

SELECT BOARD MEETING AGENDA*

Donn B. Griffin Room, Town Hall

732 Main Street, Harwich, MA

Executive Session 5:00 P.M.

Regular Meeting 6:00 P.M.

Monday, April 8, 2024

Remote Participation Optional:

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

<https://meet.goto.com/242903933>

You can also dial in using your phone.

Access Code: 242-903-933

United States: [+1 \(872\) 240-3412](tel:+18722403412)

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

I. CALL TO ORDER

II. EXECUTIVE SESSION

- A. To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or discuss the discipline or dismissal of, or complaints or charges against, a public officer, employee, staff member or individual.
- B. Pursuant to G.L. c. 30A, sec. 21(a)(2) to conduct strategy sessions in preparation for negotiations with non-union personnel and to conduct contract negotiations with non-union personnel: Police Chief

III. PLEDGE OF ALLEGIANCE

IV. PUBLIC COMMENTS/ANNOUNCEMENTS

- A. The Select Board Public Forum on Annual Town Meeting Warrant Articles will be held on April 24, 2024, at 6:00 pm in the Griffin Room at Town Hall
- B. Office Hours with Michael MacAskill and Jeffrey Handler will be held on April 23, 2024, at 5:30-7:00 pm at the Community Center in Room 3

V. NEW BUSINESS

- A. Approve a M.G.L Chapter 138, section 12 seasonal liquor license renewal for Ashwood Food Service, Inc. d/b/a Jake’s at Cranberry Valley, 183 Oak Street
- B. Approve the following 2024 Seasonal Common Victualler license renewals:
 - 1. Ashwood Food Service Inc. d/b/a Jake’s at Cranberry Valley, 183 Oak Street
 - 2. Schoolhouse Ice Cream & Yogurt, 749 Route 28
- C. Approve a One day Wines and Malt Special Permit for Georgene Riedl, event to be held on May 3, 2024, 5:30 p.m. to 7:30 p.m. at 204 Sisson Road
- D. Approve a 2024 Seasonal Weekday and Sunday Entertainment license renewal for Pelham on Earle Operating LLC d/b/a Pelham on Earle, 30 Earle Road:
 - Weekday 12:00 p.m. to 10:00 p.m. inside & outside
Live/recorded music, amplification, dancing by live performers
 - Sunday 12:00 p.m. to 10:00 p.m. inside & outside
Live/recorded music, amplification, dancing by live performers
- E. Approve the following 2024 Seasonal Weekday and Sunday Amusement license renewals:
 - 1. The Trampoline Center, 296 Route 28 – Weekday & Sunday 9:00 a.m. to 9:00 p.m.
Amusement Type: Trampolines
 - 2. S&S Amusement, LLC d/b/a Bud’s Mini Golf, 9 Sisson Road – Weekday & Sunday 10:00 a.m. to 10:00 p.m. Amusement Type: Miniature Golf

VI. OLD BUSINESS

- A. Discussion on Annual Town Meeting Warrant and all articles therein

VII. CONTRACTS

- A. Vote to approve a Memorandum of Understanding with Meals on Wheels

VIII. TOWN ADMINISTRATOR’S REPORT

IX. SELECT BOARD’S MEMBER REPORT

X. CORRESPONDENCE

XI. ADJOURNMENT

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

Authorized Posting Officer:

Posted by: _____

Town Clerk

Natasha Lyon, Executive Assistant

Date: _____

April 4, 2024

NEW BUSINESS



Commonwealth Of Massachusetts
Alcoholic Beverages Control Commission

Jean M. Lorizio, Esq.
Commission Chairman

2024
Retail License Renewal

License Number: 06795-RS-0506

Municipality: HARWICH

License Name : ASHWOOD FOOD SERVICE INC.

License Class: Seasonal

DBA : Jake'S At Cranberry Valley

License Type: Restaurant

Premise Address: 183 Oak Street Harwich, ma 02645

License Category: All Alcoholic Beverages

Manager: Katherine Lomask

I hereby certify and swear under penalties of perjury that:

1. I am authorized to sign this renewal pursuant to M.G.L. Chapter 138;
2. The renewed license is of the same class, type, category as listed above;
3. The licensee has complied with all laws of the Commonwealth relating to taxes; and
4. The premises are now open for business (if not, explain below).

Katelomasz
Signature

3/21/24
Date

Kate Lomask
Printed Name

Manager
Title

Additional Information:

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





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

APPLICATION FOR COMMON VICTUALLERS LICENSE RENEWAL

Fee: \$50 Annual
 Seasonal Opening date April 15, 2024

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

Business Name Ashwood Food Service Incorporated Phone 508.430.1106

Doing Business As (d/b/a) Jaki's at Cranberry Valley

Business Address 183 Oak St. Harwich, MA 02645

Mailing Address 119 Brooks Rd. Harwichport, MA 02646

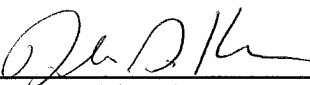
Email Address [REDACTED]

Name of Owner Peter Klaus

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

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

By signing below, I am certifying that the premises to be licensed as described herein have been inspected and found to be in compliance with applicable local codes and regulations, including zoning ordinances, health regulations and building and fire codes.


