TREE BYLAW**

**REVENUE ACCOUNT:** An account established by the Town Accountant to deposit mitigation funds collected under this chapter to be appropriated via a town meeting vote and expended for the purposes of maintaining, acquiring and/or installing trees to beautify the Town and preserve and enhance the character of the community. All sums deposited into the Tree Bylaw Revenue Account shall be used for the sole purpose of buying, planting and maintaining trees on public property in Harwich, and for no other purpose whatsoever.

At least once a year the Town Accountant shall audit the receipts and expenses of the Tree Bylaw Revenue

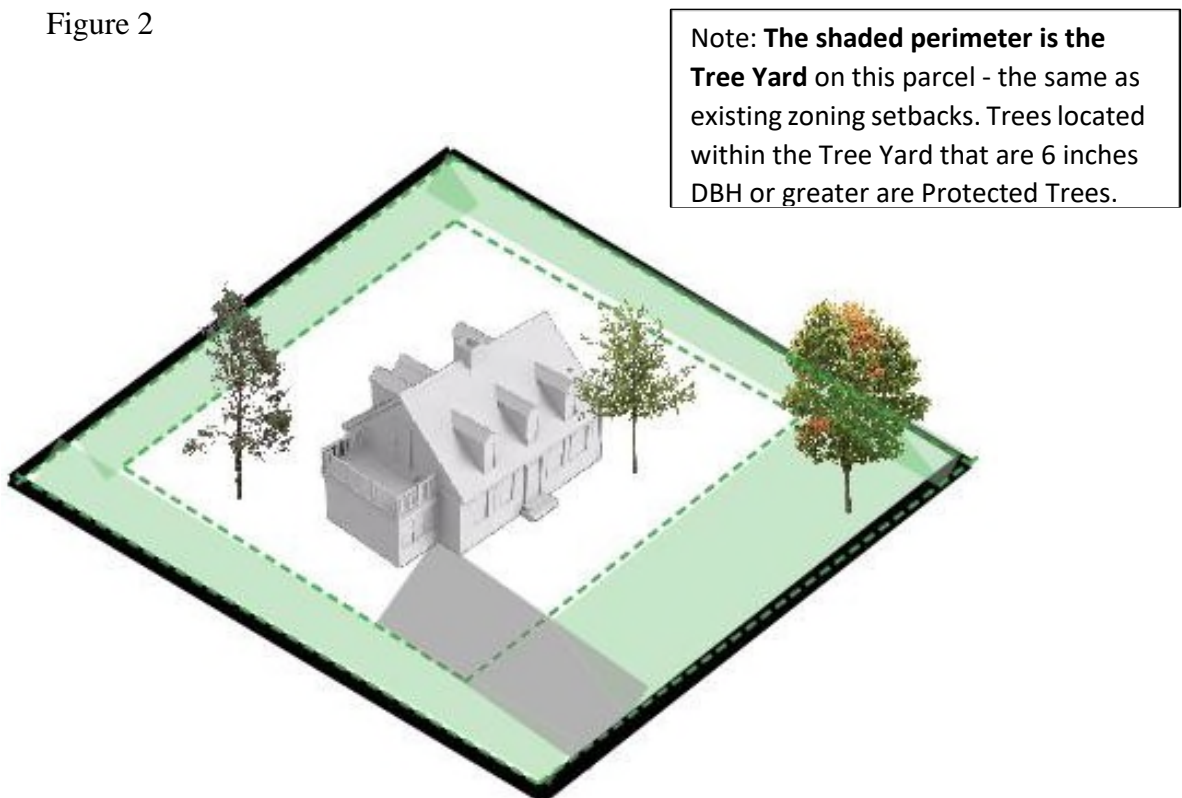
Account to ensure accuracy and propriety of its transactions.

The required dollar amount paid into the Tree Bylaw Revenue Accountant is determined by the written price quotes/estimates from a garden center/nursery for the purchase of trees and as well a price quote/estimate from a qualified landscape professional for installation of the equivalent size of the Protected Tree(s) each stamped, dated and signed by a Certified Arborist;

**TREE YARD:**

A defined area around the perimeter of a lot which is equal to the minimum setbacks front, side, and rear as defined in Town of Harwich Section 325 Attachment 2, Table 2, Area Regulations of the Harwich Zoning Bylaw.

Figure 2



**TREE PERMIT:** Formal permission granted to proceed with any building activity that affects a Protected Tree(s).

**UNDERSTORY:** A layer of vegetation beneath the main canopy of a forest.

Removal or altering the understory vegetation within the CRZ is not permitted if the health of the protected tree is threatened.

**§175-3 APPLICABILITY**

All lots in the Town of Harwich are subject to the Tree Preservation Bylaw unless specifically exempted under **Section 3(A)** below and the project involves at least one building activities as defined in this chapter:

No person shall commence building activity on any lot without first obtaining a Tree Preservation Permit or a Certificate of Exemption from the Planning Department via the Town Planner or his/her designee.

Protected Trees removed within the past 12 months prior to an application for building activity are also subject to the requirements of the Tree Bylaw.

**A. EXEMPTIONS**

- (1) Properties that are pre-disturbed or previously developed may remove protected trees in the Tree Yard of their property without connection to a building activity. Applicability of this bylaw applies only to those Building Activities as defined.
- (2) Any lot or lots located within wetlands jurisdiction whereas any building activity that may impact protected trees will be subject to the review and approval of the Conservation Commission
- (3) Any building activity not within the definition of “building activity” (i.e., demolition of a shed that is less than 250 square feet).
- (4) If a Certificate of Exemption has been issued by the Planning Department, no Tree Preservation Permit shall be required. The granting of exemption shall be at the discretion of the Town Planner or his/her designee and shall be based on whether the building activity could potentially harm a Protected Tree. If the proposed building activity does not have the potential to harm a

Protected Tree, the Town Planner or his/her designee shall issue a Certificate of Exemption.

- (5) Invasive species as defined in this Bylaw are not protected trees.
- (6) Dead, Diseased, or otherwise Hazardous Trees - If a Protected Tree is deemed to be imminently hazardous because it is dead, or infested with a disease or pest of a permanent nature or is an immediate danger to the public health, safety or welfare or shall cause an immediate disruption of public services, the tree may be removed without delay. An oral authorization from the Town Planner or his/her or designee to remove the tree shall be permitted and followed up with a written report. In the event that the emergency condition does not allow time to seek prior authorization then the emergency removal of the tree shall proceed with notification to the Town Planner sent by email or U.S. mail within 24 hours of said removal.
- (7) Pruning: A tree permit is not required for pruning of Protected Trees. However, excessive pruning may constitute tree removal.
- (8) Any building activity conducted by the Town or on behalf of the Town of Harwich.

**Waiver:** During a period of a bona fide emergency declaration resultant of a significant weather event and/or natural disaster by local or other Act of God, state and/or federal authorities, requirements of this Bylaw shall be waived.

#### §175-4 IDENTIFYING PROTECTED TREES

Any tree with a Diameter at Breast Height (DBH) of 6” or greater and within the Tree Yard is considered to be a Protected Tree. Any Protected Trees located within the Tree Yard are to be adequately protected. Any Protected Trees located in the Tree Yard proposed for removal shall require adequate mitigation plantings and/or payment to the Harwich Tree Bylaw Revenue Account.

Protected Trees removed within the past 12 months prior to an application for any of the projects are also subject to the requirements of the Tree Bylaw.

#### §175-5 SUBMISSION REQUIREMENTS FOR A TREE PROTECTION AND MITIGATION PLAN

The applicant pays for a registered land surveyor to prepare a tree protection or mitigation plan. The applicant pays for the services of a certified arborist. An approved Tree Protection and Mitigation Plan is required before commencement of any applicable building activity. The Tree Protection and Mitigation Plan is



intended to define the Tree Yard and the location(s) of Protected Trees within it and define how the method with which the property owner intends on mitigating for any Protected Trees that are proposed for removal. This Plan may be part of a landscape plan or a separate plan.

All submitted plans must be drawn to a uniform scale (preferably 1"= 10', 1" =20', or 1"=30') and shall be a minimum size of 11" x 17" (preferred) and a maximum size of 24" x 36", with 3/4" borders. Font sizes on plans should be no smaller than 1/8". All Tree Protection and Mitigation Plans shall be prepared, stamped, dated and signed by a Registered Land Surveyor. If a plan is submitted by a Registered Landscape Architect, the plan must also be stamped by a Registered Land Surveyor.

At a minimum, the Tree Protection and Mitigation Plan shall include the following elements:

- a) Boundaries of the subject property, including all property lines, easements, and right-of- way of public and private ways;
- b) The location of all existing buildings, driveways, retaining walls and other improvements, with an indication of those features to be retained or removed/demolished;
- c) The location of all planned buildings, driveways, retaining walls and other improvements;
- d) The location of the Tree Yard for projects located in the subject zoning district; and
- e) The location, height, DBH, and species of all existing Protected Trees and all Protected Trees that were removed within 12 months prior to application with an indication of those Protected Trees to be removed and those to be retained, if applicable.

**§175-6**      **ADDITIONAL REQUIREMENTS TO BE SUBMITTED**

**A. If Protected Trees are intended to be preserved, protected, and retained, the following elements must be added to the Plan:**

- 1. The Critical Root Zone and Drip line shall be shown for all Protected Trees to be retained.  
(See Figure 1 above in definitions section).
- 2. Submitted plans shall specify the tree protection measures to be installed around the Critical Root Zone.

3. Prior to the commencement of construction, written documentation prepared, stamped, dated and signed by a Certified Arborist must be submitted to the Planning Department confirming the protection measures have been installed correctly and in accordance with any approved plans.
4. Projects that encroach within the CRZ require a maintenance plan which shall be submitted for such trees, prepared, stamped, dated and signed by a Certified Arborist; at a minimum, the maintenance plan shall identify the course of action that will be taken to maintain the tree in good health for a period of no less than 24 months from the date of Final Inspection or issuance of Certificate of Occupancy.
5. Grading, grubbing, changing the contour within the CRZ is not permitted if the health of the protected tree is threatened.
6. Removal or altering the understory vegetation within the CRZ is not permitted if the health of the protected tree is threatened.

**B. If Protected Trees are intended to be removed and compensated for on-site by replanting new trees, the following additional elements must be added to the Plan:**

1. The location, DBH, species, and planting schedule of trees to be replanted to mitigate the removal of a Protected Tree(s). New trees of one-half (0.5) inch DBH is needed to mitigate for each one-inch at breast height of Protected Trees proposed for removal. **Example:** The removal of a 20 inch DBH Protected Tree shall require 5, 2 inch DBH replacements.
2. Each new tree must have a minimum DBH of 2 inches.
3. Replanting must be complete prior to Final Inspection or the issuance of a Certificate of Occupancy.
4. Applicants have the ability to plant on land abutting the applicant's land, with the express written approval of the abutting property owner.
5. Over story Tree species, if removed, must be replaced with an Overstory Tree species.
6. Invasive tree species as defined in this Bylaw shall not be replanted to mitigate the removal of a Protected Tree and no invasive species will be accepted as mitigation toward the removal of a Protected Tree.

**C. If Protected Tree removal is permitted but replanting trees as defined above is not the preference of the property owner, then mitigation may be effected through contribution into the Town of Harwich Tree Bylaw Revenue Account as follows:**

1. The Town Planner or his/her designee shall determine the amount of the

contribution based upon the cost to purchase and install trees. An applicant who has been granted a Tree Permit may choose, in lieu of replanting onsite, to make a contribution to the Tree Bylaw Revenue Account in an amount equal to planting replacement tree(s). And deposit such amount in the Tree Bylaw Revenue Accountant.

To establish the required dollar amount the applicant shall provide to the Board written price quotes/estimates from

- a. a garden center/nursery or from whomever they purchase the trees, and
- b. as well as from a qualified landscape professional the price for installation and planting of the replacement trees.

each stamped, dated and signed by a Certified Arborist;

**§175-7** COMBINATION OF OPTIONS

Any combination of Tree Retention, Tree Replanting or Tree Removal with contribution to the Tree Bylaw Revenue Account can be used. Tree mitigation for those trees removed must be clearly identified either on the submitted plan or in a written document accounting for each DBH of Protected Trees removed and the mitigation proposed. This is not required for tree retention of all trees in the Tree Yard.

**§175-8** ADMINISTRATION OF BYLAW

The Town Planner or his/her designee shall administer, implement and enforce this Bylaw and any rules and regulations adopted thereunder. Any powers granted to or duties imposed upon the Town Planner may be delegated to its agents under the Board's direct supervision.

**§175-9** AUTHORITY

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes.

**§175-10** RULES AND REGULATIONS

The Planning Board may promulgate rules and regulations to effectuate the

purposes of this Bylaw. Such rules may prescribe the size, form, contents, style and number of copies of plans for determining final compliance with these regulations. The adoption or amendment of rules and regulations shall be after a public hearing to receive comments on the proposed or amended rules and regulations. The public hearing shall be advertised once in a newspaper of general local circulation, at least 14 days prior to the date of the public hearing.

**§175-11 NOTICE OF VIOLATION**

Any person who violates any of the provisions of this Bylaw shall be notified by the Town Planner or his/her designee of the specific violation by certified mail, return receipt requested, or by hand delivery. The notice shall set forth the nature of the violation and the date by which the Protected Tree(s) is to be mitigated, by planting a replacement tree(s) or payment to the Tree Bylaw Revenue Account, for purposes of computing the “per diem” violation rule. Any notice of violation shall also be transmitted to the Harwich Building Commissioner.

**§175-12 STOP WORK ORDER**

Upon notice from the Town Planner or his/her designee that work on any lot on which a Protected Tree is located is being performed contrary to the provisions of this Bylaw, a written Stop Work Order shall be given to the owner or agent or the person performing work on the property by the Building Commissioner. The Stop Work Order shall state the conditions under which work will be permitted to resume. Upon receipt of the Stop Work Order all work on the subject property that might affect any Protected Trees must cease while a stop work order is pending.

A person, having been served with a stop work order, may be directed to perform work on the said Protected Tree property to remove a violation or unsafe condition.

**§175-13 SUSPENSION OR REVOCATION**

The Town Planner or his/her designee may suspend or revoke the applicant’s Tree Permit at any time if the permit holder has failed to comply with either the Bylaw or the conditions of the permit. Notice may be made via certified or registered mail, return receipt requested, or hand delivered. The notice must provide the applicant an opportunity to correct the non-compliance. This may include remediation or

other requirements identified by the Town Planner or authorized monitoring agent, such as the Code Compliance Inspector. Once the project is returned to compliance or remediation completed, if practicable, the applicant may apply for a renewal of the tree permit.

**§175-14 IRREPARABLE DAMAGE**

If the Town Planner or his/her designee determines that the applicant damaged a tree approved for Retention and Protection during construction to an extent that may significantly compromise its survival and future health, the Town Planner or his/her designee may require the applicant to provide mitigation per the terms of the Bylaw.

**§175-15 NON-CRIMINAL FINES**

If the Town Planner or authorized monitoring agent, such as the Code Compliance Inspector, identifies any issues of non-compliance, fines will accrue per the Bylaw if not corrected within 30 days. Each consecutive day the non-compliance continues is considered a separate offense.

**§175-16 FINES AND PENALTIES**

The following actions shall cause the Planning Department to issue a fine to the applicant:

- A. A Protected Tree has been removed without a Tree Permit: The fine shall be in addition to the required payment for the replacement of the tree(s).
- B. Failure to replace trees or make payment to the Tree Bylaw Revenue Account as required: Each failure to replace a tree or make a payment to the Tree Bylaw Revenue Account constitutes a separate violation of this Bylaw, subject to a fine. Each day such violation continues after the compliance date specified by the Planning Department in its notice of violation shall constitute a separate offense.
- C. Failure to comply with a condition of the Tree Permit: Each instance of failure to comply with a condition in the Tree Permit shall constitute a violation of this Bylaw which shall be subject to a fine. Each day such violation continues shall constitute a separate offense.
- D. Failure to comply with a condition in a Stop Work Order: Each instance of failure to comply with a condition in a Stop Work Order shall constitute a violation of this Bylaw which shall be subject to a fine. Each day such violation continues shall constitute a separate offense.
- E. Fines for the above violations

are as follows: First  
offense = \$100 per day  
Second Offense = \$200 per day  
Third Offense = \$300 per day

F. Fines assessed pursuant to this Section shall be enforced and collected in accordance with applicable provisions of law, including the provisions of G.L. c.40, §21D providing for noncriminal disposition of bylaw violations, as implemented by Article III, §1-3 of these Bylaws

**§175-17 SEVERABILITY**

The provisions of this Bylaw are severable. If any section, provision or portion of this Bylaw is determined to be invalid by a court of competent jurisdiction, then the remaining provisions of this Bylaw shall continue to be valid.

**§175-18 CONFLICT OF LAWS**

This Bylaw shall not apply to any public shade tree as that term is defined by the General Laws, Chapter 87, and to the extent that any provision hereof conflicts with said Chapter 87, such provision shall not be valid. Nothing herein is intended to conflict with existing special-permit procedures and to the extent than any provision hereof conflicts with said special-permit procedures, such provision shall not be valid.

**§175-19 COMPLIANCE WITH ALL STATE AND LOCAL REGULATIONS**

Complying with the terms of this Bylaw shall not relieve the owner of the subject property from complying with any other pertinent regulation, including but not limited to all state and local wetlands-protection regulations.

**§175-20 ENFORCEMENT**

The Town Planner or his/her designee is hereby authorized to enforce all provisions of the Harwich Preservation Tree Bylaw and may designate monitoring and enforcement agents to include but not be limited to the Code Compliance Officer, the Town Planner, the Conservation Agent, Building Inspector/Commissioner.

**§175-21 APPEALS**

Any person who has been aggrieved by refusal, order, or decision of the Town Planner or his/her designee, may appeal to the Planning Board within 20 days from the date of such refusal, order or decision.

By Petition (Lead Petitioner: Patrick Otton)

Explanation: This Article would establish a program intended to incentivize the protection of certain trees on lots within the Town of Harwich. It would require, prior to any building activities as defined in this Article, the submission of an application and plan to the Planning Department that identifies trees that qualify as "Protected Trees," within the lot perimeter setback area of the lot, defined as the "Tree Lot." This Article does not prohibit any property owner from removing any tree, protected or not, from their property, however if a protected tree is proposed for removal it will require either a payment into a Tree Bylaw Revenue Account or replacement of the protected tree with a suitable species in accordance with this Article. This would eliminate the ability for property owners to "clear-cut" their lot prior to a building activity. This Article does not restrict cutting or removal of trees outside of the "Tree Lot." Nor does this Article prevent an owner from cutting or removing trees if there is no building or construction activities. The Article is intended to encourage the preservation of existing trees for their environmental benefits and positive impact on the character of the community.

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 0 (Zero): None

Nays: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

**FUND CAPE COD COMMUNITY MEDIA CENTER**

**ARTICLE 11:** 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; and to act fully thereon. By request of the Select Board. Estimated cost: \$158,273.

Explanation: This customary article is 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.

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

**LEASE PURCHASE AGREEMENTS**

**ARTICLE 12:** 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 2025, said leases may be a term not to exceed the useful life of the equipment as determined by the Select Board; and to act fully thereon. By request of the Select Board. *Requires a 2/3 majority vote.*

Explanation: Massachusetts General Law, c. 44, §21C requires a recommendation by the Town Administrator and a two-thirds majority 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 Fiscal Year 2025.

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

**PETITIONED ARTICLE – HOME RULE PETITION: PESTICIDES**

**ARTICLE 13:** To see if the Town will vote to authorize and direct the Select Board to petition the Great and General Court of the Commonwealth of Massachusetts for special legislation, authorizing the Town to adopt a Pesticide Reduction Bylaw (the bylaw), the text of which is set forth below, 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: and vote to adopt the bylaw.

**PESTICIDE REDUCTION BYLAW**

§1. Purpose.

The purpose of this bylaw is to reduce toxic pesticide use in and on public and private property in the Town of Harwich in order to promote a healthy environment and to protect the public from the



hazards of pesticides, and for implementation of sustainable land and building management practices on all public and private property.

§2. Findings.

- A. Scientific studies associate exposure to pesticides with asthma, cancer, developmental and learning disabilities, nerve and immune system damage, liver or kidney damage, reproductive impairment, birth defects, and disruption of the endocrine system.
- B. Infants, children, pregnant women, the elderly, and people with compromised immune systems and chemical sensitivities are especially vulnerable to pesticide effects and exposure.
- C. Pesticides are harmful to pets and wildlife, including threatened and endangered species, soil microbiology, plants, and natural ecosystems.
- D. Toxic runoff from chemical fertilizers and pesticides pollute streams, lakes, estuaries, and drinking water sources.
- E. The use of pesticides is not necessary to create and maintain green lawns and landscapes given the availability of viable alternatives practices and products.
- F. People have a right not to be involuntarily exposed to pesticides in the air, water or soil that inevitably result from chemical drift and contaminated runoff.
- G. Sustainable land and building management practices that emphasize non-chemical methods of pest prevention and management, and least-toxic pesticide use as a last resort, will eliminate the use of and exposure to pesticides while controlling pest populations.
- H. Sustainable land and building management practices complement other important goals of Harwich's maintenance and administration, such as energy conservation and security.
- I. Harwich embraces a precautionary approach to the use of pesticides in order to adequately protect people and the environment from the harmful effects of pesticides.
- J. Application of chemicals simply for aesthetic/cosmetic purposes has harmful consequences for our ecosystem, children and pets. Pollinators are directly harmed by applications particularly the indiscriminate (and long-term ineffective) spraying of pesticides.

§3. Authority.

This bylaw is adopted under authority granted by the Home Rule amendment to the Massachusetts Constitution and the provisions of any Special Legislation passed by the Legislature.

§4. Definitions.

For the purposes of this bylaw, the following definitions shall apply:

Allowed Materials List - The list of acceptable pesticides is limited to the following:

- 1) All non-synthetic (natural) materials, with the exception of prohibited non-synthetic materials under 7 CFR 205.602;
- 2) Any synthetic material listed at 7 CFR 205.601 that is labeled for turf uses, subject to discretionary authority to require disclosure of inert ingredients; and
- 3) 25b listed pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

Inert ingredient - Any substance (or group of substances with similar chemical structures if designated by the Environmental Protection Agency) (EPA) other than an active ingredient that is intentionally included in any pesticide product (40 CFR 152.3(m)) [7 CFR 205.2 Terms defined.], and are not classified by the EPA Administrator as inserts of toxicological concern. [7 U.S.C. 6502(21) Definitions]

Non-synthetic (natural) materials - A substance that is derived from mineral, plant, or animal matter and does not undergo a synthetic process as defined in section 6502(21) of the Organic Foods Production Act. For the purposes of this part, 'non-synthetic' is used as a synonym for natural as the term is used in the regulations. [7 CFR 205.2 Terms defined.]

