

**SELECTMEN’S MEETING AGENDA\***

*Donn B. Griffin Room, Town Hall*

*732 Main Street, Harwich, MA*

*Executive Session 5:30 P.M.*

*Regular Meeting 6:00 P.M.*

*Tuesday, April 18, 2023*

**Remote Participation Optional:**

Please join my meeting from your computer, tablet or smartphone

<https://meet.goto.com/165782813>

You can also dial in using your phone.

Access Code:

165-782-813

United States

+1 (224) 501-3412

*\*As required by Open Meeting Law, you are hereby informed that the Town will be video and audio taping as well as live broadcasting this public meeting. In addition, anyone in the audience who plans to video or audio tape this meeting must notify the Chairman prior to the start of the meeting.*

I. **CALL TO ORDER**

II. **EXECUTIVE SESSION**

- A. Pursuant to G.L. c. 30A, sec. 21(a)(2) to conduct strategy sessions in preparation for negotiations with non-union personnel and to conduct contract negotiations with non-union personnel: Position of Finance Director/Town Accountant and Town Administrator

III. **PLEDGE OF ALLEGIANCE**

IV. **PUBLIC COMMENTS/ANNOUNCEMENTS**

- A. Committee Vacancies

V. **CONSENT AGENDA**

- A. Approve Board of Selectmen Meeting Minutes from March 27, 2023 and April 3, 2023  
B. Vote to approve the Assistant Town Administrator’s recommendation to grant permission by NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY for the purpose to install 40’ +/- of 1-3” conduit and two proposed handholes under the road at 43 Sea Street.

VI. **NEW BUSINESS**

- A. Interview Kathleen Barrette for consideration of appointment as Finance Director/Town Accountant  
B. Review the Request for Proposal (RFP) for 204 Sisson Road  
C. Approve a 2023 Common Victuallers license renewal for Saquatucket Snack Shack d/b/a Dockside Café – 715 A Route 28  
D. Approve the following new applications for Red River Barbeque, LLC – 787 Route 28:  
1. 2023 Annual Common Victuallers license  
2. 2023 Annual Weekday Entertainment license  
11:00 a.m. to 12:00 a.m. inside  
Jukebox, radio, television, live/recorded music, amplification, dancing by patrons & live performers

VII. **OLD BUSINESS**

- A. Discussion on 2023 Annual Town Meeting Warrant Articles  
B. Review and approve the 2023 Annual Town Meeting Motions Book

VIII. **CONTRACTS**

- A. Vote to approve contract extension with Atlantic Construction and Management, Inc. for Owner’s Project Management services for Brooks Academy Museum renovations not to exceed \$40,000.

IX. **TOWN ADMINISTRATOR’S REPORT**

X. **SELECTMEN’S REPORT**

XI. **CORRESPONDENCE**

XII. **ADJOURNMENT**

*\*Per the Attorney General’s Office: The Board of Selectmen may hold an open session for topics not reasonably anticipated by the Chair 48 hours in advance of the meeting following “New Business.” If*

*you are deaf or hard of hearing or a person with a disability who requires an accommodation contact the Selectmen's Office at 508-430-7513.*

**Authorized Posting Officer:**

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

**Posted by:** \_\_\_\_\_

Town Clerk

**Date:** \_\_\_\_\_

April 13, 2023

**PUBLIC**  
**COMMENTS /**  
**ANNOUNCEMENTS**

**Town of Harwich**  
**Board of Selectmen Committee Vacancies**  
**April 12, 2023**

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

**Citizen's Committee Vacancy Forms are available on our website**

# **CONSENT AGENDA**

**MINUTES  
BOARD OF SELECTMEN'S MEETING  
DONN B. GRIFFIN RROOM, TOWN HALL  
732 MAIN STREET, HARWICH, MA 02645**

**MEMBERS PARTICIPATING:** Michael MacAskill, Chairman, Mary Anderson, Vice Chair, Don Howell and Larry Ballantine

**MEMBERS NOT PARTICIPATING:** Julie Kavanagh

**CALL TO ORDER:** Chairman MacAskill called the Board of Selectmen's meeting back to order after starting in Executive Session at 5:30PM.

**EXECUTIVE SESSION**

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

Mr. MacAskill reported that Executive session was a strategy session in preparations for negotiations for non-union personnel. They did come to an agreement with the Police Chief for a new 3 year contract which has been signed. It will be made public.

**PLEDGE OF ALLEGIANCE**

Mr. MacAskill invited all attendees to join in the Pledge of Allegiance.

**PUBLIC COMMENTS/ANNOUNCEMENTS**

A. Committee vacancies

Ms. Anderson reviewed the committees that have vacancies and invited all to fill out a form to have their name on file.

**CONSENT AGENDA**

- A. Approve Board of Selectmen's Meeting Minutes
  - 1. February 27, 2023
  - 2. March 13, 2023
- B. 1. Board of Registrars Notification of Raymond Gottwald Resignation
  - 2. Accept resignation of Raymond Gottwald as Democratic Member of the Board of Registrars

Mr. Howell moved to approve, on the Consent Agenda, the Minutes of February 27, 2023 BOS Meeting and also the Minutes of the March 13, 2023 BOS Meeting and to accept the resignation of Raymond Gottwald as Democratic Member of the Board of Registrars. Seconded by Mr.

March 27, 2023

Ballantine. Vote 4:0 in favor. Motion carried unanimously. Members expressed their thanks and best wishes to Mr. Gottwald.

3. Discussion and possible votes on replacements
  - \* Shirley Knowles
  - \* Rosanne Shapino
  - \* Elaine Dickinson

Mr. Howell noted the process for replacing members.

Mr. Howell moved to vote to approve Shirley Knowles as a replacement member of the Board of Registrars as a Democratic member, seconded by Ms. Anderson. Vote 4:0 in favor. Motion carried unanimously.

## **PUBLIC PRESENTATIONS**

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

Dan Pelletier, Water/Wastewater Superintendent and three members of GHD, Jeff Craig, Anastasia Radenko and Mark Drainville were present. Ms. Radenko began the presentation with the Comprehensive Wastewater Management Plan (CWMP). She noted that it is not a zoning plan but rather a plan for anticipated growth. It has targeted revisions to address topics that were raised through public discussion. She also noted the purpose of the project.

Mr. Ballantine noted the original focus of the plan, the evolution to this plan and emphasized the anticipated growth.

Board members asked questions and made comments throughout the presentation.

Ms. Radenko continued with updated information and the status of present projects.

Innovative Alternative Septic Systems (IAs) were explained and discussed.

Ms. Radenko continued discussing both fresh water and salt water bodies. She showed slides regarding zoning and buildout projections, harbors including those that are manmade, population projections over a 20 year period both residential and commercial. She described the process of studying past information and projecting into the future. There was discussion about the projected housing/affordable housing initiatives and the state's involvement.

Mr. MacAskill commented on the 96 units of proposed affordable housing and the unanticipated flow and asked Mr. Pelletier what the effects would be on the bodies of water. The CWMP is a multimillion dollar project impacting Cold Brook and paid for by taxpayers.

March 27, 2023

Mr. Pelletier replied that flows for each watershed were based early 2000's water use. The affordable housing project, because it is through the state, doesn't have to adhere to local zoning which puts it in conflict with the local zoning that the flow neutral regulations are based on. The town would ultimately have to take action to accommodate the development.

Mr. MacAskill asked how this is factored in with the state, with the reality that they're already doing a sewer project that's been funded that this development did not factor into.

Mr. Pelletier acknowledged the difficulty of coming to an answer. He replied and noted the different considerations, the flow neutral Bylaws and the uncertainty of whether they can recover any additional money because of the state affordable housing. He noted the procedure for the state if the affordable housing project is constructed prior to sewerage on Sisson Road.

Members offered comments and suggestions.

Ms. Radenko continued with the presentation. She gave an update of the treated effluent recharge evaluation and explained what that is and how they gathered information for the analysis and what information they will be gathering in the future.

Members of the audience asked questions and received answers.

Mr. Drainville continued the presentation with a screen on the topic of the Route 28 sewer work, the schedule and time line. He discussed the situation with Wequasset, what conversations have taken place and what Wequasset proposes to do.

Ms. Radenko continued with a chart of potential flows to Chatham and the inter-municipal agreement, INI (infiltration and inflow) and flow values.

Mr. Pelletier commented that the flow numbers are conservative. Regarding Wequasset, phase 2 and 3, he feels they are in the ballpark with the existing IMA with Chatham. However, as things progress, further conversation with the Town of Chatham may be necessary to increase the flow. We are currently not close to the 300,000 gallons. He continued with design adjustments that were made in regard to the last Select Board meeting and noted specifically Route 39 which he described in detail. He also noted that they are at approximately 60% with their design, he described two plans, what each one entails, the cost estimates and what is included in the cost estimates. He noted that the town will be looking at appropriating a minimum of 50 million dollars.

Mr. Howell noted that the town has to get the appropriation first and then put it out to bid. It cannot be done in reverse. This is the path that the DRP wants them to go to get SRF eligibility.

Mr. Craig noted various funding and that there could be approximately 35% principal forgiveness. He also described their Clean Water Trust and other payment options.

Mr. Pelletier noted that he has contacted Hilltop Securities to work with them in establishing what the impacts are to tax payers.

March 27, 2023



Mr. Drainville continued with the presentation noting the cost management and explained that when there is a more refined cost estimate they can then, if necessary, look at alternate items for bidding. He also noted the grinder pumps, the situation and negotiating with Wequassett and the timing and importance of permitting to cross Route 28. The next big step, if doing an alternative bid, figuring out which streets will be prioritized. Mr. Drainville discussed the schedule as it is now and the possible timeline for the project.

Mr. MacAskill noted that this information is in tonight's packet and will also be on the website under the Wastewater tab as an update.

## **NEW BUSINESS**

A. Discussion on FY2024 Department Operating Budget  
(Chariman MacAskill stated A is to be discussed after E.)

B. Discussion on FY2024 Monomoy Regional School District Budget

A handout was distributed which will be included in next week's packet,

Dr. Carpenter, Superintendent of the Monomoy Regional School District and Meredith Henderson, Vice Chair presented a summary of the Budget in a slide presentation. He specifically noted items that were different from their previous presentation.

Board members asked questions and expressed concerns. Mr. MacAskill commented that the School Committee had voted two curriculum directors and asked Ms. Henderson for her input.

Ms. Henderson explained why they voted for two curriculum directors, what their responsibilities would be and how they would affect the needs of the students.

No votes were taken on this topic.

C. Discussion on proposed changes to Monomoy Regional School District Agreement

Dr. Carpenter offered an update on a discussion to clean up the language and remove obsolete things. He commented that it's a long, involved process. Sharon Pflieger asked how many students are in the special needs and learning disabilities categories and expressed the needs for specialized teachers. Dr. Carpenter replied, approximately 20 % and explained that there are more, including children who are struggling but are not in those categories.

No votes were taken on this topic.

D. Discussion on 2023 Annual Town Meeting Petition Articles

Mr. MacAskill explained that he will allow the petitioners a brief time to explain their petition Article and the public will be given an opportunity to speak. The BOS will be voting to support or not but the Articles will be on the Warrant at Town Meeting and debated on the Town Meeting floor.

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### 1. Prohibit balloons

Patrick Ottman of East Harwich, petitioner, explained the petition in detail and expressed his concerns. Board members expressed their opinions and concerns. Leo Cakounes suggested a bylaw that prohibits the release balloons.

Mr. Howell moved to accept and adopt this Article and place it on the Town Meeting Warrant, seconded by Ms. Anderson. Vote: 0:4 unanimously opposed.

### 2. Plastic Reduction

Bonnie Bridges, petitioner, explained the petition in detail and expressed her concerns. Other Harwich residents voiced opinions, some with suggestions of alternatives to disposable to-go containers. Board members expressed their opinions and concerns.

Mr. Howell moved accept and adopt this Article and place it in the Warrant, seconded by Ms. Anderson. Vote 1:3 opposed. (Mr. Howell in favor, Mr. MacAskill, Ms. Anderson and Mr. Ballentine opposed).

### 3. Prohibit Fertilizer Application

Patrick Otton, petitioner, explained the petition in detail and expressed his concerns. Board members expressed their opinions and concerns.

Mr. Howell moved to accept and adopt this Article and place it in the warrant, seconded by Ms. Anderson. Vote 0:4 unanimously opposed.

### 4. Town Way Old Brewster Road

A resident(name not stated) noted that Attorney Robert Scarano had sent a memorandum to Board members last week. Mr. MacAskill replied that they did get a legal opinion on these articles and counsel suggested that this be indefinitely postponed because the process for this has not been followed. It should start with the Planning Board. He will ask Staff to get information to her tomorrow. Ms. Anderson read counsel's recommendation.

Mr. Howell moved to accept and adopt this article and place it in the Warrant, seconded by Ms. Anderson. Vote 0:4 unanimously opposed.

### 5. School Choice

Dan Baker, resident of Harwich presented the Article again this year. He offered his reasons, opinion and concerns. Mr. Cakounes also offered his opinions and suggestions. April Croker, home school parent advocate and representative of the Wholesome Trust Project, noted statistics and expressed opinions and concerns. Rick Brigham expressed his opinion and expressed concerns.

Board members expressed their opinions and concerns.

March 27, 2023

Mr. Howell moved to accept and adopt this Article for inclusion in the Town Meeting warrant, seconded by Ms. Anderson. Vote 4:0 unanimously in favor.

6. Main Street Bog

7. Amend Action of the Town's Annual Meeting 2000, Article 11

Leo Cakounes, petitioner, explained the two petitions noted above. He offered his comments, opinion and suggestions. He gave a brief history on the petition to amend action and noted that he has wanted the property to be part of agricultural education since 2000.

Mr. MacAskill commented that counsel noted that the first of the petitions is proper (Main Street Bog) and that it was better to leave the petitioner's Article in rather than the BOS's Article. Counsel is working on the deed to this property, a vote may not be necessary. He noted, for the record that this taking a long time has a lot to do with the attorneys involved.

Mr. Cakounes agreed and noted that businesses and colleges have shown an interest in the agricultural education aspect.

Mr. Howell noted the reasons that Mr. Cakounes was chosen in the bidding process years ago.

Mr. Howell moved to accept and adopt and include this Article on the Warrant, seconded by Ms. Anderson. Mr. MacAskill clarified that there are 2 legal counsel working on these petitions. Vote 4:0 in favor.

Mr. Howell moved to accept and adopt the second Article and include in the warrant, Amend Action on the Town's Annual Meeting 2000, Article 2000, seconded by Ms. Anderson. Vote 4:0 in favor.

#### A. Discussion on FY2024 Department Operating Budget

Mr. MacAskill noted that this is on the agenda as a place holder and will be discussed again next week. No questions or comments were offered.

#### E. Discussion of 2023 Annual Town Meeting Warrant Articles

1. Vote to place additional articles
2. Vote to support and recommend articles for 2023 Town Meeting Warrant

Mr. Howell moved to accept, adopt and include in the warrant the Monomoy Regional School District Budget with an estimated cost of \$28,469,466, seconded by Mr. Ballantine. Vote 4:0 in favor.

Mr. Howell moved to put on the Warrant and to accept and adopt Article 11, lease Purchase Agreement, seconded by Ms. Anderson. Vote 4:0 in favor.

Mr. Howell moved to accept and adopt and place on the Warrant Article 15 Capital Plan, seconded by Ms. Anderson. Vote 4:0 in favor.

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Ms. Anderson moved to accept and adopt and place in the warrant the Capital Plan, seconded by Mr. Ballantine. Vote 3:1 (Mr. Howell opposed)

Mr. Howell moved to place Article 37 Amend Zoning Bylaw C325 Article 5 use regulations relating to ADUs on the Warrant, seconded by Ms. Anderson. Vote 4:0 in favor.

Ms. Anderson moved to adopt and support Amend Zoning Bylaw C325 Article 5 use regulations relating to ADUs, seconded by Mr. Ballantine.

Mr. Howell suggested that they wait until the Planning Board hearing is done before they vote.

Ms. Anderson withdrew her motion and Mr. Ballantine withdrew his second.

Mr. MacAskill commented that if they could get 5 more units of workforce housing out of a change this year, it's a good change. This Article will be brought back next week.

Mr. Howell moved to place on the Warrant and accept and adopt Article 38 Amend Zoning Bylaw C325 Article 17 Flood Plain Regulations, seconded by Ms. Anderson. Vote 4:0 in favor.

Ms. Anderson moved to place on the Warrant and to accept and adopt Article 39 Amend Zoning Bylaw C325 Article 22 Large Scale Ground Mounted Photovoltaic Bank Arrays, seconded by Mr. Howell. Vote 4:0 in favor.

Mr. Howell moved to accept and adopt and place in the warrant Article 40 relative to the regional school agreement between the towns of Chatham and Harwich, seconded by Ms. Anderson. Vote 4:0 in favor.

Mr. Howell moved to place on the Warrant and to accept and adopt Article 42 Acquisition of an easement at 129 Route 28 for Route 28 Water Main Project with an estimated cost of \$10,000, seconded by Ms. Anderson. Vote 4:0 in favor.

Mr. Howell moved to place on the Warrant and accept and adopt Article 43 Authorize Selectmen to convey parcel of land at 276 Queen Anne Road, seconded by Ms. Anderson. Mr. Howell noted the importance of this property being commercially zoned. Vote 4:0

Mr. Howell moved to place on the Warrant and to accept and adopt Article 44 Acquisition of Forest Street Property at an estimated cost of \$5,000, seconded by Ms. Anderson. Vote 4:0 in favor.

Mr. Howell moved to place on the Warrant and accept and adopt Article 45 Authorization Payment in Lieu of Taxes Pilot Agreements, seconded by Ms. Anderson. Vote 4:0 in favor.

Linda Cebula, Treasurer and Anita Doucette, President of the Harwich Historical Society spoke in support of the Brooks Academy Museum request for use of Sinking Funds.

March 27, 2023

Mr. Howell moved to place on the Warrant and to accept and adopt Article 47 Supplemental Funding for Brooks Academy Renovations with an estimated cost of \$475,000, seconded by Ms. Anderson. Vote 4:0 in favor.

Mr. Howell moved to place on the Warrant and accept and adopt Article 48 Supplemental Appropriation for the Judah Eldredge Property at an estimated cost of \$400,000, seconded by Ms. Anderson. Vote 4:0 in favor.

Mr. Howell moved to place on the Warrant and accept and adopt Article 49 Transfer Free Cash to the Stabilization Fund at an estimated cost of \$1,200,000, seconded by Ms. Anderson. Vote 4:0 in favor.

Mr. Howell moved to place on the Warrant and accept and adopt Article 50 Fund Prior Year's Unpaid Bills at an estimated cost of \$10,696, seconded by Ms. Anderson. Vote 4:0 in favor.

### 3. Discussion on additional material to be included in the Warrant

No additional material at this time.

F. Discussion on authorizing Town Administrator to be the assigned individual for grant programs/funds including American Rescue Plan Act (ARPA) and related pandemic funds

Mr. Howell moved to authorize the Town Administrator to be the assigned individual as noted, seconded by Ms. Anderson. Vote 4:0 in favor.

G. Approve a New 2023 Seasonal Common Victuallers license for Seagulls Sweet LLC d/b/a Seagulls Sweets - 537 Route 28

Mr. Howell moved to approve a New 2023 Victuallers license as presented, seconded by Ms. Anderson. Vote 4:0 in favor.

H. Approve the following 2023 Seasonal Common Victuallers license Renewals:

1. Schoolhouse Ice Cream & Yogurt LLC - 749 Route 28

Mr. Howell moved to approve the 2023 Season Victuallers license as presented, seconded by Ms. Anderson. Vote 4:0 in favor.

I. Approve the following 2023 Seasonal on-premise liquor license renewals:

1. Ember Pizzas Inc. d/b/a Ember Pizza - 600 Route 28
2. Pelham on Earle Operating LLC d/b/a Pelham on Earle - 30 Earle Road
3. Ashwood Food Services Inc. d/b/a Jake's at Cranberry Valley - 183 Oak Street
4. Saquatucket Snack Shack LLC d/b/a Dockside - 715 Route 28 Unit A
5. The Port Restaurant and Bar, Inc. - 541 Route 28

Mr. Howell moved to approve the five 2023 Seasonal on-premise liquor license renewals as presented, seconded by Mr. Ballantine. Vote 4:0 in favor.

**TOWN ADMINISTRATOR'S REPORT**

No report

**SELECTMEN'S REPORT**

No report

**CORRESPONDENCE**

No correspondence

**ADJOURNMENT**

Mr. Howell moved to adjourn, seconded by Ms. Anderson. Vote 4:0 in favor.

Respectfully submitted,

Judith R. Moldstad  
Board Secretary

March 27, 2023

**MINUTES  
BOARD OF SELECTMEN'S MEETING  
DONN B. GRIFFIN ROOM, TOWN HALL  
732 MAIN STREET, HARWICH, MA  
EXECUTIVE SESSION 5:45PM  
REGULAR MEETING 6:00PM  
MONDAY, APRIL 3, 2023**

**MEMBERS PARTICIPATING:** Michael MacAskill, Chairman, Mary Anderson, Vice Chair, Julie Kavanagh, Don Howell and Larry Ballantine

**ALSO PARTICIPATING:** Joseph F. Powers, Town Administrator

**CALL TO ORDER:** Chairman MacAskill called the meeting of the Board of Selectmen to order on Monday, April 3, 2023 at 5:45PM and noted that they are going into Executive Session and will return to open session no later than 6:00PM.

**EXECUTIVE SESSION:**

A. Pursuant to MGL C30A section 21(a)(3) to discuss with respect to collective bargaining for all town union and the Chair has determined that open session would have a detrimental effect on the town's bargaining position; Police Patrol and Superior Police Union

Mr. Howell moved to go into Executive Session as presented, seconded by Ms. Anderson. Vote 5:0 in favor.

Mr. MacAskill called the Board of Selectmen's meeting for April 3, 2023 back to order noting that they started in Executive Session. In regards to the Superior Police Union, he reported that they have settled and ratified a contract. The one union remaining is Police Patrol. Seven of the eight contracts settled prior to Town Meeting.

**PLEDGE OF ALLEGIANCE:**

Mr. MacAskill invited attendees to join in the Pledge of Allegiance. He requested a moment of silence in memory of Larry Brophy. Members of the BOS and Town Administrator Powers shared memories and spoke of his character and how much Mr. Brophy meant to them and did for the town.

**PUBLIC COMMENTS/ANNOUNCEMENTS**

A. Committee Vacancies

Ms. Anderson noted the committees that have vacancies and encouraged people to fill out applications.

B. Motor Vehicle Excise Tax Bills have been mailed and are due 04/23/23.

April 3, 2023

Mr. MacAskill noted, for the public, that mv excise taxes are due 04/23/23.

**CONSENT AGENDA:**

- A. Approve Board of Selectmen Meeting Minutes:
  - 1. March 20, 2023
- B. Vote to approve the Assistant Town Administrator's recommendation to grant permission by NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY for the purpose to install 45' +/- of 1-4" conduit, 40' of 1-3" conduit and one proposed handhole under the road at 1603 Old Queen Anne Road

Mr. Howell moved to vote to approve the Consent Agenda as presented, seconded by Ms. Anderson. Vote 5:0 in favor.

Mr. MacAskill noted that the ethics training is due to be completed by Friday, April 7th.

**NEW BUSINESS:**

- A. Update from the Treasurer/Collector on tax collection

Betty Clark Macleay, Treasurer/Town Collector noted that the mv taxes are due April 24th, the 23rd is a Sunday. She proceeded with an update on the town tax bills, collections and publishing outstanding tax bills, for motor vehicles and real estate. Ms. Macleay continued with an update on all other statistics. Board members asked questions and Ms. Macleay replied with the answers and explanations. There was conversation regarding budget and whether or not more money is needed for legal funds.

- B. Discussion on proposed municipal parking lot location and proposal for electric vehicle charging station; Votes may be taken.

Mr. MacAskill noted a proposal related to a municipal parking lot in Harwich Port. He spoke to a principal at Evkon but asked if the Board was going to support this before going through the process. Board members asked questions and expressed their opinions and concerns.

Bob Cohen from Pleasant Street was present remotely and voiced his opinion about the charging station and against the proposed location. He suggested other possible locations.

- C. Discussion on 2023 Annual Town Meeting Warrant Articles:
  - 1. Vote to place additional articles

No other articles are being considered at this time.

- 2. Vote to support and recommend articles for 2023 Town Meeting Warrant

Mr. MacAskill noted the two articles left for the full Board. One is Article 25, a Community Preservation article related to the Housing Trust which has gone from \$250,000 to \$500,000.

April 3, 2023



Mr. Howell moved to accept and adopt the revised Community Preservation funding to the Affordable Housing Trust Fund in the amount of \$500,000, seconded by Ms. Anderson. The Board members commented on the procedure and how better to approach Community Preservation in the future. Vote 5:0 in favor.

Mr. MacAskill noted Article 37, the Accessory Dwelling Bylaw.

Mr. Howell moved to accept and adopt Article 37 amending Zoning Bylaw C325 Article 5 Use Regulations, seconded by Ms. Anderson. Vote 5:0 in favor.

### 3. Discussion on additional material to be included in the Warrant

Mr. MacAskill noted the Articles 1-54 and 60-62 are all the articles with the exception of the Petition Articles. He asked Mr. Powers what the procedure is to add Ms. Kavanagh's votes to the record.

Mr. Powers replied that Mr. MacAskill should identify the Articles and that he wants it reflected that Select Board member Kavanagh agrees.

Mr. MacAskill stated for the record: This is for Selectman Kavanagh to support Articles 1-54 and 60-62

Mr. Howell moved that they add an affirmative vote on all the Articles and add Julie Kavanagh's name to the affirmative, seconded by Ms. Anderson. Vote 5:0 in favor.

Town Administrator Powers noted the Errata Sheet before the Board and also noted that it will be added to the website. He explained the information on the sheet and on his memorandum.

Town Administrator Powers read the quantum of votes for the record:

The following Articles require a two-thirds vote; Article 11, 19, 20, 21,37,38,39, 42,43,44 and 48. Article 50 requires a four-fifths vote, Article 61 requires a two-thirds vote.

He noted that counsel is still evaluating whether the ADU Bylaw as presented requires a two-thirds or a straight majority. As a caution, they will go forward with a two-thirds vote.

Mr. MacAskill noted that, the changes to the Warrant were voted on and the Errata Sheet will be added to the website.

Mr. Powers referred to Article 40, Amend the Regional Agreement between the towns of Chatham and Harwich.

Mr. MacAskill noted that Dr. Carpenter hadn't provided what they need to complete the Warrant. They can either go ahead and put what Chatham has in their Warrant or indefinitely postpone this until next year when they'll have more information.

Mr. Powers continued and completed his explanation of Article 40. He noted the review by DESE, information that was needed to close the Warrant regarding Appendix D. The options are to strike the reference to Appendix D and leave the Article in, indefinitely postpone the Article or Withdraw the Article. His recommendation is that he strike the reference to Appendix D and that the Article be indefinitely postponed but kept in the Warrant.

Board members expressed their opinions and recommendations.

It was agreed that they will leave Article 40 in the Warrant and strike the reference to Appendix D.

Mr. Ballantine moved for the Board of Selectmen to reconsider their support of Article 40, seconded by Ms. Anderson. Mr. Howell went on record as saying that he would be more than willing, if this was possible to happen, he would be supporting of it. Vote 4:1 in favor.

Mr. Ballantine moved to indefinitely postpone Article 40, seconded by Ms. Anderson. Vote 5:0 in favor.

Mr. MacAskill asked Mr. Powers for clarification on Article 23.

Mr. Powers answered the question by explaining the process. Board members asked questions for clarification.

Mr. MacAskill commented on Article 15 the Capital Plan and that there is no positive motion from the Finance Committee. Members expressed their concerns about the FinComm's response to the Article.

Mr. MacAskill commented on Article 16 and asked if a breakdown of the work being contemplated could be supplied.

Mr. Powers replied that each item in the five year plan has a corresponding application. He also offered to sit down explain to anyone, why any item that the Board has supported should be supported. He also recognized the work of the Capital Outlay Committee.

Mr. MacAskill commented on Article 56, the Plastic Reduction Ban, the vote is corrected to 1:3, one yay and 3 nay.