Signature of Applicant, Owner or Manager

3/21/24
Date

[REDACTED]
Federal I.D. #

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



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

APPLICATION FOR COMMON VICTUALLERS LICENSE RENEWAL

Fee: \$50

Annual

Seasonal

Opening date MAY 24, 2024

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

Business Name SCHOOLHOUSE ICE CREAM Phone 508432 7355
+ YOGURT

Doing Business As (d/b/a) _____

Business Address 749 ROUTE 28 HARWICHPORT, MA 02646

Mailing Address same

Email Address _____

Name of Owner SUSAN L. STANLEY

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

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

By signing below, I am certifying that the premises to be licensed as described herein have been inspected and found to be in compliance with applicable local codes and regulations, including zoning ordinances, health regulations and building and fire codes.

Susan L Stanley
Signature of Applicant, Owner or Manager

MARCH 11, 2024
Date

Federal I.D. #

*new form?
2024*

*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 SPECIAL PERMIT

- One day Entertainment (\$25)
- One day Liquor License – All Alcohol (\$50)
- One day Liquor License – Wines & Malt (\$50)
- Craft Fair (\$50)
- Event (\$25)
- Road Race (\$50)
- Other (please specify) _____

Applicants Name GEORGINE RIEDL Phone [REDACTED]

Mailing Address [REDACTED]

Owners Name & Address _____

Email Address [REDACTED]

REQUIRED FOR ONE DAY ENTERTAINMENT – PLEASE PRINT

- The date & time (I.E. 4 P.M. to 10 P.M.) you are requesting to have entertainment

- Location of entertainment (Inside and/or outside)

- Address where entertainment will be playing

- Event Information

- Indicate if there will be food service
Yes _____
No _____

REQUIRED FOR ONE DAY ENTERTAINMENT - ENTERTAINMENT TYPE: (Check all appropriate boxes)

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

REQUIRED FOR ONE DAY LIQUOR/ROAD RACE/CRAFT FAIR/ANY OTHER EVENT

Address of Event 204 Sisson Road, Harwich, MA 02645

Date & Time May 3, 2024 - 5:30 pm - 7:30 pm

Route/Location for Road Race _____

Indicate if there be food service - SNACKS
Yes
No

Provide any additional information necessary for the Board of Selectmen THIS APPLICATION IS FOR A WINE/MALT LICENSE FOR AN ART OPENING/EXHIBITION AT THE 204 MUNICIPAL ARTS BUILDING AS PART OF "ARTWEEK" - CREATIVE EXPLORATION"

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.

Joseph Reed
Signature of applicant & title Federal I.D. # [REDACTED]

Signature of individual or corporate name Federal I.D. #

Signature of Manager Federal I.D. #

Signature of Partner Federal I.D. #

REGULATORY COMPLIANCE FORM

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

DocuSigned by:
Jack Mee
Building Commissioner

DocuSigned by:
Carrie Schaner
Board of Health

DocuSigned by:
Ernie Young
Fire Department

DocuSigned by:
Kevin Conidine
Police Department

DocuSigned by:
Eric Beeh
Recreation Department

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

Please note: This permit does not exempt the applicant from the Town of Harwich Chapter 189 Noise by-law



ENTERTAINMENT LICENSE RENEWAL - WEEKDAY

An application for entertainment regulated by Massachusetts General Law Chapter 140, Section 183A

All highlighted areas are REQUIRED to be completed

Section I - Check all appropriate

- Weekday Entertainment (\$75)
- One day Entertainment (\$25)

Section II - Check all appropriate

- Annual
- Seasonal
- Opening Date _____

Section III - Applicant Information

Business Name DELHAM ON EARLE Phone 508 398 6076

Doing Business As DELHAM ON EARLE

Business Address 30 EARLE RD HARWICH MA 02671

Mailing Address _____

Owners Name & Address JOHN MCCARTHY

Email Address _____

Manager Name & Address GRACE GRIECO

Days/Hours of Business Operation 24/7

Section IV - Entertainment Type (Check all appropriate boxes)

- Group 1 Jukebox, Radio, Television
- Group 2 Dancing by Patrons
- Group 3 Dancing by Live Performers, Live/Recorded Music, Amplification System
*If having live or recorded music, please state below exactly what kind (DJ, Band, etc.)
- Group 4 Moving Pictures, Plays, Floor Shows, Light Shows, Theatre Shows

Section V - Additional information

- The time you are requesting to have entertainment (I.E. 4 P.M. to 10 P.M.)
12 pm - 10 pm
- Location of entertainment (Inside and/or outside)
BOTH
- Specific days if not applying for Monday through Saturday

- Please use the area below to outline any additional information for the Local Licensing Authority 1-3 musician's playing soft music for dining guests.

Section VI

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

Yes No

- If you checked yes on the question above, please obtain an Entertainment Appendix from staff

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

By signing below, I am certifying that the premises to be licensed as described herein have been inspected and found to be in compliance with applicable local codes and regulations, including zoning ordinances, health regulations and building and fire codes.