Pesticide — Any substance or mixture of substances intended for: (i) preventing, destroying, repelling, or mitigating any pest; (ii) use as a plant regulator, defoliant, or desiccant; or (iii) use as a spray adjuvant such as a wetting agent or adhesive. The term 'pesticide' includes insecticides, herbicides, fungicides, and rodenticides, but does not include cleaning products other than those that contain pesticidal agents.

Synthetic materials - A substance that is formulated or manufactured by a chemical process or by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources, except that such term shall not apply to substances created by naturally occurring biological processes. [7 U.S.C. 6502(21) Definitions]

§5. Prohibitions.

The application of any Pesticide that is not on the Allowed Material List is prohibited, except as permitted in this bylaw.

§6. Exceptions.

- A. The application of the following Pesticides is allowed:

1. Indoor pest sprays and insect baits (excluding rodent baits)
  2. Insect repellants for personal and household use
  3. Pet: Flea and tick sprays, powders, and pet collars
  4. Kitchen, laundry, and bath disinfectants and sanitizer
  5. Products labeled primarily to kill mold and mildew
  6. Usage for commercial farming and nurseries.
- B. Pesticides for the treatment of invasive plants for ecological restoration (see Massachusetts Invasive Plant Advisory Group current lists of Invasive, Likely Invasive, and Potentially Invasive <https://www.massnrc.org/mipag/> may be used upon the grant of a waiver by the Town Manager or authorized designee.
- C. If an emergency public health situation warrants the use of Pesticides, which would otherwise not be permitted under this bylaw, the Town Manager or authorized designee shall have the authority to grant a temporary waiver on a case-by-case basis after an evaluation of all alternative methods and materials.

D.

§7. Enforcement.

The enforcement authority shall be the Town Manager, or any town officials as designated by the Select Board to oversee and enforce the provisions of this bylaw.

§8. Penalties.

Any person who violates any provision of this bylaw shall be punished by a fine of one hundred dollars (\$100.00) for the first offense and three hundred dollars (\$300.00) for each offense thereafter. Each day or portion thereof during which a violation continues shall constitute a separate offense and a violation of each provision of the bylaw shall constitute a separate offense. If the offender is a commercial applicator, the right to do business in Harwich may be revoked.

§9. Severability.

The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

Provided, that this bylaw is subject to the Town obtaining special legislation from the Great and General Court of the Commonwealth of Massachusetts authorizing the Pesticide Reduction Bylaw as aforesaid; or to take any other action relative thereto.

By Petition (Lead Petitioner: Patrick Otton)

Explanation

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 businesses in Harwich. It is the reason we live here and they need to be protected and cared for.

SUMMARY

The article authorizes the Select Board to file special legislation authorizing the adoption of the proposed bylaw as the application of pesticides in Harwich is currently primarily regulated by state and federal law. This article also proposes the adoption of a bylaw that seeks to reduce toxic pesticide use in and on public and private property in order to promote a healthy environment and to protect the public from the hazards of pesticide use. It does not prohibit businesses from selling products containing pesticides to anyone.

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 0 (Zero): None

Nays: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

PETITIONED ARTICLE – AUTHORIZE SPECIAL ACT TO ENABLE HARWICH  
TO REGULATE THE APPLICATION OF FERTILIZERS

ARTICLE 14: 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 (OMRJ 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.  
By Petition (Lead Petitioner: Patrick Otton)

Explanation: 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 businesses in Harwich. It is the reason we live here and they need to be protected and cared for.

### 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 H 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.

### **ROLL CALL VOTES:**

#### **Select Board:**

To accept and adopt:

Yeas: 0 (Zero): None

Nays: 3 (Three): Julie Kavanagh, Michael MacAskill, Jeffrey Handler,

Abstained: 1 (One): Donald Howell

### PETITIONED ARTICLE - AFFIRM SUPPORT FOR A PUBLIC ACCESS OLYMPIC SWIMMING POOL AND FACILITIES AT THE HARWICH COMMUNITY CENTER

ARTICLE 15: To see if the Town will vote to adopt the following resolution:

WHEREAS, the Town of Harwich acknowledges the seasonal use of our ponds and seashore for recreational use; and,

WHEREAS, the Town of Harwich acknowledges that year-round swim lessons for our children, competitive swimming for our youth and recreational and fitness swimming for our adults would improve the health and well-being for all; and,

WHEREAS, the Harwich Community Center originally built in 2000 has the rough plumbing facilities needed to operate a pool; and,

WHEREAS, a pool and additional structure would need to be built as an additional wing to the Community Center. The last estimated cost in 2018, was \$18M; and,

WHEREAS, also needed would be a new staff person position to operate the pool. The Recreation department would be responsible for lifeguards and safety; and,

WHEREAS, all details of funding, costs, building, access, timing etc. would be addressed if positive interest is expressed; and,  
NOW THEREFORE BE IT RESOLVED, that the Harwich Town Meeting supports the concept of a public access Olympic swimming pool and attendant facilities at the Harwich Community Center, and that the concept be referred to the Select Board, Town Administrator and the Capital Outlay Committee for consideration of inclusion in the Town's Capital Plan and to act fully thereon.

By Petition (Lead Petitioner: Patrick Otton)

Summary: A public Olympic size swimming pool would be an asset for all Harwich residents. This is a nonbinding question - a first step. Similar to golf, other recreational facilities and our beaches, a pool would promote the health, happiness and well-being of all Harwich residents.

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 0 (Zero): None

Nays: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

**ADOPT THE CAPITAL OUTLAY PLAN**

**ARTICLE 16:** To see if the Town will vote pursuant to Section 9-6 of the Town Charter to adopt the five (5) year Capital Outlay Plan for FY 2025 through FY 2029 as proposed by the Select Board and set forth in Appendix C of this Warrant, and to act fully thereon.

By request of the Select Board. (APPENDIX C)

Explanation: The five-year Capital Outlay Plan is laid out in Appendix C. The projects listed under FY 2025 are funded as laid out in Articles 17, 18, 19 and 20.

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 3 (Three): Julie Kavanagh, Michael MacAskill, Jeffrey Handler

Nays: 1 (One): Donald Howell

CAPITAL OUTLAY PROJECTS FUNDED FROM VARIOUS SOURCES

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 projects in the table below included in the Fiscal Year 2025 Capital Outlay Plan, and to act fully thereon.

By request of the Select Board. Estimated cost: \$437,863.

<b>Project</b>	<b>Amount</b>	<b>Source</b>
Harwich Channel Equipment Upgrades	47,863	Cable Fund
Herring River Ramp Replacement	40,000	Waterways Improvement Fund
Facilities Maintenance – Harbor Generator	200,000	Waterways Improvement Fund
Electronic Records/Content Management	150,000	Community Compact IT Grant
<b>Total from Other Sources</b>	<b>\$437,863</b>	

Explanation: The projects listed above are fully funded through the sources identified in the table. The town received the grant award for the Community Compact IT Grant through the Governor’s office in December 2023.

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

CAPITAL OUTLAY PROJECTS FUNDED FROM FREE CASH

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 projects in the table below included in the FY 2025 Capital Outlay Plan, and to act fully thereon.

By request of the Select Board. Estimated cost: \$2,892,000.

<b>Department</b>	<b>Project</b>	<b>Amount</b>
Facilities Maintenance	Community Center (\$295,000)	\$997,000



	Public Safety Complex (\$52,000) 204 Sisson Road (\$650,000)	
Fire Department	Ambulances (\$520,000) Vehicles (\$90,000)	\$610,000
Information Technology	Technology Reinvestment (\$250,000)	\$250,000
Police Department	Cruiser Replacements (\$219,000) Equipment Replacements (\$51,000)	\$270,000
Public Works	Vehicle Replacements	\$765,000
<b>Total from Free Cash</b>		<b>\$2,892,000</b>

Explanation: Free Cash was certified on February 26, 2024 in the amount of \$2,956,463 of which \$2,892,000 is recommended to fund this article.

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

**CAPITAL OUTLAY PROJECTS FUNDED FROM WATER RETAINED EARNINGS AND BORROWING**

**ARTICLE 19:** To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to fund the items in the table below included in the FY 2025 Capital Outlay Plan, and to act fully thereon.

By request of the Select Board and the Board of Water and Wastewater Commissioners.

Estimated cost: \$2,402,000

Vehicle replacements	270,000
Equipment replacements	232,000
Well Rehabilitation	150,000
Pleasant Lake Ave. Tank Painting	1,750,000

<b>Total</b>	<b>2,402,000</b>
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**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

**CAPITAL OUTLAY PROJECTS FUNDED FROM WASTEWATER RETAINED EARNINGS**

**ARTICLE 20:** 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 2025 Capital Outlay Plan, and to act fully thereon.

By request of the Select Board and the Board of Water and Wastewater Commissioners. Estimated cost: \$75,000.

Collections System Improvements	75,000
<b>Total</b>	<b>75,000</b>

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

**ACQUISITION OF A CONSERVATION RESTRICTION FOR 1039 ROUTE 28**

**ARTICLE 21:** To see if the Town will vote to acquire, by gift, purchase, eminent domain, or otherwise, a perpetual conservation restriction upon a certain parcel of land, together with any improvements thereon, located at 1039 Route 28, Harwich, consisting of 9.6 acres, more or less, as shown on Assessor's Map 35, Parcel S2, for conservation and passive recreation purposes, to be held by the Conservation Commission under the provisions of M.G.L. c. 40, s. 8C, as hereafter amended, and any other Massachusetts statutes relating to conservation, said acquisition contingent upon successful awarding to the Town of a Commonwealth of

Massachusetts Municipal Vulnerability Preparedness (MVP) program reimbursement grant; and, further, to authorize the Town to accept the sum of \$2,000,000 from The Compact of Cape Cod Conservation Trust, Inc. and to expend the sum of \$2,000,000 to acquire said conservation restriction; and the Select Board and the Conservation Commission be authorized to file on behalf of the Town any and all applications for grants and/or reimbursements from the Commonwealth of Massachusetts under M.G.L. c. 132A, s. 11 and/or any others in any way connected with the scope of this Article, and the Select Board and the Conservation Commission be authorized to enter into all agreements and execute any and all instruments including the acceptance of the perpetual conservation restriction in accordance with M.G.L. c. 184, ss. 31-33 as may be necessary on behalf of the Town to effect said purchase; and to act fully thereon.

By request of the Select Board.

Explanation: The Harwich Conservation Trust and Town Administrator are working collaboratively to secure the Municipal Vulnerability Preparedness (MVP) grant as referenced in the article. The Town submitted an “Expression of Interest” (EOI) back in December 2023 and will have applied for the Fiscal Year 2025 before Town Meeting.

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

**EXPENDITURE OF FUNDS FROM SALE OF 276 QUEEN ANNE ROAD**

**ARTICLE 22:** To see if the Town will vote to authorize the Select Board to acquire, by gift, purchase, eminent domain, or otherwise, a fee, or lesser interest, in a parcel or parcels of land within the Town of Harwich, and to authorize the Select Board to expend the sum of \$1,505,001.00 from the Sale of Land Sinking Fund pursuant to G.L. c. 44, §63 for these acquisitions, including all costs incidental and related thereto, said acquisitions determined by the Select Board to be in the best interests of the Town; and the Select Board be authorized to enter into all agreements and execute any and all instruments including, but not limited to, orders of taking, as may be necessary on behalf of the Town to accomplish the purpose of this article; and to act fully thereon.

By request of the Select Board.

Explanation: This article is recommended to be funded by the Sale of Land Sinking Fund (Sale of Land Receipts Reserved Account) with the proceeds derived from the recent sale of the surplus property at 276 Queen Anne Road.

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

**CORRECT ARTICLE 24 FROM THE 2023 ANNUAL TOWN MEETING**

**ARTICLE 23:** To see if the Town will vote to amend the vote taken under Article 24 of the 2023 Annual Town Meeting by adding the following language to the end of the motion: “and further, to authorize the the Conservation Commission to acquire a conservation restriction pursuant to G.L. c. 40, section 8C, on two parcels of land located at 61 and 77 Bells Neck Road, Harwich as shown on Assessors Map 18, Parcels K2 and K6, for conservation and passive outdoor recreation purposes pursuant to G.L. c. 184, sections 31-33”, and to act fully thereon.

By request of the Select Board and the Community Preservation Committee.

Explanation: This article corrects Article 24 by including previously omitted language regarding the acquisition of a conservation restriction.

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

**COMMUNITY PRESERVATION ACT –HOUSEKEEPING EXPENSES**

**ARTICLE 24:** To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2025 Community Preservation Budget, and to reserve for future spending the following amounts from Community Preservation Act Fund FY 2025 Estimated Annual Revenue as recommended by the Community Preservation Committee, with each item considered a separate appropriation:

A sum of money for the acquisition, creation, and preservation of the open space;

- A sum of money for the acquisition, preservation, restoration, and rehabilitation of historic resources;
- A sum of money for the acquisition, creation, preservation, and support of community housing;
- A sum of money for the administrative expenses of the Community Preservation Committee.

<b>RESERVES AND ADMINISTRATIVE EXPENSES</b>	<b>FY 2025</b>
Open Space Reserve	\$ 199,500.00 from FY2025 Estimated Annual Revenue
Historic Preservation Reserve	\$ 199,500.00 from FY2025 Estimated Annual Revenue
Community Housing Reserve	\$ 199,500.00 from FY 2025 Estimated Annual Revenue
Administrative Expenses	\$75,000 from FY2025 Estimated Annual Revenue

And to act fully thereon.

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

**COMMUNITY PRESERVATION ACT – BEACH AUTOMATED EXTERNAL DEFIBRILLATOR (AED) ACQUISITION**

**ARTICLE 25:** To see if the Town will vote to appropriate Community Preservation Act Fund \$39,000.00 consisting of \$17,300.00 from the FY2025 Estimated Annual Revenue and \$21,700.00 from the Community Preservation Act Undesignated Fund Balance to fund the Beach Automated External Defibrillator 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.

Explanation: Funding supports the purchase of (15) AED units for all lifeguard stands at guarded town beaches. An AED is a useful tool in continued lifesaving in an emergency situation. The AED's could be used in the offseason for many other recreational programs and activities.

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

**COMMUNITY PRESERVATION ACT – COLD BROOK TRAILHEAD AND PUBLIC  
ACCESS PROJECT**

**ARTICLE 26:** To see if the Town will vote to appropriate \$250,000 from the Community Preservation Act Fund – FY2025 Estimated Annual Revenue to fund the Cold Brook Trailhead and Public Access Project at 203, 199 and 0 Bank Street, shown on Assessors Map 23, Parcels B3, B2 and B2-1, for the purposes of the rehabilitation and restoration of land for recreational use, and that the Town Administrator and the Select Board be authorized, as they deem appropriate, to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Harwich to effect said funding. 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.

By request of the Community Preservation Committee.

Explanation: Funding to support available parking for the Robert F. Smith Cold Brook Preserve, the HFA restored Firehouse and handicapped accessible spaces for the soon-to-be completed half-mile wheelchair accessible trail loop ; as well as addressing stormwater run-off to protect water quality in the Cold Brook watershed, and support to align with water quality and habitat improvement goals associated with the ecological restoration project currently occurring within the Cold Brook Preserve.

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – HARWICH POLICE SOCCER CLUB STREET  
SOCCER PITCH

ARTICLE 27: To see if the Town will vote to appropriate \$48,700.00 from Community Preservation Act Fund FY2025 Estimated Annual Revenue to fund the Mobile Soccer Pitch 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

Explanation: Funding to support the Harwich Police Soccer Club’s purchase of a portable Street Soccer Pitch (a portable field set-up) that can be used town-wide to provide the opportunity for all the local community to enjoy. Players develop better game skills while fostering social, emotional, physical and cognitive development.

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – AFFORDABLE HOUSING TRUST FUNDS

ARTICLE 28: To see if the Town will vote to appropriate \$500,000.00 from the Community Preservation Act Fund, consisting of \$199,500.00 from the FY2025 Community Housing Reserve Fund and \$300,500.00 from the FY2025 Estimated Annual Revenue to fund the Affordable Housing Trust; and to act fully thereon.

By request of the Community Preservation Committee.

Explanation: Fund the Harwich Affordable Housing Trust to allow for the analysis, promotion of public discussion, and creation of affordable housing units to meet critical housing needs.

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – LOWER CAPE HOUSING INSTITUTE

ARTICLE 29: To see if the Town will vote to appropriate \$7,500.00 from the Community Preservation Act Fund FY2025 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 –Undesignated Fund Balance, and to act fully thereon.

By request of the Community Preservation Committee.

Explanation: Funds to support the Community Development Partnership’s Lower Cape Housing Institute which provides education to local elected and appointed officials that help support Affordable Housing development in their town.

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – MONOMOY REGIONAL SCHOOL DISTRICT  
PRESS BOX PROJECT

ARTICLE 30: To see if the Town will vote to appropriate \$100,000.00 from the Community Preservation Act Fund FY2025 Estimated Annual Revenue to fund the Monomoy Press Box Project; Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund –Undesignated Fund Balance, or to act thereon.

By request of the Community Preservation Committee

Explanation: Partial funding to support the Monomoy All Sports Boosters Club’s Press Box project at the stadium turf field (to be ADA compliant) which upon completion will become the property of the Monomoy Regional School District. This press box will provide a more interactive experience for young athletes, allowing for the capability to commentate and film activities on the field as well as enhancing other school and community group usage.

**ROLL CALL VOTES:**



**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

**COMMUNITY PRESERVATION ACT – NORTH WOODS AND WATER SUPPLY  
PROTECTION PROJECT**

**ARTICLE 31:** To see if the Town will vote to appropriate \$100,000.00 from the Community Preservation Act Fund - Open Space Reserve fund to fund the Northwoods Project for the acquisition of a Conservation Restriction on a parcel of land of approximately 7± acres as described on Assessors Map 89, Parcel G1, with an address of 0 Woodland, Harwich, for conservation and passive outdoor recreation purposes pursuant to G.L.c. 184, sections 31-33, said conservation restriction to be held by the Conservation Commission by authority of G.L.c. 40, section 8C, , and that the Town Administrator and the Select Board and the conservation commission be authorized, as they deem appropriate, to enter into all agreements and execute any and all instruments including the acceptance and approval of the perpetual conservation restriction in accordance with M.G.L. Chapter 184 as required by Section 12(a) of Chapter 44B or Chapter 293 Section 10 of the Acts of 1998 as amended, as may be necessary on behalf of the Town of Harwich to effect said purchase. Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund – Open Space Reserve fund; and to act fully thereon.

By request of the Community Preservation Committee.

Explanation: Funding to support the purchase of a Conservation Restriction by the Town of Harwich to protect approximately seven (7) acres in North Harwich on the Brewster/Harwich line to protect water quality (located near Harwich water supply land) and protection of prime forest land, valuable wildlife corridor, and priority habitat of rare species.

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

**COMMUNITY PRESERVATION ACT – 203 BANK STREET FIREHOUSE HOUSING**

**ARTICLE 32:** To see if the Town will vote to appropriate \$400,000.00 from the Community Preservation Act Fund FY2025 Undesignated Estimated Annual Revenue to fund the 203 Bank Street Community Housing Project at the Old Fire Station, and that the Town Administrator and the Select

Board be authorized, as they deem appropriate, to enter into all agreements and execute any and all instruments including a CPA Grant Agreement, and the acceptance and approval of an affordable housing restriction in accordance with M.G.L. Chapter 184 as required by Section 12(a) of Chapter 44B; and to act fully thereon.

By request of the Community Preservation Committee.

Explanation: Provide funding to the Harwich Fire Association to support the rehabilitation of the second floor for the construction of three (3) one-bedroom affordable rate rental housing units.

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

**COMMUNITY PRESERVATION ACT – RED RIVER VALLEY LAND AND WATER  
PROTECTION PROJECT**

**ARTICLE 33:** To see if the Town will vote to appropriate \$99,500 from the Community Preservation Act Fund - Open Space Reserve fund and \$50,500 from FY25 Estimated Revenue for the acquisition of a Conservation Restriction in the amount of \$150,000 on a parcel of land of approximately 2.24+ acres as described on Assessors Map 35, parcel E-5, with an address of 0 Route 28, Harwich, , for conservation, passive outdoor recreation purposes and water supply protection purposes pursuant to G.L.c. 184, sections 31-33, said conservation restriction to be held by the Conservation Commission by authority of G.L.c. 40, section 8C, , the, and that the Town Administrator, the Select Board and the Conservation Commission be authorized, as they deem appropriate, to enter into all agreements and execute any and all instruments including the acceptance and approval of the perpetual conservation restriction in accordance with M.G.L. Chapter 184 as required by Section 12(a) of Chapter 44B or Chapter 293 Section 10 of the Acts of 1998 as amended, as may be necessary on behalf of the Town of Harwich to effect said purchase. Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund – Open Space Reserve fund; and to act fully thereon.

By request of the Community Preservation Committee.

Explanation: Funding to support the purchase of a Conservation Restriction by the Town of Harwich to protect approx. 2.24 acres in South Harwich to provide water quality protection in the Red River watershed, protect water supply recharge for the Town of Harwich public water supply wells, protection of scenic views on Route 28, and protection of wildlife habitat..

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

**COMMUNITY PRESERVATION ACT – SENIOR MEMORIAL SOFTBALL FIELD  
FENCING**

**ARTICLE 34:** To see if the Town will vote to appropriate \$110,000.00 from Community Preservation Act Fund FY2025 Estimated Annual Revenue to fund the Senior Softball Field Fence 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

Explanation: Funding supports the complete replacement of all fencing around the field including the backstop. The current fencing is at the end of its useful life and presents a safety risk. This field is located behind Whitehouse Field and next to Potter Softball Field and used on a constant basis throughout the spring and summer months.

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

**COMMUNITY PRESERVATION ACT – SOUTH HARWICH GRAVESTONE  
CONSERVATION**

**ARTICLE 35:** To see if the Town will vote to appropriate \$23,000.00 from the Community Preservation Act Fund FY2025 Historic Preservation Reserve Fund to fund the South Harwich Cemetery 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.