Mr. Powers confirmed that the correction has been made.

Mr. MacAskill asked if, in regard to the new positions, should they add an estimated cost or leave them as is?

Mr. Powers made recommendations and noted options.

#### 4. Discussion on Fiscal Year 2024 Operating Budget

April 3, 2023

No issues were discussed.

D. Vote to close and sign the 2023 Annual Town Meeting Warrant

Mr. Howell moved to close and sign the 2023 Annual Town Meeting Warrant, seconded by Ms. Anderson.

Mr. Powers noted that within this Warrant is a balanced Budget that relies on various funding sources but also accomplishes building up the Town's reserves.

Vote 5:0 in favor. Motion carried unanimously.

E. Vote to approve and sign the 2023 Election Warrant

Mr. Howell moved to approve and sign the 2023 Election Warrant, seconded by Mr. Ballantine. Vote 5:0 in favor. Motion carried unanimously.

F. Approve a 2023 Seasonal Common Victuallers license renewal for Sundae School Inc. d/b/a Sundae School ice Cream - 606 Route 28

Mr. Howell moved to approve a 2023 Seasonal Common Victuallers license as presented, seconded by Ms. Anderson. Vote 5:0 in favor.

G. Discussion and possible vote to approve a 2023 Seasonal, on-premise liquor license renewal for Chase Escape Cape Cod, LLC d/b/a The Summer House Cafe - 126 Route 28

Mr. MacAskill noted that there are memos from the Building Department, Fire Department and the Board of Health in the packet.

Board members discussed the situation, asked questions and offered opinions.

Mr. MacAskill noted that there is no quota on seasonal licenses. Under there liquor regulations, if an establishment doesn't use a license, they lose it. He noted the Board of Health requirements.

Mr. Powers noted that Mr. Fiorello is authorized to sign the form as he is the manager of the corporation. He also added, for the record that what the Board as the local licensing authority is relying upon is included in the packet. There are 4 pages, the first being standard retail license renewal form which was signed by the manager of the LLC on Mar ch 19th. Additionally there is commentary from staff, commentary from the Fire Department noting that the establishment is not in compliance, commentary from the Building Commissioner noting that the establishment is not in compliance and the Health Department has indicated that the establishment is not in compliance.

Mr. Howell moved to deny the application for the 2023 Seasonal, on-premise liquor license renewal for Chase Escape Cape Cod, LLC d/b/a The Summer House Cafe - 126 Route 28 West

April 3, 2023

Harwich, having not achieved any of the milestones that have been requested including from the Building Department, Fire Department and Board of Health, seconded by Ms. Anderson.

Mr. MacAskill noted that no one on the Board has said that they won't support the restaurant once they are able to open. To continue to issue a liquor license and allow a licensee to try and dictate the rules and muscle their way into the Board not following the rules is a bad statement. The Board is following their regulations.

Vote 5:0 In favor.

## **OLD BUSINESS**

- A. Update on the following Requests for Proposal:
1. 204 Sisson Road
  2. West Harwich Baptist Church
  3. Willow Street

Mr. Powers noted that there is a memorandum in the packet explaining the status of each. He reviewed the information for the Board and noted when the proposals will be available to the Board. There was discussion about 70 Willow Street, the proceeds, Affordable Housing and the Stabilization Fund. Also discussed was strengthening the RFP by adding specifically where the money will go. All Board members agreed that the proceeds from the sale of the Willow Street property should go directly to the Affordable Housing Trust.

## **TOWN ADMINISTRATOR'S REPORT**

Mr. Powers reported that his submitted offer has been accepted by Mr. Kenneth Watson to be a part-time van driver. He informed the Board that he has executed a contract under Chapter 30B Utilizing State Contract regarding janitorial services for comfort stations. He also reported that the Assistant Conservation Agent, Melissa Millett has accepted a position with the Town of Provincetown. He thanked her for her efforts and wishes her well in her endeavor.

## **SELECTMEN'S REPORT**

Ms. Anderson noted two meetings that she ask Mr. MacAskill attended and thanked the Community Preservation Committee and the Planning Committee for their diligence.

Ms. Kavanagh reported that the Building Department's online permitting is working well.

Mr. MacAskill thanked all the employees, the Town Administrator, staff and everyone who has worked on the Warrant.

## **CORRESPONDENCE**

No correspondence

## **ADJOURNMENT**

April 3, 2023

Mr. Howell moved to adjourn, seconded by Ms. Anderson. Vote 5:0 in favor

Respectfully submitted,

Judith Moldstad  
Board Secretary

DRAFT

April 3, 2023

**OFFICE OF THE TOWN ADMINISTRATOR**

Phone (508) 430-7513

Fax (508) 432-5039

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

732 MAIN STREET, HARWICH, MA



# MEMO

TO: Board of Selectmen

FROM: Meggan Eldredge, Assistant Town Administrator *ME*

RE: Utility Hearing  
NSTAR Electric dba Eversource Electric  
43 Sea Street

DATE: April 10, 2023

---

A Utility Hearing was held on April 10, 2023 at 9:00 AM at the request of NSTAR ELECTRIC D/B/A Eversource ENERGY to install 40' +/- of 1-3" conduit and two handholes 84/HA3 and 84/HB3 at 43 Sea Street.

Legal ads were published and notifications were given. There were no abutters present. There were no objections to install 40' +/- of 1-3" conduit and two handholes 84/HA3 and 84/HB3 at 43 Sea Street.

There were no other questions, concerns or objections and the Hearing was adjourned at 9:05 AM. After careful review, I recommend that the Board approve NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY Plan No. 11933607 dated March 2, 2023.



Phone (508) 430-7513

Fax (508) 432-5039

## TOWN OF HARWICH

732 MAIN STREET, HARWICH, MA 02645

**MINUTES**  
**Utility Hearing – Petition/WO #11933607**  
**Monday, April 10, 2023**

THOSE IN ATTENDANCE: Meggan Eldredge, Assistant Town Administrator and Representative from Eversource, Marissa Jackson. No Abutters present.

The Assistant Town Administrator called the hearing to order at 9:07 A.M. and read the Utility Hearing Notice.

Ms. Jackson stated she was present as representative of Eversource and had visited the location to confirm the site plan was accurate in depicting the location of the proposed work.

Ms. Eldredge reviewed information, no concerns from department heads, but did ask if this would be a double pole or individual pole. Ms. Jackson stated that this is a request to install 40' +/- of 1-3" conduit and two handholes 84/HA3 and 84/HB3 along Sea Street and that no new poles are being installed.

Ms. Eldredge provided Ms. Jackson with an abutter's phone number who had questions about the process but could not attend the hearing.

Ms. Eldredge explained that she would make the recommendation to the Board of Selectmen at their next meeting on April 18, 2023 to approve this request.

The hearing was adjourned at 9:11 A.M.

Submitted by:  
Patience Smith-Cabrera  
Executive Assistant

Attachments

**TOWN OF HARWICH**  
**NOTICE OF PUBLIC HEARING**  
*April 10, 2023*

Pursuant to M.G.L. Ch. 166, § 22, a Public Hearing will be held at **9:00 AM on Monday, April 10, 2023** at the Harwich Town Hall in the Griffin Room, 732 Main Street, Harwich, MA in reference to the following matter:

A petition by NSTAR ELECTRIC COMPANY d/b/a/ Eversource Energy requesting permission to locate underground cables, conduits and manholes, including the necessary sustaining and protecting fixtures, in under, along and across the following public way or ways:

**43 Sea Street**

**PROPOSED: To install 40' +/- of 1-3" conduit and two handholes  
84/HA3 and 84/HB3**

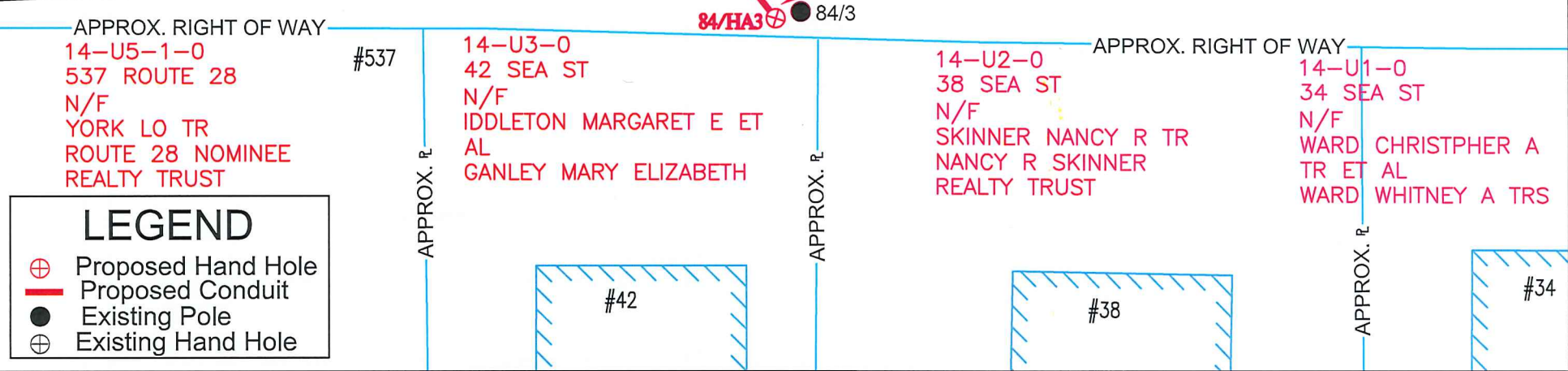
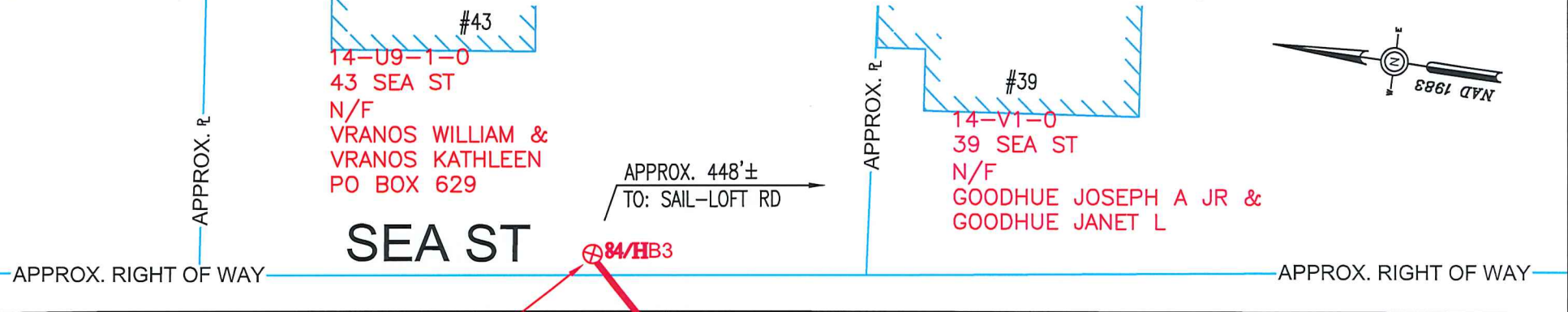
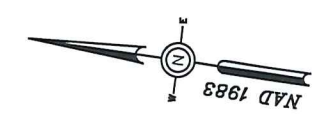
All abutters and other interested persons are invited to attend. For further information, please call the Town Administrator's Office at (508) 430-7513 or stop by Town Hall, 732 Main Street, Harwich where the information is on file.

Meggan Eldredge  
Assistant Town Administrator

Cape Cod Chronicle  
March 23, 2023

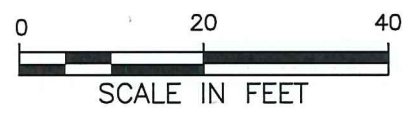


Plan to accompany petition of EVERSOURCE ENERGY to install Handhole 84/HA3 & 84/HB3 with 45'± of 1-4" conduit under Public Road to accommodate new electric service to #43 Sea St.



**LEGEND**

- ⊕ Proposed Hand Hole
- Proposed Conduit
- Existing Pole
- ⊕ Existing Hand Hole



BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PARENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION OR IN RELIANCE UPON IT. TO THE MAXIMUM EXTENT ALLOWED BY LAW, YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

THE INFORMATION MAY NOT REPRESENT A SURVEY, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION, EITHER EXPRESSED OR IMPLIED. UNAUTHORIZED ATTEMPTS TO MODIFY THE INFORMATION OR USE THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED.

**MASS. LAW**  
REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7233

C# 11933607	<b>NSTAR EVERSOURCE</b> ELECTRIC d/b/a 1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125
Ward #	
Work Order # 11933607	Plan of SEA ST, HARWICH
Surveyed by: N/A	Research by: BP
Plotted by: GC	Showing PROPOSED CONDUIT & HANHOLE LOCATION
Proposed Structures: GC	Approved: T THIBAUT
Scale 1"=20'	Date MARCH, 2 2023
P#	SHEET 1 of 1

# **NEW BUSINESS**

**LEGAL NOTICE**  
**TOWN OF HARWICH**  
**REQUEST FOR PROPOSALS**  
**DISPOSITION OF REAL PROPERTY LOCATED AT 204 SISSON ROAD**

The Town of Harwich is seeking proposals under Chapter 30B, section 16 of Massachusetts General Laws, for the sale and disposition of real property located at 204 Sisson Road in Harwich, MA.

Request for Proposals (the "RFP") is being issued by the Town of Harwich to seek proposals from arts and cultural individuals and organizations who are interested in engaging with the Town for a three-year license agreement as a tenant of a room at The 204 Cultural Arts Municipal Building located at 204 Sisson Road.

The Instructions to Proposers, Proposal Form, Specifications, and other Documents may be examined or obtained from the Town of Harwich website at the following address: <https://www.harwich-ma.gov/home/pages/procurement>. All inquiries relative to this Request for Proposal are to be directed to Kara Mewhinney, Director of Cultural Affairs at [kara.mewhinney@harwich-ma.gov](mailto:kara.mewhinney@harwich-ma.gov). Proposals shall be submitted to the Office of the Town Administrator, Town Hall, 732 Main Street, Harwich, MA 02645 until **2:00 PM on Wednesday, May 24, 2023**, at which time all proposals will be publicly opened. All proposals shall be submitted one (1) sealed envelope clearly marked: "PROPOSAL – 204 SISSON ROAD LICENSE AGREEMENT."

The Chief Procurement Officer will evaluate the proposals, on or before **June 2, 2023** and shall make a recommendation to the Harwich Board of Selectmen, as the Awarding Authority. The awards shall be subject to successful negotiation of the agreement.

The Town reserves the right to waive minor informalities, reject any and all proposals, award the sale to a proposer who does not offer the highest sale price, or to cancel this procurement at any time if the Board of Selectmen, acting in its sole discretion, determine it is in the best interests of the Town to do so.

Mr. Joseph F. Powers  
Town Administrator

Central Register

Cape Code Chronicle

REQUEST FOR PROPOSALS  
DISPOSITION OF REAL PROPERTY LOCATED AT 204 SISSON ROAD

***Introduction***

The Town of Harwich is seeking sealed proposals under Chapter 30B, section 16 of Massachusetts General Laws, for the sale and disposition of real property located at 204 Sisson Road, Harwich, MA.

This Request for Proposals (the “RFP”) is being issued by the Town of Harwich (the “Town”) to seek proposals from arts and cultural individuals and organizations who are interested in engaging with the Town for a long term lease as the a tenant of a classroom/office space at The 204 Cultural Arts Municipal Building located at 204 Sisson Road. Which is part of an approximately 70,000 square foot cultural amenity space currently in use by the Department of Cultural Affairs and the Department of Recreation. The space is intended to be an affordable, shared multi-purpose arts and culture hub, with presentation, production, and office space for multiple Cape Cod and Harwich-based artists and non-profit arts and culture organizations use. Please note, this RFP is open to non-profit operators and individual artists.

Proposals shall be submitted to the Office of the Town Administrator, Town Hall, 732 Main Street, Harwich, MA 02645 until **2:00 PM on Wednesday, May 24, 2023**, at which time all bid proposals will be publicly opened. The Chief Procurement Officer will evaluate the proposals, on or before **June 2, 2023** and shall make a recommendation to the Harwich Board of Selectmen, as the Awarding Authority. The award shall be subject to successful negotiation of the agreement.

The Town reserves the right to waive minor informalities, reject any and all proposals, award the sale to a proposer who does not offer the highest sale price, or to cancel this procurement at any time if the Board of Selectmen, acting in its sole discretion, determine it is in the best interests of the Town to do so.

***Property Information***

The Premises is shown and described on the following attachments:

1. The 204 RFP Floor Plan
2. Arial view of location and exterior photo

***Eligibility***

Individuals and Organizations are eligible if they meet the following criteria

- A Non-profit organization and/ or Individual within good standing and serves the arts and culture purpose
- An individual artist who is actively engaged in production, teaching, or creating works
- Either Individual and or Organization must be within the realm of Visual Arts, Performing Arts, and Literary Arts

- Located on Cape Cod, with preference given to Harwich Residents
- Individual and Organizations must have a history of providing ongoing quality arts and cultural programming and/or services to Harwich/Cape Cod Residents without exclusion to anyone by reason of religion, ethnicity, gender, age, sexual orientation, language, disability or income
- Individual and Organizations are preferred to have existing experience with Town Government and leasing of town property
- Individual and/or Organization Must be a year-round resident of Cape Cod or the Town of Harwich
- Individual and/or Organization Must be able to provide open studios or volunteer hours for events and other programs
- Individual and/or Organization Must use the defined space continuously and year-round with no more than 4 weeks of space being unoccupied

DRAFT

## *Proposal Instructions*

### **A. Minimum Requirements**

The proposer shall provide, at a minimum, the following information as part of the proposal. Proposals that do not include the following minimum information will be rejected.

1. Name, address and telephone number of all interested parties.
2. A cover letter shall provide an expression of interest, identify the proposer, and any other information or unique features which the proposer believes the Town should know in order to fully evaluate the proposal. The proposal must be signed as follows: (a) if the proposer is an individual, by him/her personally; if the proposer is a partnership, by the name of the partnership, followed by the signature of each general partner; (c) if the proposer is a corporation, by the authorized officer whose signature is attested by the Clerk of the corporation; or if the proposer is a limited liability company, by the manager or individual authorized to execute real estate documents.
3. Proposed price for use of the Premises on attached form (Attachment 5).
4. If the proposer is not an individual doing business under his or her own name, the proposal must describe the legal status of the entity. If a corporation, the proposer must indicate the legal jurisdiction under which the corporation is organized and operating, and identify the officers of the corporation;
5. Identification of all principals, partners or co-ventures participating in the sale and use of the Premises and the direct or indirect interest of each participant's share in the sale and use of the Premises;
7. The Proposer must submit signed copies of the following:
  - Price Proposal (attachment 5);
  - Certificate of Non- Collusion (attachment 6);
  - Certificate of Tax Compliance (attachment 7);
  - Disclosure of Statement for Transaction with a Public Agency Concerning Real Property M.G. L. c. 7C, §38, (attachment 8); and
  - Certificate of Corporate Vote if applicable (Attachment 9).

## **B. Instructions to Proposers**

1. Proposals shall be submitted to the Office of the Town Administrator, Town Hall, 732 Main Street, Harwich, MA 02645 until **2:00 PM on Wednesday, May 24, 2023**, at which time all bid proposals will be publicly opened. All proposals shall be submitted in one (1) sealed envelope clearly marked: "PROPOSAL – 204 Sisson Road."

2. Proposers are cautioned that it is the responsibility of each individual proposer to assure that his/her proposal is received at the location stated in this RFP prior to the date and time for submission stated above. The Town is not responsible for proposals delayed by mail and/or delivery service or delivered to an office other than that specified in this RFP.

3. Proposals may be modified only by an appropriate document duly executed (in the manner that a proposal must be executed) and delivered to the place where proposals are to be submitted at any time prior to the opening of proposals. Bid modification must be submitted in a sealed envelope clearly labeled "Modification No. \_\_\_." Each modification must be numbered in sequence and must reference the original Proposal.

4. Proposals may be withdrawn prior to the scheduled time (or authorized postponement thereof) for the opening of proposals.

5. Any proposal received after the time and date specified shall not be considered. No proposer may withdraw his/her proposal after the general submission deadline.

6. The Town may cancel this RFP, or reject, in whole or in part, any and all proposals, if the Town determines that cancellation or rejection serve the best interests of the Town.

7. The Town shall be under no obligation to return any proposals or materials submitted by a proposer in response to this RFP. All materials submitted by proposers become the property of the Town. The Town reserves the right to use any or all ideas, concepts or configurations presented in a proposal whether or not the proposer is selected.

8. All proposals and related documents submitted in response to this RFP are subject to the Massachusetts Freedom of Information Law, G.L. c. 66, §10 and to G.L. c. 4, §7, subsection 26, regarding public access to such documents. Statements or endorsements made by a proposer that are inconsistent with those statutes will be disregarded.

9. The Town makes no representations, express or implied, that the Premises can be used for any particular use or purpose or about the condition of the Premises. Proposers are expected to undertake an independent review and analysis of the zoning, physical and environmental conditions, required approvals and other considerations applicable to the use of the Premises. Acceptance of the proposal does not constitute permit approval which may be required. No special consideration shall be given, and no fees will be waived.

10. All proposals must comply with the provisions of M.G.L. c.30B.

### **C. Pre-Proposal Meeting and Site Visit**

The Town will conduct a voluntary pre-proposal meeting and site visit to the Premises on April 25, 2023 at 10:00am. Interested parties are advised to meet at the scheduled time at 204 Sisson Road, Harwich, MA. Proposers will have the opportunity to ask questions concerning the content of this RFP at that time. The Town may include a summary of the questions and answers provided at the pre-proposal meeting and site visit in the form of an addendum to the RFP if the Town, in its sole discretion, determines it is necessary to facilitate the RFP, proposal, and evaluation and selection process.

### **D. Questions and Clarifications**

All questions about the meaning or intent of this RFP shall be received in writing by mail sent to Meggan Eldredge, Assistant Town Administrator or emailed to [meggan.eldredge@harwich-ma.gov](mailto:meggan.eldredge@harwich-ma.gov) no later than Tuesday, May 16, 2023 at 4:00 pm. Proposers are requested to forward questions early in the procurement process. Answers will be in writing and will be sent by the Town to all prospective proposers.

The Town may, at its discretion, develop a short list of the most advantageous proposers and conduct an interview procedure to further evaluate the relative merits of the proposals.

### **E. License Agreement**

A License Agreement shall be executed with the selected proposer. The Town of Harwich expects to execute a License Agreement with the successful proposer within thirty (30) days of the Notice of Award. The License Agreement is attached as Attachment 3.



## **F. Evaluation Process**

Proposals will be initially reviewed to determine if each submission contains all required forms and certifications, as well as information outlined above under the heading of "Proposal Instructions." Any proposal found to be lacking all required forms and certificates shall be considered non-responsive, shall be rejected and given no further consideration during the evaluation process. Proposals determined upon initial review to be in the prescribed form and containing all of the required information, attachments, addenda, certifications, forms and payments, as more particularly described in the provisions of this RFP, will be deemed responsive and be submitted for further, comparative, evaluative review.

Proposals that are determined to be responsive shall be further evaluated in light of the following criteria, and will be ranked in order of preference from most advantageous to least advantageous. An evaluation of each proposal shall state the basis for its ranking, and identify the strengths and weaknesses of the proposal, both objectively and in comparison to the other proposals submitted in response to the RFP. The Town reserves the explicit right to select a proposal which does not necessarily contain the highest price and/or economic benefit to the Town.

The Town Administrator, working in conjunction with Town staff, will conduct the initial proposal evaluations. As part of the evaluation process, the Town reserves the right to conduct interviews with the proposers at either the initial evaluation, or finalist stage of the evaluation process in order to assure a full understanding of the proposals. The Town reserves the right to contact references, or other relevant parties, as part of this review process.

## **G. Rule for Award**

The Board of Selectmen, at its sole discretion, shall make awards to the proposers whose proposals are determined to be the most advantageous proposal from a responsible and responsive proposer taking into consideration price and the evaluation criteria set forth in this RFP. The Board of Selectmen shall not be required to award the license agreement for the Premises to the proposer offering the highest sale price. If the Town awards the license agreement to a proposer that does not offer the highest sale or otherwise does not represent the overall lowest cost to the Town, the Town will explain the reason for the award in writing.

At the conclusion of the evaluation process, the Board of Selectmen shall select proposers to use the Premises and notify the selected proposers in writing with a Notice of Award. All other proposers shall be notified in writing of the Board's decision. If the successful proposers fail to execute a license agreement within thirty (30) days of an award by the Board of Selectmen, the Town reserves the right to rescind the award and to award the license to a proposer whose proposal was deemed to be the next most advantageous by the Town or to determine not to make an award. The Board of Selectmen reserves the right to reject any and all proposals, or to cancel this RFP.

## **H. Evaluation Criteria**

A staff committee appointed by the Chief Procurement Officer (Town Administrator) shall evaluate proposals that meet all of the Proposal Requirements. Failure to meet the minimum proposal requirements as specified in this RFP shall be deemed non-responsive and will result in immediate rejection of the proposal. Those proposals that meet all of the minimum requirements and are determined to be both responsive and responsible will be further reviewed using the following evaluation criteria:

### **1. Operational Capacity**

Proposers that have rented from a city/town or have worked with a city/town before will be deemed highly advantageous.

Proposals that do not have or have limited history of working with a city/town in the past will be deemed advantageous.

Proposals that do not include a description of past history will be deemed not advantageous.

### **2. Community Involvement**

Proposals that include robust incorporation of community involvement will be deemed highly advantageous.

Proposals that include limited community involvement will be deemed advantageous.

Proposals that do not incorporate community involvement will be deemed not advantageous.

### **3. Commitment**

Proposals that include a commitment to occupy the space one or more days per week will be considered highly advantageous.

Proposals als that include a commitment to occupy the space one or more days per month will be considered advantageous.

Proposals which do not commit to occupying the space at least once per month will be considered not advantageous.

### **4. Proposed Use of Space**

Proposals that include a strong arts and cultural vision that aligns with the mission of The 204 Cultural Arts Municipal Building and a contributes to the Town of Harwich Arts and Culture Community, will be considered highly advantageous.

Proposals that include using the space for production, presentation, and education of arts and culture related works and or programs will be considered advantageous.

Proposals that do not include the utilization of space for arts or culture-related programming will be considered not advantageous.

## **5. Price Proposal**

Proposals providing a value higher than the Use Fee Schedule (Attachment 4) indicates will be considered highly advantageous.

Proposals providing a value equal to those shown on the Use Fee Schedule (attachment 4) will be considered advantageous.

Proposals providing a value below the those shown on the Use Fee Schedule (Attachment4) will be considered not advantageous.