 Managing Partner 
Signature of applicant & title Federal I.D. #

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



ENTERTAINMENT LICENSE RENEWAL - SUNDAY

An application for entertainment regulated by Massachusetts General Law Chapter 140, Section 183A

All highlighted areas are **REQUIRED** to be completed

Section I - Check all appropriate

- Entertainment starting **prior to 1PM** (\$175)
- Entertainment starting **after 1PM** (\$85)
- One day Entertainment (\$25)

Section II - Check all appropriate

- Annual
- Seasonal
- Opening Date

Please note the Commonwealth of Massachusetts fee applies for **all Sunday entertainment** as outlined below:

Please make check payable to Commonwealth of Massachusetts

- Entertainment starting on Sunday **after** 1:00 p.m. - \$50
- Entertainment starting on Sunday **prior** to 1:00 p.m. - \$100

Section III - Applicant Information

Business Name Delham on EARLE Phone 508 398 6076

Doing Business As Delham on EARLE

Business Address 30 EARLE RD HARWICH MA 02671

Mailing Address [REDACTED]

Owners Name & Address John MCCARTHY

Email Address [REDACTED]

Manager Name & Address GRACE GRIECO

Days/Hours of Business Operation 24/7

Section IV - Entertainment Type (Check all appropriate boxes)

Group 1 Jukebox, Radio, Television

Group 2 Dancing by Patrons

Group 3 Dancing by Live Performers, Live/Recorded Music, Amplification System
*If having live or recorded music, please state below exactly what kind (DJ, Band, etc.)

Group 4 Moving Pictures, Plays, Floor Shows, Light Shows, Theatre Shows

Section V – Additional information

- The time you are requesting to have entertainment (I.E. 4 P.M. to 10 P.M.)
12pm - 10pm
- Location of entertainment (Inside and/or outside)
BOTH
- Please use the area below to outline any additional information for the Local Licensing Authority
1-3 musician playing soft music FOR DINING GUESTS.

Section VI

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

Yes No

- **If you checked yes on the question above, please obtain an Entertainment Appendix from staff**

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

By signing below, I am certifying that the premises to be licensed as described herein have been inspected and found to be in compliance with applicable local codes and regulations, including zoning ordinances, health regulations and building and fire codes.

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

[REDACTED]
Federal I.D. #

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



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

APPLICATION FOR AMUSEMENT LICENSE RENEWAL - WEEKDAY

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

Annual
Seasonal
Opening Date 4.13.24

Business Name The Trampoline Center Phone 508 432-2551

Doing Business As The Trampoline Center

Business Address 296 Route 28 West Harwich MA 02671

Mailing Address [REDACTED]

Email Address [REDACTED]

Managers Name & Address Donna Smith [REDACTED]

HOURS OF OPERATION FOR AMUSEMENTS
(This application does not cover Sundays).

Mon-Sat 9a-9p

ADDITIONAL INFORMATION: (Check all appropriate boxes)

- Dancing by Patrons
- Use of Amplification System
- Dancing by Entertainers or Performers
- Concert
- Recorded or Live Music
- Other (Describe)

Days/Hours of Business Operation Same as above

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.

Donna W Smith Manager
Signature of applicant & title

[REDACTED]
Federal I.D. #

4.2.24
Date

*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 AMUSEMENT LICENSE RENEWAL - SUNDAY

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

Annual
Seasonal
Opening Date 4.13.24

Please note the Commonwealth of Massachusetts fee applies for all Sunday entertainment as outlined below:

Please make check payable to Commonwealth of Massachusetts

- Amusements starting on Sunday after 1:00 p.m. - \$50
- Amusements starting on Sunday prior to 1:00 p.m. - \$100

Business Name The Trampoline Center Phone 508 432-2551

Doing Business As The Trampoline Center

Business Address 296 Route 28 West Harwich MA 02671

Mailing Address [REDACTED]

Email Address [REDACTED]

Managers Name & Address Donna Smith [REDACTED]

SUNDAY HOURS OF OPERATION FOR AMUSEMENTS

9a-9p (22 Sundays)

ADDITIONAL INFORMATION: (Check all appropriate boxes)

- | | |
|--|--|
| <input type="checkbox"/> Dancing by Patrons | <input type="checkbox"/> Use of Amplification System |
| <input type="checkbox"/> Dancing by Entertainers or Performers | <input type="checkbox"/> Concert |
| <input type="checkbox"/> Recorded or Live Music | <input type="checkbox"/> Other (Describe) |

Days/Hours of Business Operation Same as above

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.

Donna D Smith
Signature of applicant & title

[REDACTED]
Federal I.D. #

4.2.24
Date

*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 AMUSEMENT LICENSE RENEWAL - WEEKDAY

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

Annual
 Seasonal
 Opening Date 4-15

Business Name S&S Amusement, LLC Phone [REDACTED]

Doing Business As Bud's Mini Golf

Business Address 9 Sisson Rd, Harwich Port, MA 02646

Mailing Address P.O.Box 305 Harwich Port, MA 02646

Email Address [REDACTED]

Managers Name & Address Swavi Osev, [REDACTED]

HOURS OF OPERATION FOR AMUSEMENTS
(This application does not cover Sundays).

10AM-10PM

ADDITIONAL INFORMATION: (Check all appropriate boxes)

- Dancing by Patrons
- Dancing by Entertainers or Performers
- Recorded or Live Music
- Use of Amplification System
- Concert
- Other (Describe)

Days/Hours of Business Operation Mon- Sat 10am-10pm

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.