Explanation: Funding to support the repair and restoration of gravestones in the South Harwich cemetery located on the grounds of the South Harwich Meeting House.

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

**COMMUNITY PRESERVATION ACT – VETERANS MEMORIAL COMPLEX ELECTRIC IRRIGATION REPLACEMENT**

**ARTICLE 36:** To see if the Town will vote to appropriate \$37,000.00 from Community Preservation Act Fund FY2025 Estimated Annual Revenue to fund the Veterans Field Irrigation/Electrical 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.

Explanation: Funding for the complete replacement of the electrical system that controls the irrigation for the multi-field complex. The field irrigation system will be rendered unusable without this improvement. This complex includes the Bassett Softball Field and the Crowell Baseball Field and the open recreational space between them. This complex has been used for over 15 years in Spring and Summer including usage by the Cranberry Festival, the annual Hooker’s Ball, rugby and lacrosse tournaments, and AAU baseball.

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

**REPURPOSE ARTICLE 31 OF THE 2013 ANNUAL TOWN MEETING**

**ARTICLE 37:** To see if the Town will vote to transfer \$25,000 from the appropriation under Article 31 of the 2013 Annual Town Meeting for carpeting/flooring at the Brooks Free Library to supplement the funds appropriated under Article 12 of the 2019 Annual Town Meeting for the repair of the brick sidewalk at the Brooks Free Library including the

replacement of two trees along Main Street with trees whose roots do not damage sidewalks, and to act fully thereon.

By request of the Select Board and the Board of Library Trustees.

Explanation: The Board of Library Trustees voted to recommend this action to help defray the costs anticipated in the completion of the sidewalk repair and tree removal. The Department of Public Works has indicated funds previously appropriated under Article 12 (Item #6 for \$90,000) at the 2019 Annual Town Meeting are insufficient to complete this project. It is expected that the amount in this article combined with the original funds will be sufficient.

The original purpose of Article 31 is no longer relevant as the Facilities Maintenance Department has evaluated the condition of the tile flooring in the bathrooms in Brooks Free Library and has determined that they are structurally sound.

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

**FUND FISCAL YEAR 2024 WASTEWATER DEBT**

**ARTICLE 38:** To see if the Town will vote to transfer from Wastewater Retained Earnings \$858,742 for the FY 2024 Wastewater Enterprise Fund operating budget, and to act fully thereon.

By request of the Select Board. Estimated cost: \$858,742.

Explanation: This article is necessary in order to have sufficient funds available in the Wastewater Enterprise Fund operating budget to make a debt service payment on existing sewer bonds due before the end of Fiscal Year 2024. The funds are coming from Certified Retained Earnings of the Wastewater Enterprise Fund.

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

ANNUAL DEPARTMENTAL REVOLVING FUNDS AUTHORIZATION

**ARTICLE 39:** 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.

<i>Revolving Fund</i>	<i>FY 2025 Spending Limit</i>	<i>Disposition of FY24 Fund balance</i>
<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 customary article required by state statute. The spending limits are the same as was voted for Fiscal Year 2024.

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 3 (Three): Julie Kavanagh, Michael MacAskill, Jeffrey Handler

Nays: 1 (One): Donald Howell

TRANSFER 172 QUEEN ANNE ROAD FOR DISPOSITON

**ARTICLE 40:** To see if the Town will vote to transfer the care, custody and control of the parcel of land located at 172 Queen Anne Road, and any improvements thereon, containing

0.684 acres, more or less, being Assessor's Map 58, Parcel K1-3, from the board or commission having the care, custody and control thereof and for the purpose for which said property is currently held, to the Select Board for general municipal purposes and for the purpose of conveyance, and authorize the Select Board to convey said property, on such terms and conditions as the Select Board shall determine; and to authorize the Select Board to enter into all deeds and 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 Select Board.

Explanation: The Real Estate and Open Space Committee (REOS) has evaluated this parcel (and two others) and stated that all parcels are somewhat wooded, contain no wetlands, with lots of underbrush and trash. These are not in a Zone of contribution, have no natural resource value, and do not support any endangered species or habitats. Therefore, it is the conclusion of REOS that these three parcels, having no resource value, would be acceptable for disposition.

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero):

**TRANSFER 178 QUEEN ANNE ROAD FOR DISPOSITON**

**ARTICLE 41:** To see if the Town will vote to transfer the care, custody and control of the parcel of land located at 178 Queen Anne Road, and any improvements thereon, containing 0.792 acres, more or less, being Assessor's Map 58, Parcel K1-4, from the board or commission having the care, custody and control thereof and for the purpose for which said property is currently held, to the Select Board for general municipal purposes and for the purpose of conveyance, and authorize the Select Board to convey said property, on such terms and conditions as the Select Board shall determine; and to authorize the Select Board to enter into all deeds and 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 Select Board.

Explanation: The Real Estate and Open Space Committee (REOS) has evaluated this parcel (and two others) and stated that all parcels are somewhat wooded, contain no wetlands, with lots of underbrush and trash. These are not in a Zone of contribution, have no natural resource value, and

do not support any endangered species or habitats. Therefore, it is the conclusion of REOS that these three parcels, having no resource value, would be acceptable for disposition.

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

**TRANSFER 246 QUEEN ANNE ROAD FOR DISPOSITION**

**ARTICLE 42:** To see if the Town will vote to transfer the care, custody and control of the parcel of land located at 246 Queen Anne Road, and any improvements thereon, containing 1.45 acres , more or less, being Assessor's Map 58, Parcel K6, from the board or commission having the care, custody and control thereof and for the purpose for which said property is currently held, to the Select Board for general municipal purposes and for the purpose of conveyance, and authorize the Select Board to convey said property, on such terms and conditions as the Select Board shall determine; and to authorize the Select Board to enter into all deeds and 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 Select Board.

Explanation: The Real Estate and Open Space Committee (REOS) has evaluated this parcel (and two others) and stated that all parcels are somewhat wooded, contain no wetlands, with lots of underbrush and trash. These are not in a Zone of contribution, have no natural resource value, and do not support any endangered species or habitats. Therefore, it is the conclusion of REOS that these three parcels, having no resource value, would be acceptable for disposition.

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None





# Articles 40, 41 & 42

Town of Harwich, MA

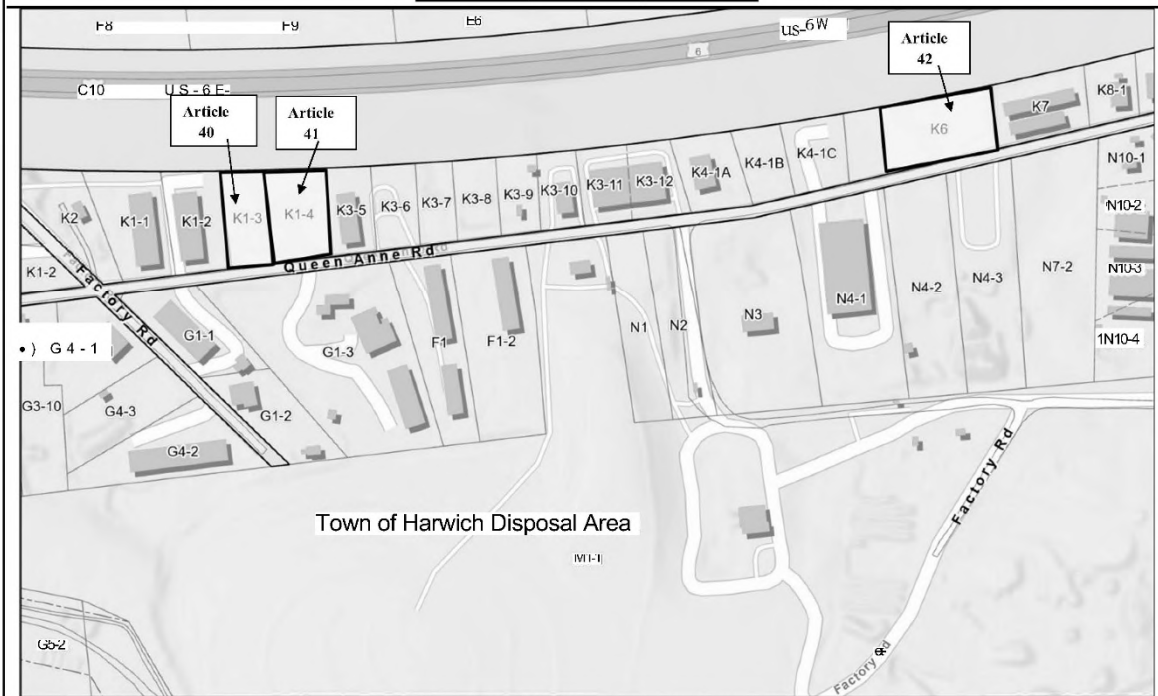
1 inch = 282 Feet

March 28, 2024

0 282 564 846



[www.cai-tech.com](http://www.cai-tech.com)



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

AMEND CHAPTER 7 OF THE GENERAL BYLAWS

ARTICLE 43: To see if the Town will vote to amend the Town of Harwich General Bylaws (§7-10 Composition of appointed Town Agencies) of the Town Code, as set forth below, with strikethrough text to be deleted and bold, underlined text to be inserted:

§7-10 A.1

Pursuant to Chapter 7 of the Town Charter, the following appointed boards and committees shall be comprised as follows:

<b>Board</b>	<b>Membership</b>	<b>Charter Reference</b>
<u>1</u>	<u>Board of Health</u> Five full members, <del>two alternates</del>	<u>§ 7-4-1</u>

and to act fully thereon.

By request of the Select Board.

Explanation: This amendment to the General Bylaws will add two alternates to the Board of Health.

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

AMEND CHAPTER 271 OF THE GENERAL BYLAWS

ARTICLE 44: To see if the Town will vote to amend the Town of Harwich General Bylaws Chapter 271 of the Town Code, as set forth below, with strikethrough text to be deleted and bold, underlined text to be inserted:

§271-3

During the legislative session of Town Meeting the floor shall be occupied solely by registered voters, and it shall be the duty of the Moderator to clear the floor of all nonvoters. Nonvoters shall not address the Meeting without majority consent thereof; provided, however, that the Moderator

may **shall** allow a nonresident department head to speak on any article the subject matter of which might affect that department or in response to questions from the floor.

§271-16

~~Votes of the Board of Selectmen and Finance Committee establishing recommendations regarding Town Meeting articles shall be made available upon the request of any registered voter at a Regular or Special Town Meeting.~~ **Votes of the Select Board and Finance Committee establishing recommendations regarding Town Meeting articles shall be printed in the warrant with each individual's recorded vote.**

and to act fully thereon.

By request of the Select Board.

Explanation: The amendment to §271-3 will require that the Moderator allow nonresident department head to speak on any article which might affect that department or in response to questions from the floor.

The amendment to §271-6 will align the General Bylaw with the provisions of the Town Charter regarding recording of individuals votes of the Select Board and the Finance Committee in the warrant.

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

**AMENDMENTS TO THE HARWICH CHARTER**

**ARTICLE 45:** To see if the Town will vote pursuant to M.G.L. c.43B, §10 to amend the Town Charter, as set forth below, with strikethrough text to be deleted and bold, underlined text to be inserted:

1. Chapter 2 Town Meeting, Section 3 Procedures:

2-3-1 The annual election of town officers shall be called under clause 8-1-1 of chapter 8. ~~The annual town meeting for transaction of other town business shall be held the first Monday in May~~

**The annual-town meeting shall meet regularly in the first week of May to consider and adopt annual operating and capital budgets, and to act on financial and other matters. The meeting shall be continued to other days, until all articles in the warrant have been acted upon.**

2. Chapter 3 Select Board, Section 1 The Select Board

3-1-2 Vacancies in the office of ~~selectmen~~ **select board** shall be filled by special election in accordance with general law.

3. Chapter 3 Select Board, Section 5 Specific powers, Duties, and Responsibilities

3-5-3 ~~The select board shall have the authority to designate from time to time 1 or more of its members to sign warrants for the payment of town funds in the absence of the town administrator as referenced in clause 4-6-1. This designation shall be by a majority of the board at a duly called and held public meeting. The vote shall take effect as soon as a written copy of it signed by a majority of the board is filed in the offices of the town clerk, town accountant and town treasurer~~ **The select board chair shall have the authority to designate from time to time one or more of its members to sign warrants for the payment of town funds in the absence of the town administrator as referenced in clause 4-6-1. The town treasurer shall be notified by the chair of this designation.**

4. Chapter 3 Select Board, Section 6 Powers of Appointment

3-6-1 Except as may otherwise be provided by General Laws, this charter, or the personnel bylaw, the select board shall have the power to appoint and remove: a) a town administrator as provided in chapter 4; b) a town counsel; c) a town accountant; d) a police chief; e) a fire chief; f) 3 assessors for overlapping 3-year terms; g) 3 members of a board of registrars of voters for overlapping 3-year terms; h) election officers; ~~and~~ i) 1 or more constables, **and j) human resources position.**

5. Chapter 3 Select Board, Section 7. Prohibitions

3-7-1 Except for the purpose of investigation authorized by this charter, the board of selectmen or its members shall deal with town officers and employees who are subject to the direction and supervision of the town administrator solely through the town administrator, and neither the board nor its members shall give orders to these officers or employees, either publicly or privately. **The human resources position will report to both the town administrator and the select board.**

6. Chapter 4 Town Administrator, Responsibilities for Appointment

4-4-2 Except as may otherwise be provided by General Laws, this charter, the personnel bylaw, or collective bargaining, the town administrator shall have the authority to appoint, on the basis of merit and fitness alone, and remove: a) all full-time town employees; b) all part-time employees; c) all employees of appointed town agencies; d) 1 or more inspectors; and e) all other full-time, part-time or seasonal employees. Any such appointments or removals may be overturned only by the affirmative vote of at least 4 **members of the Select Board** ~~selectmen~~ taken within 14 days of the town administrator's action in initiating such appointment or removal.

7. Chapter 4 Town Administrator, Section 4 Responsibilities

~~4-4-3 The town administrator shall appoint the harbormaster and any assistant harbormasters.~~

8. Chapter 7 Appointed Town Agencies, Section 4, Board of Health

~~7-4-1~~ A board of health of up to five members **and two alternate members** shall be appointed by the Select Board in such numbers as outlined in chapter 7, Article III, Boards and Committees, of the Town's bylaws for 3-year overlapping terms. One member, at least, shall be a doctor of medicine, or a person with significant experience in public health.

9. Chapter 8 Election and Recall, Section 1 Town Elections

8-1-1 The regular election for all town officers who are chosen by ballot shall be held the third Tuesday in May. The warrant calling this election may include other ballot questions as determined by the **select board** ~~selectmen~~.

10. Chapter 9 Financial Provisions and Procedures, Section 2 Section 2 Submission of Budget and Budget Message

9-2-4 On or before the second Tuesday of February, the town administrator shall submit to the Select Board a comprehensive budget for all town functions for the ensuing fiscal year and shall submit to the **select board** ~~selectmen~~ a budget message.

11. Chapter 9 Financial Provisions and Procedures, Section 3 Action on the Proposed Budget

9-3-3 The finance committee shall conduct 1 or more public hearings on the proposed budget after it has been submitted to it by the **select board** ~~selectmen~~ and by March 31 of each year shall submit its written recommendations on the budget and on all articles to appear in the warrant. These written recommendations shall be made available for distribution to the public at least 10 days

before the scheduled date of town meeting. To assist in its preparation of recommendations, the committee may require the town administrator, the head of any division or department or any other town officer or member of a town agency to furnish it with appropriate data

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

Explanation: This article proposes several amendments to the Town Charter, including correcting remaining references to Select Board, minor changes to Town Meeting and financial procedures, providing that the Human Resources Position (who will report to both the Town Administrator and the Select Board) and the Harbormaster will be appointed by the Select Board, adding two alternate members of the Board of Health, changing the reference from water department to water/wastewater department

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

**PETITIONED ARTICLE - HOME RULE PETITION – ATTAINABLE HOUSING**

**ARTICLE 46:** To see if the Town will vote to Special Legislation to Amend the Harwich Affordable Housing Trust Bylaw Chapter 140 to include Attainable Housing. Specifics text of the Article is contained on the attached sheet to this petition.

**SPECIAL LEGISLATION TO AMEND HARWICH AFFORDABLE HOUSING TRUST FUND BYLAW CHAPTER 140 TO INCLUDE ATTAINABLE HOUSING**

**ARTICLE** : To see if the Town will vote to authorize and instruct the Select Board to petition the Great and General Court for special legislation authorizing the Town to amend Chapter 140 Affordable Housing Trust as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition, and to act fully thereon. By request of Ed McManus.

The petition for special legislation shall take the following form:

**AN ACT AUTHORIZING THE TOWN OF HARWICH AFFORDABLE HOUSING TRUST TO PROVIDE FOR THE CREATION OF ATTAINABLE HOUSING**

*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. Notwithstanding any general or special law to the contrary, the Harwich Affordable Housing Trust Chapter 140, shall be amended as follows:

Amend Section 140-2 to include an additional subsection C. as set forth below in bold:

**The purpose of the \_Harwich Affordable Housing Trust Fund (Trust) is to provide for the creation and preservation of affordable housing in Harwich for the benefit of low- and moderate- income households, for the creation and preservation of attainable housing, as defined below in Section 140-4, and for the funding of community housing, as defined in and in accordance with the provisions of MGL Chapter 44 Section 55C.**

Add the following new Section 140-4. Definition of Attainable Housing set forth below in bold:  
**SECTION 140-4. Definition of Attainable Housing. For the purpose of this Bylaw, the term "attainable housing" shall mean housing that is not restricted to occupancy by low or moderate income households, and that may also include housing subject to maximum income limits to be occupied by households with gross income greater than 80 per cent but not more than 200 per cent of the area median household income as most recently determined by the United States Department of Housing and Urban Development, adjusted for household size.**

Section 2. This act shall take effect upon its passage, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approve amendments to the bill before enactment by the General Court; and provided further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition: and to further authorize the Select Board to approve the final language of any such special legislation or to take any other action relative thereto.

**EXPLANATION:** The housing market on Cape Cod has now moved out of reach for many working people and families. Both private and public jobs are vacant because potential employees can't find housing. The trust is now limited to providing assistance to create housing only for people who are at or below 100% Area Medium Income. Passage of this Article would expand the Trust's toolbox to address our housing needs. It does not require any funding, but it would allow the Trust to work with private donors to help create this much needed housing.

By Petition (Lead Petitioner: Edward McManus)

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

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

**ARTICLE 47:** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money 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 Trustee, and to act fully thereon. By request of the Select Board. Estimated cost: \$20,000.

Explanation: This is a customary article wherein the Town of Harwich provides money in support of our two, private community libraries. These two longstanding institutions are a mainstay of our community to the visiting public in the summer months. The funds provide help ensure continuing operations as in years past.

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

**PROMOTE THE TOWN OF HARWICH**

**ARTICLE 48:** 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 Select Board. Estimated cost: \$50,000.

Explanation: This is a customary article that provides funding to the Harwich Chamber of Commerce in support of their efforts promoting the Town of Harwich.



**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

**ANNUAL ALLOCATION FOR LOCAL CULTURAL COUNCIL GRANTS**

**ARTICLE 49:** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to supplement the Massachusetts Cultural Council annual allocation for community grant awards to artists, performers, and interpretive scientists who bring events and programs to local venues which enhance the cultural experience of Harwich citizens of all ages; and to act fully thereon.

By request of the Select Board. Estimated cost: \$4,000.00

Explanation: This is a customary article that provides supplemental support for local culture council grants in addition to funds provide through the Massachusetts Cultural Council.

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

**HERRING FISHERIES**

**ARTICLE 50:** To see what action the Town will take in regard to the Herring Fisheries; and to act fully thereon. By request of the Select Board. Estimated cost: \$0.

Explanation: This is a customary article that has appeared in the Town Meeting for several years if not decades.

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

FUND ELECTRONIC VOTING AT TOWN MEETINGS

ARTICLE 51: To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to provide for the option of electronic voting at Town Meetings, or take any other action related thereto.

By request of the Town Moderator

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 4 (Four): Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

Nays: 0 (Zero): None

SUPPLEMENTAL APPROPRIATION FOR PHASE 3 WATERSHED MANAGEMENT  
PLAN CONSTRUCTION CONTRACTS

ARTICLE 52: To see if the Town will vote to amend the vote take under Article 19 of the 2023 Annual Town Meeting for the West Harwich Sewer Main Replacement Project to include supplementing the funds appropriated under Article 21 of the 2023 Annual Town Meeting for the East Harwich Wastewater Collection System Expansion Project; and to act fully thereon.

By request of the Select Board

Explanation: At the 2023 Annual Town Meeting, the Town vote to authorize a borrowing of \$6.5 Million for the West Harwich Sewer Main replacement project. Based on actual bids received, the current estimate for this project is \$1.5 Million. In addition, Town Meeting voted to authorize a borrowing of \$50,000,000 for the East Harwich Wastewater Collection System Expansion Project. Both borrowing authorizations were subject to a debt exclusion vote at the 2023 Annual Town Election. The current article seeks to amend the vote under Article 19 of the 2023 Annual Town Meeting to allow the expenditure of any funds not needed for the West Harwich Sewer Main replacement project for the East Harwich Wastewater Collection System Expansion Project.

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero):

Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

**FUND A SEWER ASSISTANCE GRANT PROGRAM**

**ARTICLE 53:** To see if the Town will vote to transfer from Retained Earning of the Sewer Enterprise Fund the sum of \$100,000 to implement a sewer assistance grant program that will provide financial assistance to income eligible individuals to connect their properties to the Town's sewer system and/or to decommission existing Title 5 septic systems; and further to authorized the Select Board, or its designee, to establish the grant program including eligibility criteria for participation in the program, the standards for providing assistance to individual homeowners, and the requirement for an appropriate grant agreement; and further that in making this appropriation Town Meeting make a finding that this grant program serves a valid public purpose of supporting the Town's implementation of the Comprehensive Wastewater Management Plan by facilitating compliance with the watershed regulations of the Massachusetts Department of Environmental by reducing the introduction of nitrogen into the watershed cause by septic systems; or to act fully thereon

By request of the Select Board

Explanation: This appropriation will fund a grant program to provide financial assistance to income eligible homeowners to connect their properties to the Town's sewer system and to decommission their existing septic systems. The Select Board will develop the details of the program including income eligibility for participation.