DRAFT

ATTACHMENT 1



Studio 106 780 sq. ft \$450 Water Available	Studio 105 795 sq. ft \$400	Studio 104 645 sq. ft \$350	Studio 103 645 sq. ft \$350	Studio 102 747 sq. ft \$400	Cultural Affairs Department
--	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	--------------------------------

Studio 107  
 822 sq. ft  
 \$450  
 Water Available

Mens Room  
 Womens Room

Studio 114  
 854 sq. ft  
 \$400

Studio 115  
 632 sq. ft  
 \$350



Main Entrance

Studio 108  
 822 sq. ft  
 \$400

Studio 113  
 820 sq. ft  
 \$400



Studio A09  
 402 sq. ft  
 \$300

Studio 109  
 824 sq. ft  
 \$400

Studio 112  
 822 sq. ft  
 \$400

Restroom

Housing Department

Courtyard Open Space

Restroom

Studio A06  
 140 sq. ft  
 \$250

Studio 110  
 754 sq. ft  
 \$400

Studio 111  
 786 sq. ft  
 \$786

Studio A07  
 70 sq. ft  
 \$200

Studio A05  
 181 sq. ft  
 \$250

Gymnasium

Studio A02  
 147 sq. ft  
 \$250

Studio A04  
 232 sq. ft  
 \$250

Auditorium & Multipurpose Cafeteria

**First Floor Directory**

<p>Studio 205 780 sq. ft \$450 Water Available</p>	<p>Studio 204 783 sq. ft \$400</p>	<p>Studio 203 943 sq. ft \$500</p>	<p>Studio 202 780 sq. ft \$400</p>	<p>Studio 201 765 sq. ft \$400</p>
--	--	--	--	--

<p>Studio 206 822 sq. ft \$450 Water Available</p>	<p>Mens Room</p>	<p>Studio 213 476 sq. ft \$300</p>	<p>Studio 214 517 sq. ft \$350</p>	<p>Studio 215 549 sq. ft \$350</p>
	<p>Womens Room</p>			



Studio 207  
822 sq. ft  
\$400

Studio 212  
1,111 sq. ft  
\$550

Studio 208  
822 sq. ft  
\$400

Studio 211  
822 sq. ft  
\$400

Studio 209  
968 sq. ft  
\$500

Studio 210  
790 sq. ft  
\$400

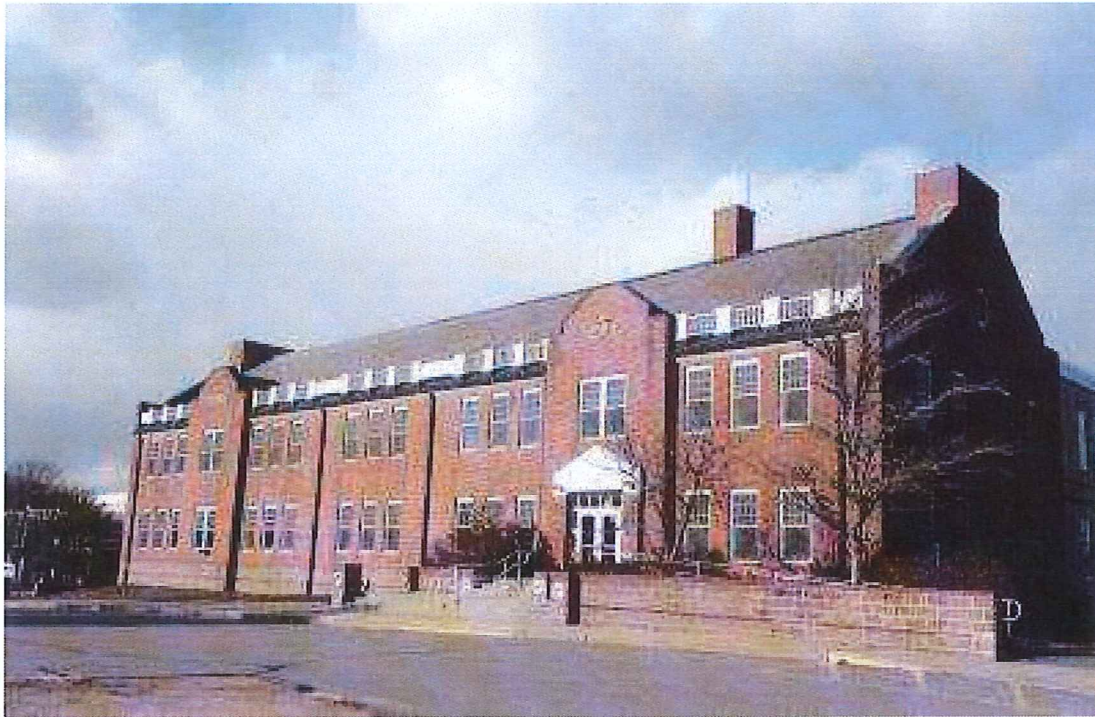
Library  
Multipurpose space



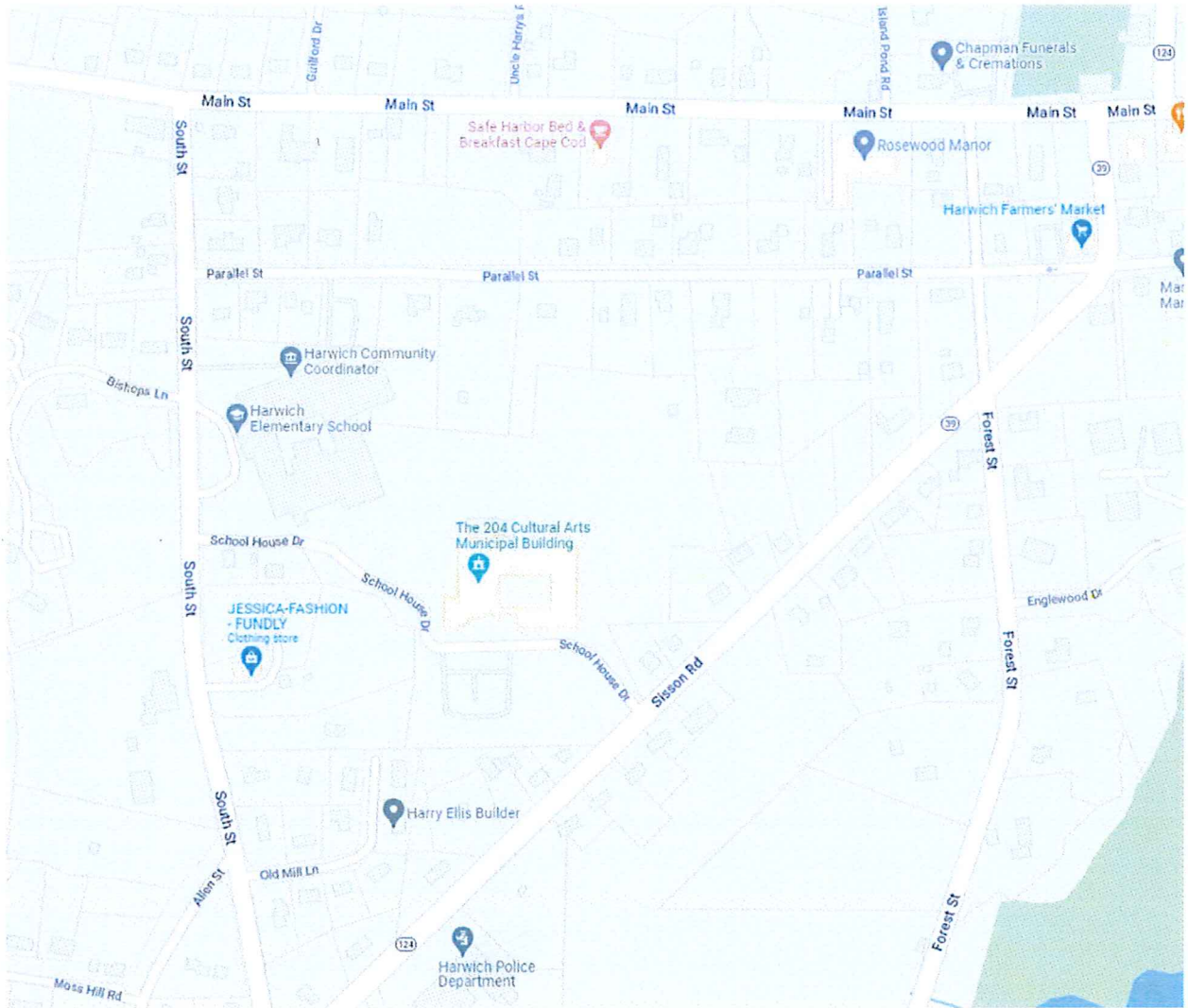
access to lower level

## Second Floor Directory

ATTACHMENT 2



ATTACHMENT 2



204 Sisson Road

Cultural Arts Municipal Building

Use Fee Schedule for Long Term Studio Rentals

Creative Suite	Size Square Footage	Water	Rental Rate Proposed	General Room Note
A02	147	N	\$250	
A04	232	N	\$250	
A05	181	N	\$250	
A06	140	N	\$250	
A07	70	N	\$200	
A08	<i>Housing Advocate Office</i>			
A09	402	N	\$300	
1st Floor Classroom Wing	Size Square Footage	Water	Rental Rate Proposed	General Room Note
101	<i>Cultural Affairs Office</i>			
102	747	N	\$400	
103	645	N	\$350	
104	645	N	\$350	
105	795	N	\$400	
106	780	Y	\$450	
107	822	Y	\$450	
108	822	N	\$400	
109	824	N	\$400	
110	754	N	\$400	
111	786	N	\$400	
112	822	N	\$400	
113	820	N	\$400	
114	854	N	\$400	
115	632	N	\$350	
2nd Floor Classroom Wing	Size Square Footage	Water	Rental Rate Proposed	General Room Note
201	765	N	\$400	
202	780	N	\$400	
203	943	N	\$500	
204	783	N	\$400	
205	833	Y	\$450	
206	822	Y	\$450	
207	822	N	\$400	
208	822	N	\$400	
209	968	N	\$500	
210	790	N	\$400	
211	822	N	\$400	
212	1,111	Y	\$550	
213	476	N	\$300	
214	517	N	\$350	
215	549	N	\$350	Air Conditioner in Room
Lower level / Shop	Size Square Footage	Water	Rental Rate Proposed	General Room Note
	1,300	N	\$500	

Rental Rate Scale

Square Footage Range	Rate per month
<100 sq. feet	\$200
100-300 sq. feet	\$250
301-500 sq. feet	\$300
501-700 sq. feet	\$350
701-900 sq. feet	\$400
>901 sq. feet	\$500
<i>Studios with water or special amenity will incur and additional \$50</i>	



ATTACHMENT 5

**PRICE PROPOSAL FORM**

Name of Proposer: \_\_\_\_\_

By: \_\_\_\_\_

Address: \_\_\_\_\_

City and State: \_\_\_\_\_

Telephone No: \_\_\_\_\_

Email address: \_\_\_\_\_

Date: \_\_\_\_\_

**Requested square footage range:** \_\_\_\_\_

**Amount of Bid:**     \$ \_\_\_\_\_ **per month**

THIS FORM MUST BE COMPLETED AND RETURNED WITH THE PROPOSAL FOR THE DISPOSITION OF PROPERTY LOCATED AT 204 SISSON ROAD, HARWICH, MASSACHUSETTS. YOU MUST ALSO COMPLETE AND RETURN THE FOLLOWING FORMS: (1) DISCLOSURE FORM, (2) NON COLLUSION FORM AND (3) TAX COMPLIANCE CERTIFICATION.

Signed: \_\_\_\_\_  
(If corporation, attach proof of signing authority)

ATTACHMENT 6

**CERTIFICATE OF NON-COLLUSION**

The undersigned certifies under penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club or other organization, entity or group of individuals.

---

Signature of individual submitting bid or proposal

---

Name of business

ATTACHMENT 7

**TAX COMPLIANCE CERTIFICATION**

Pursuant to M.G.L. ch. 62C§49A, I certify under the penalties of perjury that, to the best of my knowledge and belief, I am in compliance with all the laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

\_\_\_\_\_  
Authorized signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of person signing above (please print)

\_\_\_\_\_  
Acknowledgement of  
Addendum(s) received, if any

\_\_\_\_\_  
Name of business

\_\_\_\_\_  
Business address

\_\_\_\_\_  
City/State/Zip Code

\_\_\_\_\_  
Telephone number

\_\_\_\_\_  
Tax I.D.

\*\*\*\*\*

## ATTACHMENT 8

**DISCLOSURE STATEMENT FOR  
TRANSACTION WITH A PUBLIC AGENCY CONCERNING REAL PROPERTY  
M.G.L. c. 7C, s. 38 (formerly M.G.L. c. 7, s. 40J)  
INSTRUCTION SHEET**

**NOTE:** The Division of Capital Asset Management and Maintenance (DCAMM) shall have no responsibility for insuring that the Disclosure Statement has been properly completed as required by law. Acceptance by DCAMM of a Disclosure Statement for filing does not constitute DCAMM's approval of this Disclosure Statement or the information contained therein. Please carefully read M.G.L. c. 7C, s. 38 which is reprinted in Section 8 of this Disclosure Statement.

**Section (1):** Identify the real property, including its street address, and city or town. If there is no street address then identify the property in some other manner such as the nearest cross street and its tax assessors' parcel number.

**Section (2):** Identify the type of transaction to which this Disclosure Statement pertains --such as a sale, purchase, lease, etc.

**Section (3):** Insert the exact legal name of the Public Agency participating in this Transaction with the Disclosing Party. The Public Agency may be a Department of the Commonwealth of Massachusetts, or some other public entity. Please do not abbreviate.

**Section (4):** Insert the exact legal name of the Disclosing Party. Indicate whether the Disclosing Party is an individual, tenants in common, tenants by the entirety, corporation, general partnership, limited partnership, LLC, or other entity. If the Disclosing Party is the trustees of a trust then identify the trustees by name, indicate that they are trustees, and add the name of the trust.

**Section (5):** Indicate the role of the Disclosing Party in the transaction by checking one of the blanks. If the Disclosing Party's role in the transaction is not covered by one of the listed roles then describe the role in words.

**Section (6):** List the names and addresses of every legal entity and every natural person that has or will have a direct or indirect beneficial interest in the real property. The only exceptions are those stated in the first paragraph of the statute that is reprinted in Section 8 of this Disclosure Statement. If the Disclosing Party is another public entity such as a city or town, insert "inhabitants of the (name of public entity)." If the Disclosing Party is a non-profit with no individual persons having any beneficial interest then indicate the purpose or type of the non-profit entity. If additional space is needed, please attach a separate sheet and incorporate it by reference into Section 6.

**Section (7):** Check "NONE" in the box if none of the persons mentioned in Section 6 is employed by DCAMM or an official elected to public office in the Commonwealth of Massachusetts. Otherwise list any parties disclosed in Section 6 that are employees of DCAMM or an official elected to public office.

**Section (8):** The individual signing this statement on behalf of the Disclosing Party acknowledges that he/she has read the included provisions of Chapter 7C, Section 38 (formerly Chapter 7, Section 40J) of the General Laws of Massachusetts.

**Section (9):** Make sure that this Disclosure Statement is signed by all required parties. If the Disclosing Party is a corporation, please make sure that this Disclosure Statement is signed by a duly authorized officer of the corporation as required by the statute reprinted in Section 8 of this Disclosure Statement.

DCAMM's acceptance of a statement for filing does not signify any opinion by DCAMM that the statement complies with applicable law.

This completed and signed Disclosure Statement should be mailed or otherwise delivered to:

Deputy Commissioner for Real Estate  
Division of Capital Asset Management and Maintenance  
One Ashburton Place, 15<sup>th</sup> Floor, Boston, MA 02108

**ATTACHMENT 8**

The undersigned party to a real property transaction with a public agency hereby discloses and certifies, under pains and penalties of perjury, the following information as required by law:

- (1) REAL PROPERTY:
  
- (2) TYPE OF TRANSACTION, AGREEMENT, or DOCUMENT:
  
- (3) PUBLIC AGENCY PARTICIPATING in TRANSACTION:
  
- (4) DISCLOSING PARTY'S NAME AND TYPE OF ENTITY:
  
- (5) ROLE OF DISCLOSING PARTY (Check appropriate role):

\_\_\_\_\_ Lessor/Landlord                      \_\_\_\_\_ Lessee/Tenant  
\_\_\_\_\_ Seller/Grantor                      \_\_\_\_\_ Buyer/Grantee  
\_\_\_\_\_ Other (Please describe): \_\_\_\_\_

- (6) The names and addresses of all persons and individuals who have or will have a direct or indirect beneficial interest in the real property excluding only 1) a stockholder of a corporation the stock of which is listed for sale to the general public with the securities and exchange commission, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation or 2) an owner of a time share that has an interest in a leasehold condominium meeting all of the conditions specified in M.G.L. c. 7C, s. 38, are hereby disclosed as follows (attach additional pages if necessary):

<u>NAME</u>	<u>RESIDENCE</u>
_____	_____
_____	_____

- (7) None of the above- named persons is an employee of the Division of Capital Asset Management and Maintenance or an official elected to public office in the Commonwealth of Massachusetts, except as listed below (Check "NONE" if NONE):

NONE

<u>NAME:</u>	<u>POSITION:</u>
_____	_____
_____	_____
_____	_____

**ATTACHMENT 8**

- (8) The individual signing this statement on behalf of the above-named party acknowledges that he/she has read the following provisions of Chapter 7C, Section 38 (formerly Chapter 7, Section 40J) of the General Laws of Massachusetts:

*No agreement to rent or to sell real property to or to rent or purchase real property from a public agency, and no renewal or extension of such agreement, shall be valid and no payment shall be made to the lessor or seller of such property unless a statement, signed, under the penalties of perjury, has been filed by the lessor, lessee, seller or purchaser, and in the case of a corporation by a duly authorized officer thereof giving the true names and addresses of all persons who have or will have a direct or indirect beneficial interest in said property with the commissioner of capital asset management and maintenance. The provisions of this section shall not apply to any stockholder of a corporation the stock of which is listed for sale to the general public with the securities and exchange commission, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation. In the case of an agreement to rent property from a public agency where the lessee's interest is held by the organization of unit owners of a leasehold condominium created under chapter one hundred and eighty-three A, and time-shares are created in the leasehold condominium under chapter one hundred and eighty-three B, the provisions of this section shall not apply to an owner of a time-share in the leasehold condominium who (i) acquires the time-share on or after a bona fide arms length transfer of such time-share made after the rental agreement with the public agency is executed and (ii) who holds less than three percent of the votes entitled to vote at the annual meeting of such organization of unit owners. A disclosure statement shall also be made in writing, under penalty of perjury, during the term of a rental agreement in case of any change of interest in such property, as provided for above, within thirty days of such change.*

*Any official elected to public office in the commonwealth, or any employee of the division of capital asset management and maintenance disclosing beneficial interest in real property pursuant to this section, shall identify his position as part of the disclosure statement. The commissioner shall notify the state ethics commission of such names, and shall make copies of any and all disclosure statements received available to the state ethics commission upon request.*

*The commissioner shall keep a copy of each disclosure statement received available for public inspection during regular business hours.*

- (9) This Disclosure Statement is hereby signed under penalties of perjury.

\_\_\_\_\_  
PRINT NAME OF DISCLOSING PARTY (from Section 4, above)

\_\_\_\_\_  
AUTHORIZED SIGNATURE of DISCLOSING PARTY      DATE (MM / DD / YYYY)

\_\_\_\_\_  
PRINT NAME & TITLE of AUTHORIZED SIGNER

CERTIFICATE OF VOTE

(to be filed if VENDOR is a Corporation)

I, \_\_\_\_\_, hereby certify that I am the duly qualified  
(Secretary of the Corporation)

and acting Secretary of \_\_\_\_\_ and I further certify that a meeting of the  
(Name of Corporation)

Directors of said Company, duly called and held on \_\_\_\_\_, at which  
(Date of Meeting)

all Directors were present and voting, the following vote was unanimously passed:

VOTED: To authorize and empower

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Anyone acting singly, to execute Forms of General Bid, Contracts or Bonds on behalf of the Corporation.

I further certify that the above vote is still in effect and has not been changed or modified in any respect.

By: \_\_\_\_\_  
(Secretary of Corporation)

A True Copy:

Attest: \_\_\_\_\_  
(Notary Public)

My Commission Expires: \_\_\_\_\_  
(Date)



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 5/19/23

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

Business Name Saquatucket Snack Shack Phone 646-957-0114

Doing Business As (d/b/a) Dockside Cafe' Harwich Port, ~~MA~~

Business Address 715 A Route 28 Harwich Port, Ma 02646

Mailing Address \_\_\_\_\_

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

Name of Owner Arthur Donowski & Sara Grizzle

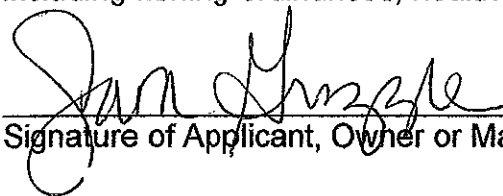
(If corporation or partnership, list name, title and address of officers)

Arthur Donowski

Sara Grizzle

*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

4/10/23

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 STREET  
HARWICH, MA 02645  
508-430-7513

**APPLICATION FOR A NEW COMMON VICTUALLERS LICENSE**

Fee: \$50      Annual       # of seats 65  
Seasonal       Opening date 4/15/23

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

Business Name RED RIVER Barbecue Phone 508 430 0405

Doing Business As (d/b/a) Red River Barbecue LLC

Business Address 787 Route 28

Mailing Address 787 Route 28

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

Name of Owner Jeremiah Rowden

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

\_\_\_\_\_  
\_\_\_\_\_

[Signature]  
Signature of applicant & title

\_\_\_\_\_  
Federal I.D. #

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

[Signature]  
Signature of individual or corporate name

By \_\_\_\_\_  
Corporate officer (if applicable)

**REGULATORY COMPLIANCE FORM**

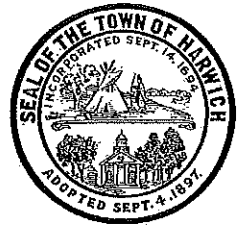
The premises to be licensed as described herein have been inspected and found to be in compliance with applicable local codes and regulations, including zoning ordinances, health regulations and building and fire codes.

[Signature]  
Building Commissioner

[Signature]  
Board of Health

[Signature]  
Fire Department

\*Application must include payment, Certificate of Insurance showing workers comp coverage and Workers Comp Affidavit. Any application missing information or documentation will be deemed incomplete and sent back to the applicant.



NEW OR AMENDED ENTERTAINMENT LICENSE - 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)
- Batters Box (\$50)
- Go Carts (\$50)
- Miniature Golf (\$50)
- Trampolines (\$25)
- Theater (\$150 per cinema)
- Juke Box (\$100 each)
- Video Games (\$100 each)

Section II - Check all appropriate

- Annual
- Seasonal
- Opening Date \_\_\_\_\_

Section III - Applicant Information

Business Name Reel River Barbecue LLC Phone 508 430 0405

Business Address 787 Route 28

Mailing Address 787 Route 28

Owners Name & Address Jeremiah Reardon 787 Route 28

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

Manager Name & Address Jeremiah Reardon 787 Route 28

Days/Hours of Business Operation Monday - 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.)  
11AM - 12AM
- Location of entertainment (Inside and/or outside)  
inside
- Specific days if not applying for Monday through Saturday  
\_\_\_\_\_
- Please use the area below to outline any additional information for the Local Licensing Authority  
Acoustic (Solo artist)

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

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

**REGULATORY COMPLIANCE FORM**

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

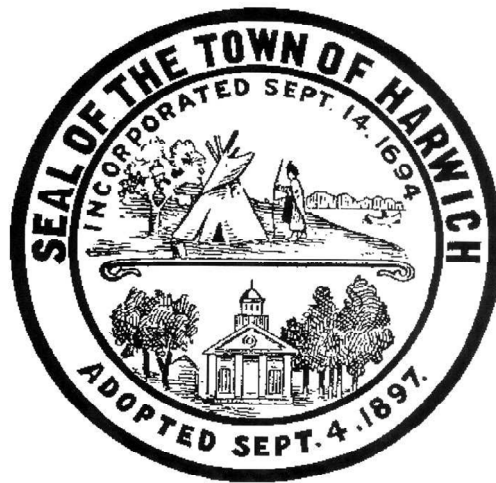
[Signature] \_\_\_\_\_ [Signature] \_\_\_\_\_ [Signature] \_\_\_\_\_ [Signature] \_\_\_\_\_  
 Building Commissioner      Board of Health      Fire Department      Police

Staff Comments: [Signature] \_\_\_\_\_

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

# **OLD BUSINESS**

**2023  
ANNUAL TOWN MEETING  
WARRANT  
WITH  
RECOMMENDATIONS**



**May 1, 2023  
7:00 p.m.  
Harwich Community Center  
100 Oak Street  
Harwich, MA 02645**

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MAY 1, 2023**

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- B. Fiscal Year 2024 Board of Selectmen Recommended Budget
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## VOTING PROCEDURES

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



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

Motions	Debatable	Non Debatable	Amendable	Non Amendable	Second Required	Second Not Required	Majority Vote	2/3 Vote	3/4 Vote	Ma Re
Adjourn		X		X	X		X			
Adjourn (in a time certain)	X		X		X		X			
Amendment	X		X		X		X			
Adopt a Resolution	X		X		X		X			
Accept & Adopt	X		X		X		X <sup>1</sup>			
Postpone Indefinitely	X			X	X		X			
Previous Question Terminate Debate		X		X	X					X
Reconsider <sup>2</sup>	X			X	X					X
Consider Articles	X		X		X					X

THE CHART BELOW SHOWS THE AMOUNT OF MONEY REQUIRED TO CHANGE THE FY 2023 TAX RATE.

TAX RATE CHANGE IN \$/1000		DOLLARS REQUIRED	
\$	0.01		\$82,814
\$	0.05		\$414,068
\$	0.10		\$828,137
\$	0.15		\$1,242,205
\$	0.20		\$1,656,273
\$	0.25		\$2,070,341
\$	0.30		\$2,484,410
\$	0.35		\$2,898,478
\$	0.40		\$3,312,546
\$	0.45		\$3,726,615
\$	0.50		\$4,140,683
\$	0.55		\$4,554,751
\$	0.60		\$4,968,819
\$	0.65		\$5,382,888
\$	0.70		\$5,796,956
\$	0.75		\$6,211,024
\$	0.80		\$6,625,093
\$	0.85		\$7,039,161
\$	0.90		\$7,453,229
\$	0.95		\$7,867,297
\$	1.00		\$8,281,366

## 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 1, 2023**

BARNSTABLE, ss:

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

Greetings:

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

TOWN OFFICERS AND COMMITTEES

ARTICLE 1: To choose various Town Officers and Committees.

*Finance Committee Recommendation: The Finance Committee recommends this customary article be accepted and adopted.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

REPORTS OF TOWN OFFICERS AND COMMITTEES

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

*Finance Committee Recommendation: The Finance Committee recommends this customary article be accepted and adopted.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**ELECTED OFFICIALS' SALARIES**

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

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

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

*Finance Committee Recommendation: The Finance Committee recommends this customary article be accepted and adopted. Setting the Town elected officials' salaries at Town Meeting is a Harwich Home Rule Charter requirement which the Finance Committee supports. The funding for this article is contained in the general government operating budget article.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**TOWN OPERATING BUDGET**

**ARTICLE 4:** To see if the Town will vote to raise and appropriate, transfer from available funds or borrow such sums of money as may be required to defray Town charges for Fiscal Year 2024; and to act fully thereon. By request of the Board of Selectmen. (BUDGET – APPENDIX B). Estimated Cost: \$43,325,662.