Swavi Osev
Signature of applicant & title

[REDACTED]
Federal I.D. #

3/20/24
Date



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

APPLICATION FOR AMUSEMENT LICENSE RENEWAL - SUNDAY

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

Annual
 Seasonal
 Opening Date 4-15

Please note the Commonwealth of Massachusetts fee applies for all Sunday entertainment as outlined below:

Please make check payable to Commonwealth of Massachusetts

- Amusements starting on Sunday **after** 1:00 p.m. - \$50
- Amusements starting on Sunday **prior** to 1:00 p.m. - \$100

Business Name S&S Amusements, LLC Phone [REDACTED]

Doing Business As Buds Mini Golf

Business Address 9 Sisson Rd, Harwich Port, MA 02646

Mailing Address P.O.Box 305, Harwich Port, MA 02646

Email Address [REDACTED]

Managers Name & Address Swavi Osev, [REDACTED]

SUNDAY HOURS OF OPERATION FOR AMUSEMENTS

10 - 10 pm

ADDITIONAL INFORMATION: (Check all appropriate boxes)

- | | |
|--|--|
| <input type="checkbox"/> Dancing by Patrons | <input type="checkbox"/> Use of Amplification System |
| <input type="checkbox"/> Dancing by Entertainers or Performers | <input type="checkbox"/> Concert |
| <input type="checkbox"/> Recorded or Live Music | <input type="checkbox"/> Other (Describe) |

Days/Hours of Business Operation _____

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.

Suzanne Osler
Signature of applicant & title

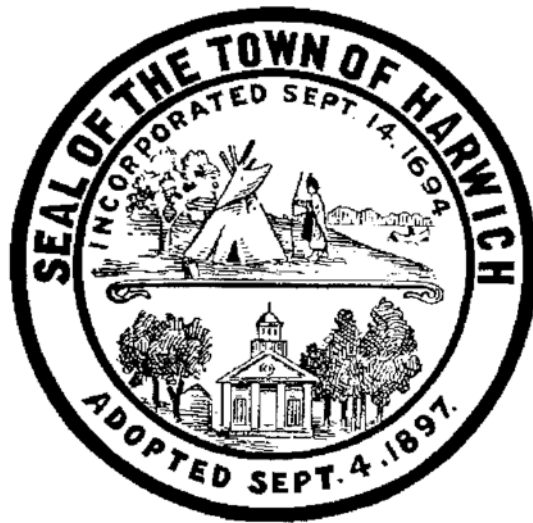
[REDACTED]
Federal I.D. #

3/20/24
Date

*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.

OLD BUSINESS

**ANNUAL TOWN MEETING
WARRANT
WITH
RECOMMENDATIONS**



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

TABLE OF CONTENTS
ANNUAL TOWN MEETING
MAY 6, 2024

	<u>Page Number</u>
Voting Procedures.....	3
Motion Chart.....	4
Tax Rate Chart.....	5
Municipal Finance Terms.....	6

<u>Article Number</u>	<u>Page Number</u>
1. Town Officers & Committees	9
2. Reports of Town Officers & Committees	9
3. Elected Officials’ Salaries	9
4. Town Operating Budget	10
5. Monomoy Regional School District Budget	11
6. Cape Cod Regional Technical School District Budget	11
7. Water Department Budget	12
8. Wastewater Department Budget	12
9. Monomoy Middle School Project	13
10. Citizen Petition – Tree Preservation Bylaw	13
11. Fund Cape Cod Community Media Center	30
12. Lease Purchase Agreements	31
13. Citizen Petition – Home Rule Petition: Pesticides	31
14. Citizen Petition – Special Act: Fertilizers	35
15. Citizen Petition – Support for swimming pool	37
16. Adopt the Capital Plan	38
17. Capital Funding – Various Sources	39
18. Capital Funding – Free Cash	39
19. Capital Funding – Water Retained Earnings	40
20. Capital Funding – Wastewater Retained Earnings	41
21. Acquisition of Conservation Restriction	41
22. Expenditure of Funds from sale of 276 Queen Anne Road	42
23. Correct Article 24 – 2023 Annual Town Meeting	43
24. Community Preservation Committee – Housekeeping	43
25. Community Preservation Committee – Beach AED Equipment	44
26. Community Preservation Committee – Cold Brook Trailhead & Public Access	45
27. Community Preservation Committee – Harwich Police Soccer Club Pitch	46
28. Community Preservation Committee – Affordable Housing Trust	46
29. Community Preservation Committee – Lower Cape Housing Institute	47
30. Community Preservation Committee – Monomoy Press Box	47
31. Community Preservation Committee – North Woods & Water Supply	48
32. Community Preservation Committee – 203 Bank Street Firehouse Housing	49
33. Community Preservation Committee – Red River Valley Land & Water Protection	49
34. Community Preservation Committee – Senior Memorial Softball Field Fencing	50
35. Community Preservation Committee – South Harwich Gravestone Conservation	51
36. Community Preservation Committee – Veterans Memorial Complex Electric Irrigation	51

37.	Repurpose 2013 Annual Town Meeting Article 31	52
38.	Fund Fiscal Year 2024 Wastewater Debt	52
39.	Revolving Fund authorizations	53
40.	Transfer 172 Queen Anne Road	54
41.	Transfer 178 Queen Anne Road	54
42.	Transfer 246 Queen Anne Road	55
43.	Amend General Bylaw Chapter 7	57
44.	Amend General Bylaw Chapter 271	57
45.	Amend the Harwich Charter	58
46.	Citizen Petition – Amend Chapter 140 General bylaw	61
47.	Defray Library Expenses	63
48.	Promote the Town of Harwich	63
49.	Supplemental Cultural Council	64
50.	Fund Electronic Voting at Town Meetings	64
51.	Supplemental Appropriation for Phase 3 WMP Construction Contracts	65
52.	Fund a Sewer Assistance Grant Program	65
53.	Herring Fisheries	66

Appendices

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

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.