**ROLL CALL VOTES:**

**Select Board:**

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero):

Julie Kavanagh, Michael MacAskill, Jeffrey Handler, Donald Howell

**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF HARWICH  
TOWN ELECTION WARRANT  
MAY 21, 2024**

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 Tuesday, May 21, 2024.

POLLS WILL BE OPEN AT 7:00 A.M. and CLOSE AT 8:00 P.M.

To choose on one (1) ballot the following Town Officers and Committees: One (1) member of the Select Board for a three year term; One (1) Moderator for a three year term; One (1) member of the Monomoy Regional School Committee for a three year term; Three (3) Trustees of the Brooks Free Library for a three year term; Two (2) Water/Wastewater Commissioners for a three year term; One (1) member of the Housing Authority for a five year term.

***BALLOT QUESTION***

1. Shall the Town of Harwich be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay the Town's allocable share of the bond issued by the Monomoy Regional School District to pay costs of renovating and reconstructing the exterior siding of the Monomoy Regional Middle School, including the payment of all costs incidental and related thereto?

YES \_\_\_\_\_ NO \_\_\_\_\_

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2024.  
(month)

\_\_\_\_\_  
Julie E. Kavanagh, Chair

\_\_\_\_\_  
Michael D. MacAskill, Vice Chair

\_\_\_\_\_  
Jeffrey F. Handler, Clerk

\_\_\_\_\_  
Donald F. Howell

Select Board  
Town of Harwich

Attest:

\_\_\_\_\_  
Emily Mitchell, Town Clerk

Posted by: \_\_\_\_\_, 2024.  
Constable

**FY 2025 OPERATING BUDGET  
SELECT BOARD RECOMMENDATIONS**

DEPT #	DEPT NAME	2023 VOTED	2024 VOTED	2025 Select Board Recommend	% Change 2024 to 2025
1	114 MODERATOR S&W	1,000	1,000	1,000	0.0%
2	<b>114 Total</b>	<b>1,000</b>	<b>1,000</b>	<b>1,000</b>	<b>0.0%</b>
3	122 SELECTMEN S&W	762,500	12,500	12,500	0.0%
4	122 SELECTMEN - EXP	8,750	8,750	8,750	0.0%
5	<b>122 Total</b>	<b>771,250</b>	<b>21,250</b>	<b>21,250</b>	<b>0.0%</b>
6	131 FINANCE COMMITTEE S&W	3,000	3,000	3,000	0.0%
7	131 FINANCE COMMITTEE - EXP	2,000	2,000	2,000	0.0%
8	131 FINANCE COMMITTEE RESERVE FUND	50,000	50,000	50,000	0.0%
9	<b>131 Total</b>	<b>55,000</b>	<b>55,000</b>	<b>55,000</b>	<b>0.0%</b>
10	135 TOWN ACCOUNTANT - SAL	284,406	282,824	293,694	3.8%
11	135 TOWN ACCOUNTANT - EXP	8,139	9,844	10,344	5.1%
12	<b>135 Total</b>	<b>292,545</b>	<b>292,668</b>	<b>304,038</b>	<b>3.9%</b>
13	136 AUDIT - EXP	45,000	49,000	49,000	0.0%
14	<b>136 Total</b>	<b>45,000</b>	<b>49,000</b>	<b>49,000</b>	<b>0.0%</b>
15	141 ASSESSORS - S&W	206,844	234,344	211,742	-9.6%
16	141 ASSESSORS - EXP	140,450	147,080	162,102	10.2%
17	<b>141 Total</b>	<b>347,294</b>	<b>381,424</b>	<b>373,844</b>	<b>-2.0%</b>
18	143 TOWN COLLECTIONS - S&W	15,000	14,000	14,000	0.0%
19	143 TOWN COLLECTIONS - EXP	6,140	9,190	9,190	0.0%
20	<b>143 Total</b>	<b>21,140</b>	<b>23,190</b>	<b>23,190</b>	<b>0.0%</b>
21	144 POSTAGE	50,000	50,000	50,000	0.0%
22	<b>144 Total</b>	<b>50,000</b>	<b>50,000</b>	<b>50,000</b>	<b>0.0%</b>
23	145 TREASURER - S&W	296,268	307,839	284,321	-7.6%
24	145 TREASURER - EXP	92,353	93,173	85,653	-8.1%
25	<b>145 Total</b>	<b>388,621</b>	<b>401,012</b>	<b>369,974</b>	<b>-7.7%</b>
26	148 Medicare	260,000	260,000	260,000	0.0%
27	148 Vacation/Sick- Payout (Buy Back)	184,355	246,358	226,924	-7.9%
28	<b>148 Total</b>	<b>444,355</b>	<b>506,358</b>	<b>486,924</b>	<b>-3.8%</b>
29	149 ADMINISTRATION - S&W	543,821	421,593	584,980	38.8%
30	149 ADMINISTRATION - EXP	133,000	163,000	169,000	3.7%
31	149 ADMIN -PRESCHOOL FAMILY SUPPORT PROGRAM			250,000	0.0%
32	<b>149 Total</b>	<b>676,821</b>	<b>584,593</b>	<b>1,003,980</b>	<b>71.7%</b>
33	152 LEGAL SERVICES - EXP	185,000	185,000	185,000	0.0%
34	152 CLAIMS & SUITS	500	500	500	0.0%
35	<b>152 Total</b>	<b>185,500</b>	<b>185,500</b>	<b>185,500</b>	<b>0.0%</b>
36	155 INFORMATION TECHNOLOGY - S&W	91,940	94,758	101,503	7.1%
37	155 INFORMATION TECHNOLOGY - EXP	439,500	474,247	449,001	-5.3%
38	<b>155 Total</b>	<b>531,440</b>	<b>569,005</b>	<b>550,504</b>	<b>-3.3%</b>
39	156 IT CHANNEL 18 S&W	153,629	169,054	174,964	3.5%
40	156 IT CHANNEL 18 EXPENSES	37,240	48,400	52,000	7.4%
41	<b>156 Total</b>	<b>190,869</b>	<b>217,454</b>	<b>226,964</b>	<b>4.4%</b>
42	157 CONSTABLE S & W	700	700	700	0.0%
43	<b>157 Total</b>	<b>700</b>	<b>700</b>	<b>700</b>	<b>0.0%</b>
44	161 TOWN CLERK - S&W	238,499	249,927	295,813	18.4%

**FY 2025 OPERATING BUDGET  
SELECT BOARD RECOMMENDATIONS**

45	161 TOWN CLERK - EXP	61,304	60,360	74,500	23.4%
46	<b>161 Total</b>	<b>299,803</b>	<b>310,287</b>	<b>370,313</b>	19.3%
47	171 CONSERVATION - S&W	160,786	197,658	214,177	8.4%
48	171 CONSERVATION - EXP	6,686	11,532	12,282	6.5%
49	<b>171 Total</b>	<b>167,472</b>	<b>209,190</b>	<b>226,459</b>	8.3%
50	173 HOUSING ADVOCATE - S&W	0	76,096	78,595	3.3%
51	173 HOUSING ADVOCATE - EXP	0	2,500	2,500	0.0%
52	<b>173 Total</b>	<b>0</b>	<b>78,596</b>	<b>81,095</b>	3.2%
53	174 TOWN PLANNER - S&W	153,036	174,015	177,921	2.2%
54	174 TOWN PLANNER - EXP	5,601	6,581	6,581	0.0%
55	<b>174 Total</b>	<b>158,637</b>	<b>180,596</b>	<b>184,502</b>	2.2%
56	176 BOARD OF APPEALS - S&W	2,050	2,050	2,050	0.0%
57	176 BOARD OF APPEALS - EXP	800	4,256	4,256	0.0%
58	<b>176 Total</b>	<b>2,850</b>	<b>6,306</b>	<b>6,306</b>	0.0%
59	180 ALBRO HOUSE - EXP	5,000	5,000	5,250	5.0%
60	<b>180 Total</b>	<b>5,000</b>	<b>5,000</b>	<b>5,250</b>	5.0%
61	181 OLD RECR BUILDING - EXP	6,500	6,500	6,925	6.5%
62	<b>181 Total</b>	<b>6,500</b>	<b>6,500</b>	<b>6,925</b>	6.5%
63	182 WEST HARWICH SCHOOL - EXP	1,600	0	0	0.0%
64	<b>182 Total</b>	<b>1,600</b>	<b>0</b>	<b>0</b>	0.0%
65	183 COMMUNITY DEVELOPMENT - EXP	5,898	5,898	5,898	0.0%
66	<b>183 Total</b>	<b>5,898</b>	<b>5,898</b>	<b>5,898</b>	0.0%
67	191 PUBLIC BUILDINGS REPAIRS	2,000	2,000	2,000	0.0%
68	<b>191 Total</b>	<b>2,000</b>	<b>2,000</b>	<b>2,000</b>	0.0%
69	192 TOWN/FIN COM REPORTS	10,000	10,000	10,000	0.0%
70	<b>192 Total</b>	<b>10,000</b>	<b>10,000</b>	<b>10,000</b>	0.0%
71	194 ADVERTISING	30,000	30,000	30,000	0.0%
72	<b>194 Total</b>	<b>30,000</b>	<b>30,000</b>	<b>30,000</b>	0.0%
73	210 POLICE - S&W	4,310,121	4,536,616	4,696,659	3.5%
74	210 POLICE - EXP	528,237	604,555	613,275	1.4%
75	<b>210 Total</b>	<b>4,838,358</b>	<b>5,141,171</b>	<b>5,309,933</b>	3.3%
76	220 FIRE - S&W	4,397,138	5,002,934	5,485,115	9.6%
77	220 FIRE - EXP	597,499	800,714	784,529	-2.0%
78	<b>220 Total</b>	<b>4,994,637</b>	<b>5,803,648</b>	<b>6,269,644</b>	8.0%
79	241 BUILDING - S&W	455,517	596,356	658,882	10.5%
80	241 BUILDING - EXP	14,885	17,085	19,536	14.3%
81	<b>241 Total</b>	<b>470,402</b>	<b>613,441</b>	<b>678,418</b>	10.6%
82	244 SEALER OF WEIGHTS & MEASURES	13,000	13,725	14,500	5.6%
83	<b>244 Total</b>	<b>13,000</b>	<b>13,725</b>	<b>14,500</b>	5.6%
84	291 EMERGENCY MANAGEMENT - S&W	5,408	5,515	5,833	5.8%
85	291 EMERGENCY MANAGEMENT - EXP	8,500	8,500	8,500	0.0%
86	<b>291 Total</b>	<b>13,908</b>	<b>14,015</b>	<b>14,333</b>	2.3%
87	296 NATURAL RESOURCES S&W	116,307	124,320	101,607	-18.3%
88	296 NATURAL RESOURCES - EXP	27,100	27,100	27,500	1.5%
89	<b>296 Total</b>	<b>143,407</b>	<b>151,420</b>	<b>129,107</b>	-14.7%
90	297 PLEASANT BAY ALLIANCE	25,232	25,232	31,077	23.2%
91	<b>297 Total</b>	<b>25,232</b>	<b>25,232</b>	<b>31,077</b>	23.2%

**FY 2025 OPERATING BUDGET  
SELECT BOARD RECOMMENDATIONS**

92	411 TOWN ENGINEER - S&W	101,589	176,277	183,471	4.1%
93	411 TOWN ENGINEER - EXP	39,350	40,850	40,850	0.0%
94	<b>411 Total</b>	<b>140,939</b>	<b>217,127</b>	<b>224,321</b>	3.3%
95	421 HIGHWAY - S&W	2,778,807	3,067,180	3,136,327	2.3%
96	421 HIGHWAY - EXP	3,355,968	3,881,470	3,930,193	1.3%
97	<b>421 Total</b>	<b>6,134,775</b>	<b>6,948,650</b>	<b>7,066,520</b>	1.7%
98	423 SNOW/ICE - S&W	40,000	40,000	40,000	0.0%
99	423 SNOW/ICE - EXP	95,000	95,000	95,000	0.0%
100	<b>423 Total</b>	<b>135,000</b>	<b>135,000</b>	<b>135,000</b>	0.0%
101	424 STREET LIGHTS	30,000	30,000	30,000	0.0%
102	<b>424 Total</b>	<b>30,000</b>	<b>30,000</b>	<b>30,000</b>	0.0%
103	491 CEMETERY ADMINISTRATION - S&W	71,434	80,162	83,483	4.1%
104	491 CEMETERY ADMINISTRATION - EXP	5,108	5,108	5,771	13.0%
105	<b>491 Total</b>	<b>76,542</b>	<b>85,270</b>	<b>89,254</b>	4.7%
106	510 BOARD OF HEALTH - S&W	269,893	284,597	296,199	4.1%
107	510 BOARD OF HEALTH - EXP	18,425	18,425	19,025	3.3%
108	510 BOARD OF HEALTH-OPIOID ABATEMENT	0	102,328	0	-100.0%
109	<b>510 Total</b>	<b>288,318</b>	<b>405,350</b>	<b>315,224</b>	-22.2%
110	540 COMMUNITY CENTER - S&W	203,327	261,935	278,337	6.3%
111	540 COMMUNITY CENTER - EXP	120,682	158,152	207,648	31.3%
112	<b>540 Total</b>	<b>324,009</b>	<b>420,087</b>	<b>485,985</b>	15.7%
113	541 COUNCIL ON AGING - S&W	448,127	465,118	480,298	3.3%
114	541 COUNCIL ON AGING - EXP	112,773	118,045	124,281	5.3%
115	<b>541 Total</b>	<b>560,900</b>	<b>583,163</b>	<b>604,579</b>	3.7%
116	542 YOUTH COUNSELOR S&W	98,154	105,148	84,796	-19.4%
117	542 YOUTH COUNSELOR EXPENS	4,250	4,430	4,630	4.5%
118	<b>542 Total</b>	<b>102,404</b>	<b>109,578</b>	<b>89,426</b>	-18.4%
119	543 VETERANS EXPENSE/BENEFITS	145,018	145,805	152,327	4.5%
120	<b>543 Total</b>	<b>145,018</b>	<b>145,805</b>	<b>152,327</b>	4.5%
121	550 DISABILTY RIGHTS - EXP	500	500	500	0.0%
122	<b>550 Total</b>	<b>500</b>	<b>500</b>	<b>500</b>	0.0%
123	560 HUMAN SERVICES	83,250	83,250	83,250	0.0%
124	<b>560 Total</b>	<b>83,250</b>	<b>83,250</b>	<b>83,250</b>	0.0%
125	610 LIBRARY - S&W	755,032	819,809	853,139	4.1%
126	610 LIBRARY - EXP	280,183	300,400	319,258	6.3%
127	<b>610 Total</b>	<b>1,035,215</b>	<b>1,120,209</b>	<b>1,172,397</b>	4.7%
128	629 RECREATION SEASONAL S&W	219,179	298,919	298,919	0.0%
129	629 RECREATION & YOUTH S&W	264,600	279,271	296,816	6.3%
130	629 RECREATION & YOUTH EXP	48,075	59,225	71,349	20.5%
131	<b>629 Total</b>	<b>531,854</b>	<b>637,415</b>	<b>667,084</b>	4.7%
132	633 HARBORMASTER - S&W	360,621	386,952	401,850	3.9%
133	633 HARBORMASTER - EXP	250,879	324,470	567,534	74.9%
134	<b>633 Total</b>	<b>611,500</b>	<b>711,422</b>	<b>969,384</b>	36.3%
135	670 HISTORICAL COMMISSION - S&W	2,040	2,040	2,040	0.0%
136	670 HISTORICAL COMMISSION - EXP	350	350	350	0.0%
137	670 BROOKS ACADEMY MUSEUM COMM. - EX	14,000	14,000	14,000	0.0%
138	<b>670 Total</b>	<b>16,390</b>	<b>16,390</b>	<b>16,390</b>	0.0%

**FY 2025 OPERATING BUDGET  
SELECT BOARD RECOMMENDATIONS**

139	692 CELEBRATIONS - EXP	1,600	1,600	1,600	0.0%
140	<b>692 Total</b>	<b>1,600</b>	<b>1,600</b>	<b>1,600</b>	0.0%
141	695 GOLF S&W	1,002,424	1,070,470	1,077,018	0.6%
142	695 GOLF - EXP	656,114	702,122	714,103	1.7%
143	695 GOLF -CAPITAL OUTLAY	68,000	73,000	73,000	0.0%
144	<b>695 Total</b>	<b>1,726,538</b>	<b>1,845,592</b>	<b>1,864,121</b>	1.0%
145	698 CULTURAL AFFAIRS - S&W	0	80,385	86,503	7.6%
146	698 CULTURAL AFFAIRS - EXP	0	2,500	2,500	0.0%
147	<b>698 Total</b>	<b>0</b>	<b>82,885</b>	<b>89,003</b>	7.4%
148	699 GOLF IMA MRSD	83,538	84,418	84,418	0.0%
149	699 ELECTRICITY - CVEC	77,644	77,644	85,408	10.0%
150	<b>699 Total</b>	<b>161,182</b>	<b>162,062</b>	<b>169,826</b>	4.8%
151	<b>Total Departmental Budgets</b>	<b>27,283,173</b>	<b>29,672,809</b>	<b>31,303,818</b>	5.5%
152	778 TOTAL DEBT SERVICE (Prin & Int)	3,082,196	2,541,802	3,534,589	39.1%
153	<b>778 Total</b>	<b>3,082,196</b>	<b>2,541,802</b>	<b>3,534,589</b>	39.1%
154	<b>SEMI FIXED &amp; FIXED COSTS</b>				
155	Barnstable County Retirement Assessment		3,474,024.00	3,812,752	9.8%
156	Group Health Insurance		5,362,192.00	5,791,167	8.0%
157	OPEB Trust Fund Transfer		250,000.00	250,000	0.0%
158	Property & Liability Insurance		976,060.00	1,019,983	4.5%
159	Unemployment Insurance		20,000.00	20,000	0.0%
160	<b>Total Semi-Fixed &amp; Fixed Costs</b>		<b>10,082,276.00</b>	<b>10,893,902</b>	8.1%
161	<b>TOTAL TOWN BUDGET (full cost of Article 4)</b>		<b>42,296,886.82</b>	<b>45,732,309</b>	8.1%



**Five Year Capital Outlay Plan  
FY 2025 to 2029**

Department	Project	FY2025	FY2026	FY2027	FY 2028	FY 2029	Five Year Total
Channel 8 (The Harwich Ch.)	Equipment upgrades	47,863	24,896	45,000	16,500	46,672	180,931
	<b>Channel 8 (The Harwich Channel)</b>	<b>47,863</b>	<b>24,896</b>	<b>45,000</b>	<b>16,500</b>	<b>46,672</b>	<b>180,931</b>
Facilities Maintenance	100 Oak Street (Community Center)	295,000	0	653,000	0	0	948,000
Facilities Maintenance	183 Oak Street (Cranberry Valley Golf Course)	0	85,000	0	0	0	85,000
Facilities Maintenance	183 Sisson Road (Public Safety Complex)	52,000	0	0	135,000	0	187,000
Facilities Maintenance	204 Sisson Road (old Middle School)	650,000	265,000	0	0	0	915,000
Facilities Maintenance	209 Queen Anne Rd (DPW Complex)	0	0	9,177,000	0	0	9,177,000
Facilities Maintenance	273 Queen Anne Rd (Transfer Station)	0	0	0	545,000	0	545,000
Facilities Maintenance	728 Main Street (Albro House)	0	0	0	0	100,000	100,000
Facilities Maintenance	732 Main Street (Town Hall)	0	0	0	275,000	350,000	625,000
Facilities Maintenance	739 Main Street (Brooks Free Library)	0	0	40,000	740,000	0	780,000
Facilities Maintenance	80 Parallel St (Brooks Academy)	0	0	0	0	0	0
Facilities Maintenance	715 Route 28 (Harbor complex)	200,000	0	0	0	0	200,000
	<b>Facilities Maintenance</b>	<b>1,197,000</b>	<b>350,000</b>	<b>9,870,000</b>	<b>1,695,000</b>	<b>450,000</b>	<b>13,562,000</b>
Fire Department	Ambulances	520,000	0	550,000	0	625,000	1,695,000
Fire Department	Engines/Other Fire Equipped Vehicles	0	1,300,000	0	0	0	1,300,000
Fire Department	Vehicles	90,000	0	75,000	0	0	165,000
	<b>Fire Department</b>	<b>610,000</b>	<b>1,300,000</b>	<b>625,000</b>	<b>0</b>	<b>625,000</b>	<b>3,160,000</b>
Golf	Irrigation Update	0	0	0	0	0	0
Golf	Bunker renovation	0	0	0	0	900,000	900,000
	<b>Golf</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>900,000</b>	<b>900,000</b>
Harbormaster	Allen Harbor Jetty	0	0	2,350,000	0	0	2,350,000
Harbormaster	Herring River Ramp replacement	40,000	0	300,000	0	0	340,000
Harbormaster	Saquatucket Bulkhead replacements	0	650,000	0	9,915,000	0	10,565,000
Harbormaster	Vehicle replacement	0	65,000	0	0	0	65,000
	<b>Harbors</b>	<b>40,000</b>	<b>715,000</b>	<b>2,650,000</b>	<b>9,915,000</b>	<b>0</b>	<b>13,320,000</b>
Harwich Elementary School	Maintenance	120,000	0	65,000	54,000	1,115,000	1,354,000
	<b>Harwich Elementary School</b>	<b>120,000</b>	<b>0</b>	<b>65,000</b>	<b>54,000</b>	<b>1,115,000</b>	<b>1,354,000</b>
Information Technology	Technology reinvestment	250,000	250,000	250,000	250,000	0	1,000,000
Information Technology	Electronic Records/Content Management	150,000	100,000	100,000	100,000	100,000	550,000
	<b>Information Technology</b>	<b>400,000</b>	<b>350,000</b>	<b>350,000</b>	<b>350,000</b>	<b>100,000</b>	<b>1,550,000</b>
Police Department	Police Cruiser replacements	219,000	210,000	210,000	220,000	225,000	1,084,000
Police Department	Other vehicles/related equipment	0	0	0	0	0	0
Police Department	Equipment replacements	51,000	51,000	0	0	73,000	175,000
Police Department	Protective vests	0	0	0	0	70,000	70,000
	<b>Police Department</b>	<b>270,000</b>	<b>261,000</b>	<b>210,000</b>	<b>220,000</b>	<b>368,000</b>	<b>1,329,000</b>
Public Works	Road maintenance/improvements	0	1,750,000	1,500,000	1,500,000	1,600,000	6,350,000
Public Works	Vehicle replacements	765,000	680,000	715,000	765,000	700,000	3,625,000
	<b>Public Works</b>	<b>765,000</b>	<b>2,430,000</b>	<b>2,215,000</b>	<b>2,265,000</b>	<b>2,300,000</b>	<b>9,975,000</b>
Water Department	Vehicle replacements	270,000	0	0	0	0	270,000
Water Department	Equipment replacements	232,000	0	0	0	0	232,000
Water Department	Well rehabilitation	150,000	0	0	0	0	150,000
Water Department	New well construction	0	0	3,500,000	0	0	3,500,000
Water Department	196 Chatham Road improvements	0	0	0	1,500,000	0	1,500,000
Water Department	Paint Pleasant Lake Ave. tank	1,750,000	0	0	0	0	1,750,000
Water Department	Pipe discontinuity upgrade	0	1,500,000	0	0	0	1,500,000
	<b>Water Department</b>	<b>2,402,000</b>	<b>1,500,000</b>	<b>3,500,000</b>	<b>1,500,000</b>	<b>0</b>	<b>8,902,000</b>
Watershed (WMP)	Phase 4 Collection System design	0	0	0	0	0	0
	<b>Watershed (WMP)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Wastewater Department	Collections System Improvements	75,000	0	0	0	0	75,000
Wastewater Department	Vehicle Replacements	0	65,000	0	0	0	65,000
	<b>Wastewater Department</b>	<b>75,000</b>	<b>65,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>140,000</b>
<b>ANNUAL TOTALS</b>		<b>5,926,863</b>	<b>6,995,896</b>	<b>19,465,000</b>	<b>15,961,500</b>	<b>4,789,672</b>	<b>53,138,931</b>

Funding Article	Funding Source	Amount
Article 5	Monomoy Regional School District Assessment	120,000
Article 17	Other Sources	437,863
Article 18	Free Cash	2,892,000
Article 19	Water Retained Earnings	1,652,000
	Borrowing	750,000
Article 20	Wastewater Retained Earnings	75,000
<b>TOTAL FUNDING</b>		<b>5,926,863</b>

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 1st day of April 2024.