<b>SOURCES:</b>	
Betterments	70,000
Cable Fund	214,996
CPA	166,650
Golf Infrastructure	98,450
Overlay Surplus	200,000
Water Enterprise	818,913
Wastewater Enterprise	62,148
<b>Subtotal</b>	<b>1,631,157</b>
<b>Local Receipts</b>	<b>15,782,472</b>
Taxes	<b>25,912,033</b>
<b>Operating Budget</b>	<b>43,325,662</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 Board of Selectmen are recommending additions to staffing (the costs of which are borne in the respective departments as well as the Medicare & Vacation Line #23), and the lines covering retirement and group health insurance discussed above) which equal eight (8) new, full-time*



positions. The Harwich Charter (our primary governing document) requires that “[t]he creation of any new full-time, compensated position which requires the approval of the board of selectmen shall not become effective until the position has been funded by a vote of town meeting” (Harwich Charter, Chapter 4, Section 5 Responsibilities for Administrative Reorganization, Clause 4-5-2, Page C:8). This article meets that obligation. Additionally, this article moves a vacant Building Inspector position from a part-time (.5 Full-Time Equivalent (FTE)) to full-time as shown in Appendix B

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted to fund the annual operation of the General Government for FY 2024, and that \$25,716,548 be raised and appropriated, and \$17,413,629 be transferred from other available funds for this purpose.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Mark Ameres, Daniel Tworek, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**MONOMOY REGIONAL SCHOOL DISTRICT BUDGET**

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

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

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted to fund the annual operation of the Monomoy Regional School District for FY 2024, and that \$28,469,466 be raised and appropriated for this purpose.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**CAPE COD REGIONAL TECHNICAL SCHOOL DISTRICT BUDGET**

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

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

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted to fund the annual operation of the Regional Technical Hi. School for FY 2024, and that, \$2,014,200 be raised and appropriated for this purpose.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**WATER DEPARTMENT BUDGET**

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

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

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted to fund the annual operation of the Water Department for FY 2024, and that \$4,552,834 be transferred from the water enterprise fund for this purpose.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**WASTEWATER DEPARTMENT BUDGET**

**ARTICLE 8:** To see if the Town will vote to raise and appropriate, transfer from available funds or borrow such sums of money as may be required to defray the Wastewater Department

Operating Budget for Fiscal Year 2024, and to act fully thereon. By request of the Water and Wastewater Commission. Estimated cost: \$1,993,973

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

*Explanation: Included within the FY24 Wastewater Budget request in this article is funding to support a new full-time Assistant Wastewater Superintendent position. The salary for this position is budgeted at \$80,000 and contained within the Salaries line item above, benefits for this position are \$27,181 and contained within the Indirect Costs line item above.*

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted to fund the annual operation of the Wastewater/Sewer Department for FY 2024, and that \$1,993,973 be raised and appropriated for this purpose.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**FUND CAPE COD COMMUNITY MEDIA CENTER**

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

*Explanation: To be funded from the PEG Access and Cable Related Fund. The Town of Harwich receives funding from Comcast subscriber fees to fund and maintain Public, Education and Government television stations (PEG access). Under the current 10 year agreement with Comcast*

*the Town will allocate funds directly to Cape Cod Community Media Center. The funding was previously paid directly from Comcast. The appropriation sum has been based on calendar year 2022 actual revenue into the fund.*

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted to fund access to local television for the coming year, and that \$157,037 be transferred from PEG Access Funds for this purpose.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): none

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**ITEMS FUNDED FROM THE CABLE FUND**

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

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

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

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted to fund equipment upgrades to Channel 22 TV at the Monomoy Regional*

*High School access to local television for the coming year, and that \$47,222 be transferred from PEG Access Funds for this purpose. This money is available to the Town as our percentage of cable TV funds collected in the Town.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-7, NO-0, ABSTAINED-1**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 7 (Seven): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

Abstained: 1 (One): Mark Ameres

**LEASE PURCHASE AGREEMENTS**

**ARTICLE 11:** To see if the Town will vote to enter into various lease purchase financing agreements for town equipment included in the operating budget for FY 2023, said leases may be a term not to exceed the useful life of the equipment as determined by the Board of Selectmen; or to act fully thereon. By request of the Board of Selectmen. ***Requires 2/3 vote.***

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

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted to meet State requirements of Municipal Finance lease purchase rules.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Mark Ameres, Daniel Tworek, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**PRESCHOOL FAMILY SUPPORT PROGRAM**

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

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

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted. This is a new program in the Town as recommended by the Select Board to help families with 3- and 4-year-old children, with a partial offset to their early daycare costs. The estimated cost for FY 2024 is \$250,000 to be transferred from available funds for this purpose.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-5, NO-3**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 5 (Five): Peter Hughes, Dana DeCosta, Mark Kelleher, Angelo LaMantia, Mark Ameres

Nays: 3 (Three): Karen Doucette, Robert McCready, Michele Gallucci

**FUND TECHNOLOGY ENHANCEMENTS FOR BROOKS FREE LIBRARY**

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

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted, and that \$25,000 be transferred from available funds for this purpose. This will help them integrate the new CLAMS system into the Brooks Free Library.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-7, NO-0, ABSTAINED-1**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 7 (Seven): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Michele Gallucci

Nays: 0 (Zero): None

Abstained: 1 (One): Robert McCready

**OPIOID SETTLEMENT DISTRIBUTIONS**

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

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

*Explanation: This article appropriates the available funds in Free Cash related solely to the National Opioid Settlement Funds for the Town of Harwich in Fiscal Year. The town received \$63,841. The Board of Selectmen affirmed the following uses and recipients for these funds with the balance carrying over to the next fiscal year to be combined with future settlement distributions.*

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted to access funds the Town has received from the National Opioid Settlement Fund.*



**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): none

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Mark Ameres, Daniel Tworek, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**ADOPT THE CAPITAL PLAN**

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

*Explanation: Appendix C shows the full range of the Capital Outlay Plan, covering Fiscal Year 2024 through 2028. The Capital Outlay Committee met immediately after the 2022 Annual Town Meeting and worked diligently throughout the summer and fall months to analyze the various requests from the various departments. Several departments opted not to provide information for Fiscal Year 2028 given the vast uncertainties that existed in the marketplace wherein they derive their materials as well as rely upon for a sense of cost. Additionally, recognizing that, as of this writing, the Massachusetts Department of Environmental Protection (MA DEP) has not finalized their the proposed changes to existing Title 5 (septic) regulations or new watershed permitting regulations, the prudent choice was made to hold off until there is finality on the proposed regulations and a stabilizing effect in the marketplace to accurately project contingency costs for major infrastructure projects.*

*Finance Committee Recommendation: The Finance Committee recommends indefinite postponement, (IPP), of the FY 2024 capital outlay plan as presented by the Selectmen. As described in the Harwich Home Rule Charter:*

*9-6-1 The purpose of the 5-year capital outlay plan is to provide the town with a long-range forecast of the town's capital improvement needs and to attempt to keep debt borrowing levels as even as possible from year to year.*

*The Finance Committee strongly feels the document presented in this year's warrant does not adequately present the full capital needs of the Town over the next 5 years. Last year's plan was voted on by the Town meeting with the intention of being a renewed attempt to follow the Home*

*Rule Charter more closely, which this plan does not do. The plan adopted at last year's ATM identified \$1.6 million in items funded by free cash, in FY 2024, 12 months later, that figure has ballooned to \$4.9 million.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE INDEFINITELY POSTPONED (IPP) VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 4 (Four): Michael MacAskill, Mary Anderson, Larry Ballantine, Julie Kavanagh

Nays: 1 (One): Donald Howell

**Finance Committee:**

To indefinitely postpone:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Mark Ameres, Daniel Tworek, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**CAPITAL OUTLAY PLAN ARTICLES**

**CAPITAL OUTLAY PLAN ITEMS FUNDED FROM FREE CASH**

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

	<b>Project</b>	<b>Amount</b>	<b>Department</b>	<b>Uses</b>
1	Beautify the villages of Harwich	50,000	Administration	Designs and plans
2	Engines/Other Fire Equipped Vehicles	350,000	Fire Department	Mini-pumper
3	Equipment replacements	36,580	Fire Department	Dive equipment
4	Wixon Landing improvements	30,000	Harbormaster	Designs and specs
5	Technology reinvestment	387,000	Info. Tech.	Infrastructure, work sta.
6	Equipment replacements	64,115	Police Department	Tasers, ballistic plates
7	Police Cruisers	183,000	Police Department	Annual acquisition
8	Technology replacement	20,000	Police Department	EOC IT upgrades
9	Equipment replacements	75,000	Public Works	Ballfield mower
10	Road maintenance/improvements	700,000	Public Works	In lieu of borrowing
11	Vehicle replacements	515,000	Public Works	Annual item
12	100 Oak Street (Community Center)	145,500	Facilities Maintenance	Bleachers, fans

13	204 Sisson Road (old Middle School)	1,982,427	Facilities Maintenance	Building improvements
14	273 Queen Anne Rd (Transfer Station)	157,300	Facilities Maintenance	Generator
15	ADA compliance requirements	121,000	Facilities Maintenance	Per ADA Report
16	739 Main Street (Brooks Free Library)	90,000	Facilities Maintenance	Supplemental (roof)
<b>TOTAL:</b>		<b>4,906,922</b>		

*Finance Committee Recommendation: The Finance Committee recommends no recommendation pending further information, (NRPFI). Although there are many items on this list the Finance Committee does support it cannot support the entire list as presented in one article. There was an expectation at the last Town meeting that there would be a business/financial plan put together for this year’s Town meeting on the former Middle School at 204 Sisson Road. This plan was not put together despite the best efforts of the Finance Committee to support this. Without adequate information on the future of 204 Sisson Road with regards to the Cultural Center, the Recreation uses, the Municipal needs, the maintenance requirements, staffing, and capital costs needed to support the future uses of the building, the Finance Committee does not support spending above the safety and maintenance cost of the building until the voters can be given the complete vision a business/financial plan would provide.*

**FINANCE COMMITTEE RECOMMENDS NO RECOMMENDATION PENDING FURTHER INFORMATION (NRPFI). VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To not recommend pending further information:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Mark Ameres, Daniel Tworek, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**CAPITAL OUTLAY PLAN ITEMS FUNDED FROM WATER RETAINED EARNINGS**

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

Pavement management plan	175,000
New well source exploration (phase 2)	600,000
<b>Total</b>	<b>775,000</b>

*Explanation: This project includes the repaving of access roads at the department’s wellfield located at 85 Depot Rd. Continued deterioration of the access roads makes travel to and from the remote well sites difficult and promotes excessive wear and tear on the department vehicles, especially during snow removal efforts. The purpose of the New Well Source Exploration Phase 2 is to assess potential production capacity of a new well at the site in North Harwich and obtain MassDEP approval of the testing.*

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted, and that \$775,000 be transferred from the Water Department retained earnings for this purpose, to fund the FY 2024 pavement management plan and new well construction.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Mark Ameres, Daniel Tworek, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**CAPITAL OUTLAY PLAN ITEMS FUNDED FROM CHAPTER 90 FUNDS**

**ARTICLE 18:** To see if the Town will vote to appropriate a sufficient sum of money in Chapter 90 funds to fund the roads maintenance plan in the FY 2024 Capital Outlay Plan, and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$700,000.

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

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted, and that \$700,000 be transferred from State held Chapter 90 funds to fund*

*the ongoing Town roads maintenance program. These are matching funds provided by the Commonwealth of Massachusetts.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): none

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**WEST HARWICH ROUTE 28 SEWER MAIN INSTALLATION**

**ARTICLE 19:** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the design, permitting, and construction of a dry sewer pipe along Route 28 including any and all other costs incidental and related thereto; provided that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote; and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$6,500,000. ***Requires 2/3 vote.***

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

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted with the amount of \$6,500,000 to be borrowed for this purpose. The Finance Committee recommends this article as a continuation of the Wastewater Project along Route 28. It is intended to install dry pipes in the ground before the State makes road improvements and resurfaces Route 28. Once Route 28 is resurfaced by the State this will prevent future road openings on that road for 5 years. This amount is subject to a ballot vote.*

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

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): none

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**WEST HARWICH ROUTE 28 WATER MAIN REPLACEMENT**

**ARTICLE 20:** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to complete the design, permitting, and construction of the Route 28 water main replacement project including any and all other costs incidental and related thereto, and to act fully thereon. By request of the Board of Selectmen and the Water and Wastewater Commission. Estimated cost: \$17,500,000. ***Requires 2/3 vote.***

*Explanation: The proposed project includes the removal and replacement of approximately 2.4 miles of undersized 1930's and 1940's era cast iron water main with a new 12" water line and includes a horizontally directionally drilled water main beneath the Herring River improving the resiliency and redundancy of the West Harwich service area. The project area includes the segment of Route 28 between Lower County Road and the Dennis town line. The existing water main along Route 28 is beyond its useful life. This section of water main has experienced several large water main breaks requiring large distribution system shut downs due to limited & aging gate valves.*

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted with the amount of \$17,500,000 to be borrowed for this purpose. In addition to the installation of dry sewer pipes along this road the need to bring the water mains up to date before the State resurfaces this portion of Route 28 is just as important. Once Route 28 is resurfaced by the State this will prevent future road openings on that road for 5 years. This amount is to be borrowed by the Water Dept. and the debt service paid from water retained earnings.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**EAST HARWICH WASTEWATER COLLECTION SYSTEM EXPANSION**

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

*Explanation: The proposed wastewater collections system will satisfy the nitrogen removal requirements set forth in the Pleasant Bay Watershed Permit for the Round Cove and Pleasant Bay sub-watersheds. Wastewater generated from the Phase 3 project will be conveyed and treated at the Chatham WWTP under the existing inter-municipal agreement. The estimated cost of construction is anticipated to be reduced by up to 35% through principal forgiveness provided by the Disadvantaged Communities Program, infrastructure bill, and Cape Cod Water Protection Fund. It is also anticipated that the State Revolving Fund loan for this project will be provided with 0% interest.*

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted with the amount of \$50,000,000 to be borrowed for this purpose. The Finance Committee recommends this article as a continuation of the Wastewater Project Phase 3 and portions of Phase 8 along the Pleasant Bay Water Shed.*

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

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): none

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**COMMUNITY PRESERVATION COMMITTEE ARTICLES**

**COMMUNITY PRESERVATION ACT – LAND BANK DEBT SERVICE**

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

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted, and that \$166,650 be transferred from Community Preservation Act funds for this purpose. This will make the final payment on the Land Bank debt.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Mark Ameres, Daniel Tworek, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**COMMUNITY PRESERVATION ACT – HOUSEKEEPING EXPENSES**

**ARTICLE 23:** To see if the Town will vote to appropriate or reserve for future appropriation the following sums of money from the FY 2024 estimated annual revenues of the



Harwich Community Preservation Act Fund as required by G.L., Chapter 44B and Chapter 149, §298 of the Acts of 2004 as follows:

- A sum of money for the acquisition, creation, and preservation of 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 Administrative Expenses;
- And the remainder of Estimated Annual Revenues to be placed in the Undesignated Fund Balance to be available for use for open space, historic, community housing, and recreation in accordance with the Community Preservation Act requirements.

<b>APPROPRIATION/RESERVES</b>	<b>FY 2024</b>
Open Space Reserve	\$ 198,700.00
Historic Preservation Reserve	\$ 198,700.00
Community Housing Reserve	\$ 198,700.00
Administrative Expenses – appropriate from estimate annual revenue	\$ 50,000.00

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

*Finance Committee Recommendation: The Finance Committee recommends no recommendation pending further information, (NRPFI), when, at the time of the printing of the warrant, it had insufficient or incomplete information to make an informed recommendation. It does not imply a negative view, only an incomplete understanding of the article at the print deadline. The Finance Committee will make its final recommendation at Town meeting after having received further information.*

**FINANCE COMMITTEE RECOMMENDS NO RECOMMENDATION PENDING FURTHER INFORMATION (NRPFI) VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

No recommendation pending further information:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – HERRING RIVER LAND PRESERVATION  
PROJECT

ARTICLE 24: To see if the Town will vote to appropriate from Community Preservation Act Funds 125,000.00 from the Open Space Reserve to fund the Bells Neck Road-Herring River Land Preservation Project; Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund – Open Space Reserve; and to act fully thereon. By request of the Community Preservation Committee. Estimated Cost: \$125,000.00.

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted, and that \$125,000 be transferred from Community Preservation Act funds for this purpose.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): none

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – FUNDING HARWICH AFFORDABLE HOUSING  
TRUST FUND

ARTICLE 25: To see if the Town will vote to appropriate from Community Preservation Act Funds \$500,000.00 with \$14,351.51 from the Undesignated Reserves, \$210,000 from the Community Housing Reserve, \$84,448.49 from the FY 2024 Estimated Revenue Undesignated Reserve and \$191,200.00 from the FY 2024 Estimated Revenue Community Housing Reserve to fund the Affordable Housing Trust; and to act fully thereon. By request of the Community Preservation Committee. Estimated Cost: \$500,000.00.

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted, and that \$250,000 be transferred from Community Preservation Act funds for this purpose.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**COMMUNITY PRESERVATION ACT – LOWER CAPE HOUSING INSTITUTE**

**ARTICLE 26:** To see if the Town will vote to appropriate from Community Preservation Act Funds - \$7,500.00 from FY 2024 Estimated Annual Revenue to fund the Lower Cape Housing Institute; Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund – Community Housing Reserve; and to act fully thereon. By request of the Community Preservation Committee. Estimated Cost: \$7,500.00.

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted, and that \$7,500 be transferred from Community Preservation Act funds for this purpose.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-7, NO-0, ABSTAINED-1**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 4 (Four): Michael MacAskill, Mary Anderson, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

Abstention: 1 (One): Donald Howell

**Finance Committee:**

To accept and adopt:

Yeas: 7 (Seven): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Michele Gallucci

Nays: 0 (Zero): None

Abstained: 1 (One): Robert McCready

**COMMUNITY PRESERVATION ACT – BROOKS ACADEMY RENOVATIONS**

**ARTICLE 27:** To see if the Town will vote to appropriate from Community Preservation Act Funds - \$640,000.00 to fund the Exterior Preservation and Window Restoration at Brooks

Academy Museum and an additional \$50,000.00 to fund combination storm windows in the event that the preservationists determine that combination storm windows are necessary to the preservation, said appropriations consisting of \$250,000.00 from the Historic Preservation Reserve, \$198,700.00 from FY 2024 Estimated Annual Revenue for Historic Preservation, and \$241,300.00 from FY Estimated Annual Revenue; Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund – Historic Preservation Reserve; and to act fully thereon. By request of the Community Preservation Committee. Estimated Cost: \$690,000.

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted, and that \$690,000 be transferred from Community Preservation Act funds for this purpose.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-7, NO-1**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 7 (Seven): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Mark Ameres, Robert McCready, Michele Gallucci

Nays: 1 (One): Angelo LaMantia

**COMMUNITY PRESERVATION ACT – WAR MEMORIALS PROJECT**

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

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted, and that \$256,282 be transferred from Community Preservation Act funds for this purpose.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-7, NO-1**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 7 (Seven): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Michele Gallucci

Nays: 1 (One): Robert McCready

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

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

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted, and that \$350,000 be transferred from Community Preservation Act funds for this purpose.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-6, NO-2**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): none

**Finance Committee:**

To accept and adopt:

Yeas: 6 (Six): Peter Hughes, Mark Kelleher, Angelo LaMantia, Mark Ameres, Robert McCready, Michele Gallucci

Nays: 2 (Two): Dana DeCosta, Karen Doucette

**COMMUNITY PRESERVATION ACT – OAK STREET BIKE PATH CROSSING LIGHTS**

**ARTICLE 30:** To see if the Town will vote to appropriate from Community Preservation Act Funds - \$13,000.00 from FY2024 Estimated Annual Revenue to fund the Oak Street Bike Path

Crossing Lights Project; Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund – Undesignated Fund Balance; and to act fully thereon. By request of the Community Preservation Committee. Estimated Cost: \$13,000.00.

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted, and that \$13,000 be transferred from Community Preservation Act funds for this purpose.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**COMMUNITY PRESERVATION ACT – SENIOR SOFTBALL FIELDS RESTROOMS**

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

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted, and that \$150,000 be transferred from Community Preservation Act funds for this purpose.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**COMMUNITY PRESERVATION ACT – RESURFACE COURTS AT BROOKS PARK**

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

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted, and that \$110,000 be transferred from Community Preservation Act funds for this purpose.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**COMMUNITY PRESERVATION ACT – ADDITIONAL FUNDING: SAND POND RESTROOM PROJECT**

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

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted, and that \$35,000 be transferred from Community Preservation Act funds for this purpose.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**COMMUNITY PRESERVATION ACT – SKINEQUIT POND REMEDIATION PROJECT**

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

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted, and that \$92,000 be transferred from Community Preservation Act funds for this purpose.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Robert McCready, Michele Gallucci



Nays: 0 (Zero): None

ACCEPT MGL, C.41, SECTION 110A

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

*Explanation: Recent statewide legislation, collectively referred to as the VOTES Act, made significant changes to election laws including voter registration deadlines. New registration deadlines now fall almost exclusively on Saturdays. Acceptance of Massachusetts General Laws, Chapter 41, Section 110A would allow the Town Clerk's Office to remain closed on Saturdays, and to adjust the voter registration deadline to the preceding Friday at 5:00 PM, for local elections. It will not impact voter registration deadlines for state elections, state primaries, or presidential primaries. If the Clerk's Office ever anticipated large voter registration turnout, the Town Clerk could set the deadline for the Saturday date.*

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted to support the Town Clerk for future elections.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Mark Ameres, Daniel Tworek, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**BYLAW AMENDMENTS**

AMEND GENERAL BYLAWS, CHAPTER 300 – WATER

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

“§ 300-1. Authority.

## ARTICLE I

### Water Supply Emergency

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

#### § 300-2. Purpose.

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

#### § 300-3. Definitions.

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

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

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

#### § 300-4. Requirements.

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

#### § 300-5. Violations and penalties.

Any person or entity that violates this bylaw shall be liable to the Town of Harwich in the amount of ~~\$50~~ **\$100** for the first violation and ~~\$100~~ **\$300** for each subsequent

violation. Fines shall be recovered by indictment or on complaint before the District Court or by noncriminal disposition in accordance with MGL c. 40, § 21D. Each separate instance of noncompliance following issuance of any warning or citation pursuant to this section or each day of a continuing violation shall constitute a separate offense.

§ 300-6. Right of entry.

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

§ 300-7. Severability.

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

§ 300-8. Authority.

## ARTICLE II

### Water Use Restriction

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

§ 300-9. Purpose.

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

§ 300-10. Definitions.

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

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

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

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

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

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

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

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

§ 300-12. Restricted water uses.

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

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

§ 300-13. Notice.

Notification of any provision, restriction, requirement or condition imposed by the Town as part of a state of water supply conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated

to reach and inform all users of water of the state of water supply conservation. Any restriction imposed under § 300-12 shall not be effective until such notification is provided. Notification of the state of water supply conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

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

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

§ 300-15. Water supply emergencies.

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

§ 300-16. Violations and penalties.

Any person violating this bylaw shall be liable to the Town in the amount of ~~\$50~~ **\$100** for the first violation and ~~\$100~~ **\$300** for each subsequent violation, which shall inure to the Town. Fines shall be recovered by indictment, or on complaint before the District Court, or by noncriminal disposition in accordance with MGL c. 40, § 21D. Each day of violation shall constitute a separate offense.

§ 300-17. Severability.

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

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

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted to support increases fines for water use violations.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine,

Julie Kavanagh  
Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Mark Ameres, Daniel Tworek, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**AMEND ZONING BYLAW – CHAPTER 325, ARTICLE V USE REGULATIONS**

**ARTICLE 37:** To see if the Town will vote to amend the Code of the Town Of Harwich §325 Article V Section 14. T **Supplemental regulations**, as shown below. (Deleted words are shown as strikethrough. New text is shown in bold and underlined):

- T. Single- Family dwelling with accessory apartment.
  - 1. Purpose. The intent of permitting accessory apartments is to:
    - a) Increase the number of small dwelling units available for rent in Town;
    - b) Increase the range of choices of housing accommodations;
    - c) Encourage greater diversity of **the demographic** population with particular attention to young adults and senior citizens; and
    - d) Encourage a more economic and energy-efficient use of the Town's housing supply while maintaining the appearance and character of the Town's single-family neighborhoods.
  - 2. Definitions.
    - a) **Dwelling, Single-Family with Accessory Apartment - A single-family dwelling as a principal use, along with a dwelling unit serving as a separate accessory apartment that is, either located within the principal dwelling, attached to it or in a detached residential accessory building on the same lot. The accessory apartment shall be a self-contained dwelling unit containing a kitchen, bedroom(s) and bathroom facilities. Accessory dwellings shall have their own separate access from the principal dwelling unit. The accessory apartment shall be an accessory use related to the principal single family dwelling use.**
    - b) Owner - One or more individuals holding title to the property.
  - 3. Criteria. – An accessory apartment is allowable within a single-family dwelling, either attached or detached, provided that the following criteria have been satisfied:
    - a) Only one accessory apartment is permitted for each principal dwelling unit.
    - b) The accessory apartment may not be held in separate ownership from the principal use.
    - c) Only one of the principal dwelling or accessory apartment may be rented at any given time and if rented, shall be rented for a term of no less than six

consecutive months. **Prior to the issuance of a Building Permit, the Owner shall submit a notarized affidavit that states that the owner is or will be in residence in one of the units.**

- d) The accessory apartment shall have a net floor area not exceeding 1/2 of the net floor area of the principal dwelling unit and not more than 900 square feet **not exceed 1,000 square feet of gross floor area.**
- e) The accessory apartment shall have not more than two bedrooms.
- f) At least one off-street parking space shall be provided for the accessory apartment.

~~(g) The minimum lot area required for a parcel to allow an accessory apartment shall not be less than 15,000 square feet if the parcel is situated in an RH-1, CV, CH-1, MRL or MRL-1 District; 20,000 square feet if situated in an RL, RM or RR District; and 40,000 square feet if situated in a Water Resource (WR) Overlay District. For parcels existing within an approved open space residential development or cluster subdivision, the lots size shall be consistent with the endorsed plan.~~

~~hg).~~ The accessory apartment shall be designed so that, to the degree reasonably feasible, the appearance of the property remains that of a single-family property with matching materials, colors, window styles and roof design for one structure, if the apartment is attached, or for both structures, if the apartment is detached.

~~ih).~~ The principal dwelling unit and accessory apartment shall meet all **Board of Health** wastewater treatment requirements for the combined number of bedrooms.

~~ji).~~ The proposed use shall not exceed the building or site coverage ~~in for~~ the **applicable Zoning District.**

~~kj).~~ If an addition **to the principal dwelling** is to be built **constructed** for the proposed use ~~accessory apartment~~, the addition shall be set back from front, side and rear lot lines the distance required in the zoning district for new construction **comply all with setback requirements in the applicable Zoning District.**

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

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

**l). Upon receipt of a complete Building Permit application for a change or expansion of use for construction of the accessory apartment, the**

**Building Commissioner shall determine compliance with the Criteria listed above.**

4. A determination that the owner has failed to comply with the forgoing criteria shall be evidence that the rights and benefits conferred hereunder are null and void and the elements that make the accessory apartment a separate dwelling unit shall be removed from the property within 90 days of said determination, with the owner to comply with all requirements of the State Building Code and Town Zoning in removing elements determined to be unpermitted. **If the Building Commissioner makes a determination that the owner is not in compliance with the Criteria listed above, including Criteria (3)c. above, after the issuance of a Certificate of Occupancy, the Owner may be subject to fines for the Zoning violation. In addition to being fined, the approval of the accessory apartment may be revoked, if the Owner does not correct a Zoning violation within 30 days. If the approval of the accessory apartment is revoked by the Building Commissioner, the owner will be required to remove the improvements that were constructed to create the accessory apartment within 90 days of said determination. The owner shall comply with all requirements of the State Building Code in restoring the principal dwelling or detached structure to its condition prior to the construction of the accessory apartment.**

Or to take any other action relative thereto. By request of the Planning Board. ***Requires a 2/3 vote.***

*Explanation: The amendment includes a new definition of Accessory Apartment. The minimum lot sizes required for accessory apartments in various Zoning Districts were deleted in an effort to allow for more accessory apartments. A new requirement for the owner to sign an affidavit that requires accessory apartments to be leased for a term of no less than six months was inserted to help provide more year-round rental housing units. The principal dwelling and accessory apartment must comply with all Board of Health requirements for on-site septic systems. The Board of Appeals may grant Special Permits to provide relief on non-conforming properties. This amendment will help to address some of the Town's housing issues by allowing for more accessory apartments. This will increase the housing supply, provide an alternative to large single-family homes and provide people with less expensive housing options.*

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted to support increases in low cost housing options.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine,



Julie Kavanagh  
Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Mark Ameres, Daniel Tworek, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**AMEND ZONING BYLAW – CHAPTER 325, ARTICLE XVII FLOODPLAIN REGULATIONS**

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

**Article XVII**

**Floodplain Regulations**

**§ 325-104 Purpose**

**The purpose of the Floodplain Overlay District is to:**

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

**§ 325-105 Establishment Of Floodplain Districts**

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

Commission.

§ 325-106 Abrogation

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

§ 325-107 Relation to Other Districts.

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

§ 325-108 Designation of Floodplain Administrator

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

§ 325-109 Degree Of Protection

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

§ 325-110 Severability

The degree of flood protection required by this Floodplain Overlay District Bylaw is based on reasonable scientific and engineering considerations but does not imply total flood protection. This Bylaw shall not create liability on the part of the Town of Harwich or any officer or employee thereof for any flood damage that may result from reliance on the provisions hereof, or from any administrative decision made hereunder.

§ 325-111 Requirement To Submit New Technical Data

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

§ 325-112 Unnumbered A Zones

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

encroachments in floodways should be prohibited.