		Debatable		Amendable	Required	Required	Vote	Vote	Vote
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 ¹		
Postpone Indefinitely	X			X	X		X		
Previous Question Terminate Debate		X		X	X				X
Reconsider ²	X			X	X				X
Consider Articles Out of Order	X		X		X				X
Point of Order		X					X		
1. Unless a greater than simple majority required by General Laws of Town of Harwich by-laws.									
2. See section 1.207									

TAX RATE CHART

THE CHART BELOW SHOWS THE AMOUNT OF MONEY REQUIRED TO CHANGE THE FY 2024 TAX RATE.						
TAX RATE CHANGE IN \$/1000		DOLLARS REQUIRED				
\$	0.01					\$95,117
\$	0.05					\$475,584
\$	0.10					\$951,167
\$	0.15					\$1,426,751
\$	0.20					\$1,902,334
\$	0.25					\$2,377,918
\$	0.30					\$2,853,501
\$	0.35					\$3,329,085
\$	0.40					\$3,804,669
\$	0.45					\$4,280,252
\$	0.50					\$4,755,836
\$	0.55					\$5,231,419
\$	0.60					\$5,707,003
\$	0.65					\$6,182,587
\$	0.70					\$6,658,170
\$	0.75					\$7,133,754
\$	0.80					\$7,609,337
\$	0.85					\$8,084,921
\$	0.90					\$8,560,504
\$	0.95					\$9,036,088
\$	1.00					\$9,511,672

MUNICIPAL FINANCE TERMS

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

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

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

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

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

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

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

MUNICIPAL FINANCE TERMS RELATED TO CAPITAL IMPROVEMENTS

CAPITAL ASSETS: – Any tangible property used in the operation of government that is not easily converted into cash and that has an initial useful life extending beyond a single financial reporting period. Capital assets include land and land improvements; infrastructure, such as roads, bridges, water and sewer lines; easements; buildings and building improvements; vehicles, machinery and equipment. Communities typically define capital assets in terms of a minimum useful life and minimum initial cost.

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

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

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

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

MUNICIPAL FINANCE TERMS RELATED TO PROPOSITION 2 ½ TERMS

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

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

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

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

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

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

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

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

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

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

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

The entire glossary can be found at:

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

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

BARNSTABLE, ss:

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

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in elections and Town affairs to meet in the Community Center Gymnasium, 100 Oak Street in said Town on May 6, 2024 at 7:00 P.M., then and there to act on the following articles:

TOWN OFFICERS AND COMMITTEES

ARTICLE 1: To choose various Town Officers and Committees.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

REPORTS OF TOWN OFFICERS AND COMMITTEES

ARTICLE 2: To hear reports of all Town Officers and Committees for the year 2023.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

ELECTED OFFICIAL SALARIES

ARTICLE 3: To see if the Town will vote the salaries of the Elected Officials of the Town for fiscal year commencing July 1, 2024 and ending June 30, 2025 as follows; and to act fully thereon. Estimated cost: \$136,616

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

TOWN OPERATING BUDGET

ARTICLE 4: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow such sums of money as may be required to defray Town charges for Fiscal Year 2025; and to act fully thereon.

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

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

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

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

- **Administration (Dept. 149: lines 29 & 30 in Appendix B):** A new, full-time, benefitted position of Human Resources Generalist as well related fringe benefits, Human Resource programming and funds to support merit increases throughout the organization totaling \$115,000 in line 29 and \$30,000 in line 30.
- **Fire Department (Dept. 220: line 76 in Appendix B):** Additional overtime for shift coverage totaling \$231,190.00 in line 76.

- **Community Center (Dept. 540: line 111 in Appendix B):** \$52,000.00 in line 111 in Appendix B for building enhancements including additional security cameras and monitors, blinds, furniture and cleaning.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

MONOMOY REGIONAL SCHOOL DISTRICT BUDGET

ARTICLE 5: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow such sums of money as may be required to pay for the Monomoy Regional School District Assessment for Fiscal Year 2025, and to act fully thereon. By request of the Monomoy Regional School Committee. Estimated cost: \$29,876,982

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

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

CAPE COD REGIONAL TECHNICAL SCHOOL DISTRICT BUDGET

ARTICLE 6: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money as may be required to pay for the Cape Cod Regional Technical High School District Assessment for Fiscal Year 2025, and to act fully thereon. By request of the Cape Cod Regional Technical High School District. Estimated cost: \$2,204,820

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

WATER DEPARTMENT BUDGET

ARTICLE 7: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow such sums of money as may be required to defray the Water Department Operating Budget for Fiscal Year 2025, and to act fully thereon.

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

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

WASTEWATER DEPARTMENT BUDGET

ARTICLE 8: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow such sums of money as may be required to defray the Wastewater Department Operating Budget for Fiscal Year 2025, and to act fully thereon.