\_\_\_\_\_  
Julie E. Kavanagh, Chair

\_\_\_\_\_  
Michael D. MacAskill, Vice Chair

\_\_\_\_\_  
Jeffrey Handler, Clerk

\_\_\_\_\_  
Donald F. Howell

Select Board  
Town of Harwich

A true copy Attest:

\_\_\_\_\_  
Constable

# **NEW BUSINESS**



## OFFICE OF THE TOWN ADMINISTRATOR

732 MAIN STREET, HARWICH, MA 02645

Joseph F. Powers, *Town Administrator*  
Meggan M. Eldredge, Assistant Town Administrator

Phone (508) 430-7513  
Fax (508) 432-5039

# MEMO

TO: Harwich Select Board

FROM: Joseph F. Powers, Town Administrator 

CC: Meggan M. Eldredge, Assistant Town Administrator  
Jack Mee, Building Commissioner

RE: Responses to questions on occupancy and appropriations made for Brooks Academy Museum

DATE: March 29, 2024

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This memorandum is presented in relation to your agenda for Monday, April 1, 2024; specifically to “New Business, Item C: Town Administrator to provide an update on Brooks Academy Museum occupancy” as well as to answer an additional question posed by the Chair regarding the total appropriation amount for the ongoing Brooks Academy Museum renovation.

At your meeting on March 25<sup>th</sup>, Mr. Howell requested a report from me regarding Brooks Academy as to whether or not it is possible to get a waiver allowing access to the main floor of the building.

Based on that directive, I presented the question to the Building Commissioner and he indicated that the “waiver” would be a temporary occupancy permit.

“Temporary Occupancy” is defined under the State Building Code as follows (from 780 CMR 1.08): “The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period, not to exceed 180 days, during which the temporary certificate of occupancy is valid. Upon written request from the permit holder, the building official may extend the temporary occupancy permit for additional 30-day periods or a period at the discretion of the building official.”

The Building Commissioner expressed concern (which I share) on the question of liability of having anyone in the building before the renovation project has concluded. Additionally, the standard operating procedure on providing a temporary occupancy permit is predicated on

knowing to a high degree of certainty as to when the project would be completed and the building, therefore, in full compliance with state building code.

The second part of this memorandum is to respond to a question posed to me by the Select Board Chair in conversation earlier this week. Specifically, the Chair directed me to ascertain the total amount of appropriation provided to date relative to the current Brooks Academy Museum renovation project.

I took that request to relate to the actions commencing in 2019 through Article 41 for funds relating to a “structural engineering study pertaining to the foundation of the building...”. The analysis below shows appropriations beginning in 2019 and continuing to the 2023 Annual Town Meeting. I also identified the expenditure amount and provided a balance that was accurate as of March 28, 2024.

**Appropriations for Brooks Academy Museum 2019 to 2023**

Town Meeting Year, Article #, Description	AMOUNT	EXPENDED	BALANCE
ATM 19 #41 BROOKS ACADEMY MUSEUM	\$130,000.00	(\$130,000.00)	\$0.00
ATM 21 #31 BROOKS ACADEMY STRUCTURAL IMPROVEMENTS	\$1,150,000.00	(\$1,150,000.00)	\$0.00
STM 22 #4 BROOKS ACADEMY OWNER'S PROJECT MGR	\$150,000.00	(\$150,000.00)	\$0.00
ATM 23 #27 BROOKS ACADEMY RENOVATIONS	\$690,000.00	\$0.00	\$690,000.00
ATM 23 #47 BROOKS ACADEMY SUPPLMENTAL FUNDS	\$475,000.00	(\$142,371.28)	\$332,628.72
	<b>\$2,595,000.00</b>	<b>(\$1,572,371.28)</b>	<b>\$1,022,628.72</b>

Lastly, I offer the following information proactively on the question of accessibility and waiver requirements on the same.

I met with the Building Commissioner and the Facilities Maintenance Manager on site on Thursday, March 28<sup>th</sup>. During this site visit, we discussed the present “lift” (staircase lift) which is non-functional. According to the Facilities Maintenance Manager, the town’s project consultant, Doug Manley, of the Spencer Preservation Group, was hoping to rely upon that lift to gain acceptance from the Architectural Access Board while the town seeks funding for the Fiscal Year 2025 Capital Outlay request of \$1,160,000 which includes funding for a “limited use lift access” (LULA) lift among other expenditures.

The Facilities Maintenance Manager informed the consultant that the current lift is inoperable yet the consultant should still proceed with the waiver request to the Architectural Access Board as soon as possible.

Thank you for your attention to this matter.

**Attachments:**

FY 2025 Capital Outlay Plan request for 80 Parallel Street – Brooks Academy Museum


**Town of Harwich – FY 25 to 29**  
**Capital Project Request**

Department/Committee:	DPW Facilities		
Requested By:	Lincoln Hooper		
Request Date:	10/26/2023		
Project Request:	Brooks Academy Restoration / Repairs; 80 Parrallel St		
Asset Category:	Infrastructure		
Priority:	2. Essential		
<b>Project description:</b> Supplement CPC funds for exterior restoration. Repair and restore the cupola, roof, gutters, columns and basement bulkhead.			
Purpose:	Other		
Date needed by:	7/1/2024		
<b>Benefit</b> Compiling projects that was previously stretched out across FY24 – FY27 will save costs associated with Achitect, OPM and inflation in addition to finalizing the restoration.			
Estimated Project Cost:	\$1,160,000.00		
Funding Request by Year:	FY1 \$1,160,000	FY4 \$0	
	FY2 \$0	FY5 \$0	
	FY3 \$0		
Describe any discounts or cost reductions (trade-ins, etc.) Provide any reductions to the total requested cost			
Are there available revenue sources or grants other than Municipal funds? Identify available revenue sources (excluding tax levy, free cash, and stabilization funds)			
Consequence on your department of delaying purchase/project The building envelope will continue to deteriorate and we will not meet accessibility requirements without a LULA lift.			
Input the estimated dollar impact of this purchase or project on your operating budget by fiscal year for the next 3 fiscal years → Increase = Additional Cost, Decrease = Savings			
<u>Personnel Budget</u>		<u>Expense Budget</u>	
Increase/(Decrease)	Fiscal Year	Increase/(Decrease)	Fiscal Year
\$Enter amount	Enter fiscal year	\$Enter amount	Enter fiscal year
\$Enter amount	Enter fiscal year	\$Enter amount	Enter fiscal year
\$Enter amount	Enter fiscal year	\$Enter amount	Enter fiscal year



# Memo

To: Select Board  
Joseph F. Powers, Town Administrator

From: Meggan Eldredge, Assistant Town Administrator 

RE: Personnel Bylaw Compensation and Classification table update

Date: March 27, 2024

---

The attached updated classification and compensation tables are for the current fiscal year and include the following draft changes:

- Addition of two new positions (Deputy Library Director and Human Resources Generalist) within the Full Time Management table at a grade M-4.
- Regrade the Activities Coordinator from an S-2 to an S-5 on the seasonal hourly table.
- Delete the job title of Playground / Camp Instructor and Tennis Instructor

The Board of Library Trustees recommends placing the position of Deputy Library Director at an M-4 grade and is budgeted in the current fiscal year. The Human Resources Generalist position has been discussed by the Select Board in the past as a grade M-4 and is budgeted for Fiscal Year 2025.

The Recreation Director requested to delete the Playground/Camp Instructor and Tennis Instructor titles as these positions are better described as Activities Coordinators. Additionally, reclassifying the Activities Coordinator position from a 3 to a 5 on the Seasonal table in order to recruit candidates that reflect a higher level of responsibility and experience is proposed. Making these changes prior to recruiting for this coming summer will allow for a better applicant pool.

**NON-UNION COMPENSATION PLAN  
BY-LAW POSITIONS: FULL TIME MANAGMENT**

Grade	Position	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
M-9	<u>DPW Director</u>	123,843.28	126,860.44	130,022.19	133,306.78	136,620.43	140,005.89	143,498.52	147,066.05	150,723.05	154,472.66
M-8	<u>Water/ Wastewater Superintendent</u>	113,682.73	116,505.34	119,399.73	122,366.95	125,404.92	128,520.92	131,715.99	134,988.04	138,344.37	141,783.94
M-7	<u>Assistant Town Administrator; Deputy Police Chief; Library Director; Deputy Fire Chief</u>	104,356.59	106,946.14	109,600.20	112,321.89	115,113.28	117,970.22	120,901.03	123,903.62	126,982.17	130,136.66
M-6		95,803.46	98,178.69	100,616.35	103,112.27	105,668.53	108,294.50	110,979.77	113,733.71	116,557.36	119,452.79
M-5		87,621.75	89,812.30	92,057.60	94,359.04	96,718.02	99,135.97	101,614.37	104,154.73	106,758.60	109,427.56
M-4	<u>Personnel Director; Director of Cultural Affairs; Deputy Library Director; Human Resources Generalist</u>	80,766.37	82,756.84	84,806.43	86,909.08	89,061.67	91,269.40	93,531.23	95,849.24	98,168.29	100,543.52
M-3	<u>Housing Advocate</u>	74,152.74	75,986.96	77,868.00	79,793.78	81,771.58	83,796.20	85,871.80	88,000.46	90,128.08	92,307.72
M-2		68,095.53	69,775.77	71,501.80	73,267.35	75,069.33	76,938.93	78,843.90	80,795.69	82,747.48	84,778.77
M-1	<u>Zoning Compliance Officer</u>	54,625.47	55,972.79	57,354.44	58,767.30	60,219.70	61,707.48	63,229.58	64,790.18	66,390.31	68,032.06

proposed-two additional position in M-4 (Deputy Library Director and Human Resources Generalist, no other changes



BY LAW POSITIONS: SEASONAL HOURLY RATES

Grade	Job Title	Step 1	Step 2	Step 3	Step 4	Step 5
9	Golf Instructor	35.28	52.33	69.92	86.41	
8	Golf Employee and Operations Manager; Shellfish Instructor	24.72	25.81	26.89	27.97	29.05
7	Beach Supervisor	21.59	22.12	22.65	23.18	23.72
6	Ass't Beach Supervisor; Playground Director; Waterfront Director	18.94	19.47	20.00	20.53	21.06
5	<del>Activities Coordinator;</del> Lifeguard; Swimming Instructor; Ass't. Harbormaster	17.35	17.88	18.41	18.94	19.47
4	Seasonal Laborer	16.82	17.35	17.88	18.41	18.94
3	<del>Activities Coordinator (move to grade 5);</del> Golf Ass't; Golf Maintenance Person; Summerball Director	15.76	16.29	16.82	17.35	17.88
2	Parking Enforcement Officer; <del>tennis Instructor;</del> <del>Playground/Camp Instructor;(re-grade to 5)</del> Summerball Instructor	15.23	15.76	16.44	17.14	17.85
1	Work Leader; IT Ass't; Parking Attendant; Harbor Assistant; Golf Utility Person; Shellfish Intern	15.00	15.23	15.90	16.59	17.28

To: Joseph Powers; Town Administrator, Meggan Eldredge; Assistant Town Administrator  
From: Eric Beebe; Recreation and Youth Director  
Re: Seasonal Staff Re-grade  
Date: 1/8/24

The Recreation and Youth Department is requesting pay grade changes for our seasonal summer staff.

Currently, the Playground Camp Instructor position and Tennis Instructor position for our seasonal summer staff is listed as a Grade 2 under the By Law Position for Seasonal Hourly Rates. This rate is a 5 step rate from \$15.23 to \$17.85. We are requesting that the positions of Playground Camp Instructor and Tennis Instructor be eliminated and re-named as Activities Coordinator which is currently a Grade 3.

We also request that Activities Coordinator Grade 3 position be moved to a grade 5 pay scale position which has a pay scale of \$17.35 to \$19.47 over a 5-step scale.

We feel that this change in position title and pay scale will improve our ability to recruit quality seasonal employees for the summer season for our daily summer camp as well as our tennis lesson program.

These programs require significant responsibilities equivalent to those of a beach lifeguard in that they are responsible for the recreational activity and safety of 40-50 youth daily in a recreational setting. This change will enable us to recruit more qualified applicants for these valuable positions each summer.

The Recreation Department Playground Program and Tennis Program are programs run through the Recreation and Youth Revolving Fund and all associated program costs, including staff pay, are included in the fee structure for the associated program. This change in pay scale can be absorbed with nominal change to the program fee and will have no effect on the Recreation Department annual budget.

The Harwich Recreation Department Playground Program is a Monday through Friday Program in the summer months from 9am-4pm daily. Counselors are responsible for Activity coordination, camper safety, and implementation of all program related activities. All program staff are required to have full certification in CPR and First Aid for the Professional Rescuer. The Harwich Recreation Department Summer Tennis Lessons run from 8am-12pm daily and require a very specialized skill set that is hard to find in Seasonal Employees. Tennis Instructors are also responsible for the program syllabus, and safety of all registrants. These seasonal staff members are also required to obtain certification in CPR and First Aid for the Professional Rescuer.

We feel that this is a pay scale re-structure that would be representative of the responsibilities required of the position and would benefit the Department and it's ability to hire appropriate staff for the related program.

Thank you for your attention to this matter,

Eric Beebe

Director-Harwich Recreation & Youth Department



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 \_\_\_\_\_

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

Business Name PELHAM ON EARLE Phone 

Doing Business As (d/b/a) \_\_\_\_\_

Business Address 30 EARLE RD HARWICH MA 02671

Mailing Address 

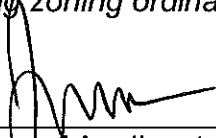
Email Address grace@pelhamhouseressort.com

Name of Owner John McCARTHY

(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.*

 Managing Partner 2/29/24  
Signature of Applicant, Owner or Manager Date

Federal I.D. #

\*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

2024  
Retail License Renewal

License Number: 06754-RS-0506

Municipality: HARWICH

License Name : PELHAM ON EARLE OPERATING  
LLC

License Class: Seasonal

License Type: Restaurant

DBA : Pelham On Earle


Premise Address: 30 Earle Road Harwich, MA 02671

License Category: All Alcoholic Beverages

Manager: John Mccarthy

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  
 John R. McCarthy  
 \_\_\_\_\_  
 Printed Name

3.22.24  
 \_\_\_\_\_  
 Date  
 Managing Partner  
 \_\_\_\_\_  
 Title

Additional Information:

Please sign this form only in the month of March and return to your Local Licensing Authority.



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

**APPLICATION FOR NEW LODGING HOUSE OR INNOLDERS LICENSE**

LICENSE APPLIED FOR: Lodging House \_\_\_\_\_ Innholders X

Fee: \$50 Annual X # of rooms 27  
Seasonal \_\_\_\_\_ Opening date \_\_\_\_\_

Business Name Pelham on EARLE Phone

Doing Business As (d/b/a) Pelham on EARLE

Business Address 30 EARLE Harwich MA 02671

Mailing Address

Winter Address & Phone \_\_\_\_\_

Email Address grace @ pelhamhouse resort . com

Name of Owner John MCCARTHY

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

Grace EARLE  
Signature of applicant & title

EXECUTIVE DIR. OPERATIONS  
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 of individual or corporate name

By \_\_\_\_\_  
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.

DocuSigned by:  
Jack Mee  
Building Commissioner

DocuSigned by:  
Carrie Schauer  
Board of Health

DocuSigned by:  
Bruce Young  
Fire Department

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



ENTERTAINMENT LICENSE RENEWAL - WEEKDAY

An application for entertainment regulated by Massachusetts General Law Chapter 140, Section 183A

All highlighted areas are REQUIRED to be completed

Section I - Check all appropriate

- Weekday Entertainment (\$75)
- One day Entertainment (\$25)

Section II - Check all appropriate

- Annual
- Seasonal
- Opening Date \_\_\_\_\_

Section III - Applicant Information

Business Name PELHAM ON EARLE Phone [REDACTED]

Doing Business As PELHAM ON EARLE

Business Address 30 EARLE RD HARWICH MA 02671

Mailing Address [REDACTED]

Owners Name & Address JOHN MCCARTHY

Email Address grace@pelhamhousevesort.com

Manager Name & Address Grace GRIECO

Days/Hours of Business Operation 24/7

Section IV - Entertainment Type (Check all appropriate boxes)

- Group 1  Jukebox, Radio, Television
- Group 2  Dancing by Patrons
- Group 3  Dancing by Live Performers, Live/Recorded Music, Amplification System  
\*If having live or recorded music, please state below exactly what kind (DJ, Band, etc.)
- Group 4  Moving Pictures, Plays, Floor Shows, Light Shows, Theatre Shows

Section V - Additional information

- The time you are requesting to have entertainment (I.E. 4 P.M. to 10 P.M.)  
12 pm - 10 pm
- Location of entertainment (Inside and/or outside)  
BOTH
- Specific days if not applying for Monday through Saturday

- Please use the area below to outline any additional information for the Local Licensing Authority 1-3 musician's playing soft music for dining guests.

**Section VI**

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

Yes  No

- If you checked yes on the question above, please obtain an Entertainment Appendix from staff

*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.*

 Managing Partner   
Signature of applicant & title Federal I.D. #

\*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.



**ENTERTAINMENT LICENSE RENEWAL - SUNDAY**

An application for entertainment regulated by Massachusetts General Law Chapter 140, Section 183A

All highlighted areas are **REQUIRED** to be completed

**Section I - Check all appropriate**

- Entertainment starting **prior to 1PM** (\$175)
- Entertainment starting **after 1PM** (\$85)
- One day Entertainment (\$25)

**Section II - Check all appropriate**

- Annual
- Seasonal
- Opening Date

Please note the Commonwealth of Massachusetts fee applies for **all Sunday entertainment** as outlined below:

Please make check payable to Commonwealth of Massachusetts

- Entertainment starting on Sunday **after** 1:00 p.m. - \$50
- Entertainment starting on Sunday **prior** to 1:00 p.m. - \$100

**Section III - Applicant Information**

Business Name Pelham on EARLE Phone [REDACTED]

Doing Business As Pelham on EARLE

Business Address 30 EARLE RD HARWICH MA 02671

Mailing Address [REDACTED]

Owners Name & Address John MCCARTHY

Email Address grace@pelhamhouseresort.com

Manager Name & Address GRACE GRIECO

Days/Hours of Business Operation 24/7

**Section IV - Entertainment Type (Check all appropriate boxes)**

Group 1  Jukebox, Radio, Television

Group 2  Dancing by Patrons

Group 3  Dancing by Live Performers, Live/Recorded Music, Amplification System  
\*If having live or recorded music, please state below exactly what kind (DJ, Band, etc.)

Group 4  Moving Pictures, Plays, Floor Shows, Light Shows, Theatre Shows



**Section V – Additional information**

- The time you are requesting to have entertainment (I.E. 4 P.M. to 10 P.M.)  
12pm - 10pm
- Location of entertainment (Inside and/or outside)  
BOTH
- Please use the area below to outline any additional information for the Local Licensing Authority  
1-3 musician playing soft music FOR DINING GUESTS.

**Section VI**

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

Yes       No

- **If you checked yes on the question above, please obtain an Entertainment Appendix from staff**

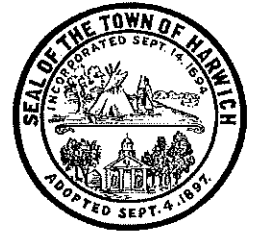
*Pursuant to MGL Ch. 62c, Sec. 49A, I certify under the penalties of perjury that to the best of my knowledge and belief I have filed all state tax returns and paid all state taxes required under law.*

*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.*

 Managing Partner      2/29/24  
Signature of Applicant, Owner or Manager      Date

[REDACTED]  
Federal I.D. #

\*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.