**§ 325-113 Floodway Encroachments**

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

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

**§ 325-114 Watercourse Alterations or Relocations in Riverine Areas**

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

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

**§ 325-115 Drainage Requirements in AO and AH Zones**

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

**§ 325-116 Recreational Vehicles**

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

**§ 325-117 Permit Requirements**

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

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

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

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

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

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

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

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

#### § 325-120 Enforcement

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

#### § 325-121 Subdivision Within Floodplain Overlay Districts

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

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

#### § 325-122 Base Flood Elevation Data for Subdivision Proposals

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

**§ 325-123 Use Regulations.**

**A. Existing Regulation**

- 1. All development in the floodplain, including structural and nonstructural activities, whether permitted by right or by Special Permit, must be in compliance with the following:**
  - a) Section of the State Building Code which addresses floodplain and coastal high-hazard areas (currently 780 CMR).**
  - b) Wetland Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00).**
  - c) Inland Wetlands Restriction, DEP (currently 310 CMR 13.00)**
  - d) Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00).**
  - e) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).**
  - f) Minimum Requirements for the Subsurface Disposal of Sewage Regulations, Town of Harwich.**
  - g) Harwich Wetlands Protective Bylaw.**
- 2. Any variance from the provisions and requirements of the above-referenced state or local regulations may only be granted in accordance with the required variance procedures of these state or local regulations.**

**B. Other Use Regulations**

- 1. Within Zones AH and AO on the FIRM, adequate drainage paths are required around structures on slopes, to guide floodwaters around and away from proposed structures.**
- 2. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available federal, state, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.**
- 3. Located within the floodplain are areas designated as coastal high-hazard areas (Zone VE). Since these areas are extremely hazardous due to high-velocity waters from tidal surges and hurricane wave wash, the following provision shall apply: all new construction shall be located landward of the reach of mean high tide. Existing contour intervals of site and elevations of existing structures must be included on any plan proposal.**

**§ 325-124 Permitted Uses**

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

- A. Agricultural uses, such as farming, grazing, horticulture, etc.**
- B. Forestry and nursery uses.**
- C. Outdoor recreational uses, including fishing, boating, play areas, etc.**
- D. Conservation of water, plants, and wildlife.**
- E. Wildlife management areas and foot, bicycle and/or horse paths.**
- F. Temporary nonresidential structures used in connection with fishing,**

- growing, harvesting, storage, or sale of crops raised on the premises.  
G. Buildings lawfully existing prior to September 30, 1980.

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

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

**§ 325-126 Definitions**

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

**AREA OF SPECIAL FLOOD HAZARD**

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

**ATTENDANT STRUCTURE**

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

**BASE FLOOD**

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

**COASTAL HIGH-HAZARD AREA**

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

**DEVELOPMENT**

Any man-made change to improved or unimproved real estate, including but not

limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

**DISTRICT**

**Floodplain District.**

**EXISTING STRUCTURE**

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

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)**

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

**FLOOD INSURANCE RATE MAP (FIRM)**

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

**FLOOD INSURANCE STUDY**

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

**FLOODWAY**

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

**FUNCTIONALLY DEPENDENT USE**

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

**HIGHEST APPLICABLE FLOOD ELEVATION STANDARD**

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

**HIGHEST ADJACENT GRADE**

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

## **HISTORIC STRUCTURE**

**Any structure that is:**

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

## **LOWEST FLOOR**

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

## **NATIONAL FLOOD INSURANCE PROGRAM (NFIP)**

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

## **NEW AND APPROPRIATE ELEVATION**

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

## **NEW CONSTRUCTION**

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

## **RECREATIONAL VEHICLE**

**A vehicle which is:**



- a) Built on a single chassis;
- b) 400 square feet or less when measured at the largest horizontal projection;
- c) Designed to be self-propelled or permanently towable by a light duty truck; and
- d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. [US Code of Federal Regulations, Title 44, Part 59]

#### REGULATORY FLOODWAY - See FLOODWAY

#### SPECIAL FLOOD HAZARD AREA

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

#### START OF CONSTRUCTION

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

#### STRUCTURE

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

#### SUBSTANTIAL DAMAGE

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

#### SUBSTANTIAL IMPROVEMENT

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

### **SUBSTANTIAL REPAIR OF A FOUNDATION**

**When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]**

### **TYPES OF FLOOD ZONE DESIGNATIONS**

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

### **VARIANCE**

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

### **VIOLATION**

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

**Regulations, Title 44, Part 59]**

Or to take any other action relative thereto. By request of the Planning Board. ***Requires a 2/3 vote.***

*Explanation: This article will amend the Code of the Town of Harwich Article XVII §325 – Floodplain Regulations by deleting the entire existing section and replacing it with new Floodplain Regulations. The Federal Emergency Management Agency (FEMA) is requiring all of communities that are a members of the National Flood Insurance Program (NFIP) to adopt new floodplain management regulations. The new floodplain regulations in this Article contain all of the new restrictions required by FEMA. If voters at Town Meeting do not approve this article, the Town could be removed as a member community in the NFIP and flood insurance policies will dramatically increase in cost.*

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted to support long range planning for public safety within a flood plain district.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Mark Ameres, Daniel Tworek, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

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

**ARTICLE 39:** To see if the Town will vote to amend the Code of the Town of Harwich Zoning Bylaw, Article XXII Large Scale Ground-Mounted Photovoltaic Arrays, by inserting a new Section 325-144(D) “Design Standards for Accessory Residential Photovoltaic Arrays”.

§ 325-144 Design standards.

A. Lighting. Lighting of large-scale ground-mounted solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the large-scale

ground-mounted solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

B. Signage. Signs on large-scale ground-mounted solar photovoltaic installations shall comply with a Harwich Sign Code. A sign that identifies the owner and provides a twenty-four-hour emergency contact phone number shall be required. Large-scale ground-mounted solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the installation.

C. Utility connections. Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections for the large-scale ground-mounted solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

**D. Design Standards for Accessory Residential Photovoltaic Arrays**

1. **Accessory Residential Rooftop Solar Installations**  
**Accessory Residential Rooftop Solar Installations are allowed By-Right in all residential Zoning Districts. Solar panels shall not extend over the edge of the roof and shall not extend above the ridge line of the roof.**
2. **Accessory Residential Ground Mounted Solar Installations**  
**Accessory Residential Ground Mounted Solar Installations are allowed By-Right in all residential Zoning Districts contingent upon the following requirements:**
  - a) **Setbacks – Accessory Residential Ground mounted solar panels must comply with all of the setback requirements in the applicable Zoning District.**
  - b) **Height – Accessory Residential Ground mounted solar panels shall not exceed 15 feet in height.**
  - c) **Screening – Accessory Residential Ground mounted solar panels shall be screened from view from any public or private way. The solar installation shall be screened with a minimum of six foot high solid fence or densely planted evergreen buffer.**
  - d) **Location – Accessory Residential Ground mounted solar panels shall be mounted in the rear yard behind the rear building line.**

Or to take any other action relative thereto. By request of the Planning Board. **Requires a 2/3 vote.**

*Explanation: This article will amend the Code of the Town of Harwich Article XXII Large Scale Ground-Mounted Photovoltaic Arrays by inserting a new section of the Code that will regulate solar panels on residential properties. Solar photovoltaic installations will be allowed by-right, in all residential Zoning Districts, on rooftops and ground mounted installations. New restrictions will require that ground mounted solar panels be located in the rear yard, within all required setbacks and require screening with a 6' high fence and /or evergreen buffer plantings.*

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted to establish regulations and guidelines for large scale solar arrays.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Mark Ameres, Daniel Tworek, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

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

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

*Finance Committee Recommendation: The Finance Committee recommends no recommendation pending further information, (NRPFI), when, at the time of the printing of the warrant, it had insufficient or incomplete information to make an informed recommendation. It does not imply a negative view, only an incomplete understanding of the article at the print deadline. The Finance Committee will make its final recommendation at Town meeting after having received further information.*

**FINANCE COMMITTEE RECOMMENDS NO RECOMMENDATION PENDING FURTHER INFORMATION (NRPFI) VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

No recommendation pending further information:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Mark Ameres, Daniel Tworek, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**AMEND CEMETERY REGULATIONS**

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

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted. After previous attempts this long-awaited article will improve and correct deficiencies in the current By-law.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-7, NO-0, ABSTAINED-1**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 7 (Zero): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

Abstained: 1 (One): Mark Ameres

**ACQUISITION OF EASEMENT AT 129 ROUTE 28 FOR ROUTE 28 WATER MAIN PROJECT**

**ARTICLE 42:** To see if the Town will vote to authorize the Board of Selectmen to acquire, by gift, purchase and/or eminent domain, an easement for public utility purposes, including, without limitation, the construction, installation, operation, maintenance, repair and replacement of utilities and other related rights, appurtenances and facilities, including, but not limited to, the right to undertake directional drilling to support the Route 28 Water Main Replacement Project,

and for any and all purposes incidental or related thereto, in, on, under and near a certain parcel of land located at 129 Route 28 (Assessor's Parcel ID 11-P1-0); and, further, to raise and appropriate, transfer from available funds, or borrow, a sum of money to fund any land acquisition costs and all other expenses incidental thereto; and to act fully thereon. By request of the Board of Water/Wastewater Commissioners. Estimated Cost: \$10,000.00. **Requires 2/3 vote.**

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted, and that \$10,000 be transferred from available funds for this purpose.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Mark Ameres, Daniel Tworek, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**AUTHORIZE SELECTMEN TO CONVEY PARCEL OF LAND AT 276 QUEEN ANNE ROAD**

**ARTICLE 43:** To see if the Town will vote to authorize the Board of Selectmen to convey a parcel of land containing 2.25 acres, more or less, and all improvements thereon, if any, located at 276 Queen Anne Road, identified as Assessor's Parcel ID 69-M1-0, on such terms and conditions as the Board of Selectmen shall determine; and to authorize the Board of Selectmen to enter into all agreements and take any and all actions as may be necessary or convenient to accomplish the foregoing purposes; and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$10,000. **Requires 2/3 vote.**

*Explanation: This article is the last step necessary for the Board of Selectmen to offer this parcel for sale through the RFP (Request for Proposal) process. The estimated cost is related to any costs related to the procurement process required of RFPs and is funded from free cash.*

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted, and that \$10,000 be transferred from available funds for this purpose.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Mark Ameres, Daniel Tworek, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**ACQUISITION OF FOREST STREET PROPERTY**

**ARTICLE 44:** To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain, or otherwise, that property described in a deed to Samuel D. Constan, dated June 15, 2005, recorded with the Barnstable County Registry of Deeds in Book 20143, Page 148, including four (4) parcels of land located off Forest Street, identified as Parcel ID 31-P10-0 (0 Forest Street), containing 0.840 acres, more or less; Parcel ID Parcel ID 31-C9-0 (0 Forest Street), containing 1.910 acres, more or less; Parcel ID 31-C1-A-0 (0 Parallel Street), containing 0.140 acres, more or less; and Parcel ID 31-C6-0 (0 Forest Street), containing 17,860 S.F., more or less; and further to authorize the Board of Selectmen to enter into all agreements and take any and all actions as may be necessary or convenient in furtherance of this article; and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$5,000. ***Requires 2/3 vote.***

*Explanation: The current owners of the parcels referenced in the article are interested in gifting them to the Town. The cost referenced is to account for any unforeseen costs related to this taking and is funded from free cash.*

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted, and that \$5,000 be transferred from available funds for this purpose. The owners of the property are working with the Town for this land to be gifted.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None



**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Mark Ameres, Daniel Tworek, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**AUTHORIZATION PAYMENT IN LIEU OF TAXES (PILOT) AGREEMENTS**

**ARTICLE 45:** To see if the Town will vote to designate the Board of Selectmen, the Board of Assessors, and the Town Administrator, collectively, as the “authorized officer” to negotiate and enter into Payment in Lieu of Tax Agreements for solar or wind powered energy systems and co-located energy storage systems pursuant to M.G.L. c.59, § 5, Clause 45<sup>th</sup>, and to take any other action relative thereto. By request of the Board of Assessors and the Board of Selectmen.

*Explanation: The Town has received an inquiry from a photovoltaic solar array vendor who has been granted permission by the Commonwealth of Massachusetts through the Department of Transportation (DOT) to install solar canopies at the property known as the “Park & Ride” in Pleasant Lake village (292 Pleasant Lake Avenue). While the Town is not a party to this installation, the vendor has requested to enter into a “Payment In Lieu of Taxes” or PILOT agreement. If the Board of Selectmen were to enter into such an agreement (that matter is still pending as of this writing), adoption of this article is necessary.*

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted as a necessary step to complete an agreement between the Massachusetts Department of Transportation and a vendor concerning the Park & Ride property at Route 124 and Route 6.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Mark Ameres, Daniel Tworek, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

ANNUAL DEPARTMENTAL REVOLVING FUNDS AUTHORIZATION

ARTICLE 46: To see if the Town will vote to set spending limits for various revolving funds that have been authorized pursuant to Section 8.2 of the Town Code; and to act fully thereon. By request of the Town Administrator.

<u>Revolving Fund</u>	<u>FY 2024 Spending Limit</u>	<u>Disposition of FY22 Fund balance</u>
<i>Golf Pro Shop and Restaurant Lease Revenue</i>	<i>\$250,000</i>	<i>Available for expenditure</i>
<i>Golf Infrastructure fund</i>	<i>\$140,000</i>	<i>Available for expenditure</i>
<i>Council on Aging</i>	<i>\$125,000</i>	<i>Available for expenditure</i>
<i>Cemetery</i>	<i>\$100,000</i>	<i>Available for expenditure</i>
<i>Community Center</i>	<i>\$100,000</i>	<i>Available for expenditure</i>
<i>Recreation</i>	<i>\$175,000</i>	<i>Available for expenditure</i>
<i>Albro House</i>	<i>\$10,000</i>	<i>Available for expenditure</i>
<i>Wetlands</i>	<i>\$6,000</i>	<i>Available for expenditure</i>
<i>204 Sisson Road Municipal Building</i>	<i>\$300,000</i>	<i>Available for expenditure</i>
<i>Sidewalks</i>	<i>\$50,000</i>	<i>Available for expenditure</i>
<i>Tax Title Collection</i>	<i>\$36,000</i>	<i>Available for expenditure</i>

*Explanation: This is a standard article required under the General Bylaws Chapter 8, Section 8-2. The only change requested spending limit is to increase the limit for the 204 Sisson Road Municipal Building Revolving Fund from \$225,000 to \$300,000.*

*Finance Committee Recommendation: The Finance Committee recommends this customary article be accepted and adopted.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 4 (Four): Michael MacAskill, Mary Anderson, Larry Ballantine, Julie Kavanagh

Nays: 1 (One): Donald Howell

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**SUPPLEMENTAL FUNDING FOR BROOKS ACADEMY RENOVATIONS**

**ARTICLE 47:** To see if the Town will vote to transfer from the Sale of Land Sinking Fund a sum of money to complete the renovations to Books Academy and all costs incidental and related thereto; and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$475,000.

*Explanation: The current foundation project has led to several “concealed conditions” that need to be corrected. Additionally, the Town’s Facilities Manager has been provided updated information for a more efficient boiler system to be installed after the foundation project has been completed. The funds available for these costs are from the Sale of Land Sinking Fund and were specifically generated from the sales of 5 Bells Neck and 203 Bank Street. The law requires said funds to be used on any outstanding debts on those buildings. Given that there are no debts, the funds can be used in the manner requested above.*

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted, and that \$475,000 be transferred from available land sales funds for this purpose.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0, ABSTAINED-2**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 6 (Six): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Daniel Tworek, Michele Gallucci

Nays: 0 (Zero): None

Abstained: 2 (Two): Mark Ameres, Robert McCready

**SUPPLEMENTAL APPROPRIATION FOR JUDAH ELDREDGE PROPERTY**

**ARTICLE 48:** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to supplement the amount previously appropriated under Article 55 of the 2018 Annual Town Meeting for the purpose of acquiring the Judah Eldredge property

located on Seth Whitefield Road; or to take any other action relative thereto. By request of the Board of Selectmen. Estimated cost: \$400,000. **Requires 2/3 vote.**

*Explanation: This article seeks to provide additional funding to complete the proposed taking as originally outlined in under Article 55 of the 2018 Annual Town Meeting. The town is presently seeking an appraisal; however we do not expect the appraised value to be greater than the assessed value. The article will bring the total of available funds to \$750,000. This article is to be funded from free cash.*

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted, and that \$400,000 be transferred from available funds for this purpose, to complete article # 55 of the 2018 annual Town meeting.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Mark Ameres, Daniel Tworek, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**TRANSFER FREE CASH TO THE STABILIZATION FUNDS**

**ARTICLE 49:** To see if the Town will vote to transfer from free cash a sum of money to the General Stabilization Fund, a sum of money to the Affordable Housing Special Purpose Stabilization Fund, and a sum of money to the Wastewater Special Purpose Stabilization Fund; or to take any other action relative thereto. Requested by the Board of Selectmen. Estimated cost \$1,200,000.00.

*Explanation: The town has \$7,090,842 available in free cash (separate from the \$63,841 in free cash dedicated to opioid funds). If this article, the previous articles and the upcoming articles relying on free cash are adopted, the town will have approximately \$200,000; which, if unspent, will eventually be factored into next year's free cash calculations.*

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted, and that \$1,200,000 be transferred from available funds for this purpose. With over seven million dollars in free cash this year it is prudent to put a significant portion of this money into savings for future use.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Mark Ameres, Daniel Tworek, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**FUND PRIOR YEAR’S UNPAID BILLS**

**ARTICLE 50:** To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to pay unpaid bills of prior years as provided for in M.G.L. Ch. 44, Section 64, and to act fully thereon. By request of the Town Administrator. Estimated cost: \$10,696. ***Requires 4/5 vote.***

<b>Prior Year Bills</b>	
Ames Marine Service	850.00
General Code	1,195.00
GM Framingham LLC/Green Mattress	2,650.00
New England Time Solutions, Inc.	794.64
Albertsons - Safeway	27.06
Harwich Water Department	822.08
Harwich Police Department	1,793.71
Verizon	2,562.75
	<b>10,695.24</b>

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted, and that \$10,696 be transferred from available funds for this purpose.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Mark Ameres, Daniel Tworek, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

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

**ARTICLE 51:** To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$20,000 to help defray the expenses of the Chase Library and the Harwich Port Library; said funds to be expended under the direction of the Chase Library and Harwich Port Library Trustees; and to act fully thereon. By request of the Town Administrator. Estimated Cost: \$20,000

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted, and that \$20,000 be transferred from available funds for this purpose.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-7, NO-0, ABSTAINED-1**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 7 (Seven): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Mark Ameres, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

Abstained: 1 (One): Daniel Tworek

**PROMOTE THE TOWN OF HARWICH**

**ARTICLE 52:** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money for the Harwich Chamber of Commerce to promote the Town and its businesses and cultural endeavors to advance economic development initiatives for and with the Town of Harwich. Said monies to be used to manage and fulfill year-round

visitor/resident/business information services, to promote and market the Town, to generate and initiate materials and activities that encourage the establishment, growth and sustainability of businesses in Harwich, and to implement economic development objectives and activities in partnership with the Town; and to act fully thereon. By request of the Town Administrator. Estimated cost: \$50,000.00

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted, and that \$50,000 be transferred from available funds for this purpose. This is an increase from recent years to recognize and assist the Chamber of Commerce in their ongoing program of summer sales for resident and non-resident beach and transfer station permits. The Chamber sells permits on weekends and other times when normal Town sellers are not available.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

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

**ARTICLE 53:** To see if the Town will vote to raise and appropriate and/or transfer from available a sufficient sum of money to supplement the Massachusetts Cultural Council annual allocation for community grant awards to artist, performers, and interpretive scientist who bring events and programs to local venues which enhance the cultural experience of Harwich citizens of all ages, and to act fully thereon. By request of the Town Administrator. Estimated Cost: \$4,000.00

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted, and that \$4,000 be transferred from available funds for this purpose.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**REAFFIRM AND EXTEND M.G.L., CHAPTER 59, §5, CLAUSE 56**

**ARTICLE 54:** To see if the Town will vote to reaffirm and extend MGL Chapter 59, §5, Clause 56. Upon acceptance of this section by the Town, the Board of Assessors may grant, real and personal property tax abatement up to 100% of the total tax assessed to members of the Massachusetts National Guard and to Reservists on active duty in foreign countries for the fiscal year they performed such service subject to eligibility criteria to be established by the Board of Assessors. The authority to grant abatements under this section shall expire after 2 years of acceptance unless extended by a vote of the city or town. Said change to take effect FY 2025 and act fully thereon. By request of the Harwich Veterans Agent and Board of Assessors.

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted to assist members of the Massachusetts National Guard and Reservists while on active duty.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Mark Ameres, Daniel Tworek, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None



## CITIZEN INITIATIVE PETITION ARTICLES

### PROHIBIT THE SALE, DISTRIBUTION AND USE OF BALLOONS

**ARTICLE 55:** To see if the Town will vote to prohibit the sale, distribution and use of any type of balloon inflated with any type of lighter-than-air gas within the Town of Harwich. By request of Patrick Otton

*Explanation: Improper disposal of balloons and restraining attachments often released to float and drift away or not properly disposed are a significant well documented hazard to wildlife and marine life.*

#### ADDENDUM:

##### A. Purpose and intent.

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

##### B. Definitions.

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

##### LIGHTER-THAN-AIR GAS

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

##### BALLOON

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

##### RESTRAINING ATTACHMENTS

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

##### C. Applicability.

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

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

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

##### D. Exemptions.

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

##### E. Enforcement.

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

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

F. Fines and penalties.

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

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

(1)

First offense: written warning.

(2)

Second offense: \$50.

(3)

Third offense: \$100.

*Finance Committee Recommendation: The Finance Committee recommends indefinite postponement, (IPP), to allow the continuation of balloons at festive functions within the Town.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE INDEFINITELY POSTPONED (IPP). VOTE: YES-7, NO-0, ABSTAINED-1**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 0 (Zero): Zero

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

**Finance Committee:**

To indefinitely postpone:

Yeas: 7 (Seven): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Mark Ameres, Daniel Tworek, Robert McCready

Nays: 0 (Zero): None

Abstained: 1 (One): Michele Gallucci

**ADOPT A NEW GENERAL BYLAW – PLASTIC REDUCTION**

**ARTICLE 56:** To see if the Town will vote to amend the Town’s General Bylaw by inserting a new bylaw entitled, Plastic Reduction, as follows, and to authorize the Town Clerk to assign appropriate numbering therefor:

**CHAPTER \_\_\_\_: PLASTIC REDUCTION**

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

**Effective Date**

This Bylaw shall take effect on September 1, 2024.

### Purpose and Intent

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

### Definitions

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

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

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

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

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

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

### Prohibition

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

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

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

### Administration and Enforcement.

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

First Offense: Written warning

2nd Offense: \$150 fine

3rd Offense and Subsequent Offenses: \$300 fine

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

*Finance Committee Recommendation: The Finance Committee recommends indefinite postponement, (IPP), to prevent an undue burden on families and businesses that have suffered enough over the past two years. It is also noted by the Finance Committee the Town has a robust recycling program at the transfer station and strongly encourages citizens to recycle.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE INDEFINITELY POSTPONED (IPP). VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 1 (One): Donald Howell

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

**Finance Committee:**

To indefinitely postpone:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Mark Ameres, Daniel Tworek, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**SEEK SPECIAL LEGISLATION PROHIBITING THE APPLICATION OF FERTILIZER**

**ARTICLE 57:** To see if the Town will vote to authorize and ask the Select Board to petition the Great and General Court of the Commonwealth of Massachusetts for special legislation, the text of which is set forth, prohibiting the application of fertilizer in the Town of Harwich except for the purposes of commercial agriculture and the residential use of organic fertilizer with low nitrogen and phosphorus for the use in growing fruits and vegetables that is allowable under the USDA National Organic Program organic standards (OMRI listed). By request of 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.*

*Finance Committee Recommendation: The Finance Committee recommends indefinite postponement, (IPP). The Finance Committee encourages the proper applications of lawn fertilizers as allowed by Massachusetts General Laws.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE INDEFINITELY POSTPONED (IPP). VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 0 (Zero): None

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

**Finance Committee:**

To indefinitely postpone:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Mark Ameres, Daniel Tworek, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**TO ACCEPT THE LAYING OUT AS A TOWN WAY A PORTION OF OLD BREWSTER WAY**

**ARTICLE 58:** To accept the laying out as a town way by order of the Board of Selectmen; a point of land, shown as Old Brewster Road, to facilitate and provide life safety services over the roadway. Submitted by Denise Bouvier, Trustee First Shelley Path Realty Trust and others

*Finance Committee Recommendation: The Finance Committee recommends no recommendation pending further information, (NRPFI), when, at the time of the printing of the warrant, it had insufficient or incomplete information to make an informed recommendation. It does not imply a negative view, only an incomplete understanding of the article at the print deadline. The Finance Committee will make its final recommendation at Town meeting after having received further information.*

**FINANCE COMMITTEE RECOMMENDS NO RECOMMENDATION PENDING FURTHER INFORMATION (NRPFI). VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 0 (Zero): Zero

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

**Finance Committee:**

No recommendation pending further information:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Mark Ameres, Daniel Tworek, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

PETITION THE GENERAL COURT TO AMEND MGL GOVERNING THE DISPERSAL OF  
SCHOOL CHOICE FUNDS

ARTICLE 59: To see if the Town will vote to Ask the Board of Selectman, acting on behalf of the Town, to petition the state legislature, to amend the Massachusetts General Laws governing the dispersal of School Choice funds, to include all other forms of alternative education, as currently allowed by the state, e.g., homeschool and private school participants, etc. In addition, the petition should be made with language requesting that any changes to the MGL's should consider interim support to address any negative draw down impacts to the Public School System, during any resultant adjustment phase. By request of Daniel Baker

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

*As mentioned during last year's town meeting, real estate values and AP classes are important, but does Harwich really believe that children who would thrive in an alternative state allowed education opportunity should be sacrificed to benefit others?*

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

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

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

*National School Choice Week: The third week in January has been proclaimed "National School Choice Week" by Presidential, gubernatorial and mayoral proclamations (which includes homeschooling/private schooling); and has recently been further supported by Senate Simple*

*Resolution 11 which passed by unanimous consent on February 1 2023 and introduced to the House under Resolution H.Res.51 (2023-2024). For more information regarding “National School Choice Week”, please go to website “schoolchoiceweek.com”.*

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

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

*Finance Committee Recommendation: The Finance Committee recommends indefinite postponement, (IPP). Although there is a potential for some people to benefit from some aspects of this proposal there is not enough information about the amount of money and where it will come from to gain support from the entire committee.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE INDEFINITELY POSTPONED (IPP). VOTE: YES-6, NO-2**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

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

Nays: 0 (Zero): None

**Finance Committee:**

To indefinitely postpone:

Yeas: 6 (Six): Dana DeCosta, Karen Doucette, Mark Kelleher, Mark Ameres, Daniel Tworek, Robert McCready

Nays: 2 (Two): Peter Hughes, Michele Gallucci

**INTERMUNICIPAL AGREEMENT FOR AN AGRICULTURAL/ENVIRONMENTAL EDUCATIONAL FACILITY LOCATED AT 374 MAIN STREET**

**ARTICLE 60:** To see if the Town will vote to authorize and Direct the Board of Selectmen to enter into an Agreement with an Established Educational Facility, private party, or Not for Profit entertee, through all means necessary including yet not limited to, a Inter-municipal agreement or long term lease for purpose to create and operate an Agricultural/Environmental Educational Facility on said land acquired at the Harwich Annual Town Meeting 2000, Article 11, situated at 374 Main Street, North Harwich, shown on Harwich Assessors Map 47 as Parcel A-10 containing 33.6 acres, more or less. Being further shown on a plan recorded in the Barnstable County Registry of Deeds in Plan 460 Page 55 and further described in the deed recorded in the Barnstable Registry of Deeds of Book 10792 Page 257 being known as The Main Street Bog. Further authorize the Board of Selectmen to pursue any means necessary to accomplish this action, including yet not limited to, partition to Massachusetts State Legislature subject to Section 7 Chapter 293 of the Acts of 1998 entitled Establishment of Cape Cod Open Space Land Acquisition Program, an any other related questions of purposeful use of said land. Execute any and all

instruments as may be necessary on behalf of the Town and to ack fully thereon. By request of Leo Cakounes.