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

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

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

MONOMOY MIDDLE SCHOOL RENOVATION PROJECT

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

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

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

PETITIONED ARTICLE – TREE PRESERVATION BYLAW

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

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

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

This Article would establish a program intended to incentivize the protection of certain trees on lots within the Town of Harwich. It would require, prior to any building activities as defined in this Article, the submission of an application and plan to the Planning Department that identifies trees that qualify as "Protected Trees," within the lot perimeter setback area of the lot, defined as the "Tree Lot." This Article does not prohibit any property owner from removing any tree, protected or not, from their property, however if a protected tree is proposed for removal it will require either a payment into a Tree Bylaw Revenue Account or replacement of the protected tree with a suitable species in accordance with this Article. This would

eliminate the ability for property owners to "clear-cut" their lot prior to a building activity. This Article does not restrict cutting or removal of trees outside of the "Tree Lot." Nor does this Article prevent an owner from cutting or removing trees if there is no building or construction activities. The Article is intended to encourage the preservation of existing trees for their environmental benefits and positive impact on the character of the community.

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

HARWICH TREE PRESERVATION BYLAW

§175-1 PURPOSE & INTENT

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

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

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

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

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

§175-2 DEFINITIONS

The following words, terms, and phrases, when used in this Bylaw, shall have the meaning

ascribed to them in this section:

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

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

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

CERTIFICATE OF

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

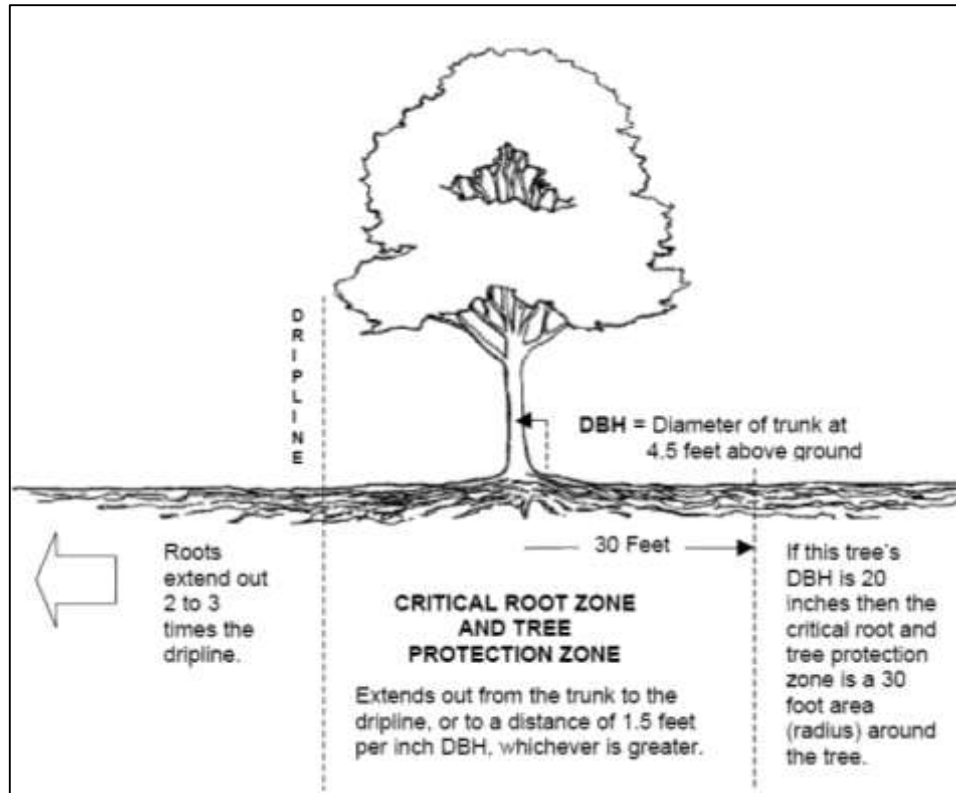
CERTIFIED ARBORIST: An arborist certified by the Massachusetts Arborists Association or International Society of Arboriculture, or any successor organization.

CRITICAL ROOT ZONE

(CRZ):

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

Figure 1



Example: A tree with a diameter at breast height of 20 inches shall have a CRZ of 360 inches or 30 feet ($20'' \times 18'' = 360''$)

Calculating the CRZ:

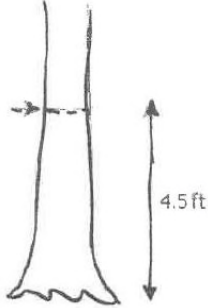
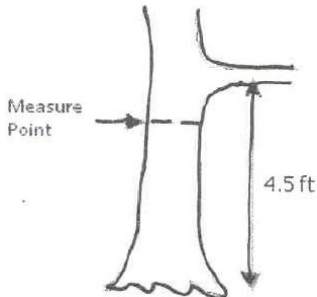
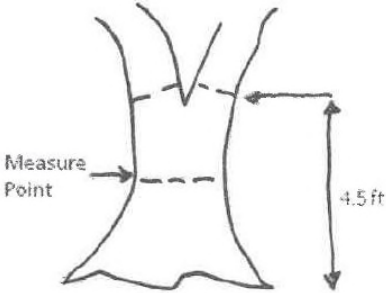
First you need to calculate the tree's Diameter at Breast Height (DBH). DBH can be measured using a caliper measuring tool, or for trees that are too large, DBH can be measured by dividing the tree's circumference by pi (π). Diameter = circumference / π (3.14)

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

DIAMETER BREAST

HEIGHT (DBH):

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

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

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

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

Here is link to Massachusetts prohibited plant list:

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

Up dates:

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

Including but not limited to these examples:

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

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

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

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

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

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

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

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

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

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

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

TREE BYLAW

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

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

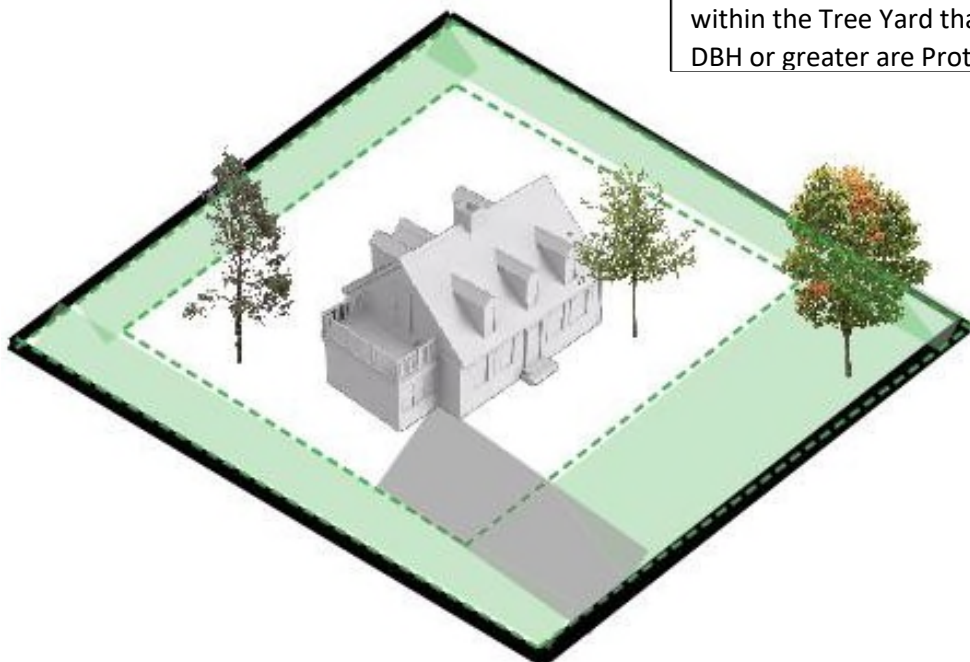
Account to ensure accuracy and propriety of its transactions.

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

TREE YARD:

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

Figure 2



Note: **The shaded perimeter is the Tree Yard** on this parcel - the same as existing zoning setbacks. Trees located within the Tree Yard that are 6 inches DBH or greater are Protected Trees.

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

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

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

§175-3 APPLICABILITY

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

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

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

A. EXEMPTIONS

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

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

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

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

§175-4 IDENTIFYING PROTECTED TREES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

each stamped, dated and signed by a Certified Arborist;

§175-7 COMBINATION OF OPTIONS

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

§175-8 ADMINISTRATION OF BYLAW

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

§175-9 AUTHORITY

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

§175-10 RULES AND REGULATIONS

The Planning Board may promulgate rules and regulations to effectuate the

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

§175-11 NOTICE OF VIOLATION

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

§175-12 STOP WORK ORDER

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

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

§175-13 SUSPENSION OR REVOCATION

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

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

§175-14 IRREPARABLE DAMAGE

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

§175-15 NON-CRIMINAL FINES

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

§175-16 FINES AND PENALTIES

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

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

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

Third Offense = \$300 per day

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

§175-17 SEVERABILITY

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

§175-18 CONFLICT OF LAWS

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

§175-19 COMPLIANCE WITH ALL STATE AND LOCAL REGULATIONS

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

§175-20 ENFORCEMENT

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

§175-21 APPEALS

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

By Petition (Lead Petitioner: Patrick Otton)

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 0 (Zero): None

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

FUND CAPE COD COMMUNITY MEDIA CENTER

ARTICLE 11: To see if the Town vote to raise and appropriate or transfer from available fund or borrow such sums of money that may be required for the purpose of funding the public access station, Cape Cod Community Media Center, 17 Shad Hole Rd. Dennis Port, MA 02639. Providing the public access television to the citizens of Harwich; and to act fully thereon. By request of the Select Board. Estimated cost: \$158,273.

Explanation: This customary article is funded from the PEG Access and Cable Related Fund. The Town of Harwich receives funding from Comcast subscriber fees to fund and maintain Public, Education and Government television stations (PEG access). Under the current 10 year agreement with Comcast the Town will allocate funds directly to Cape Cod Community Media Center.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

LEASE PURCHASE AGREEMENTS

ARTICLE 12: To see if the Town will vote to enter into various lease purchase financing agreements for town equipment included in the operating budget for FY 2025, said leases may be a term not to exceed the useful life of the equipment as determined by the Select Board; and to act fully thereon. By request of the Select Board. *Requires a 2/3 majority vote.*

Explanation: Massachusetts General Law, c. 44, §21C requires a recommendation by the Town Administrator and a two-thirds majority vote of Town Meeting whenever there are items to be funded by lease agreements within the Operating Budget. The lease agreements funded by the operating budget relate to procurements for Fiscal Year 2025.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

PETITIONED ARTICLE – HOME RULE PETITION: PESTICIDES

ARTICLE 13: To see if the Town will vote to authorize and direct the Select Board to petition the Great and General Court of the Commonwealth of Massachusetts for special legislation, authorizing the Town to adopt a Pesticide Reduction Bylaw (the bylaw), the text of which is set forth below, and to authorize the General Court, with the approval of the Select Board to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage: and vote to adopt the bylaw.

PESTICIDE REDUCTION BYLAW

§1. Purpose.