732 MAIN STREET, HARWICH, MA 02645

**ENTERTAINMENT LICENSE RENEWAL - WEEKDAY**

An application for entertainment regulated by Massachusetts General Law Chapter 140, Section 183A

All highlighted areas are REQUIRED to be completed

**Section I - Check all appropriate**

- Weekday Entertainment (\$75)
- One day Entertainment (\$25)

**Section II - Check all appropriate**

- Annual
- Seasonal
- Opening Date 4/1/2024

**Section III - Applicant Information**

Business Name Wychmere Harbor Functions, LP Phone [REDACTED]

Doing Business As Wychmere Beach Club

Business Address 23 Snow Inn Road, Harwich Port, MA 02646

Mailing Address 23 Snow Inn Road, Harwich Port, MA 02646

Owners Name & Address \_\_\_\_\_

Email Address berhard@wychmerebeachclub.com

Manager Name & Address Ben Erhard, 23 Snow Inn Road, Harwich Port, MA 02646

Days/Hours of Business Operation Monday - Saturday 11:00 a.m. - 1:00 a.m.

**Section IV - Entertainment Type (Check all appropriate boxes)**

- Group 1  Jukebox, Radio, Television
- Group 2  Dancing by Patrons
- Group 3  Dancing by Live Performers, Live/Recorded Music, Amplification System  
\*If having live or recorded music, please state below exactly what kind (DJ, Band, etc.)
- Group 4  Moving Pictures, Plays, Floor Shows, Light Shows, Theatre Shows

**Section V - Additional information**

- The time you are requesting to have entertainment (I.E. 4 P.M. to 10 P.M.)  
11:00 a.m. - 10:00 p.m. Outside 11:00 a.m. - 1:00 a.m. Inside
- Location of entertainment (Inside and/or outside)  
Inside & Outside
- Specific days if not applying for Monday through Saturday

- Please use the area below to outline any additional information for the Local Licensing Authority

---

**Section VI**

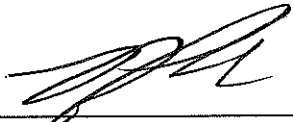
At any time during this concert, dance exhibition, cabaret or public show, will any person(s) be permitted to appear on the premises in any manner or attire as to expose to the public view any portion of the body as described in Mass. General Laws Chapter 140, Section 183A, Para. 3.

\_\_\_\_ Yes      X No

- **If you checked yes on the question above, please obtain an Entertainment Appendix from staff**

*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.*



\_\_\_\_\_  
Signature of applicant & title



\_\_\_\_\_  
Federal I.D. #

\*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.



ENTERTAINMENT LICENSE RENEWAL - SUNDAY

An application for entertainment regulated by Massachusetts General Law Chapter 140, Section 183A

All highlighted areas are REQUIRED to be completed

Section I - Check all appropriate

- Entertainment starting prior to 1PM (\$175)
- Entertainment starting after 1PM (\$85)
- One day Entertainment (\$25)

Section II - Check all appropriate

- Annual
- Seasonal
- Opening Date 4/1/24

Please note the Commonwealth of Massachusetts fee applies for all Sunday entertainment as outlined below:

Please make check payable to Commonwealth of Massachusetts

- Entertainment starting on Sunday after 1:00 p.m. - \$50
- Entertainment starting on Sunday prior to 1:00 p.m. - \$100

Section III - Applicant Information

Business Name Wychmere Harbor Functions, LP Phone [REDACTED]

Doing Business As Wychmere Beach Club

Business Address 23 Snow Inn Road, Harwich Port, MA 02646

Mailing Address 23 Snow Inn Road, Harwich Port, MA 02646

Owners Name & Address \_\_\_\_\_

Email Address berhard@wychmerebeaqchclub.com

Manager Name & Address Ben Erhard 23 Snow Inn Road Harwich Port, MA

Days/Hours of Business Operation Sunday

Section IV - Entertainment Type (Check all appropriate boxes)

Group 1  Jukebox, Radio, Television

Group 2  Dancing by Patrons

Group 3  Dancing by Live Performers Live/Recorded Music, Amplification System

\*If having live or recorded music, please state below exactly what kind (DJ,

Band, etc.

Group 4  Moving Pictures, Plays, Floor Shows, Light Shows, Theatre Shows

**Section V – Additional information**

- The time you are requesting to have entertainment (I.E. 4 P.M. to 10 P.M.)  
11:00a.m. -1:00 a.m. Inside 11:00 a.m. to 10:00p.m. Outside
- Location of entertainment (Inside and/or outside)  
Inside and Outside
- Please use the area below to outline any additional information for the Local Licensing Authority

---

**Section VI**

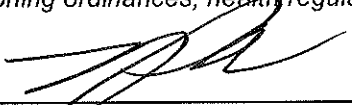
At any time during this concert, dance exhibition, cabaret or public show, will any person(s) be permitted to appear on the premises in any manner or attire as to expose to the public view any portion of the body as described in Mass. General Laws Chapter 140, Section 183A, Para. 3.

\_\_\_ Yes      X No


- **If you checked yes on the question above, please obtain an Entertainment Appendix from staff**

*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.*

  
\_\_\_\_\_  
Signature of Applicant, Owner or Manager

2/27/2024  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Federal I.D. #

\*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 ST., HARWICH, MA 02645  
508-430-7513

**APPLICATION FOR LODGING HOUSE OR INNHOLDERS LICENSE RENEWAL**

LICENSE APPLIED FOR: Lodging House  Innholders

Fee: \$50 Annual  Seasonal   
# of rooms 5 Opening date May

Business Name GINGERBREAD HOUSE Phone [REDACTED]

Doing Business As (d/b/a) GINGERBREAD HOUSE

Business Address 141 DIVISION ST. WEST HARWICH MA 02671

Mailing Address - 11 -

Winter Address & Phone \_\_\_\_\_

Email Address [REDACTED]

Name of Owner STACIA M KOSTECKI

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

**INNHOLDERS ONLY** – List total number of seats in dining/lounge area. \_\_\_\_\_

*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.*

[Signature]  
Signature of Applicant, Owner or Manager

3/14/2024  
Date

Federal I.D. # [REDACTED]

\*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.

**TOWN**  
**ADMINISTRATOR'S**  
**REPORT**



# HARWICH FIRE DEPARTMENT

## MEMORANDUM

David J. LeBlanc, **Chief of Department**  
Craig W. Thornton, **Deputy Fire Chief**

<b>Date</b>	2/20/2024
<b>To:</b>	Joe Powers, Town Administrator / Procurement
<b>From:</b>	Craig Thornton
<b>Subject:</b>	Procurement – Sigma Health

**Project:** The Police and Fire Department are committed to the health, safety, and wellness of our employees. Both departments’ budgets committed funding that would bring a wellness company in to our members that would evaluate their cardiovascular systems.

**Description:** Sigma has developed a comprehensive cardiac screening evaluation designed to detect the early stage of cardiovascular disease before a heart attack or stroke develops. Public safety personnel have historically had higher cardiac events, identifying risk factors as early as possible can prevent debilitating cardiac issues. Sigma-Heath provides first responders with cardiovascular screenings allowing them to proactively manage their cardiac health.

**Vendor: Sigma-Health**

**Contact:** Vincent C. Palozzi 704-751-6430 vince@sigmacoaching.com

**Items:** Please see included Harwich, MA Public Safety Quote

**Price:** \$68,769.00

**Recommendation:** Both departments would like to proceed with Sigma Tactical Wellness, we believe their one of a kind comprehensive wellness program will be beneficial to our police officers and firefighters.

**Procurement Method:** Chapter 30b Health Care Exemption  
Sigma Tactical Wellness program is a sole source program, see attached letter.

**Funding Sources:** Police Expense Budget Org: 012102 Obj: 530900  
Fire Expense Budget Org: 012202 Obj: 530600

**Total Funds:** \$68,769.00  
HARWICH FIRE DEPARTMENT

175 SISSON ROAD

HARWICH, MA 02645



**Contact/Signatory:** Vincent C. Pallozzi 704-751-6430 vince@sigmacoaching.com

**Included Documentation:**

Public Safety Quote  
KP Law Harwich – Form Contract  
POST Procurement Checklist  
Checklist and Approval Form to Initiate Procurement  
Sigma Sole Source Letter  
Sigma Services Agreement

# PROCUREMENT CHECKLIST & APPROVAL FORM

STAFF LEAD: Thornton DEPARTMENT: Fire Department

FUNDING SOURCE: Expense Budgets PD Org: 012102 Obj: 530900 Fire Org: 012202 Obj: 530600

Appropriated amount: \$ 68,769.00 Estimated cost: \$68,769.00 Actual cost: \$ 68,769.00

**PROCUREMENT METHOD:**

Chapter 30b Health Care Exemption  
Sole Source Health Program

**PURCHASE DESCRIPTION:**

Advanced Cardiovascular and Metabolic Screening (ACMS) for EIGHTY ONE(81) participants  
Both Police and Fire Department Expense Budgets appropriated funding for this program.  
Please see attached Harwich, MA Public Safety Quote for the complete components of this program.

**PROCUREMENT MAY PROCEED ONLY IF SIGNATURES PROVIDED BELOW**

Funds Available: Finance Director: DocuSigned by:  
Megan Green  
36E65676E18A4AC... Account # 012102-530900  
012202-530600  
68,769.00

Approved to proceed: Town Administrator or Designee: DocuSigned by:  
Joseph P. Powers  
0623C0C5799644E...

**AGREEMENT FOR TOWN OF HARWICH**

The following provisions shall constitute an Agreement between the Town of Harwich, acting by and through its Select Board, hereinafter referred to as "Town," and JS MD Sigma PLLC with an address of 1 Championship Drive, Austin, TX 78738 hereinafter referred to as "Contractor", effective as of the <sup>22nd</sup> day of <sup>March</sup> -----, 2024. In consideration of the mutual covenants contained herein, the parties agree as follows:

**ARTICLE 1: SCOPE OF WORK:**

The Contractor shall perform all work and furnish all services necessary to provide the Town of Harwich with Health Services as listed in the attached Harwich, MA Public Quote dated February 16, 2024, including the scope of services set forth in Attachment A.

**ARTICLE 2: TIME OF PERFORMANCE:**

The Contractor shall complete all work and services required hereunder commencing upon contract execution through March 1, 2025.

**ARTICLE 3: COMPENSATION:**

The Town shall pay the Contractor for the performance of the work outlined in Article 1 above \$849.00 per participant with a not to exceed contract sum of \$68,769.00. The Contractor shall submit monthly invoices to the Town for services rendered, which will be due 30 days following receipt by the Town.

**ARTICLE 4: CONTRACT DOCUMENTS:**

The following documents form the Contract and all are as fully a part of the Contract as if attached to this Agreement or repeated herein:

1. This Agreement.
2. Amendments, or other changes mutually agreed upon between the parties.

3. All attachments to the Agreement.

In the event of conflicting provisions, those provisions most favorable to the Town shall govern.

**ARTICLE 5: CONTRACT TERMINATION:**

The Town may suspend or terminate this Agreement by providing the Contractor with ten (10) days written notice for the reasons outlined as follows:

1. Failure of the Contractor, for any reason, to fulfill in a timely and proper manner its obligations under this Agreement.
2. Violation of any of the provisions of this Agreement by the Contractor.
3. A determination by the Town that the Contractor has engaged in fraud, waste, mismanagement, misuse of funds, or criminal activity with any funds provided by this Agreement.

Either party may terminate this Agreement at any time for convenience by providing the other party written notice specifying therein the termination date which shall be no sooner than thirty (30) days from the issuance of said notice. Upon receipt of a notice of termination from the Town, the Contractor shall cease to incur additional expenses in connection with the Agreement. Upon such termination, the Contractor shall be entitled to compensation for all satisfactory work completed prior to the termination date as determined by the Town. Such payment shall not exceed the fair value of the services provided hereunder.

**ARTICLE 6: INDEMNIFICATION:**

The Contractor shall defend, indemnify and hold harmless the Town and its officers, agents, and all employees from and against claims arising directly or indirectly from the contract. Contractor shall be solely responsible for all local taxes or contributions imposed or required under the Social Security, Workers' Compensation, and income tax laws. Further, the Contractor

shall defend, indemnify and hold harmless the Town with respect to any damages, expenses, or claims arising from or in connection with any of the work performed or to be performed under this Agreement. This shall not be construed as a limitation of the Contractor's liability under the Agreement or as otherwise provided by law.

**ARTICLE 7: AVAILABILITY OF FUNDS:**

The compensation provided by this Agreement is subject to the availability and appropriation of funds.

**ARTICLE 8: APPLICABLE LAW:**

The Contractor agrees to comply with all applicable local, state and federal laws, regulations and orders relating to the completion of this Agreement. This Agreement shall be governed by and construed in accordance with the law of the Commonwealth of Massachusetts.

**ARTICLE 9: ASSIGNMENT:**

The Contractor shall not make any assignment of this Agreement without the prior written approval of the Town.

**ARTICLE 10: AMENDMENTS:**

All amendments or any changes to the provisions specified in this Contract can only occur when mutually agreed upon by the Town and Contractor. Further, such amendments or changes shall be in writing and signed by officials with authority to bind the Town. No amendment or change to the contract provisions shall be made until after the written execution of the amendment or change to the Contract by both parties.

**ARTICLE 11: INDEPENDENT CONTRACTOR:**

The Contractor acknowledges and agrees that it is acting as an independent contractor for all work and services rendered pursuant to this Agreement and shall not be considered an employee or agent of the Town for any purpose.

**ARTICLE 12: INSURANCE:**

The Contractor shall be responsible to the Town or any third party for any property damage or bodily injury caused by it, any of its subcontractors, employees or agents in the performance of, or as a result of, the work under this Agreement. The Contractor and any subcontractors used hereby certify that they are insured for workers' compensation, property damage, personal and product liability. The Contractor and any subcontractor it uses shall purchase, furnish copies of, and maintain in full force and effect insurance policies in the amounts here indicated.

- 1) General Liability of at least \$1,000,000 Occurrence/\$3,000,000 General Aggregate. The Municipality should be named as an "Additional Insured". Products and Completed Operations should be maintained for up to 3 years after the completion of the project.
- 2) Automobile Liability (applicable for any contractor who has an automobile operating exposure) of at least \$1,000,000 Bodily Injury and Property Damage per accident. The Municipality should be named as an "Additional Insured".
- 3) Workers' Compensation Insurance as required by law. Include Employers Liability Part B with a limit of \$1,000,000
- 4) Property Coverage for materials and services being transported by the contractor, as the Town's Property Contract provides coverage for personal property within 1000 feet of the premises.
- 5) Umbrella Liability of at least \$2,000,000/ occurrence, \$2,000,000/aggregate. The Municipality should be named as an Additional Insured.

Prior to commencement of any work under this Agreement, the Contractor shall provide the Town with Certificates of Insurance which include the Town as an additional named insured and which include a thirty day notice of cancellation to the Town.

**ARTICLE 13: SEVERABILITY:**

If any term or condition of this Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by the court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby unless one or both parties would be substantially or materially prejudiced.

**ARTICLE 14: ENTIRE AGREEMENT:**

This Agreement, including all documents incorporated herein by reference, constitutes the entire integrated agreement between the parties with respect to the matters described. This Agreement supersedes all prior agreements, negotiations and representations, either written or oral, and it shall not be modified or amended except by a written document executed by the parties hereto.

**ARTICLE 15: COUNTERPARTS:**

This Agreement may be executed in any number of counterparts, each of which shall be deemed to be a counterpart original.

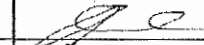
**CERTIFICATION AS TO PAYMENT OF STATE TAXES**

Pursuant to Chapter 62C of the Massachusetts General Laws, Section 49A(b), I, Jonathan Sheinberg, authorized signatory for the Contractor do hereby certify under the pains and penalties of perjury that said Contractor has complied with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

92-3484836

Social Security Number or  
Federal Identification Number

DocuSigned by:



Signature of Individual or  
Corporate Name

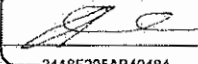
By:  
Corporate Officer  
(if applicable)

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the day and year first above written.

CONTRACTOR

By

DocuSigned by:



2418F205AB40484...

Jonathan Sheinberg CMO

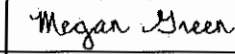
Printed Name and Title

TOWN OF HARWICH

by its Select Board Over \$75,000

Approved as to Availability of Funds:

DocuSigned by:



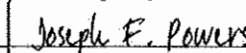
Finance Director

012102-530900  
012202-530600

68,769.00 MAX  
(\$ \_\_\_\_\_ )  
Contract Sum

by its Town Administrator Up to \$75,000

DocuSigned by:



Town Administrator





## Exhibit A

### SERVICES

The following shall constitute the "Services" for purposes of this Agreement:

The provision of cardiovascular and metabolic screening to Clients' workforce members and/or their beneficiaries. Each such screening scheduled to be provided by Sigma to one of Client's workforce members and/or their beneficiaries is herein referred to as an "Encounter").

### FEE SCHEDULE

Client shall for members of the Town of Harwich only, pay Sigma [\$849 ] [\$849 to be paid for each covered participant] for each cardiovascular and metabolic screening associated with an Encounter that is either:

- Fully rendered by Sigma;
- Initiated but not fully rendered at the request or demand of Client or the workforce member/beneficiary; or
- Not fully rendered by Sigma due to the health condition of the workforce member/beneficiary at the time of presenting for the screening.
- Not rendered by Sigma due to the Encounter being canceled by Client, or the workforce member/beneficiary, within 24 hours of the date and time the screening was scheduled by Sigma to be provided;
- Lab draw completed on individual and no show or appointment canceled less than 24hrs prior to screening appointment.

Each of the above Encounters shall be deemed a "Payable Encounter" for purposes of this Agreement.

Client shall be invoiced and will prepay Sigma for the number of scheduled or reasonably anticipated cardiovascular and metabolic screenings to be provided by Sigma based on the number of Encounters. Invoicing will be sent immediately after lab draws are completed. Sigma will refund Client for any amounts prepaid by Client for any Encounter that after the completion of the Services does not qualify as a Payable Encounter, promptly upon termination of this Agreement.

Final aggregate data report will be delivered within 7 days of receipt of payment and completion of program. (Note: some data may not be available when enrollment numbers are low due to participant privacy concerns)

Labs drawn at a patient service center:Labs drawn at a Patient Service Center (PSC), outside of pre scheduled department lab draws will incur an additional fee of \$25 per participant to be paid by: Participant

Clinician appointments canceled less than 24hrs in advance or 'no show' appointments will be charged a rescheduling fee of \$25 payable by: Participant

Exceptions may be granted at the discretion of Sigma representative ie, Line of duty needs

### **HIPAA Business Associate Addendum**

Sigma Wellness LLC serves as the management service organization of JS MD Sigma PLLC, which is a covered entity under the HIPAA Rules (“Covered Entity”). Business Associate agrees that (1) this HIPAA Business Associate Addendum (this “Addendum”) is entered into for the benefit of Sigma Wellness PLLC and Covered Entity; (2) Covered Entity shall be and constitutes an intended third-party beneficiary of the terms and conditions of this HIPAA Business Associate Addendum.

Pursuant to the underlying agreement(s) and/or contractual arrangement(s) (the “Underlying Agreement”) between Sigma Wellness PLLC and The Town of Harwich (“Business Associate”), Business Associate may provide services to or perform functions or activities on behalf of Covered Entity involving the use disclosure, transmission or maintenance of protected health information created or received by Business Associate on behalf of Covered Entity (“PHI”). Therefore, Business Associate is functioning as a business associate to Covered Entity, Business Associate agrees to the following terms and conditions set forth in this HIPAA Business Associate Addendum.

1. **Definitions.** For purposes of this Addendum, the terms used herein, unless otherwise defined, shall have the same meanings as used in the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), or the Health Information Technology for Economic and Clinical Health Act (“HITECH”), and any amendments or implementing regulations, (collectively, the “HIPAA Rules”).
2. **Compliance with Applicable Law.** The parties acknowledge and agree that, beginning with the relevant effective dates, Business Associate shall comply with its obligations under this Addendum and with all obligations of a business associate under HIPAA, HITECH, the HIPAA Rules, and other applicable laws and regulations, as they exist at the time this Addendum is executed and as they are amended, for so long as this Addendum is in place.

3. **Permissible Use and Disclosure of PHI.** Business Associate may use and disclose PHI as necessary to carry out its duties to Covered Entity pursuant to the terms of the Underlying Agreement, as permitted or required by this Addendum, and as required by law. Business Associate may also use and disclose PHI (i) for its own proper management and administration, and (ii) to carry out its legal responsibilities. If Business Associate discloses Protected Health Information to a third party for either above reason, prior to making any such disclosure, Business Associate must obtain: (i) reasonable assurances from the receiving party that such PHI will be held confidential and be disclosed only as required by law or for the purposes for which it was disclosed to such receiving party; and (ii) an agreement from such receiving party to immediately notify Business Associate of any known breaches of the confidentiality of the PHI.
4. **Limitations on Use and Disclosure of PHI.** Business Associate shall not, and shall ensure that its directors, officers, employees, subcontractors, and agents do not, use or disclose PHI in any manner that is not permitted by this Addendum or that would violate Subpart E of 45 CFR 164 (“Privacy Rule”) if done by Covered Entity. Business Associate is not authorized to create de-identified information from PHI. All uses and disclosures of, and requests by, Business Associate for PHI are subject to the minimum necessary rule of the Privacy Rule and consistent with Covered Entity’s minimum necessary policies and procedures.
5. **Required Safeguards To Protect PHI.** Business Associate shall use appropriate safeguards, and comply with Subpart C of 45 CFR Part 164 (“Security Rule”) with respect to electronic PHI, to prevent the use or disclosure of PHI other than pursuant to the terms and conditions of this Addendum.
6. **Reporting to Covered Entity.** Business Associate shall immediately report to Covered Entity: (a) any use or disclosure of PHI not provided for by this Addendum of which it becomes aware; (b) any breach of unsecured PHI in accordance with 45 CFR Subpart D of 45 CFR 164 (“Breach Notification Rule”); and (c) any security incident of which it becomes aware. Business Associate shall cooperate with Covered Entity’s investigation, analysis, notification and mitigation activities, and shall be responsible for all costs incurred by Covered Entity for those activities.