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted to assist the Selectmen in developing an educational use of this property.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Four): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Mark Ameres, Daniel Tworek, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**AMEND ACTION OF ANNUAL MEETING OF 2000, ARTICLE 11 PURCHASE OF 374 MAIN STREET**

**ARTICLE 61:** To see if the Town will vote to Amend action of the Towns Annual Meeting of 2000, Article 11 purchase of 374 Main Street, North Harwich, described in deed recorded at Barnstable County Registry of Deeds Book 10792 Page 257 and shown on a plan Recorded at Barnstable County Registry of Deeds in Plan Book 460 Page 55 by adding the following...the property described in the article for (AGRICULTURAL AND ENVIRONMENTAL EDUCATION,) preservation, open space...and to ack fully thereon. By request of Leo Cakounes. ***Requires 2/3 vote.***

*Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted to add the necessary language to the deed for developing an educational use of this property.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-0**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None



**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Mark Ameres, Daniel Tworek, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**HERRING FISHERIES**

**ARTICLE 62:** To see what action the Town will take in regard to the Herring Fisheries; and to act fully thereon. Customary Article.

*Finance Committee Recommendation: The Finance Committee recommends this customary article be accepted and adopted.*

**FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE ACCEPTED AND ADOPTED. VOTE: YES-8, NO-**

**ROLL CALL VOTES:**

**Board of Selectmen:**

To accept and adopt:

Yeas: 5 (Five): Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine, Julie Kavanagh

Nays: 0 (Zero): None

**Finance Committee:**

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia, Mark Ameres, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF HARWICH  
TOWN ELECTION WARRANT  
MAY 16, 2023**

BARNSTABLE, ss:

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

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in elections and Town affairs to meet in the Community Center Gymnasium, 100 Oak Street, in said Town on Tuesday, May 16, 2023

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: Two (2) members of the Board of Selectmen for a three year term; Two (2) members of the Monomoy Regional School Committee for a three year term; Two (2) Trustees of the Brooks Free Library for a three year term; Two (2) Water/Wastewater Commissioners for a three year term.

***BALLOT QUESTIONS***

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 for the bond issued for the design, permitting, and construction of a dry sewer pipe along Route 28 including any and all other costs incidental and related thereto?

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

2. 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 for the bond issued in order to implement Phase 3 and portions of Phase 8 of the Town of Harwich Comprehensive Wastewater Management Plan (CWMP), approved by the Massachusetts Secretary of Energy and Environmental Affairs in a Massachusetts Environmental Policy Act Certificate dated May 13, 2016, consisting of the design, permitting, and construction of sewers in the Pleasant Bay Watershed, including any and all other costs incidental and related thereto?

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

3. Shall the Town of Harwich approve the charter amendment proposed by Town Meeting summarized below?

**SUMMARY**

Massachusetts General Laws, Chapter 43B, Section 10, allows Town Meeting to vote to amend the Town's Charter. On May 2, 2022, Harwich's Annual Town Meeting voted to amend the Town's

Charter through Article 40 of the warrant. That Charter Amendment is conditioned upon the voters approving the same at this 2023 Annual Town Election.

The proposal will amend the Charter by deleting all references to the words "Board of Selectmen" and "Chairman," in all instances in which they appear, and replacing those words with the gender-neutral alternatives of "Select Board," and "Chair," respectively. The proposal will insert a new Section 3-1-3 of the Charter to clarify that the "Select Board" maintains all duties, responsibilities, and authority of a "Board of Selectmen" under the general and special laws. Finally, the proposal will delete the definition of "He/His" in Section 10.3.1 of the Charter. These amendments serve to make the Charter's language more gender-neutral, but do not substantively alter any of its terms.

A "YES" vote on this Ballot Question would be in favor of approving this amendment to the Charter.

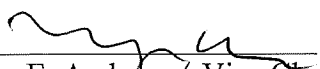
A "NO" vote on this Ballot Question would be opposed to approving this amendment to the Charter.

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


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 3rd day of April, 2023.

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

  
\_\_\_\_\_  
Mary E. Anderson, Vice Chair

  
\_\_\_\_\_  
Donald F. Howell, Clerk

  
\_\_\_\_\_  
Julie E. Kavanagh

  
\_\_\_\_\_  
Larry G. Ballantine

Board of Selectmen  
Town of Harwich

A true copy Attest:

\_\_\_\_\_  
Constable

**FY 2024 OPERATING BUDGET**  
**Board of Selectmen Recommendations**

LINE #	DEPT #	DEPT NAME	2022 ACTUAL	2023 ORIG BUD	2024 BOS RECOMMEND	% Change
		GENERAL FUND - BAL	3,497,289	1,819,823	1,015,050	-44.2%
1	114	MODERATOR S&W	0	1,000	1,000	0.0%
2	122	SELECTMEN S&W	11,400	762,500	12,500	-98.4%
3	122	SELECTMEN - EXP	4,225	8,750	8,750	0.0%
4		Sub-Total	<b>15,625</b>	<b>771,250</b>	<b>21,250</b>	<b>-97.2%</b>
5	131	FINANCE COMMITTEE S&W	0	3,000	3,000	0.0%
6	131	FINANCE COMMITTEE - EXP	888	2,000	2,000	0.0%
7		Sub-Total	<b>888</b>	<b>5,000</b>	<b>5,000</b>	<b>0.0%</b>
8	131	FINANCE COMMITTEE RESERVE FUND	0	50,000	50,000	0.0%
9	135	TOWN ACCOUNTANT - S&W	253,797	284,406	282,824	-0.6%
10	135	TOWN ACCOUNTANT - EXP	8,757	8,139	9,844	20.9%
11	136	AUDIT - EXP	40,000	45,000	49,000	8.9%
12		Sub-Total	<b>302,554</b>	<b>337,545</b>	<b>341,668</b>	<b>1.2%</b>
13	141	ASSESSORS - S&W	153,596	206,844	234,344	13.3%
14	141	ASSESSORS - EXP	80,062	140,450	147,080	4.7%
15		Sub-Total	<b>233,658</b>	<b>347,294</b>	<b>381,424</b>	<b>9.8%</b>
16	143	TOWN COLLECTIONS - S&W	9,460	15,000	14,000	-6.7%
17	143	TOWN COLLECTIONS - EXP	5,060	6,140	9,190	49.7%
18		Sub-Total	<b>14,520</b>	<b>21,140</b>	<b>23,190</b>	<b>9.7%</b>
19	144	POSTAGE	41,921	50,000	50,000	0.0%
20	145	TREASURER - S&W	285,319	296,268	307,839	3.9%
21	145	TREASURER - EXP	99,093	92,353	93,173	0.9%
22		Sub-Total	<b>384,413</b>	<b>388,621</b>	<b>401,012</b>	<b>3.2%</b>
23	148	MEDICARE & VACATION	335,417	444,354	506,358	14.0%
24	149	ADMINISTRATION - S&W	396,135	543,821	421,593	-22.5%
25	149	ADMINISTRATION - EXP	117,995	133,000	163,000	22.6%
26		Sub-Total	<b>514,129</b>	<b>676,821</b>	<b>584,593</b>	<b>-13.6%</b>
27	152	LEGAL SERVICES - EXP	193,633	185,000	185,000	0.0%
28	152	CLAIMS & SUITS	0	500	500	0.0%
29		Sub-Total	<b>193,633</b>	<b>185,500</b>	<b>185,500</b>	<b>0.0%</b>
30	155	INFORMATION TECHNOLOGY - S&W	62,655	91,940	94,758	3.1%
31	155	INFORMATION TECHNOLOGY - EXP	253,651	439,500	474,247	7.9%
32		Sub-Total	<b>316,306</b>	<b>531,440</b>	<b>569,005</b>	<b>7.1%</b>
33	156	IT CHANNEL 18 S&W	143,040	153,629	169,054	10.0%
34	156	IT CHANNEL 18 EXP	27,193	37,240	48,400	30.0%
35		Sub-Total	<b>170,233</b>	<b>190,869</b>	<b>217,454</b>	<b>13.9%</b>
36	157	CONSTABLE S & W	375	700	700	0.0%

**FY 2024 OPERATING BUDGET**  
**Board of Selectmen Recommendations**

LINE #	DEPT #	DEPT NAME	2022 ACTUAL	2023 ORIG BUD	2024 BOS RECOMMEND	% Change
37	161	TOWN CLERK - S&W	274,661	238,499	249,927	4.8%
38	161	TOWN CLERK - EXP	40,983	61,304	60,360	-1.5%
39		<b>Sub-Total</b>	<b>315,644</b>	<b>299,803</b>	<b>310,287</b>	<b>3.5%</b>
40	171	CONSERVATION - S&W	153,334	160,786	197,658	22.9%
41		CONSERVATION - EXP	5,059	6,686	11,532	72.5%
42		<b>Sub-Total</b>	<b>158,393</b>	<b>167,472</b>	<b>209,190</b>	<b>24.9%</b>
43	173	HOUSING ADVOCATE - S&W			76,096	0.0%
44		HOUSING ADVOCATE - EXP			2,500	0.0%
45		<b>Sub-Total</b>			<b>78,596</b>	<b>0.0%</b>
46	174	TOWN PLANNER - S&W	128,473	153,036	174,015	13.7%
47		TOWN PLANNER - EXP	2,442	5,601	6,581	17.5%
48		<b>Sub-Total</b>	<b>130,916</b>	<b>158,637</b>	<b>180,596</b>	<b>13.8%</b>
49	176	BOARD OF APPEALS - S&W	0	2,050	2,050	0.0%
50		BOARD OF APPEALS - EXP	265	800	4,256	432.0%
51		<b>Sub-Total</b>	<b>265</b>	<b>2,850</b>	<b>6,306</b>	<b>121.3%</b>
52	180	ALBRO HOUSE - EXP	2,814	5,000	5,000	0.0%
53	181	OLD RECR BUILDING - EXP	4,239	6,500	6,500	0.0%
54	182	WEST HARWICH SCHOOL - EXP	402	1,600	0	-100.0%
55		<b>Sub-Total</b>	<b>7,455</b>	<b>13,100</b>	<b>11,500</b>	<b>-12.2%</b>
56	183	COMMUNITY DEVELOPMENT - S&W	5,053	0	0	0.0%
57	183	COMMUNITY DEVELOPMENT - EXP	11,032	5,898	5,898	0.0%
58		<b>Sub-Total</b>	<b>16,086</b>	<b>5,898</b>	<b>5,898</b>	<b>0.0%</b>
59	191	PUBLIC BUILDINGS REPAIRS	0	2,000	2,000	0.0%
60	192	TOWN/FIN COM REPORTS	0	10,000	10,000	0.0%
61	194	ADVERTISING	0	30,000	30,000	0.0%
62	210	POLICE - S&W	3,885,844	4,310,121	4536616	1.0%
63	210	POLICE - EXP	336,392	528,237	604,555	14.4%
64		<b>Sub-Total</b>	<b>4,222,236</b>	<b>4,838,358</b>	<b>5,141,171</b>	<b>6.3%</b>
65	220	FIRE - S&W	4,229,895	4,397,138	5,002,934	13.8%
66	220	FIRE - EXP	497,698	597,499	800,714	34.0%
67		<b>Sub-Total</b>	<b>4,727,593</b>	<b>4,994,637</b>	<b>5,803,648</b>	<b>16.2%</b>
68	241	BUILDING - S&W	456,026	455,517	610,081	33.9%
69	241	BUILDING - EXP	7,059	14,885	17,085	14.8%
70		<b>Sub-Total</b>	<b>463,085</b>	<b>470,402</b>	<b>627,166</b>	<b>33.3%</b>
71	291	EMERGENCY MANAGEMENT - S&W	5,810	5,408	5,515	2.0%
72	291	EMERGENCY MANAGEMENT - EXP	3,176	8,500	8,500	0.0%
73		<b>Sub-Total</b>	<b>8,987</b>	<b>13,908</b>	<b>14,015</b>	<b>0.8%</b>

**FY 2024 OPERATING BUDGET**  
**Board of Selectmen Recommendations**

LINE #	DEPT #	DEPT NAME	2022 ACTUAL	2023 ORIG BUD	2024 BOS RECOMMEND	% Change
74	296	NATURAL RESOURSCES S&W	114,867	116,307	124,320	6.9%
75	296	NATURAL RESOURCES - EXP	25,394	27,100	27,100	0.0%
76		<b>Sub-Total</b>	<b>140,262</b>	<b>143,407</b>	<b>151,420</b>	<b>5.6%</b>
77	297	PLEASANT BAY ALLIANCE	23,760	25,232	25,232	0.0%
78	411	TOWN ENGINEER - S&W	0	101,589	176,277	73.5%
79	411	TOWN ENGINEER - EXP	41,420	39,350	40,850	3.8%
80		<b>Sub-Total</b>	<b>41,420</b>	<b>140,939</b>	<b>217,127</b>	<b>54.1%</b>
81	421	HIGHWAY - S&W	2,727,671	2,778,807	3,067,180	10.4%
82	421	HIGHWAY - EXP	3,590,599	3,355,968	3,881,470	15.7%
83		<b>Sub-Total</b>	<b>6,318,271</b>	<b>6,134,775</b>	<b>6,948,650</b>	<b>13.3%</b>
84	423	SNOW/ICE - S&W	110,215	40,000	40,000	0.0%
85	423	SNOW/ICE - EXP	293,332	95,000	95,000	0.0%
86		<b>Sub-Total</b>	<b>403,547</b>	<b>135,000</b>	<b>135,000</b>	<b>0.0%</b>
87	424	STREET LIGHTS	24,165	30,000	30,000	0.0%
88	491	CEMETERY ADMINISTRATION - S&W	71,434	71,434	80,162	12.2%
89	491	CEMETERY ADMINISTRATION - EXP	4,470	5,108	5,108	0.0%
90		<b>Sub-Total</b>	<b>75,904</b>	<b>76,542</b>	<b>85,270</b>	<b>11.4%</b>
91	510	BOARD OF HEALTH - S&W	213,724	269,893	284,597	5.4%
92	510	BOARD OF HEALTH - EXP	10,320	18,425	18,425	0.0%
93	510	BOARD OF HEALTH - OPIOID ABATEMENT	0	0	102,328	
93		<b>Sub-Total</b>	<b>224,044</b>	<b>288,318</b>	<b>405,350</b>	<b>40.6%</b>
94	540	COMMUNITY CENTER - S&W	196,209	203,327	261,935	28.8%
95	540	COMMUNITY CENTER - EXP	120,329	120,682	158,152	31.0%
96		<b>Sub-Total</b>	<b>316,538</b>	<b>324,009</b>	<b>420,087</b>	<b>29.7%</b>
97	541	COUNCIL ON AGING - S&W	378,115	448,127	465,118	3.8%
98	541	COUNCIL ON AGING - EXP	64,793	112,773	118,045	4.7%
99		<b>Sub-Total</b>	<b>442,908</b>	<b>560,900</b>	<b>583,163</b>	<b>4.0%</b>
100	542	YOUTH COUNSELOR S&W	96,854	98,154	105,148	7.1%
101	542	YOUTH COUNSELOR EXPENS	3,100	4,250	4,430	4.2%
102		<b>Sub-Total</b>	<b>99,954</b>	<b>102,404</b>	<b>109,578</b>	<b>7.0%</b>
103	543	VETERANS EXPENSE/BENEFITS	115,546	145,018	145,805	0.5%
104	550	DISABILTY RIGHTS - EXP	0	500	500	0.0%
105	560	HUMAN SERVICES	81,193	83,250	83,250	0.0%
106	610	LIBRARY - S&W	718,507	755,032	819,809	8.6%
107	610	LIBRARY - EXP	271,021	280,183	300,400	7.2%
108		<b>Sub-Total</b>	<b>989,528</b>	<b>1,035,215</b>	<b>1,120,209</b>	<b>8.2%</b>

**FY 2024 OPERATING BUDGET  
Board of Selectmen Recommendations**

LINE #	DEPT #	DEPT NAME	2022 ACTUAL	2023 ORIG BUD	2024 BOS RECOMMEND	% Change
109	629	RECREATION SEASONAL S&W	224,274	219,179	298,919	36.4%
110	629	RECREATION & YOUTH S&W	259,070	264,600	279,271	5.5%
111	629	RECREATION & YOUTH EXP	43,577	48,075	59,225	23.2%
112		<b>Sub-Total</b>	<b>526,922</b>	<b>531,854</b>	<b>637,415</b>	<b>19.8%</b>
113	633	HARBORMASTER - S&W	338,883	360,621	386,952	7.3%
114	633	HARBORMASTER - EXP	198,819	250,879	324,470	29.3%
115		<b>Sub-Total</b>	<b>537,702</b>	<b>611,500</b>	<b>711,422</b>	<b>16.3%</b>
116	670	BROOKS ACADEMY MUSEUM COMMISSION - EXP	15,080	14,000	14,000	0.0%
117	670	HISTORICAL COMMISSION - S&W	0	2,040	2,040	0.0%
118	670	HISTORICAL COMMISSION - EXP	0	350	350	0.0%
119		<b>Sub-Total</b>	<b>0</b>	<b>2,390</b>	<b>2,390</b>	<b>0.0%</b>
120	692	CELEBRATIONS - EXP	0	1,600	1,600	0.0%
121	695	GOLF S&W	951,340	1,002,424	1,070,470	6.8%
122	695	GOLF - EXP	622,509	656,114	702,122	7.0%
123	695	GOLF CAPITAL OUTLAY	64,190	68,000	73,000	7.4%
124		<b>Sub-Total</b>	<b>1,638,039</b>	<b>1,726,538</b>	<b>1,845,592</b>	<b>6.9%</b>
125	698	CULTURAL AFFAIRS - S&W			80,385	0.0%
126		CULTURAL AFFAIRS - EXP			2,500	0.0%
127		<b>Sub-Total</b>	<b>0</b>	<b>0</b>	<b>82,885</b>	<b>0.0%</b>
128		GOLF IMA MRSD	31,741	83,538	84,418	1.1%
129	199	ELECTRICITY - CVEC	66,759	77,644	77,644	0.0%
130		<b>Total Departmental Budgets</b>	<b>28,196,611</b>	<b>29,115,995</b>	<b>30,701,584</b>	<b>5.4%</b>
778		<b>Total Debt Service (Prin &amp; Int)</b>		<b>3,082,196</b>	<b>2,541,802</b>	<b>-17.5%</b>
		<b>Semi-Fixed &amp; Fixed Costs</b>				
		Barnstable County Retirement System		3,504,895	3,474,024	-0.9%
		Unemployment Compensation		20,000	20,000	0.0%
		Group Health Insurance		5,275,725	5,362,192	1.6%
		OPEB		250,000	250,000	0.0%
		General Insurance		910,082	956,060	5.1%
		General Insurance Deductible		20,000	20,000	0.0%
				<b>9,980,702</b>	<b>10,082,276</b>	<b>1.0%</b>
		<b><u>TOTAL TOWN (Full Cost of Art. 4)</u></b>		<b>42,178,893</b>	<b>43,325,662</b>	<b>2.7%</b>

**Enhancement of Services: Additions to Staffing**

**Line # Eight (8) Full-time Positions:**

- 65 Fire Dept.: 4 Firefighters (4)
- 68 Building Dept.: Planning/Zoning Coordinator (1)
- 81 Highway Dept.: Custodian (at Com. Ctr.) (1)
- 97 Community Ctr.: Program Specialist (1)
- Shared 1.0 FTE resource for Conservation/Building (1)
- Building Inspector goes from .5 to 1.0 FTE

FTE = Full-Time Equivalent


**Five Year Capital Outlay Plan  
FY 2024 to 2028**

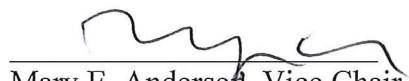
Department	Title	FY2024	FY2025	FY2026	FY2027	FY 2028	Five Year Total
Administration	Beautify the villages of Harwich	50,000	50,000	50,000	50,000	50,000	<b>250,000</b>
<b>Administration</b>							
Channel 18	Equipment upgrades	4,388	47,863	24,897	45,000	16,500	<b>138,648</b>
<b>Channel 18</b>							
Facilities Maintenance	100 Oak Street (Community Center)	145,500	295,000	0	653,000	0	<b>1,093,500</b>
Facilities Maintenance	183 Oak Street (Cranberry Valley Golf Course)	0	0	85,000	0	0	<b>85,000</b>
Facilities Maintenance	183 Sisson Road (Public Safety Complex)	0	52,000	0	0	135,000	<b>187,000</b>
Facilities Maintenance	204 Sisson Road (old Middle School)	1,982,427	650,000	265,000	0	0	<b>2,897,427</b>
Facilities Maintenance	209 Queen Anne Rd (DPW Complex)	0	0	0	3,680,000	0	<b>3,680,000</b>
Facilities Maintenance	273 Queen Anne Rd (Transfer Station)	157,300	0	0	0	545,000	<b>702,300</b>
Facilities Maintenance	728 Main Street (Albro House)	0	0	0	0	0	<b>0</b>
Facilities Maintenance	732 Main Street (Town Hall)	0	0	0	0	275,000	<b>275,000</b>
Facilities Maintenance	739 Main Street (Brooks Free Library)	90,000	0	0	40,000	740,000	<b>870,000</b>
Facilities Maintenance	80 Parallel St (Brooks Academy)	0	175,000	350,000	350,000	0	<b>875,000</b>
Facilities Maintenance	715 Route 28 (Harbor complex)	0	200,000	0	0	0	<b>200,000</b>
Facilities Maintenance	ADA compliance requirements	121,000	0	0	0	0	<b>121,000</b>
<b>Facility Maintenance</b>							
Fire Department	Ambulances	0	450,000	0	463,500	0	<b>913,500</b>
Fire Department	Engines/Other Fire Equipped Vehicles	350,000	0	0	0	750,000	<b>1,100,000</b>
Fire Department	Equipment replacements	36,580	0	0	0	0	<b>36,580</b>
Fire Department	Vehicles	0	70,000	0	0	0	<b>70,000</b>
<b>Fire Department</b>							
Golf	Irrigation Update	0	1,250,000	0	0	0	<b>1,250,000</b>
<b>Golf</b>							
Harbormaster	Allen Harbor Jetty	0	0	0	2,350,000	0	<b>2,350,000</b>
Harbormaster	Herring River Ramp replacement	0	30,000	0	300,000	0	<b>330,000</b>
Harbormaster	Wixon Landing improvements	30,000	0	0	0	0	<b>30,000</b>
Harbormaster	Saquatucket Bulkhead replacements	0	0	650,000	0	9,915,000	<b>10,565,000</b>
Harbormaster	Vehicle replacement	0	0	42,000	0	0	<b>42,000</b>
<b>Harbors</b>							
Harwich Elementary School	Maintenance	0	0	180,000	100,000	100,000	<b>380,000</b>
<b>Harwich Elementary School</b>							
Information Technology	Technology reinvestment	387,000	250,000	250,000	250,000	250,000	<b>1,387,000</b>
<b>Information Technology</b>							
Police Department	Police Cruiser replacements	183,000	0	0	0	0	<b>183,000</b>
Police Department	Equipment replacements	64,115	56,115	56,115	18,000	0	<b>194,345</b>
Police Department	Technology replacement	20,000	0	0	0	0	<b>20,000</b>
<b>Police Department</b>							
Public Works	Road maintenance/improvements	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000	<b>7,000,000</b>
Public Works	Equipment replacements	75,000	0	0	0	0	<b>75,000</b>
Public Works	Vehicle replacements	515,000	605,000	555,000	650,000	505,000	<b>2,830,000</b>
<b>Public Works</b>							
Water Department	Vehicle replacements	0	175,000	0	0	0	<b>175,000</b>
Water Department	Equipment replacements	0	125,000	0	0	0	<b>125,000</b>
Water Department	Pavement management plan	175,000	0	0	0	0	<b>175,000</b>
Water Department	New well source exploration (phase 2)	600,000	0	0	0	0	<b>600,000</b>
Water Department	Rt. 28 water main replacemenet	14,700,000	0	0	0	0	<b>14,700,000</b>
Water Department	Paint Pleasant Lake Ave. tank	0	2,000,000	0	0	0	<b>2,000,000</b>
Water Department	Distribution system upgrades	0	10,000,000	0	0	0	<b>10,000,000</b>
Water Department	Pipe discontinuity upgrade	0	0	1,500,000	0	0	<b>1,500,000</b>
<b>Water Department</b>							
Wastewater Department	E. Harwich Collection System Expansion	50,000,000	0	0	0	0	<b>50,000,000</b>
Wastewater Department	Phase 4 Collection System design	0	2,500,000	0	0	0	<b>2,500,000</b>
Wastewater Department	Rt. 28 sewer main installation	6,500,000	0	0	0	0	<b>6,500,000</b>
<b>Wastewater Department</b>							
<b>ANNUAL TOTALS</b>		<b>77,586,310</b>	<b>20,130,978</b>	<b>4,978,012</b>	<b>9,999,500</b>	<b>14,349,500</b>	<b>126,515,720</b>

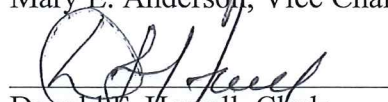


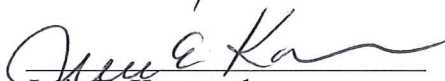
Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

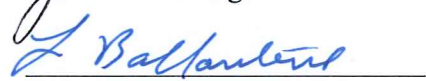
Given under our hands this 3rd day of April, 2023.

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

  
\_\_\_\_\_  
Mary E. Anderson, Vice Chair

  
\_\_\_\_\_  
Donald F. Howell, Clerk

  
\_\_\_\_\_  
Julie E. Kavanagh

  
\_\_\_\_\_  
Larry G. Ballantine

Board of Selectmen  
Town of Harwich

A true copy Attest:

\_\_\_\_\_  
Constable

# Anticipated Positive Motions for 2023 Annual Town Meeting



[Anticipated motions as of Friday, April 14, 2023]

**Article 1: Town Officers and Committees**

**I move that Article 1 be accepted and adopted as printed in the warrant.**

**Article 2: Reports of Town Officers and Committees**

**I move that Article 2 be accepted and adopted as printed in the warrant.**

**[MODERATOR WILL RECOGNIZE FINANCE COMMITTEE CHAIR FOR A REPORT.]**

**Article 3: Elected officials Salaries**

**I move that Article 3 be accepted and adopted as printed in the Warrant.**

**[EXPLANATION: THE TOWN CLERK IS NOT AN EMPLOYEE BUT THE SALARY IS EQUIVALENT TO THE M5 GRADE STEP 5 AS OUTLINED IN THE PERSONEL BYLAWS COMPENSATION & CLASSIFICATION TABLE]**

**Article 4: Town Operating Budget:**

I move that Article 4 be accepted and adopted as printed in the Warrant and that the sum of \$43,325,662 be appropriated for the purposes listed in Appendix B under the column entitled “BOS Recommended FY 2024”; and further that the sum of \$41,694,505 be raised and appropriated and that the following amounts be transferred as follows:

Community Preservation Act FY 2024 Estimated Annual Revenue \$166,650 to fund Land Bank Debt Service, Overlay Surplus \$200,000, Peg Access and Cable Related Fund \$214,996, Golf Infrastructure & Improvement \$98,450, and various Betterments \$70,000 for the purpose of funding the Fiscal Year 2024 Operating Budget for the purpose of funding the Fiscal Year 2024 Operating Budget.

[Please note the sum of \$818,913 will be transferred under Article 7 of this Town Meeting to fund the indirect costs of the Water Department and the sum of \$62,148 will transferred under Article 8 of this Town Meeting to fund the indirect costs of the Wastewater Department.]

[Please note the reference to CPA above necessitates the motion to indefinitely postpone Article 22 as it would be duplicative]

[moderator will recognize the Board of Selectmen Chair Michael MacAskill to present the operating budget. Please see Appendix B of the Warrant for detailed information.]

**Additional Information regarding proposed additional staff funded within Article 4**

**FIREFIGHTERS (4.0 FTE) FIRE DEPARTMENT**

The department is seeking to add four new firefighters to increase shift strength from eight to nine. By increasing the shift strength to nine, and leaving the shift minimum at seven, the department will reduce overtime by just over \$200,000. This is due to the fact the two firefighters can be off before overtime is needed to fill a shift, unlike the current staffing plan where only one firefighter can be off before overtime is needed.

These four are part of a long-term plan to increase staffing and become less reliant on off-duty personnel to meet our staffing needs. Outside pressures from the housing market plus societal changes changing the availability of off duty personnel will continue to reduce the effectiveness of the current system. The plan also works toward the department not having one person left alone in the station until off duty personnel can come in from home.

**Planning/Zoning Coordinator (1.0 FTE) - BUILDING**

This would be the point person to help applicants with questions and filing with the zoning or planning boards. They would confirm complete applications start to finish. They would work closely with the building inspector, planner and town engineer as projects come to completion helping to confirm that any/all conditions for approval have been met. They will prepare annual reports that summarize the Planning Board and ZBA project approvals. They can investigate zoning complaints and work towards compliance.

**ZBA Clerk/Administrative Assistant (1.0 FTE) BUILDING/ CONSERVATION**

Our ZBA clerk would be the one to process all applications for projects to go before the board. They would add and monitor these projects through our OpenGov permitting system. They would prepare the agendas, post the meetings and do the minutes of these meetings. They will

work with owners to be sure that their decisions are properly recorded at the Registry of Deeds and that proof of recordings have been filed along with their permit applications. They would prepare packets for the board members including abutters list and work to keep the board's website current. Cross train with other positions within the department to help provide the best service possible.

**CUSTODIAN (1.0 FTE) DPW Stationed at COMMUNITY CENTER**

The building is currently covered with custodial coverage for 43 of the 80 hours we are open. The coverage is necessary for the set up and break down of rooms (insurance does not allow groups and organizations to set up town equipment including tables and chairs) but also for the cleaning of the building. The bathrooms are a high traffic area in the evenings and currently have no staff from 2pm on. The building is open until 9 pm on Tuesday, Wednesday, and Thursday and 6 pm on Monday. In addition, we share a custodian on Saturday with all the other buildings. We are open until 4pm and custodial support stops at 2 on Saturdays.

**PROGRAM SPECIALIST II (1.0 FTE) COMMUNITY CENTER**

This role is designed to provide both comprehensive program development and volunteer coordinator. The Community Center does not currently have dedicated staff for either of these functions.

**NET ADDITIONS TO STAFF: 8.0 FTE**

**BUILDING INSPECTOR (ADD 0.5 FTE) BUILDING**

This would be to add an additional Building Inspector to help keep up with the volume of construction projects throughout the town. They would work out of the office doing the day to day plan reviews, issue permits and inspect building for compliance and safety. They would keep up with the required record keeping of all properties through our OpenGov software program. They would Investigate alleged building code and zoning violations and takes appropriate action. Provide customer service by working with the public either on the phone, at the counter or in the field.

**NET ADDITON TO STAFF: 0.5 FTE**

**FROM APPENDIX B, PAGE B-4**

<b>Enhancement of Services: Additions to Staffing</b>	
<b>Line #</b>	<b>Eight (8) Full-time Positions:</b>
65	Fire Dept.: 4 Firefighters (4)
68	Building Dept.: Planning/Zoning Coordinator (1)
81	Highway Dept.: Custodian (at Com. Ctr.) (1)
97	Community Ctr.: Program Specialist (1)
	Shared 1.0 FTE resource for Conservation/Building (1)
	Building Inspector goes from .5 to 1.0 FTE
	FTE = Full-Time Equivalent

**Article 5: Monomoy Regional School District Budget:**

I move that Article 5 be accepted and adopted as printed in the Warrant and that the sum of \$28,469,466 be raised and appropriated for the purpose of funding the Town of Harwich's assessment for the FY 2024 annual operation of the Monomoy Regional School District.

**Article 6: Cape Cod Regional Tech Budget:**

I move that Article 6 be accepted and adopted as printed in the warrant and that the sum of \$2,014,200 be raised and appropriated to fund the annual operation of the Cape Cod Regional Technical High School.

**Article 7: Water Department Budget:**

I move that Article 7 be accepted and adopted as printed in the Warrant and that the sum of \$4,552,834 be transferred from Water Department Receipts to operate the Water Enterprise Fund and further to transfer the sum of \$50,000 from the Water Department Budget to Other Post-Employment Benefits Trust Fund created under Article 8 of the May 6, 2014 Special Town Meeting; and that the sum of \$818,913 be transferred to the General Fund to pay indirect costs for the Water Department.

**Article 8: Wastewater Department Budget**

I move that Article 8 be accepted and adopted as printed in the Warrant and that the following amounts be transferred as follows:

\$858,742 from Article 9 of the 2022 Annual Town Meeting, \$15,000 from Sewer Receipts, \$105,181 from Wastewater Retained Earnings and further that the sum of \$1,015,050 be raised and appropriated for the following purposes; and that the sum of \$62,148 be transferred to the General Fund to pay indirect costs for the Wastewater Department.

**Article 9: FUND CAPE COD COMMUNITY MEDIA CENTER**

I move that Article 9 be accepted and adopted as printed in the warrant and that the sum of \$157,037 be transferred from the PEG Access and Cable Related Fund for this purpose.

**Article 10: ITEMS FUNDED FROM THE CABLE FUND**

I move that Article 10 be accepted and adopted and that the sum of \$47,222 be transferred from the PEG Access and Cable Related Fund for this purpose.

**Article 11: Lease/Purchase Agreements**

I move that Article 11 be accepted and adopted as printed in the Warrant.

*Two-thirds vote required.*

**Article 12: PRESCHOOL FAMILY SUPPORT PROGRAM**

I move that Article 12 be accepted and adopted as printed in the Warrant, and that the sum of \$250,000 be transferred from Free Cash for this purpose.

**Article 13: FUND TECHNOLOGY ENHANCEMENTS FOR BROOKS FREE LIBRARY**

I move that Article 13 be accepted and adopted and that the sum of \$25,000 be transferred from Free Cash for this purpose.

**Article 14: OPIOID SETTLEMENT DISTRIBUTION**

I move that Article 14 be accepted and adopted and that the sum of \$60,000 be transferred from Free Cash for this purpose.

**Article 15: ADOPT THE CAPITAL PLAN**

I move that Article 15 be accepted and adopted as printed in the warrant.

**Article 16: CAPITAL OUTLAY PLAN ITEMS FUNDED FROM FREE CASH**

I move that this article be accepted and adopted and that the sum of \$4,906,922 be transferred from Free Cash for this purpose.

[NOTE: Motion will require a 2/3 vote if Article 15 is not adopted]

**Article 17: CAPITAL OUTLAY PLAN ITEMS FUNDED FROM WATER RETAINED EARNINGS**

I move that this article be accepted and adopted as printed in the Warrant and further that the sum of \$300,000 be transferred from Article 21 of the 2022 Annual Town Meeting and further that \$475,000 be transferred from the Water Enterprise Fund Retained Earnings for this purpose.

**Article 18: CAPITAL OUTLAY PLAN ITEMS FUNDED FROM CHAPTER 90 FUNDS**

I move that this Article be accepted and adopted and that the sum of \$700,000 be appropriated from Chapter 90 Funds for this purpose.

**Article 19: WEST HARWICH ROUTE 28 SEWER MAIN INSTALLATION**

I move that the article be accepted and adopted and that the Town appropriate the sum of Six Million, five hundred thousand dollars (\$6,500,000) for the design, permitting, and construction of a dry sewer pipe along Route 28 including any and all other costs incidental and related thereto; that to meet said appropriation the Treasurer with the approval of the Board of Selectmen is hereby authorized to borrow said sum and to issue bonds and notes of the Town therefor pursuant to General Laws Chapter 44, Sections 7 and 8 or any other enabling authority; provided that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote.

*Two-thirds vote required.*

[Note: Ballot Question #1 on the Annual Town Election Ballot]

**Article 20: WEST HARWICH ROUTE 28 WATER MAIN REPLACEMENT**

I move that the article be accepted and adopted and that the Town appropriate the sum of Seventeen Million Dollars, Five Hundred Thousand dollars (\$17,500,000) to complete the design, permitting, and construction of the Route 28 water main replacement project including any and all other costs incidental and related thereto; that to meet said appropriation the Treasurer with the approval of the Board of Selectmen is hereby authorized to borrow said sum and to issue bonds and notes of the Town therefor pursuant to General Laws Chapter 44, Sections 7 and 8 or any other enabling authority.

*Two-thirds vote required*

**Article 21: EAST HARWICH WASTEWATER COLLECTION SYSTEM EXPANSION**

I move that the article be accepted and adopted and that the sum of Fifty Million Dollars (\$50,000,000) be appropriated to implement Phase 3 and portions of Phase 8 of the Town of Harwich Comprehensive Wastewater Management Plan (CWMP), approved by the Massachusetts Secretary of Energy and Environmental Affairs in a Massachusetts Environmental Policy Act Certificate dated May 13, 2016, consisting of the design, permitting, and construction of sewers in the Pleasant Bay Watershed, including any and all other costs incidental and related thereto; that to meet said appropriation the Treasurer with the approval of the Board of Selectmen is hereby authorized to borrow said sum and to issue bonds and notes of the Town therefor pursuant to General Laws Chapter 44, Sections 7 and 8 and General laws Chapter 29C or any other enabling authority; provided that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote.

*Two-thirds vote required*

[Note: Ballot Question #2 on the Annual Town Election Ballot]

**Article 22: Community Preservation Act – Land Bank Debt Service**

I move that Article 22 be indefinitely postponed.

[Note: The explanation under Article 4 indicated that this article is not necessary if Article 4 is adopted as moved.]

**Article 23: COMMUNITY PRESERVATION ACT – HOUSEKEEPING EXPENSES**

I move that Article 23 be accepted and adopted and that the sum of \$50,000 be appropriated from FY 2024 Estimated Annual Revenue for the administrative expenses of the Community Preservation Committee.

[MODERATOR TO RECOGNIZE COMMUNITY PRESERVATION COMMITTEE CHAIR FOR REPORT COVERING ARTICLES 23 THROUGH 34.]

**Article 24: COMMUNITY PRESERVATION ACT – HERRING RIVER LAND PRESERVATION EXPENSES**

I move that Article 24 be accepted and adopted and that the sum of \$125,000 be appropriated from the Open Space Reserve for the purpose of this Article.

**Article 25: COMMUNITY PRESERVATION ACT – FUNDING AFFORDABLE HOUSING TRUST FUND**

I move that Article 25 be accepted and adopted and that the sum of \$14,351,51 be appropriated from the Undesignated Fund Balance; that the sum of \$210,000 be appropriated from the Community Housing Reserve; that the sum of \$84,448.49 be appropriated from FY 2024 Estimated Annual Revenue; and that the sum of \$191,200 be appropriated from Estimated Annual Revenue Community Housing Reserve, for a total appropriation of \$500,000 for the purpose of this Article.



**Article 26: COMMUNITY PRESERVATION ACT – LOWER CAPE HOUSING INSTITUTE**

I move that Article 26 be accepted and adopted and that the sum of \$7,500 be appropriated from FY 2024 Estimated Annual Revenue for the purpose of this Article.

**Article 27: COMMUNITY PRESERVATION ACT – BROOKS ACADEMY RENOVATIONS**

I move that Article 27 be accepted and adopted and that the sum of \$250,000 be appropriated from the Historic Preservation Reserve; that the sum of \$198,700 be appropriated from FY 2024 Estimated Annual Revenue for Historic Preservation; that the sum of \$241, 300 be appropriated from FY 2023 Estimated Annual Revenue, for a total appropriation of \$690,000, for the purpose of this Article.

**Article 28: COMMUNITY PRESERVATION ACT – WAR MEMORIALS PROJECT**

I move that Article 28 be accepted and adopted and that the sum of \$256,282.40 be appropriated from FY 2024 Estimated Annual Revenue for the purpose of this Article.

**Article 29: COMMUNITY PRESERVATION ACT – PRESERVATION OF 203 BANK STREET OLD FIRE STATION**

I move that Article 29 be accepted and adopted and that the sum of \$350,000 be appropriated from FY 2024 Estimated Annual Revenue for this purpose.

**Article 30: COMMUNITY PRESERVATION ACT – OAK STREET BIKE PATH CROSSING LIGHTS**

I move that Article 30 be accepted and adopted and that the sum of \$13,000 be appropriated from FY 2024 Estimated Annual Revenue for the purpose of this Article.

**Article 31: COMMUNITY PRESERVATION ACT – SENIOR SOFTBALL FIELDS RESTROOMS**

I move that Article 31 be accepted and adopted and that the sum of \$150,000 be appropriated from FY 2024 Estimated Annual Revenue for the purpose of the Article.

**Article 32: COMMUNITY PRESERVATION ACT – RESURFACE COURTS AT BROOKS PARK**

I move that Article 32 be accepted and adopted and that the sum of \$110,000 be appropriated from FY 2024 Estimated Annual Revenue for the purpose of this Article.

**Article 33: ADDITIONAL FUNDING: SAND POND RESTROOM PROJECT**

I move that Article 33 be accepted and adopted and that the sum of \$35,000 be appropriated from FY 2024 Estimated Annual Revenue for the purpose of this Article.

**Article 34: COMMUNITY PRESERVATION ACT – SKINEQUIT POND REMEDIATION PROJECT**

I move that Article 34 be accepted and adopted and that the sum of \$92,000 be appropriated from FY 2024 Estimated Annual Revenue for the purpose of this Article.

**Article 35: ACCEPT MGL C. 41, SECTION 110A**

I move that Article 35 be accepted and adopted.

**Article 36: AMEND GENERAL BYLAWS, CHAPTER 300 – WATER**

I move that Article 36 be accepted and adopted and that the Town amend the General Bylaws as printed in the warrant.

**Article 37: AMEND ZONING BYLAW – CHAPTER 325, ARTICLE V USE REGULATIONS.**

I move that Article 37 be accepted and adopted and that the Town amend the Zoning Bylaw as printed in the warrant and further, that the Town Clerk be authorized to appropriately conform numerals, written numbers, and sections throughout the Zoning By-laws based upon this Article.

*Two-thirds vote required*

[The Moderator will recognize the Planning Board Chair and the Director of Planning & Community Development to present the written Planning Board Report]

**Article 38: AMEND ZONING BYLAW – CHAPTER 325, ARTICLE XVII FLOODPLAIN REGULATIONS**

I move that Article 38 be accepted and adopted and that the Town amend the Zoning Bylaw as printed in the warrant and further, that the Town Clerk be authorized to appropriately conform numerals, written numbers, and sections throughout the Zoning By-laws based upon this Article.

*Two-thirds Vote required.*

**Article 39: AMEND ZONING BYLAW – CHAPTER 325, ARTICLE XXII LARGE SCALE GROUND -MOUNTED PHOTOVOLTAIC ARRAYS**

I move that Article 39 be accepted and adopted and that the Town amend the Zoning Bylaw as printed in the warrant except that Article XXII be replaced with Article XXIII and further, that the Town Clerk be authorized to appropriately conform numerals, written numbers, and sections throughout the Zoning By-laws based upon this Article.

*Two-thirds Vote required.*

**Article 40: AMENDMENT TO THE REGIONAL AGREEMENT BETWEEN THE TOWNS OF CHATHAM AND HARWICH WITH RESPECT TO THE FORMATION OF A REGIONAL A REGIONAL SCHOOL DISTRICT**

I move that this Article be indefinitely postponed.

**Article 41: AMEND CEMETERY REGULATIONS**

I move that Article 41 be accepted and adopted and to approve the Cemetery Regulations on file in the Town Clerk's Office.

**Article 42: ACQUISITION OF EASEMENT AT 129 ROUTE 28 FOR ROUTE 28 WATER MAIN**

I move that this Article be accepted and adopted and that the sum of \$10,000 be transferred from Free Cash for the purpose of the Article.

*Two-thirds vote required.*

**Article 43: AUTHORIZE THE SELECTMEN TO CONVEY PARCEL OF LAND AT 276 QUEEN ANNE ROAD**

I move that Article 43 be accepted and adopted and that the sum of \$10,000 be transferred from Free Cash for the purpose of the Article.

*Two-thirds Vote Required.*

**Article 44: ACQUISITION OF FOREST STREET**

I move that Article 44 be accepted and adopted and that the sum of \$5,000 be transferred from Free Cash for the purpose of the Article.

*Two-thirds Vote Required.*

**Article 45: AUTHORIZATION PAYMENT IN LIEU OF TAXES (PILOT) AGREEMENTS**

I move that this Article be accepted and adopted.

**Article 46: ANNUAL DEPARTMENTAL REVOLVING FUNDS**

I move that this Article be accepted and adopted.

**Article 47: SUPPLEMENTAL FUNDING FOR BROOKS ACADEMY RENOVATIONS.**

I move that Article 47 be accepted and adopted and that the sum of \$475,000 be transferred from the Sale of Land Sinking Fund for the purpose of this Article.

**Article 48: SUPPLEMENTAL APPROPRIATION FOR JUDAH ELDREDGE PROPERTY**

I move that Article 48 be accepted and adopted and that the sum of \$400,000 be transferred from Free Cash for the purpose of this Article.

*Two-thirds Vote Required.*

**Article 49: TRANSFER FREE CASH TO THE STABILIZATION FUNDS.**

I move that Article 49 be accepted and adopted and that the sum of \$400,000 be transferred from Free Cash to the General Stabilization Fund; that the sum of \$400,000 be transferred from Free Cash to the Affordable Housing Special Purpose Stabilization Fund; and that the sum of \$400,000 be transferred from Free Cash to the Wastewater Special Purpose Stabilization Fund.

**Article 50: FUND PRIOR YEAR'S UNPAID BILLS**

I move that this Article be accepted and adopted and that the sum of \$10,695.24 be transferred from free cash for this purpose.

*Four-fifths Vote Required.*

**Article 51: DEFRAY THE EXPENSES OF THE CHASE LIBRARY AND THE HARWICH PORT LIBRARY**

I move that Article 51 be accepted and adopted and that the sum of \$20,000 be transferred from free Cash for the purposes of the Article.

**Article 52: PROMOTE THE TOWN OF HARWICH**

I move that Article 52 be accepted and adopted and that the sum of \$50,000 be transferred from Free Cash for the purpose of the Article.

**Article 53: SUPPLEMENT ANNUAL ALLOCATION OF MASS CULTURAL COUNCIL FOR LOCAL CULTURAL COUNCIL GRANTS**

I move that Article 53 be accepted and adopted and that the sum of \$4,000 be transferred from Free Cash for the purpose of the Article.

**Article 54: REAFFIRM AND EXTEND M.G.L. 59, §5, CLAUSE 56**

I move that Article 54 be accepted and adopted.

**Article 55: PROHIBIT THE SALE AND DISTRIBUTION AND USE OF BALLOONS**

I move that Article 55 be accepted and adopted.

**Article 56: ADOPT A NEW GENERAL BYLAW – PLASTIC REDUCTION**

I move that Article 56 be accepted and adopted.

**Article 57: SEEK SPECIAL LEGISLATION PROHIBITING THE APPLICATION OF FERTILIZER**

I move that Article 57 be accepted and adopted.

**Article 58: TO ACCEPT THE LAYING OUT AS A TOWN WAY A PORTION OF OLD BREWSTER WAY**

I move that Article 58 be accepted and adopted.

**Article 59: PETITION THE GENERAL COURT TO AMEND MGL GOVERNING THE DISPERSAL OF SCHOOL CHOICE FUNDS**

I move that Article 59 be accepted and adopted.

**Article 60: INTERMUNICIPAL AGREEMENT FOR AN AGRICULTURAL/ ENVIRONMENTAL EDUCATIONAL FACILITY LOCATED AT 374 MAIN STREET**

I move to accept and adopt Article 60 and to add the following sentence at the end of the Article: “and further to authorize the Board of Selectmen to file a home rule petition with

the General Court to modify any Article 97 restriction that may exist on the property, if necessary.”

**Article 61: AMEND ACTION OF ANNUAL TOWN MEETING OF 2000, ARTICLE 11  
PURCHASE OF 374 MAIN STREET**

I move that the Town vote to change the purposes for which 374 Main Street is held by adding the purpose of Agricultural and Environment Education, and further to authorize the Board of Selectmen to file a home rule petition with the General Court to authorize this change in use pursuant to Article 97 of the Massachusetts Constitution, if necessary.

*Two-thirds vote required.*

**Article 62: HERRING FISHERIES**

I move that Article 62 be accepted and adopted.

# **CONTRACTS**

OFFICE OF THE TOWN ADMINISTRATOR

Phone (508) 430-7513

Fax (508) 432-5039



Joseph F. Powers, *Town Administrator*

Meggan M. Eldredge, *Assistant Town Administrator*

732 MAIN STREET, HARWICH, MA 02645

# Memo

To: Board of Selectmen  
Joseph F. Powers, Town Administrator

From: Meggan Eldredge, Assistant Town Administrator *ME*

RE: Contract extension for Atlantic Construction and Management, Inc.

Date: April 12, 2023

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This memo corresponds with *Contracts A: Vote to approve contract extension with Atlantic Construction and Management, Inc. for Owner's Project Management services for Brooks Academy Museum renovation not to exceed \$40,000.*

Due to unforeseen circumstances discovered during the construction phase of the foundation repair project at Brooks Academy Museum, this project will not be completed before the target date of April 15, 2023. Although the construction contractor and design firm are still under a contract covering the end of the fiscal year, the Owner's Project Manager (OPM), Atlantic Construction has a contract that expires April 15, 2023.

In order to continue the required services of having an OPM for this construction project, I am presenting you with a contract extension for services through the end of May, 2023. Services under this contract will be funded by available funds within the 2022 Special Town Meeting Article 4 balance.

This extension, when coupled with the original contract amount, exceeds the signing authority of the Town Administrator, hence the reason for Board approval. The Town is highly satisfied with the work that Atlantic has provided thus far.

I recommend approval of this contract extension.

# PROCUREMENT CHECKLIST & APPROVAL FORM

STAFF LEAD: ELDREDGE DEPARTMENT: ADMINISTRATION

FUNDING SOURCE: STM 2022 ART # 4 -01122A2-62204

Appropriated amount: \$150.00 Estimated cost: \$40,000 Actual cost: \_\_\_\_\_  
\$150,000

### PROCUREMENT METHOD:

ENGINEERING SERVICES ARE EXEMPT FROM 30 B. CONTRACT EXTENSION.

### 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.*

Due to the delay in construction, the Brooks Academy Museum foundation repairs will not be complete by the Owner's Project Manager's contract deadline of April 15, 2023. OPM services need to be extended an additional month and a half to ensure project completion.

Atlantic Construction Group has agreed to extend their existing contract until May 31, 2023 utilizing the fee schedule provided with the original contract. An agreed upon "not to exceed" amount of \$40,000 has been assigned to this contract extension.

### PROCUREMENT MAY PROCEED ONLY IF SIGNATURES PROVIDED BELOW

Funds Available: Finance Director: Megan Green Account # 01122A2-622004  
EA0B31BD1FFB473... not to exceed \$40,000.00

Approved to proceed: Town Administrator or Designee: Joseph F. Powers  
0623C0C5799644E...



TOWN OF HARWICH  
CONTRACT EXTENSION AGREEMENT  
OWNER'S PROJECT MANAGEMENT SERVICES  
BROOKS ACADEMY MUSEUM

Agreement is made this **31st** day of **March, 2023**, between the Town of Harwich (hereinafter referred to as "OWNER") and **Atlantic Construction & Management, Inc.** (hereinafter referred to as "CONTRACTOR").

Whereas the OWNER wishes to exercise its option to extend the Contract (dated December 12, 2022) under the same terms, conditions until May 31, 2023, as outlined in Article 3: Time of Performance in the Contract Agreement. This extension is subject to the availability and appropriation of funds.

Compensation for additional services shall not exceed \$40,000.00 and be based upon the hourly rates in accordance with the terms of the Contract Agreement. On-site Clerk/Project Representative services shall be limited to as minimum as necessary between March 24, and May 31, 2023. Virtual meetings shall be utilized whenever possible.

FOR The Contractor  
Atlantic Construction & Management, Inc.

FOR The Owner  
Town of Harwich

DocuSigned by:  
Suresh Bhatia President  
6BD0F0178A32493...

Atlantic Construction & Management, Inc.  
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BOARD OF SELECTMEN

## **AGREEMENT FOR OWNER'S PROJECT MANAGEMENT SERVICES**

### **TOWN OF HARWICH**

#### **BROOKS ACADEMY MUSEUM STRUCTURAL IMPROVEMENTS**

THIS AGREEMENT made this 12th day of December 2022, by and between the **Town of Harwich** acting by and through Board of Selectmen, hereinafter referred to as "Awarding Authority", with an address of 732 Main Street, Harwich, MA 02645 and Atlantic Construction & Management, Inc. a Domestic Profit Corporation duly registered as a corporation in the Commonwealth of Massachusetts having a usual place of business located at 441 Sudbury Road, Concord, MA 01742 hereinafter referred to as "Project Manager", effective as of the 15th day of December 2022. In consideration of the mutual covenants contained herein, the parties agree as follows:

#### **ARTICLE 1: SCOPE OF WORK:**

##### **1.1. Generally.**

1.1.1. The Project Manager will perform all "Project Management Services" in connection with the management of design and construction of the Project as set forth in **Attachment A**. The scope of the Project Management Services described in this Agreement is, in the reasonable opinion of the Project Manager, expected to cover all necessary services of the Project Manager for the Project. Therefore, the Project Manager shall perform all necessary services related to the Project through completion and, absent a material change in scope, the Project Manager shall provide all necessary services at no additional cost to the Awarding Authority, unless such service is requested by the Awarding Authority in writing as an additional service or such service is specifically performed after the feasibility study completion date of April 15, 2023 and such additional or post-completion service was not made necessary by an act or omission of the Project Manager as determined by a court of competent jurisdiction.

1.1.2. In providing the Project Management Services, the Project Manager shall endeavor to maintain an effective working relationship with the Designer (Spencer Preservation Group) general contractors and subcontractors (collectively, the "Contractors") and other consultants performing services on any aspect of the Project.

1.1.3. The Project Manager shall be the Awarding Authority's advisor in providing the Project Management Services. The Project Manager and the Awarding Authority shall perform as stated in this Agreement and the Project Manager accepts the professional relationship of trust and confidence established between it and the Awarding Authority by this Agreement, which the parties acknowledge is intended to create a professional services relationship but not a fiduciary relationship, and the Project Manager shall act and be bound by all of the requirements and obligations under this Agreement, without limitation, pursuant to its performance standard prescribed below in this Agreement in Article 9.

**ARTICLE 2: AWARDING AUTHORITY RESPONSIBILITIES:**

2.1. The persons from time to time designated by the Awarding Authority as the Awarding Authority's representative, shall be reasonably acquainted with the Project, shall have the authority to request services under this Agreement and shall render decisions reasonably promptly and furnish information reasonably expeditiously so as to avoid undue delay in the Project Manager's services on the Project. Unless otherwise provided by the Awarding Authority, Joseph F. Powers, Town Administrator, is hereby designated as the Awarding Authority's representative for this Project.

2.2. The Awarding Authority will retain an architectural design firm (the "Designer") to design and to prepare contract documents for the Project.

**ARTICLE 3: TIME OF PERFORMANCE**

3.1.1 The Project Manager shall perform all Project Management Services in a prompt and expeditious manner, consistent with, and to further, the interests of the Awarding Authority. If the Project Manager performs any services for the Project after April 15, 2023 such services shall be deemed additional services, and the Project Manager shall be entitled to be paid for such additional services in accordance with Paragraph 4.3 below.

3.2 If the work of the Project is delayed by an act beyond the Project Manager's control, including an act of the Awarding Authority, or by changes ordered in the Work, or by labor disputes, fire, unusual delay in deliveries, unavoidable casualties or by delay authorized by the Owner, then the Project Manager may request a change to the Time of Performance or the Compensation.

**ARTICLE 4: COMPENSATION:**

4.1. In consideration of the performance of the Agreement, the Awarding Authority shall pay to the Project Manager a fixed fee of Seventy Five Thousand (\$75,000) Dollars, payable in equal monthly installments commencing on January 15, 2023 until April 15, 2023.