7. **Mitigation of Harmful Effects.** Business Associate agrees to mitigate, to the extent practicable, any harmful effect of a use or disclosure of PHI by Business Associate in violation of the requirements of this Addendum, including, but not limited to, compliance with any state law or contractual data breach requirements.
8. **Agreements by Third Parties.** Business Associate shall enter into an agreement with any subcontractor of Business Associate that creates, receives, maintains or transmits PHI on behalf of Business Associate. Pursuant to such agreement, the subcontractor shall agree to be bound by the same restrictions, conditions, and requirements that apply to Business Associate under this Addendum with respect to such PHI.
9. **Access to PHI.** Within five (5) days of a request by Covered Entity for access to PHI about an individual contained in a Designated Record Set, Business Associate shall make available to Covered Entity such PHI for so long as such information is maintained by Business Associate in the Designated Record Set, as required by 45 CFR 164.524. In the event any individual delivers directly to Business Associate a request for access to PHI, Business Associate shall within two (2) days forward such request to Covered Entity.
10. **Amendment of PHI.** Within five (5) days of receipt of a request from Covered Entity for the amendment of an individual's PHI or a record regarding an individual contained in a Designated Record Set (for so long as the PHI is maintained in the Designated Record Set), Business Associate shall provide such information to Covered Entity for amendment and incorporate any such amendments in the PHI as required by 45 CFR 164.526. In the event any individual delivers directly to Business Associate a request for amendment to PHI, Business Associate shall within two (2) days forward such request to Covered Entity.

11. **Documentation of Disclosures.** Business Associate agrees to document disclosures of PHI and information related to such disclosures as would be required for Covered Entity to respond to a request by an individual for an accounting of disclosures of PHI in accordance with 45 CFR 164.528 and HITECH.
12. **Accounting of Disclosures.** Within five (5) days of notice by Covered Entity to Business Associate that it has received a request for an accounting of disclosures of PHI, Business Associate shall make available to Covered Entity information to permit Covered Entity to respond to the request for an accounting of disclosures of PHI, as required by 45 CFR 164.528 and HITECH.
13. **Other Obligations.** To the extent that Business Associate is to carry out one or more of Covered Entity's obligations under the Privacy Rule, Business Associate shall comply with such requirements that apply to Covered Entity in the performance of such obligations. Covered Entity shall notify Business Associate of any limitation(s) in its notice of privacy practices of Covered Entity, in accordance with 45 CFR 164.520, to the extent that such limitation may affect Business Associate's use or disclosure of PHI. Covered Entity shall notify Business Associate of any changes in, or revocation of, permission by an individual to use or disclose PHI, to the extent that such changes may affect Business Associate's use or disclosure of PHI. Covered Entity shall notify Business Associate of any restriction to the use or disclosure of PHI that Covered Entity has agreed to in accordance with 45 CFR 164.522, to the extent that such restriction may affect Business Associate's use or disclosure of PHI.
14. **Judicial and Administrative Proceedings.** In the event Business Associate receives a subpoena, court or administrative order or other discovery request or mandate for release of PHI, Covered Entity shall have the right to control Business Associate's response to such request. Business Associate shall notify

Covered Entity of the request as soon as reasonably practicable, but in any event within two (2) days of receipt of such request.

15. **Availability of Books and Records.** Business Associate hereby agrees to make its internal practices, books, and records available to the Secretary of the Department of Health and Human Services for purposes of determining compliance with the HIPAA Rules.
16. **Breach of Contract by Business Associate.** In addition to any other rights Covered Entity may have in the Underlying Agreement, this Addendum or by operation of law or in equity, Covered Entity may: i) immediately terminate the Underlying Agreement if Covered Entity determines that Business Associate has violated a material term of this Addendum; or ii) at Covered Entity's option, permit Business Associate to cure or end any such violation within the time specified by Covered Entity. Covered Entity's option to have cured a breach of this Addendum shall not be construed as a waiver of any other rights Covered Entity has in the Underlying Agreement, this Addendum or by operation of law or in equity.
17. **Effect of Termination of Underlying Agreement.** Upon the termination of the Underlying Agreement or this Addendum for any reason, Business Associate shall return to Covered Entity or, at Covered Entity's direction, destroy all PHI received from Covered Entity that Business Associate maintains in any form, recorded on any medium, or stored in any storage system. This provision shall apply to PHI that is in the possession of Business Associate, subcontractors, and agents of Business Associate. Business Associate shall retain no copies of the PHI. Business Associate shall remain bound by the provisions of this Addendum, even after termination of the Underlying Agreement or Addendum, until such time as all PHI has been returned or otherwise destroyed as provided in this Section. Notwithstanding the foregoing, in the event Business Associate believes in good faith that returning or destroying the PHI is infeasible, Business Associate will notify Covered Entity in writing of the conditions that make return or destruction infeasible. Upon mutual agreement of the Parties that return or destruction of the PHI is infeasible, Business Associate may refrain from return or destruction. With respect to any such retained PHI, Business Associate must extend the protections of this Addendum to such PHI and limit further uses or disclosures of such PHI to those purposes that make the return or destruction infeasible, for so long as Business Associate maintains such PHI. If it is infeasible for Business Associate to obtain from a subcontractor or agent any PHI in the possession of the subcontractor or agent, Business Associate will provide a written explanation to Covered Entity and require the subcontractors and agents to agree to extend any and all protections, limitations, and restrictions contained in this Addendum to the subcontractors' and/or agents' use and/or



disclosure of any PHI retained after the termination of this Underlying Agreement, and to limit any further uses and/or disclosures to the purposes that make the return or destruction of the PHI infeasible for so long as the subcontractor or agent possesses/maintains such PHI.

18. **Injunctive Relief.** Business Associate stipulates that its unauthorized use or disclosure of PHI while performing services pursuant to this Addendum would cause irreparable harm to Covered Entity, and in such event, Covered Entity shall be entitled to institute proceedings in any court of competent jurisdiction to obtain damages and injunctive relief.
19. **Indemnification.** Business Associate shall indemnify and hold harmless Covered Entity and its officers, trustees, employees, and agents from any and all claims, penalties, fines, costs, liabilities or damages, including but not limited to reasonable attorney fees, incurred by Covered Entity arising from Business Associate's breach of its obligations under this Addendum, the HIPAA Rules, or relating to its use, disclosure, or safeguarding of PHI.
20. **Exclusion from Limitation of Liability.** To the extent that Business Associate has limited its liability under the terms of the Underlying Agreement, whether with a maximum recovery for direct damages or a disclaimer against any consequential, indirect or punitive damages, or other such limitations, all limitations shall exclude any damages to Covered Entity arising from Business Associate's breach of its obligations under this Addendum, the HIPAA Rules, or relating to its use, disclosure, or safeguarding of PHI.
21. **Owner of PHI.** Under no circumstances shall Business Associate be deemed in any respect to be the owner of any PHI created or received by Business Associate on behalf of Covered Entity.
22. **Third Party Rights.** The terms of this Addendum do not grant any rights to any parties other than Business Associate and Covered Entity.

- 23. **Independent Contractor Status.** For the purposes of this Addendum, Business Associate is an independent contractor of Covered Entity, and shall not be considered an agent of Covered Entity.
- 24. **Changes in the Law.** The parties shall amend this Addendum to conform to any new or revised legislation, rules and regulations to which Covered Entity is subject now or in the future including, without limitation, HIPAA, HITECH, and the HIPAA Rules .
- 25. **Conflicts.** If there is any direct conflict between the Underlying Agreement and this Addendum, the terms and conditions of this Addendum shall control.
- 26. **Term.** The term of this Addendum shall begin on the Effective Date and shall terminate when the Underlying Agreement terminates. The "Effective Date" is deemed to be the date on which Business Associate signed the Underlying Agreement.

**BUSINESS ASSOCIATE:**

**SIGMA WELLNESS LLC**

**JS MD Sigma PLLC:**

By: David J LeBlanc  
DocuSigned by: AED44C3D388A4F9  
Name: David J LeBlanc  
Title: Fire Chief  
Date: 3/21/2024 | 8:09:47 AM PDT

By: David Guillemette  
DocuSigned by: 7BB06CAB20410  
Name: David Guillemette  
Title: Chief of Police  
Date: 3/21/2024 | 8:39:11 AM PDT

By: [Signature]  
DocuSigned by: 2418F205AB40484  
Name: Jonathan Sheinberg, MD Jonathan sheinberg  
Title: CMO  
Date: 3/18/2024 | 1:06:08 PM CDT



To Whom It Concerns,

Sigma Tactical Wellness has pioneered a new system of cardiometabolic screening that has been proven to be more effective than standardized population-based risk assessment. We utilize a novel inflammatory biomarker analysis to detect coronary artery disease in its very early stages and deliver the results on-site. Our program does not utilize an insurance reimbursement model as this third-party payer system has been shown to increase overall costs via copays, deductibles, and other unforeseen out-of-pocket expenses.

Sigma Tactical Wellness maintains exclusive rights to any intellectual property, methodologies, and care plans associated with services highlighted in this document. There are no other outlets, distributors, or representatives of Sigma Tactical Wellness. Further, there are no licensees of products or services designed by Sigma Tactical Wellness. Our primary points of differentiation along with their brief descriptions of those items are described herein.

Sigma Wellness has developed a comprehensive cardiac screening evaluation which includes advanced lipid testing with inflammatory biomarker assessment, non-invasive vascular imaging, and cardiopulmonary exercise stress testing. This type of stress test allows for the detection of ischemia as well as the development of personalized diet and exercise recommendations using indirect calorimetry. The derived clinical data is provided to each participant on his or her private and HIPPA-secure patient portal.

The Sigma approach has been proven effective in over 15,000 police officers nationwide. Our cardiovascular risk analysis has been peer-reviewed and has been published demonstrating its superiority when directly compared to standard risk analysis (Framingham Risk Calculation) as well as coronary artery calcium (CAC) scoring<sup>1</sup>.

Quest Diagnostics, one of the largest specimen laboratories in the United States is our laboratory partner. Their extensive network of Patient Service Centers allows officers to participate in this screening even if they are unable to attend their scheduled on-site phlebotomy visit.

Sigma Tactical Wellness is the only source for on-site cardiometabolic exercise testing. Our proprietary software generates a model from individualized raw data allowing Sigma to identify specific exercise intensities where fat-utilization is highest (Exhibit 1). Duplication of these results cannot be outsourced. With Sigma's approach, officers are shown their current nutritional status and are taught which lifestyle modifications are most effective in decreasing BMI, fatigue, and cardiovascular risk. Additionally, because 48% of law-enforcement agents are

overweight, a strong emphasis on weight optimization will be included within each consultation.

At the conclusion of the testing, a consultation with a physician or licensed medical professional (physician assistant or nurse practitioner) is provided. During this consultation, each officer will have all diagnostics reviewed and treatment strategies will be discussed. The participant will leave with a full understanding of his or her cardiac risk, metabolic status, and the steps that can be taken to help ensure a long and healthy career leading into retirement. Comprehensive results and recommendations will be provided for the participants to share with their healthcare providers.

EXHIBIT 1.

Benjamin Stone, PhD  
Co-founder and CEO  
ben@sigmacoaching.com

Low Bidder:

Bid Price: \$68,769.00

Post Procurement Checklist

Please complete checklist below for contracts requiring Selectmen\* signature before Wednesday morning\*\* in order to get sign-off approval from the Town Administrator or the Assistant Town Administrator.

\*Note: contracts (not grants) below \$50,000 can be signed by Town Administrator.

- 1. Please provide a separate page titled "Summary of Project" which includes:
a. Provide how many bidders there were, the range of bids, and apparent low bidder.
b. Identify the funding source, such as article number and amount approved.
c. Include what you feel is pertinent, but keep this section to 4 sentences or less.

2. Finance Director has signed that funds are available: 012102 Account # 530900

3. Please provide a single copy of the bid packet along with all supporting documents.

4. Please use K-P Law provided standardized contracts.

Buildings and Public Works / Goods and Services checklist table with various sub-items (C1-C7, GS1-GS4) and handwritten notes like 'Health Services are exempt from 3013.'

Original for Accounting / Original for Procurement / Original for Vendor / Contract to Treasurer's

Signature of Town Administrator: [Handwritten Signature]

\*\*Note: Failure to gain sign-off before Wednesday at noon results in the contract being delayed to the next meeting.

## Harwich Channel

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100 Oak Street

Harwich MA 02645

### **Summary of Project: Town of Harwich, Griffin Room Furniture Replacement Project**

**Funds:** ATM 2020 Article 20: Griffin Room Improvements. **OBJ: 01156A2 ORG: 620020**

**Project Overview:** The Town of Harwich is seeking to engage a qualified vendor from the state bid list OFF38 to provide furniture, including delivery and installation services, for their hearing room on the second floor of 732 Main Street Harwich, MA 02645. The scope consists of furnishing the Donn B. Griffin meeting room.

#### **Scope of Work:**

Qty-1- Board Table, laminate material, U shaped, 20ft long with two 7' 6" side area

Qty-9- Executive Chairs with casters, arms in leather or leather like material

Qty-1- Presentation table, laminate material, 5ft x 3ft with modesty panel with ADA compliant height

Qty-1- Podium

Qty-75- audience chairs, armless, stackable with

QTY- 2 - rolling chair dollies

See attached "Griffin Room Layout Furniture 10102023"\*\*\*For informational purposes only measurements are approximate.

- Installation of new furniture and removal of any trash or packaging material.
- Existing furniture (executive chairs, audience chairs and three folding tables) to be reused in other town departments.
- Harwich DPW to remove old Board Table
- Delivery of all items to 732 Main Street, Harwich MA 02645 to the second-floor Griffin Room

Questions: [jgoodwin@harwich-ma.gov](mailto:jgoodwin@harwich-ma.gov)

# PROCUREMENT CHECKLIST & APPROVAL FORM

**STAFF LEAD:** Jamie Goodwin                      **DEPARTMENT:** The Harwich Channel

**FUNDING SOURCE:** ATM 2020 Article 20 Griffin Room Improvements Org 01156A2 Obj 620020

**Appropriated amount:** \$97,000.00                      **Estimated cost:**                           **Actual cost:**                     

**PROCUREMENT METHOD:**

State Bid List Direct From Vendor OFF38/MHEC MC12-C07

**PURCHASE DESCRIPTION:**

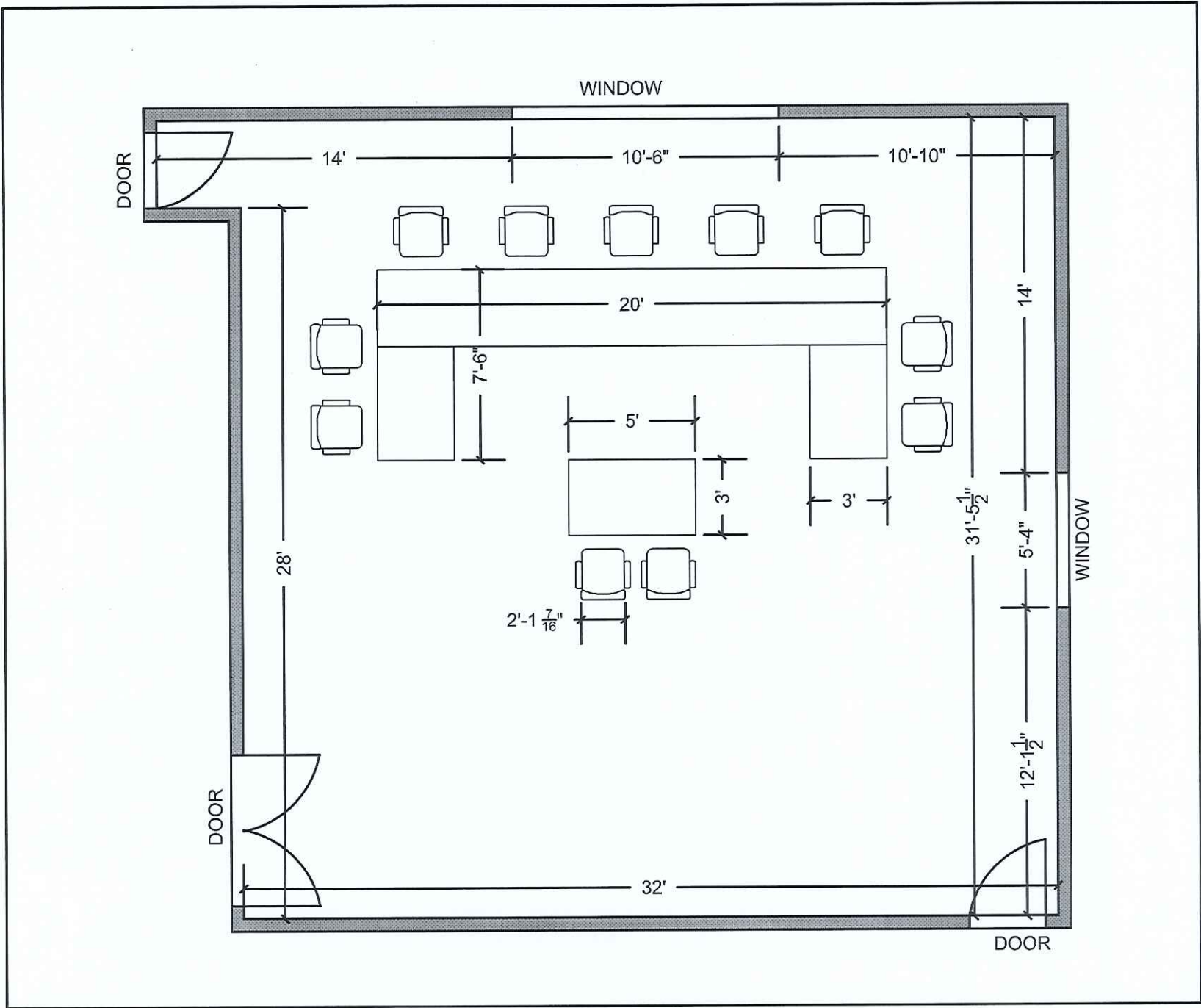
Purchase descriptions should contain the following components (see document on purchase descriptions):  
*Description of supplies or services required; quantities required; schedule for performance and delivery terms.*

Qty-1- Board Table, laminate material, U shaped, 20ft long with two 7' 6" side area  
Qty-9- Executive Chairs with casters, arms in leather or leather like material  
Qty-1- Presentation table, laminate material, 5ft x 3ft with modesty panel with ADA compliant height  
Qty-1- Podium, height adjustable for ADA compliant  
Qty-75- audience chairs, armless, stackable w/ 2 rolling chair carts  
See attached "Griffin Room Layout Furniture 10102023"\*\*\*For informational purposes only-measurements are approximate.  
  
-Installation of new furniture and removal of any trash or packaging material. DPW to remove old Board Table - All other furniture (executive chairs, audience chairs and three folding tables) to be reused in other town departments  
-Delivery of all items to 732 Main Street, Harwich MA 02645 to the second floor Griffin Room  
On site walk through available by appointment: jgoodwin@harwich-ma.gov

**PROCUREMENT MAY PROCEED ONLY IF SIGNATURES PROVIDED BELOW**

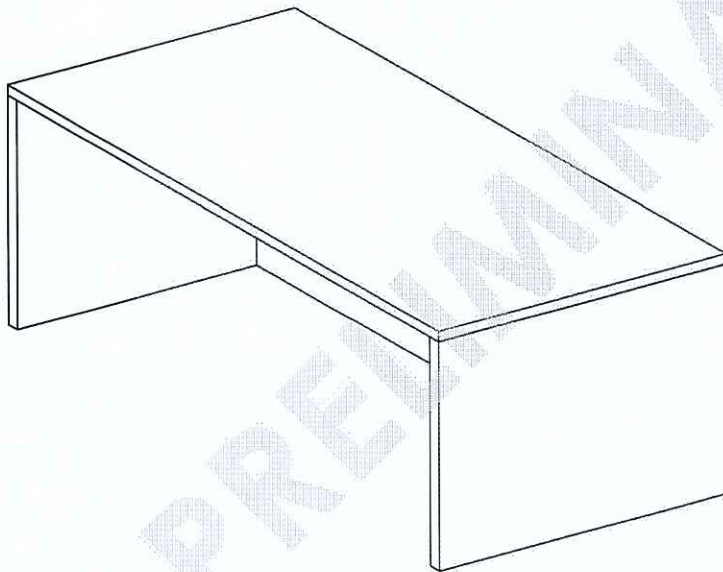
**Funds Available:** Finance Director: Megan Green                      Account # 01156A2-620020  
36E65676E18A4AC...                      \$33,140.32

**Approved to proceed:** Town Administrator or Designee: Joseph F. Powers  
0623C0C5799644E...



APPROXIMATE SCALE: 3/16" = 1'





PRELIMINARY

60x36 PRESENTATION TABLE ISOMETRIC  
SCALE: NTS

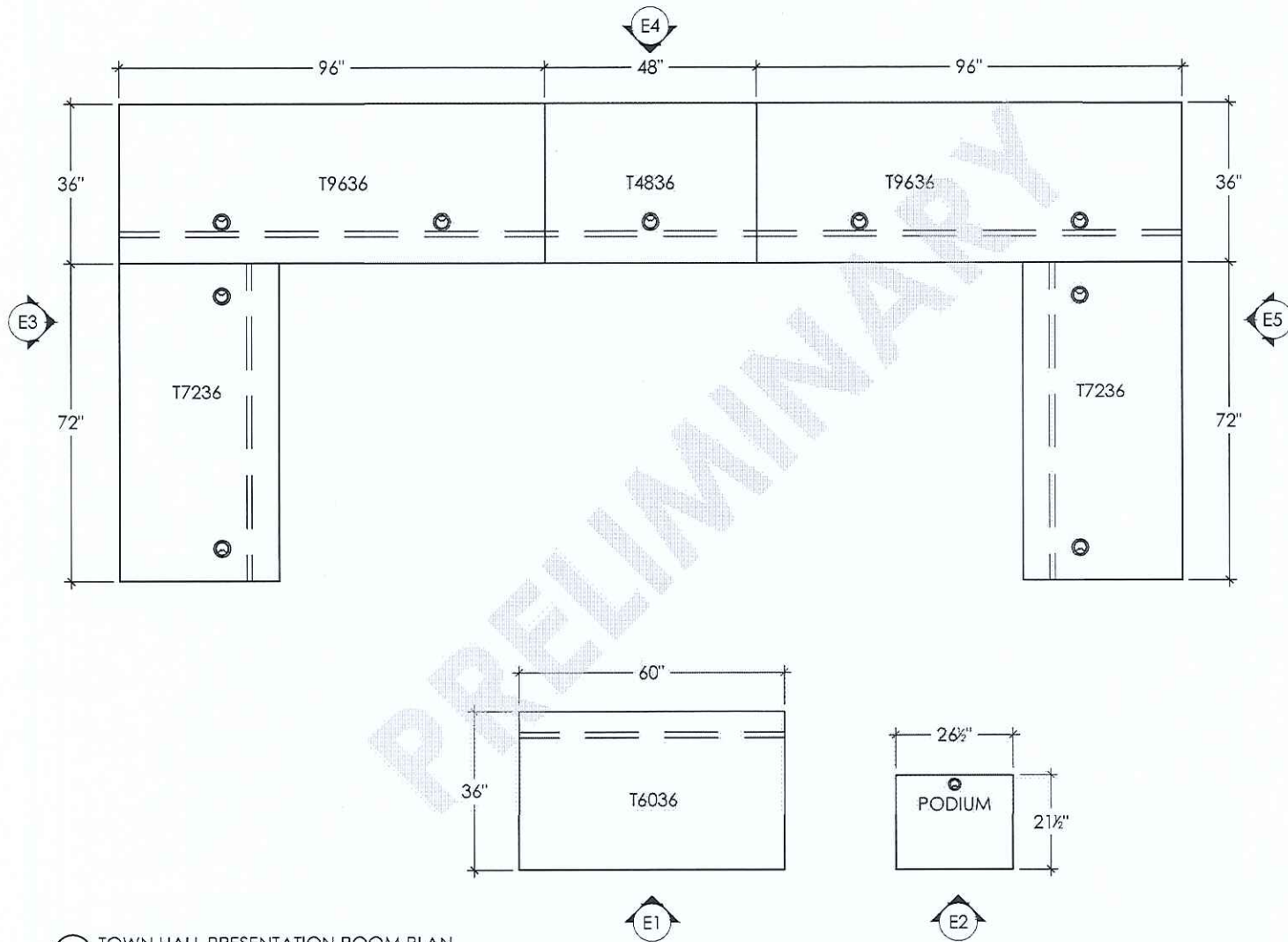
DRAWING INDEX	
SHT NO	SHEET TITLE
000	COVER SHEET
100	PLAN VIEWS
200	ELEVATIONS
300	SECTIONS & DETAILS
400	SPECIFICATIONS