4.2. The fixed fee in Section 4.1 includes all reasonable reimbursable and out-of-pocket costs of the Project Manager with respect to the Project, all of which costs are included in the fixed fee and shall not be otherwise chargeable to or reimbursable by the Awarding Authority.

4.3. If additional services, not required under the Agreement, are requested in writing by the Awarding Authority, or if the Project Manager performs any services for the Project after April 15, 2023, unless such services were made necessary by a negligent act or omission of the Project Manager or any other failure of the Project Manager's to perform according to its obligations under this Agreement including, without limitation, the performance standards referenced below in Article 9, the Awarding Authority shall pay the Project Manager at a rate agreed to by the parties. Such rate shall include all salary, benefits, overhead and profit and all expected reimbursable expenses. The Awarding Authority reserves the right to request that the Project Manager provide a lump sum fee for any additional services and if such lump sum fee is agreed upon by the parties, the agreed upon lump sum fee shall be the fee for that particular additional service.

4.4. The Project Manager shall provide the Awarding Authority with an estimate of expected costs for any requested additional services prior to undertaking such work.

4.5. Records of reimbursable expenses pertaining to additional services and other cost information with respect to additional services shall be provided to the Awarding Authority or the Awarding Authority's authorized representatives upon request.

4.6. The Project Manager shall submit monthly to the Awarding Authority a statement for its services rendered in the prior month in accordance with the compensation described in Article 4.

4.7. Payment by the Awarding Authority to the Project Manager of the approved statement amount shall be made within thirty (30) days after it is submitted.

**ARTICLE 5: AGREEMENT DOCUMENTS:**

5.1. The following documents form the Agreement and all are as fully a part of the Agreement 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 Awarding Authority shall govern. In the event that the above documents prescribe for the same work different quantities or quality, the Project Manager shall provide the greater quantity or higher quality.

**ARTICLE 6: AGREEMENT TERMINATION:**

6.1. The Awarding Authority may suspend or terminate this Agreement by providing the Project Manager with ten (10) days written notice for any of the following reasons:

1. Failure of the Project Manager, for any reason, to fulfill in a timely and proper manner its obligations under this Agreement.
2. Violation of any of the material provisions of this Agreement by the Project Manager.
3. A determination by the Awarding Authority that the Project Manager has engaged in fraud, waste, mismanagement, misuse of funds, or criminal activity with any funds provided by this Agreement.

In addition, the Awarding Authority may terminate this agreement without cause upon thirty (30) days written notice to the Project Manager.

6.2. If the Awarding Authority fails to make payment to the Project Manager of sums due and owing as provided in Article 4, then after thirty (30) days written notice to the Awarding Authority, provided the Awarding Authority has not cured such non-performance within such thirty (30) day period, the Project Manager may terminate this Agreement.

6.3. If the Awarding Authority fails to perform any of its obligations (other than as provided in Section 6.2), then after thirty (30) days written notice to the Awarding Authority, provided the Awarding Authority has not cured such non-performance within such thirty (30) day period, the Project Manager may terminate this Agreement.

6.4. In the event of such termination, the Project Manager shall be compensated for all services properly rendered prior to the date of termination.

**ARTICLE 7: INDEMNIFICATION:**

7.1. The Project Manager shall indemnify and hold harmless the Awarding Authority, its officers, agents, and employees, from and against any and all claims, damages, losses and expenses, including but not limited to reasonable attorneys' fees (collectively, the "Damages"), to the extent, arising out of or resulting from the Project Manager's performance of services under this Agreement, regardless of whether or not such claim, damage, loss or expense is caused in part by a party indemnified hereunder. With respect to any Damages that arise out of the Project Manager's acts, errors, or omissions in the performance of professional services, the foregoing indemnity obligation is applicable only to the extent such Damages are caused by the Project Manager's negligence, willful misconduct or failure to perform its services in accordance with its obligations pursuant to this Agreement. Designer's indemnification obligations hereunder shall include reimbursement of the Town's reasonable attorneys' fees and costs of defense incurred in responding to third party suits or claims that are caused by the Designer's negligence or misconduct in the performance of or breach of this Agreement.

7.2 In claims against any person or entity indemnified under paragraph 7.1 by an employee of the Project Manager, anyone directly or indirectly employed by it or anyone for whose acts it may be liable, the indemnification obligation under paragraph 7.1 shall not be limited by a limitation on amount or type of damages, compensation or benefits payable by or for the Project Manager under workers' or workmen's compensation acts, disability benefit acts or other employee benefit acts.

7.3 The Project Manager shall be solely responsible for all local taxes or contributions imposed or required under the Social Security, Workers' Compensation, and Income Tax laws applicable to it with respect to its duties and obligations under the Agreement. The within language shall not be construed as a limitation of the Project Manager's liability under this Agreement or under any applicable law.

**ARTICLE 8: AVAILABILITY OF FUNDS:**

8.1. The compensation provided by this Agreement is subject to the availability and appropriation of funds.

**ARTICLE 9: PERFORMANCE STANDARD – COMPLIANCE WITH LAW:**

9.1 The Project Manager will provide all Project Management Services in a manner (i) that is expeditious and economical based on established compensation provisions in this Agreement, (ii) that is consistent with service standards for comparable projects by qualified owner's project managers, and (iii) demonstrating an understanding of the established schedule, budget and other Awarding Authority objectives for the Project and each component thereof.

9.2. The Project Manager represents that all Project Management Services will be performed in accordance with all applicable Federal, State, and local laws, ordinances, by-laws, codes, and regulations and in accordance with sound project management practice.

9.3. The Project Manager agrees that, in performing the Project Management Services under this Agreement, it shall comply with all of the terms of all governmental approvals in connection with all aspects of the Project.

**ARTICLE 10: ASSIGNMENT:**

10.1. The Project Manager shall not make any assignment of this Agreement without the prior written approval of the Awarding Authority.

**ARTICLE 11: AMENDMENTS:**

11.1. All amendments or any changes to the provisions specified in this Agreement can only occur when mutually agreed upon by the Awarding Authority and Project Manager. Further, such amendments or changes shall be in writing and signed by officials with authority to bind the Awarding Authority and Project Manager. Additionally, all amendments and changes shall be approved by the Awarding Authority's Town Accountant prior to execution by the Awarding Authority. No amendment or change to the Agreement provisions shall be made until after the written execution of the amendment or change to the Agreement by both parties.

**ARTICLE 12: INSURANCE:**

12.1 The Project Manager shall obtain and maintain throughout the duration of the Project the following insurance coverage:

Commercial General and Automobile Liability Insurance shall be written for not less than the limits of liability as follows:

General Liability with liability coverage for personal injury, bodily injury and property damage including Products and Completed Operations with limits not less than \$1,000,000 per occurrence and \$2,000,000 aggregate. Such insurance shall be written on an occurrence basis. This policy shall provide coverage on a primary and non-contributory basis and should name the Municipality as an "Additional Insured".

Automobile Liability (applicable for any automobile operating exposure) with limits of not less than \$1,000,000 covering all owned, non-owned, hired, rented or leased vehicles. The Municipality should be named as an "Additional Insured".

Workers' Compensation and Employers' Liability Insurance including (i) Workers' Compensation Insurance providing statutory coverage as required by the Commonwealth of Massachusetts, and (ii) Employers' Liability Insurance coverage with limits of not less than \$500,000 per accident. Each contractors, subcontractors, and consultants performing work on or about the Premises shall have similar policies covering their employees.

Umbrella Liability of at least \$2,000,000 per occurrence with a \$2,000,000 Annual Aggregate. The Municipality should be named as an "Additional Insured".

Professional Liability (including but not limited to any architects, engineers, medical professionals) of at least \$1,000,000 per occurrence with a \$2,000,000 aggregate.

Workers' Compensation Insurance: The Project Manager shall, at its own expense, obtain and maintain Workers' Compensation Insurance as required by law.

12.2. The Project Manager's Commercial General Liability Insurance shall include premises - operations (including explosion, collapse and underground coverage) independent contractors and completed operations, all including broad form property damage coverage.

12.3. Commercial General Liability Insurance may be arranged under a single policy for the full limits required or by a combination of underlying policies with the balance provided by an Excess or Umbrella Liability policy.

12.4. The Awarding Authority shall be named as an additional insured party on the Project Manager's insurance policies for the Project excepting Professional Liability and Workers' Compensation Insurance.

12.5. The foregoing policies shall contain a provision that coverage afforded under the policies will not be canceled, modified or not renewed until at least thirty (30) days prior written notice has been given to the Awarding Authority. Certificates of Insurance showing such coverage to be in force shall be filed with the Awarding Authority prior to the execution of this Agreement, and upon the renewal of any such coverage during the term of this Agreement. Certificates shall indicate effective dates and dates of expiration of policies. All insurance policies required hereunder shall be written by companies satisfactory to the Awarding Authority and licensed to do business in the Commonwealth of Massachusetts and shall be in form satisfactory to the Awarding Authority.

12.6. The Awarding Authority shall be responsible for purchasing and maintaining its own liability insurance and, at its option, may purchase and maintain such insurance as will protect it against claims which may arise from operations under this Agreement.

**ARTICLE 13: DOCUMENTS AND DELIVERABLES:**

13.1. All documents, plans, drawings, reports and data prepared for and delivered to the Awarding Authority by the Project Manager under this Agreement including, without limitation, all daily reports, RFI's, proposed change orders, and change directives, shall become the property of the Awarding Authority. Any re-use of such materials, or modification thereof, for a project other than the project specified herein without the Project Manager's written verification of suitability for the specific purpose intended shall be without liability or legal exposure to the Project Manager or to the Project Manager's independent professional associates, sub-Project Managers or consultants. Distribution or submission to meet official regulatory requirements or for other purposes in connection with the project named herein shall not be construed as an act in derogation of the Project Manager's rights under this Agreement.

**ARTICLE 14: NOTICE:**

14.1. All notices required to be given hereunder shall be in writing and delivered, or mailed first class, to the parties' respective addresses stated above. In the event that immediate notice is required, it may be given by telephone or facsimile, but shall, to the extent possible, be followed by notice in writing in the manner set forth above.

**ARTICLE 15: DISPUTE RESOLUTION**

15.1. All claims, disputes and other matters in question between the parties to this Agreement arising out of or relating to this Agreement or the breach thereof shall be subject to review by any court having appropriate jurisdiction, unless the parties agree in a separate writing to some other form of dispute resolution.

**ARTICLE 16: STAFFING**

16.1 It is understood that the unique abilities of the Project Manager have been a substantial inducement for the Awarding Authority to enter into this Agreement. Therefore, the Project Manager will perform the work itself and will not assign or subcontract the work to third parties without the prior written consent of the Awarding Authority. The Awarding Authority shall have the right of approval of Project Management staff assigned to the Project in accordance with Section 16.2.

16.2. The Project Manager hereby agrees and acknowledges that one of the conditions of this Agreement is that the individuals in charge of the direction and supervision of the Project on behalf of the Project Manager shall be named and approved by the Awarding Authority at least one month prior to the commencement of the Pre-Design Feasibility Study on the Project, and such individuals and the members of the Project Manager's project team set forth below (the "Project Manager's Project Team") shall be available to attend meetings and respond to requests, comments, questions and concerns of the Awarding Authority and other parties identified by the Awarding Authority. This condition is a substantive inducement to the Awarding Authority without which the Awarding Authority would not have entered into this Agreement with the Project Manager. Notwithstanding the foregoing, the Project Manager shall submit to the Awarding Authority as soon as possible information on the credentials of the proposed project manager and assistant project manager. In consideration of the foregoing, the Project Manager agrees that for so long as any such member of the Project Manager's Project Team is employed by (or, as appropriate, a principal of) the Project Manager, such member(s) shall direct, shall be responsible for, and shall be available to provide the Project Management Services in connection with the Project. If at any time any such member of the Project Manager's Project Team is no longer available as aforesaid, then his replacement shall be subject to the prior approval of the Awarding Authority. The Project Manager's Project Team will consist of the persons noted below and necessary assistants and other technical and administrative personnel. All of the Project Manager's Project Team shall be experienced in projects similar in size, scope and complexity to the Project. Each member of the Project Team shall be appropriately licensed and certified and qualified by training and experience in their respective fields. No change will be made in the composition of the Project Team without the Awarding Authority's approval. No personnel in the Project Team designated as full-time on the Project shall assume additional responsibilities outside of the Project without the written consent of the Awarding Authority. The Awarding Authority may require replacement of any member of the Project Manager's Project Team upon notice to the Project Manager with or without cause. The members of the Project Manager's Project Team are as follows:

Name:	Title:
Suresh Bhatia	Project Director/OPM
Ronald Votta	MEP/FP Project Manager
Steve Boucher	Project Representative
Bruce Mello	Alternate Project Representative
Chris Mello	Alternate Project Representative
John Votta	Alternate Project Representative

16.3. The Project Manager shall provide the Awarding Authority with a schedule listing the names, job descriptions and professional biographical information for all other staff expected to



work on the Project. The Project Manager shall provide emergency contact information to the Awarding Authority for all members of the Project Team.

16.4. The Project Manager acknowledges and agrees that the designated on-site project manager shall be at the Project site as more particularly described in the Owner's Project Manager Fee Proposal attached hereto as **Attachment B**.

16.5. The Project Manager will at all times remain an independent contractor and is not an agent of, employee of, or a joint venturer with, the Awarding Authority.

16.6. Except as provided in the immediately following sentence, the Project Manager will not have the authority to enter into agreements on the Awarding Authority's behalf or otherwise bind the Awarding Authority by its decisions and the Project Manager will not hold itself out as the Awarding Authority's agent. The Project Manager shall act in the capacity of an agent or representative of the Awarding Authority only to the extent expressly authorized by the terms of this Agreement or as the Awarding Authority may from time to time otherwise expressly authorize the Project Manager in writing.

**ARTICLE 17: CERTIFICATIONS:**

17.1. The Project Manager certifies that:

1. The wage rates and other costs used to support the Project Manager's compensation are accurate, complete and current at the time of contracting.
2. The original Agreement price and any additions to the Agreement may be adjusted within one year of completion of the Agreement to exclude any significant amounts due to inaccurate, incomplete or non-concurrent wage rates or other costs.
3. It has not given, offered or agreed to give any person, corporation or other entity any gift, contribution or offer of employment as an inducement for, or in connection with, the award of this Agreement.
4. No consultant to or sub-Project Manager for the Project Manager has given, offered or agreed to give any gift, contribution or offer of employment to the Project Manager, or to any other person, corporation, or entity as an inducement for, or in connection with, the award to the consultant or sub-Project Manager of a contract by the Project Manager.
5. No person, corporation or other entity, other than a bona fide full time employee of the Project Manager, has been retained or hired by the Project Manager to solicit for or in any way assist the Project Manager in obtaining this Agreement upon an agreement or understanding that such person, corporation or other entity be paid a fee or other consideration contingent upon the award of this Agreement to the Project Manager.
6. It has internal accounting controls as required by M.G.L. c.30, §39R and that the Project Manager filed and will continue to file an audited financial statement as required by M.G.L. c.30, §39R(d).

**18. ARTICLE 18: MISCELLANEOUS**

18.1. This Agreement will be governed and construed in accordance with the laws of the Commonwealth of Massachusetts, without regard to conflict of laws principles. The provisions

of G.L. c. 149, §44A1/2 regarding the duties and responsibilities of the Project Manager shall apply regardless of whether the construction cost is more or less than \$1,500,000.

18.2. If any portion of this Agreement is held as a matter of law to be unenforceable, the remainder of this Agreement shall, to the extent possible, be enforceable without such provisions.

18.3. This Agreement represents the entire and integrated agreement between the Awarding Authority and the Project Manager and supersedes all prior negotiations, representations or agreements, either written or oral.

18.4. This Agreement shall be binding upon and inure to the benefit of the Awarding Authority and its successors and assigns. This Agreement shall be binding upon and inure to the benefit of the Project Manager and its permitted successors and permitted assigns. The Project Manager may not assign any right or delegate any obligation hereunder without the Awarding Authority's prior written approval.

18.5. Each and every provision of law and clause required by law to be inserted in this Agreement shall be deemed to be inserted herein and this Agreement shall be read and enforced as though it were included herein.

18.6. No employee or official of the Awarding Authority shall assume any personal liability pursuant to this Agreement.

**CERTIFICATION AS TO PAYMENT OF STATE TAXES**

Pursuant to M.G.L. c.62C, §49A, I hereby certify under the penalties of perjury that the respondent named herein has complied with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

27-2395840

\_\_\_\_\_  
Social Security Number or  
Federal Identification Number

DocuSigned by:

*Suresh Bhatia*

\_\_\_\_\_  
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.

PROJECT MANAGER  
Atlantice Construction & Management, Inc.  
a Domestic Profit Corporation

AWARDING AUTHORITY  
THE TOWN OF HARWICH

By its Town Administrator

By: DocuSigned by:  
Suresh Bhatia  
Signature

By: DocuSigned by:  
Joseph F. Powers  
Signature

Suresh Bhatia

Joseph F. Powers

Print Name

Print Name

President

Town Administrator

Print Title

Print Title

Approved to as to availability of funds:

DocuSigned by:  
Ann Marie Ellis contract sum: \$75,000.00  
Finance Director account: 01122A2-622004

527611/KOPE/0003

**ATTACHMENT A**  
**Owner's Project Manager**  
**Scope of Services**

**Scope of Work**

The Brooks Academy Museum, 80 Parallel Street, Harwich, is a wood-framed former school building that currently functions as a museum for the Harwich Historical Society. The proposed work focuses on the replacement of the existing foundation and floor reinforcing that supports the 1844 and the 1909 portions of the building. To accomplish the work, existing electrical and HVAC distribution components (ductwork, piping, wiring) will be removed to access the work and reinstalled upon completion. Areas of existing crawl space will be excavated to become a full basement and a new concrete floor slab will be installed. New structural columns will be installed to support new beams within the basement to support the first-floor framing.

This Request for Qualifications is for OPM services. The selected OPM shall:

- 1.1. Meet as needed with designated Town officials, and other interested parties to assist in meeting the needs of the Town as described herein.
- 1.2. Perform OPM services for the Town as set forth in M.G.L. c. 149, §44A½
- 1.3. Assist the Town in harmony with the architect, to best serve the interests of the Town, including review and recommendation of any proposed change orders or construction change directives.
- 1.4. Provide project management services through completion of the Project, including, but not limited to, the following duties:
  - (a) Construction Phase
    - (i) Monitor progress of construction on a regular basis, including attendance at all construction Project Meetings.
    - (ii) Provide oversight and coordination, as necessary, of the construction submittal process to ensure compliance with project requirements.
    - (iii) Provide oversight of the Request for Information (RFI) process and take action to resolve issues when possible.
    - (iv) Review change order requests in conjunction with the architect and make recommendations to the Town regarding the validity and necessity of these expenses. Ensure that the architect is

maintaining appropriate tracking and control of the change order process.

- (v) Review the contractor's schedule on a regular basis for accuracy and compliance with promised milestones, and advise the contractor, the architect and the Town regarding any concerns with the progress of construction.
  - (vi) Work with Town Inspectors to facilitate their visits and review of the construction site.
  - (vii) Monitor the architect's involvement and performance on construction-related issues.
  - (viii) Work with the architect, review payment requisitions from the contractor for accuracy and make recommendations as to payment.
  - (ix) Review invoices from the architect and report on accuracy to the Town to ensure prompt review and processing of applications for payment.
  - (x) Monitor quality of construction at all times, using any pre-established quality control procedures.
  - (xi) In general, facilitate communication and problem-solving between all team members. Promote a collaborative rather than adversarial relationship between all parties.
  - (xii) Prepare a monthly report summarizing the progress of design and construction of the project, highlighting important events and raising pending issues that must be addressed.
  - (xiii) Attend meetings of the Town and all other meetings, as necessary, with the architect, the contractor, other Town agencies and any other Town representatives relating to the project.
  - (xiv) Maintain a complete project file, including, but not limited to correspondence, daily and monthly reports, payment records, schedules, and files on particular issues as they arise.
- (b) Closeout Services
- (i) Assist the architect and the Town in the preparation of final project punch lists, and facilitate their timely completion.

- (ii) In consultation with the architect, advise the Town on the timing of the approval of the Contractor's notice of final completion.
- (iii) Make sure that the Town receives a complete list of all Subcontractors and Suppliers and the applicable warranties and certificates of warranty of both.

(c) Ongoing Services

- (i) At all times during the project, the OPM shall keep the Town officials informed of all aspects of the project, at an appropriate level of detail to allow decision makers to understand their responsibilities and options.
- (ii) Prepare a monthly report summarizing the recent progress on the project, highlighting milestones achieved, and raising pending issues to be addressed. Specifically, issues that affect the budget will be highlighted and researched immediately.
- (iii) Attend meetings of the Town and all other meetings, as necessary, with the architect, the contractor, other Town agencies and any other Town representatives relating to the project.
- (iv) Assist the Town in procuring any non-construction related services, consultants or materials required on the project.
- (v) Maintain complete project files of any and all paperwork, both important and routine.
- (vi) OPM agrees to be available for any future litigation on an hourly basis separate from the initial fee if required.

**ATTACHMENT B  
Owner’s Project Manager Fee Proposal**

The OPM responsibilities and fee for each of the following services shall be:

1. Attend Project meetings (OPM/PD and or HVAC specialist): • In person – maximum of eight (8) meetings • Virtual meetings – maximum of eight (8) meetings
2. Monitor work (Project Representative) – 6 hours/day – maximum of 30 days
3. Prepare monthly reports for the Town – maximum of Four (4) reports
4. Review all project related correspondence – budgeted one and one-half (1.5) hours per week for 16 weeks.

Perform items 1 through 4 above for a lump sum amount of Seventy-Five Thousand Dollars and Zero Cents (\$75,000.00) to be billed in four equal installments of Eighteen Thousand Seven Hundred Fifty Dollars and Zero Cents (\$18,750.00) per month on January 15, 2023, February 15, 2023, March 15, 2023, and April 15, 2023.

5. Attend Town related meetings (OPM/PD and or HVAC specialist) – \$1,200.00 per meeting (if not concurrent with item 1 above.) Quantity – To be determined
6. Attend Town related meetings (Project Representative) – \$1,000.00 per meeting (if not concurrent with item 2 above.) Quantity – To be determined
7. Assist with all other services as listed in the Scope of Services per the RFQ – see enclosed hourly rate sheet.
8. Services performed on or after April 16, 2023, will be billed at the hourly rates.

Above fees include all costs related to electronic transmissions of documents. Reimbursables and Additional Services: Per Hourly Rates below:

Principal/PD/OPM	\$275.00
Project Representative/Assistant Project Manager	\$200.00
Administrative Assistant	\$95.00

Other Direct expenses:

Email/scans included with the hourly rate.	
Fax/Reports/Printing/Mailings included with the hourly rate.	Cost + 10% mark-up Telephone
Travel	\$0.60/mile + 10% mark-up
Ferry/Uber/Car Rental	Cost + 10% mark-up
Tolls	Cost + 10% mark-up
Out-of-State/Air Travel	Cost + 10% mark-up
Road and air travel time is billed at the hourly rate for each individual with an eight-hour maximum per day. *Rates subject to increase by US Cost of Living Index (COLI) at the beginning of each calendar year	



Project Name: Owner's Project Manager-Brooks Academy Museum TM Year and Article #: ATM 22 art 4  
 Appropriation: \$150,000 Low Bidder: n/a Bid Price: n/a

12/13/18 Revised Procurement Checklist

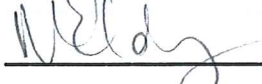
Please complete checklist below for contracts requiring Selectmen\* signature before Wednesday morning\*\* in order to get sign-off approval from the Town Administrator or the Assistant Town Administrator.

\*Note: contracts (not grants) **below \$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: 01122a2-622004 Account
- 3. Please provide a single **copy of the bid packet** along with all supporting documents.
- 4. Please use K-P Law provided standardized contracts.

<b>Buildings and Public Works</b>	<b>Goods and Services</b>
<input type="checkbox"/> C1. Please show Prevailing Wage was used.	<input type="checkbox"/> GS1. If procured using the <b>State Bid List</b> :
<input type="checkbox"/> C2. If construction is <b>near \$10,000</b> you also need: <ul style="list-style-type: none"> <li><input type="checkbox"/> a. Written spec sheet.</li> <li><input type="checkbox"/> b. Advertised for two weeks on Central Register and COMMBUYS.</li> <li><input type="checkbox"/> c. Apparent low bidder posted to Town website.</li> </ul>	<input type="checkbox"/> a. Over \$25,000 please show project was on the Capital Plan.
<input type="checkbox"/> C3. If construction <b>over \$25,000</b> you need C1, C2, as well as: <ul style="list-style-type: none"> <li><input type="checkbox"/> a. Show project was in the Capital Plan.</li> <li><input type="checkbox"/> b. Low bidder provides 50% payment bond after Selectmen's countersignature.</li> </ul>	<input type="checkbox"/> GS2. If project is <b>over \$5,000</b> : <ul style="list-style-type: none"> <li><input type="checkbox"/> a. Please provide written spec sheet used and who it was sent to.</li> <li><input type="checkbox"/> b. Maximum contract length is three years.</li> </ul>
<input type="checkbox"/> C4. If construction <b>over \$50,000</b> you need C1, C2, C3, as well as: <ul style="list-style-type: none"> <li><input type="checkbox"/> a. Bid Bond of 5% of total value.</li> <li><input type="checkbox"/> b. Sealed Bids.</li> <li><input type="checkbox"/> c. <b>End of Public Works construction requirements</b></li> </ul>	<input type="checkbox"/> GS3. If project is <b>over \$50,000</b> : <ul style="list-style-type: none"> <li><input type="checkbox"/> a. Show project was advertised for two weeks in a newspaper and on COMMBUYS.</li> <li><input type="checkbox"/> b. Show project utilized sealed bids.</li> <li><input type="checkbox"/> c. Apparent low bidder posted to Town website.</li> </ul>
<input type="checkbox"/> C5. If <b>Building</b> estimated construction costs are over \$300,000 <b>and</b> estimated design costs are over \$30,000 you'll need to follow the Designer Selection RFQ process: <ul style="list-style-type: none"> <li><input type="checkbox"/> a. Advertise in Central Register and local newspaper for two weeks.</li> <li><input type="checkbox"/> b. Set a designer fee or price ceiling.</li> <li><input type="checkbox"/> c. Use Standard Designer Application Form</li> </ul>	<input type="checkbox"/> GS4. If project is <b>over \$100,000</b> : <ul style="list-style-type: none"> <li><input type="checkbox"/> a. Show project was advertised for two weeks in COMMBUYS and Goods and Services Bulletin.</li> <li><input type="checkbox"/> b. Show project utilized sealed bids.</li> </ul>
<input type="checkbox"/> C6. If <b>Building</b> construction <b>over \$150,000</b> you'll need C1, C2, C3, C4, C5, as well as: <ul style="list-style-type: none"> <li><input type="checkbox"/> a. 100% payment bond was in bids.</li> <li><input type="checkbox"/> b. 100% performance bond was in bids.</li> <li><input type="checkbox"/> c. DCAMM certified bidders.               <ul style="list-style-type: none"> <li><input type="checkbox"/> i. DCAMM certified sub-bids if over \$25,000.</li> </ul> </li> </ul>	<p>Note 1: If lowest bidder was found to be either not responsive or not responsible, the Town may begin negotiations with next lowest bidder.</p> <p>Note 2: Bids may be negotiated downwards but never higher than original quote.</p> <p>Note 3: Municipalities shall not provide a down payment, deposit, or provide funding before possession of purchased item.</p> <p align="center">engineering services are exempt from 30B</p>
<input type="checkbox"/> C7. If <b>Building</b> construction <b>over \$10,000,000</b> you'll need C1, C2, C3, C4, C5, C6, as well as: <ul style="list-style-type: none"> <li><input type="checkbox"/> a. Solicit qualifications prior to sealed bids.</li> </ul>	

Original for Accounting     Original for Procurement     Original for Vendor     Contract to Treasurer's

Signature of Town Administrator or Assistant Town Administrator: 

\*\*Note: Failure to gain sign-off **before Wednesday at noon** results in the contract being delayed to the next meeting.