Project No:  
**2023-TBD**  
Date:  
**11/09/2023**  
Revisions:

Project Information:  
Horwich Town Hall Board Room  
732 Main St. Horwich, MA 02645  
HLF - W.B. Mason  
J.J. Green - jj@jgreen.net

  
 Taylor • 41-8180  
 72-81-477-6800  
 admin@hlfurniture.com  
 www.hlfurniture.com  
 Manufactured By:  
  
 Sheet Title:  
**COVER SHEET**  
 Sheet No:  
**000**

FILE: \\CDF\DATA\CDF Shared\Design\CAD\Shop Drawings\2023\CAD\2023-TBD-HLF-WB Mason Horwich Board Room-Hall.dwg  
 PLOT DATE: 11/9/2023 DRAWN BY: Designer1



○ TOWN HALL PRESENTATION ROOM PLAN  
 SCALE: 1/2" = 1'-0"

FINISH SCHEDULE  
 TOP: LAMINATE - TBD  
 TOP EDGE: 3mm PVC - TBD  
 CASE: LAMINATE - TBD

Project No:  
**2023-TBD**

Date:  
 11/09/2023  
 Revisions:

Project Information:

Harwich Town Hall Board Room  
 732 Main St., Harwich, MA 02645  
 HLF - W. B. Mason  
 J.J. Green - jj@gjgreen.net



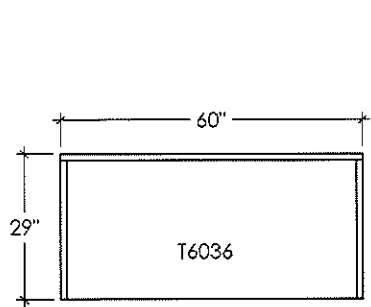
Taylor: 418 180  
 (248) 477-6600  
 admin@hlffurniture.com  
 www.hllfurniture.com



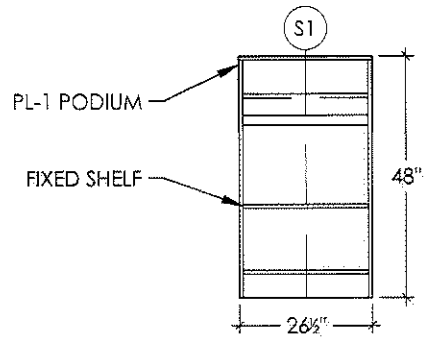
Sheet Title:  
**PLAN**

Sheet No:  
 100

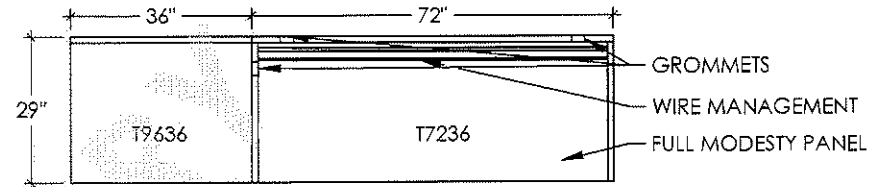
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 DRN: WJBK - Designnet  
 PLOT DATE: 11/09/2023



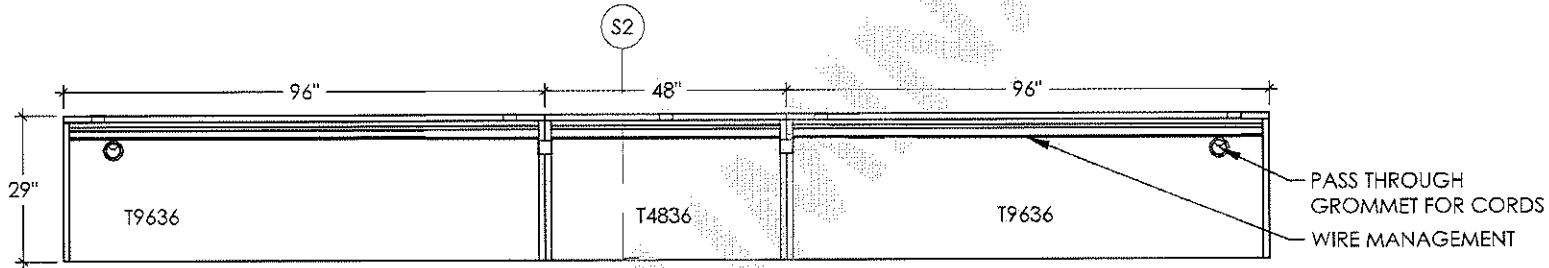
E1 60 x 36 PRESENTATION TABLE  
SCALE: 1/2" = 1'-0"



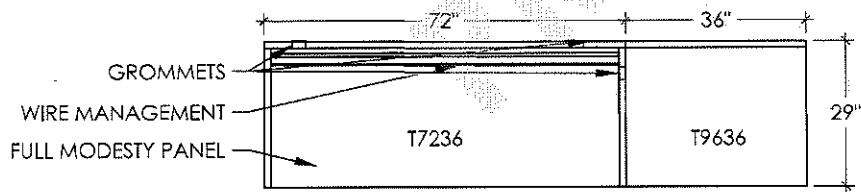
E2 PODIUM ELEVATION  
SCALE: 1/2" = 1'-0"



E3 BOARD ROOM TABLE SIDE ELEVATION  
SCALE: 1/2" = 1'-0"



E4 BOARD ROOM TABLE FRONT ELEVATION  
SCALE: 1/2" = 1'-0"



E5 BOARD ROOM TABLE SIDE ELEVATION  
SCALE: 1/2" = 1'-0"

**FINISH SCHEDULE**  
TOP: LAMINATE - TBD  
TOP EDGE: 3mm PVC - TBD  
CASE: LAMINATE - TBD

Project No:  
**2023-TBD**  
Date:  
11/09/2023  
Revisions:

Project Information:

Harwich Town Hall Board Room  
732 Main St. Harwich, MA 02645  
HLF - W.B. Mason  
J.J. Green - jj@jgreen.net

HLF FURNITURE  
Tel: 418-8180-7348 / 477-6600  
admin@hlfurniture.com  
www.hlfurniture.com  
Manufactured by:  
**case**  
DESIGN - FABRICATE

Sheet Title:  
**ELEVATIONS**  
Sheet No:  
**200**

FILE: \ACDF-DATA-CDF-Shared\Design\CAD\Shop Drawings\2023\CAD\2023-TBD\_HLF - W.B. Mason Harwich Town Hall.dwg  
DRAWN BY: Ejsmsh1  
PLOT DATE: 11/9/2023

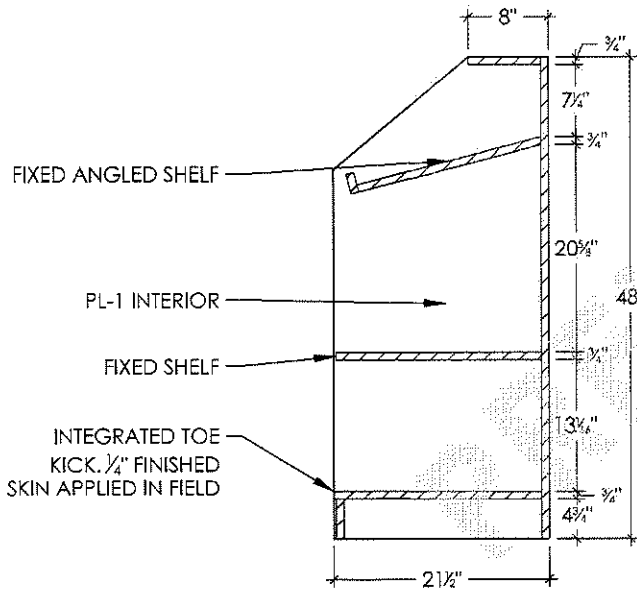
FINISH SCHEDULE  
 TOP: LAMINATE - TBD  
 TOP EDGE: 3mm PVC - TBD  
 CASE: LAMINATE - TBD

Project No:  
**2023-TBD**  
 Date:  
 11/09/2023  
 Revisions:

Project Information:

Harwich Town Hall Board Room  
 732 Main St. Harwich, MA 02645  
 HLF - W.B. Mason  
 J.J. Green - jj@gjgreen.net

FILE: \\COP-DATA\COP-Shared\Design\Drawings\2023\CAD\Shop Drawings\2023\CAD\2023-BDP-BE-188-Mason-Harwich-Town-Hall.dwg  
 DRAWN BY: D.J. Green  
 PLOT DATE: 11/9/2023



FIXED ANGLED SHELF

PL-1 INTERIOR

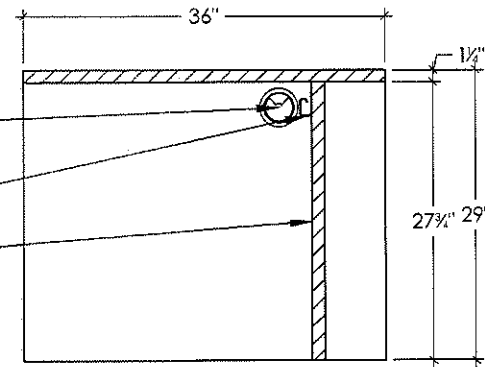
FIXED SHELF

INTEGRATED TOE KICK. 1/4" FINISHED SKIN APPLIED IN FIELD

PASS THROUGH GROMMET

WIRE MANAGEMENT

FULL MODESTY PANEL



**S1** PODIUM SECTION  
 SCALE: 1" = 1'-0"

**S2** BOARD ROOM TABLE SECTION  
 SCALE: 1" = 1'-0"

**HLF FURNITURE**  
 Taylor, MA 01880  
 (248) 477-6600  
 admin@hlffurniture.com  
 www.hlfurniture.com  
 Manufactured By:  
**case**  
 CASE FURNITURE  
 Sheet Title:  
 SECTIONS

## **AGREEMENT FOR TOWN OF HARWICH**

The following provisions shall constitute an Agreement between the Town of Harwich, acting by and through its Select Board, hereinafter referred to as "Town," and W.B. Mason Co., Inc. with an address of 59 Centre Street, Brockton, MA 02303 hereinafter referred to as "Contractor", effective as of the 21st day of March, 2024. In consideration of the mutual covenants contained herein, the parties agree as follows:

### **ARTICLE 1: SCOPE OF WORK:**

The Contractor shall perform all work and furnish all services necessary to provide the Town of Harwich with Griffin Room Furniture Replacemet as described in the scope of work and quote, attached.

### **ARTICLE 2: TIME OF PERFORMANCE:**

The Contractor shall complete all work and services required hereunder commencing upon contract execution through June 30, 2024.

### **ARTICLE 3: COMPENSATION:**

The Town shall pay the Contractor for the performance of the work outlined in Article 1 above \$33,140.32. The Contractor shall submit monthly invoices to the Town for services rendered, which will be due 30 days following receipt by the Town.

### **ARTICLE 4: CONTRACT DOCUMENTS:**

The following documents form the Contract and all are as fully a part of the Contract as if attached to this Agreement or repeated herein:

1. This Agreement.
2. Amendments, or other changes mutually agreed upon between the parties.
3. All attachments to the Agreement.

In the event of conflicting provisions, those provisions most favorable to the Town shall govern.

**ARTICLE 5: CONTRACT TERMINATION:**

The Town may suspend or terminate this Agreement by providing the Contractor with ten (10) days written notice for the reasons outlined as follows:

1. Failure of the Contractor, for any reason, to fulfill in a timely and proper manner its obligations under this Agreement.
2. Violation of any of the provisions of this Agreement by the Contractor.
3. A determination by the Town that the Contractor has engaged in fraud, waste, mismanagement, misuse of funds, or criminal activity with any funds provided by this Agreement.

Either party may terminate this Agreement at any time for convenience by providing the other party written notice specifying therein the termination date which shall be no sooner than thirty (30) days from the issuance of said notice. Upon receipt of a notice of termination from the Town, the Contractor shall cease to incur additional expenses in connection with the Agreement. Upon such termination, the Contractor shall be entitled to compensation for all satisfactory work completed prior to the termination date as determined by the Town. Such payment shall not exceed the fair value of the services provided hereunder.

**ARTICLE 6: INDEMNIFICATION:**

The Contractor shall defend, indemnify and hold harmless the Town and its officers, agents, and all employees from and against claims arising directly or indirectly from the contract. Contractor shall be solely responsible for all local taxes or contributions imposed or required under the Social Security, Workers' Compensation, and income tax laws. Further, the Contractor

shall defend, indemnify and hold harmless the Town with respect to any damages, expenses, or claims arising from or in connection with any of the work performed or to be performed under this Agreement. This shall not be construed as a limitation of the Contractor's liability under the Agreement or as otherwise provided by law.

**ARTICLE 7: AVAILABILITY OF FUNDS:**

The compensation provided by this Agreement is subject to the availability and appropriation of funds.

**ARTICLE 8: APPLICABLE LAW:**

The Contractor agrees to comply with all applicable local, state and federal laws, regulations and orders relating to the completion of this Agreement. This Agreement shall be governed by and construed in accordance with the law of the Commonwealth of Massachusetts.

**ARTICLE 9: ASSIGNMENT:**

The Contractor shall not make any assignment of this Agreement without the prior written approval of the Town.

**ARTICLE 10: AMENDMENTS:**

All amendments or any changes to the provisions specified in this Contract can only occur when mutually agreed upon by the Town and Contractor. Further, such amendments or changes shall be in writing and signed by officials with authority to bind the Town. No amendment or change to the contract provisions shall be made until after the written execution of the amendment or change to the Contract by both parties.

**ARTICLE 11: INDEPENDENT CONTRACTOR:**

The Contractor acknowledges and agrees that it is acting as an independent contractor for all work and services rendered pursuant to this Agreement and shall not be considered an employee or agent of the Town for any purpose.

**ARTICLE 12: INSURANCE:**

The Contractor shall be responsible to the Town or any third party for any property damage or bodily injury caused by it, any of its subcontractors, employees or agents in the performance of, or as a result of, the work under this Agreement. The Contractor and any subcontractors used hereby certify that they are insured for workers' compensation, property damage, personal and product liability. The Contractor and any subcontractor it uses shall purchase, furnish copies of, and maintain in full force and effect insurance policies in the amounts here indicated.

- 1) General Liability of at least \$1,000,000 Occurrence/\$3,000,000 General Aggregate. The Municipality should be named as an "Additional Insured". Products and Completed Operations should be maintained for up to 3 years after the completion of the project.
- 2) Automobile Liability (applicable for any contractor who has an automobile operating exposure) of at least \$1,000,000 Bodily Injury and Property Damage per accident. The Municipality should be named as an "Additional Insured".
- 3) Workers' Compensation Insurance as required by law. Include Employers Liability Part B with a limit of \$1,000,000
- 4) Property Coverage for materials and services being transported by the contractor, as the Town's Property Contract provides coverage for personal property within 1000 feet of the premises.
- 5) Umbrella Liability of at least \$2,000,000/ occurrence, \$2,000,000/aggregate. The Municipality should be named as an Additional Insured.

Prior to commencement of any work under this Agreement, the Contractor shall provide the Town with Certificates of Insurance which include the Town as an additional named insured and which include a thirty day notice of cancellation to the Town.



**ARTICLE 13: SEVERABILITY:**

If any term or condition of this Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by the court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby unless one or both parties would be substantially or materially prejudiced.

**ARTICLE 14: ENTIRE AGREEMENT:**

This Agreement, including all documents incorporated herein by reference, constitutes the entire integrated agreement between the parties with respect to the matters described. This Agreement supersedes all prior agreements, negotiations and representations, either written or oral, and it shall not be modified or amended except by a written document executed by the parties hereto.

**ARTICLE 15: COUNTERPARTS:**

This Agreement may be executed in any number of counterparts, each of which shall be deemed to be a counterpart original.

**CERTIFICATION AS TO PAYMENT OF STATE TAXES**

Pursuant to Chapter 62C of the Massachusetts General Laws, Section 49A(b), I, John Lynch, authorized signatory for the Contractor do hereby certify under the pains and penalties of perjury that said Contractor has complied with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

04-2455641  
Social Security Number or  
Federal Identification Number

DocuSigned by:  
John Lynch  
Signature of Individual or  
Corporate Name

By:  
Corporate Officer  
(if applicable)

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the day and year first above written.

CONTRACTOR

By

DocuSigned by:  
John Lynch  
John Lynch Sales Representative

Printed Name and Title

TOWN OF HARWICH

by its Select Board Over \$75,000

Approved as to Availability of Funds:

DocuSigned by:  
Megan Green (\$ 33,140.32)  
Finance Director Contract Sum

by its Town Administrator Up to \$75,000

DocuSigned by:  
Joseph P. Powers  
Town Administrator



## Harwich Channel

---

100 Oak Street

Harwich MA 02645

### **Summary of Project: Town of Harwich, Griffin Room Furniture Replacement Project**

**Funds:** ATM 2020 Article 20: Griffin Room Improvements. **OBJ: 01156A2 ORG: 620020**

**Project Overview:** The Town of Harwich is seeking to engage a qualified vendor from the state bid list OFF38 to provide furniture, including delivery and installation services, for their hearing room on the second floor of 732 Main Street Harwich, MA 02645. The scope consists of furnishing the Donn B. Griffin meeting room.

#### **Scope of Work:**

Qty-1- Board Table, laminate material, U shaped, 20ft long with two 7' 6" side area

Qty-9- Executive Chairs with casters, arms in leather or leather like material

Qty-1- Presentation table, laminate material, 5ft x 3ft with modesty panel with ADA compliant height

Qty-1- Podium

Qty-75- audience chairs, armless, stackable with

QTY- 2 - rolling chair dollies

See attached "Griffin Room Layout Furniture 10102023"\*\*\*For informational purposes only measurements are approximate.

- Installation of new furniture and removal of any trash or packaging material.
- Existing furniture (executive chairs, audience chairs and three folding tables) to be reused in other town departments.
- Harwich DPW to remove old Board Table
- Delivery of all items to 732 Main Street, Harwich MA 02645 to the second-floor Griffin Room

Questions: jgoodwin@harwich-ma.gov

## Griffin Room, MA St Contract OFF38/ MHEC MC12-C07

1 of 1

Ite	Mfg	Part Description	Qty	Sell	Ext Sell
1	HLF	Presentation Room Per drawing 100 and 200 with Added Gallery Rail Cenizo cherry 8239-38 Fine Velvet Finish	1	\$ 11,943.18	\$ 11,943.18
2	HLF	Small Presentation Table Per drawing 100 and 200 with Added Gallery Rail Panel Cenizo cherry 8239-38 Fine Velvet Finish	1	\$ 1,612.98	\$ 1,612.98
3	HLF	Podium Per drawing 300 with Casters Cenizo cherry 8239-38 Fine Velvet Finish	1	\$ 1,206.90	\$ 1,206.90
4	HON	Motivate High Density Stacker-Sled Base-Set/4  No Arm Lava Chrome	19	\$ 469.86	\$ 8,927.34
5	HON	Motivate Cart for Stacking Chairs	2	\$ 270.19	\$ 540.38
6	HON	Cofi Executive Height Chair  Weight Activated Standard Cylinder Fixed Polished Aluminum Black Hard Caster Grade 2 Uph Whisper Vinyl Charcoal Channel Stitch Coordinating Polished Aluminum	9	\$ 601.06	\$ 5,409.54
7		Full Installation and Removal of all Trash During Normal Business Hours	1	\$ 3,500.00	\$ 3,500.00
<b>Grand Total</b>					<b>\$ 33,140.32</b>

12/13/18 Revised Procurement Checklist

Please complete checklist below for contracts requiring Select Board\* signature before Wednesday morning\*\* in order to get sign-off approval from the Town Administrator or the Assistant Town Administrator.

\*Note: contracts (not grants) below \$75,000 can be signed by Town Administrator.

- 1. Please provide a separate page titled "Summary of Project" which includes:
a. Provide how many bidders there were, the range of bids, and apparent low bidder.
b. Identify the funding source, such as article number and amount approved.
c. Include what you feel is pertinent, but keep this section to 4 sentences or less.

2. Finance Director has signed that funds are available: 01156A2 Account 620020

3. Please provide a single copy of the bid packet along with all supporting documents.

4. Please use K-P Law provided standardized contracts.

Table with 2 columns: Buildings and Public Works, Goods and Services. Contains various checklist items (C1-C7, GS1-GS4) with checkboxes and handwritten notes like 'State Bid List'.

Original for Accounting Original for Procurement Original for Vendor Contract to Treasurer's

Signature of Town Administrator or Assistant Town Administrator: M. Eldredge

\*\*Note: Failure to gain sign-off before Wednesday at noon results in the contract being delayed to the next meeting.