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

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

§2. Findings.

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

§3. Authority.

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

§4. Definitions.

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

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

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

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

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

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

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

§5. Prohibitions.

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

§6. Exceptions.

- A. The application of the following Pesticides is allowed:
 1. Indoor pest sprays and insect baits (excluding rodent baits)

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

§7. Enforcement.

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

§8. Penalties.

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

§9. Severability.

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

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

By Petition (Lead Petitioner: Patrick Otton)

Explanation

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

SUMMARY

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 0 (Zero): None

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

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

ARTICLE 14: To see if the Town will vote to authorize and ask the Select Board to petition the Great and General Court of the Commonwealth of Massachusetts for special legislation, the text of which is set forth below, prohibiting the application of fertilizer in the Town of Harwich except for the purposes of commercial agriculture and the residential use of organic fertilizer with low nitrogen and phosphorus for the use in growing fruits and vegetables that is allowable under the USDA National Organic Program organic standards (OMRI listed), and to authorize the General Court, with the approval of the Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage, as follows:

An Act prohibiting the application of fertilizer used in the Town of Harwich except for the purposes of commercial agricultural and the residential use of organic fertilizer with low nitrogen

and phosphorus for the use in growing fruits and vegetables that is allowable under the USDA National Organic Program organic standards (OMRJ listed).

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

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

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

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

Section 4. This act shall take effect upon passage.

Or to take any other action related thereto.

By Petition (Lead Petitioner: Patrick Otton)

Explanation: This Home Rule petition asks the state legislature to allow the Town of Harwich to establish its own fertilizer regulations. Beacon Hill does not have the seashore, ponds, embayments and estuaries. *These are all* endangered by human sourced pollution of nitrogen and phosphorous from fertilizers. Harwich's 22 ponds and 11+ miles of coastline are the life and assets

for all residents, property owners, visitors and businesses in Harwich. It is the reason we live here and they need to be protected and cared for.

SUMMARY

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 0 (Zero): None

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

Abstained: 1 (One): Donald Howell

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

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

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

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

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

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

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

WHEREAS, all details of funding, costs, building, access, timing etc. would be addressed if positive interest is expressed; and,

NOW THEREFORE BE IT RESOLVED, that the Harwich Town Meeting supports the concept of a public access Olympic swimming pool and attendant facilities at the Harwich Community Center, and that the concept be referred to the Select Board, Town Administrator and the Capital Outlay Committee for consideration of inclusion in the Town's Capital Plan and to act fully thereon.

By Petition (Lead Petitioner: Patrick Otton)

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

Yeas: 0 (Zero): None

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

ADOPT THE CAPITAL OUTLAY PLAN

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

By request of the Select Board. (APPENDIX C)

Explanation: The five-year Capital Outlay Plan is laid out in Appendix C. The projects listed under FY 2025 are funded as laid out in Articles 17, 18, 19 and 20. There are three projects that are not included in the Fiscal Year 2025 Capital Outlay Plan. They are;

- Facilities Maintenance – Brooks Academy Museum (\$1,160,000)
- Golf Department - Irrigation System Update (\$2,500,000)
- Public Works Department – Road Improvement Plan (\$1,500,000)

The Select Board intends on funding these three projects through a Fall 2024 Special Town Meeting if funds are available, most likely from Free Cash.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 1 (One): Donald Howell

CAPITAL OUTLAY PROJECTS FUNDED FROM VARIOUS SOURCES

ARTICLE 17: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to fund the projects in the table below included in the Fiscal Year 2025 Capital Outlay Plan, and to act fully thereon.

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

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

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

CAPITAL OUTLAY PROJECTS FUNDED FROM FREE CASH

ARTICLE 18: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to fund the projects in the table below included in the FY 2025 Capital Outlay Plan, and to act fully thereon.

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

Department	Project	Amount
Facilities Maintenance	Community Center (\$295,000)	\$997,000

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

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

CAPITAL OUTLAY PROJECTS FUNDED FROM WATER RETAINED EARNINGS AND BORROWING

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

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

Estimated cost: \$2,402,000

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

Total	2,402,000
--------------	------------------

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

CAPITAL OUTLAY PROJECTS FUNDED FROM WASTEWATER RETAINED EARNINGS

ARTICLE 20: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sufficient sum of money to fund the items in the table below included in the FY 2025 Capital Outlay Plan, and to act fully thereon.

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

Collections System Improvements	75,000
Total	75,000

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

ACQUISITION OF A CONSERVATION RESTRICTION FOR 1039 ROUTE 28

ARTICLE 21 : To see if the Town will vote to acquire, by gift, purchase, eminent domain, or otherwise, a perpetual conservation restriction upon a certain parcel of land, together with any improvements thereon, located at 1039 Route 28, Harwich, consisting of 9.6 acres, more or less, as shown on Assessor’s Map 35, Parcel S2, for conservation and passive recreation purposes, to be held by the Conservation Commission under the provisions of M.G.L. c. 40, s. 8C, as hereafter amended, and any other Massachusetts statutes relating to conservation, said acquisition contingent upon successful awarding to the Town of a Commonwealth of Massachusetts Municipal Vulnerability Preparedness (MVP) program reimbursement grant; and, further, to authorize the Town to accept the sum of \$2,000,000 from The Compact of Cape Cod Conservation Trust, Inc. and to expend the sum of \$2,000,000 to acquire said conservation

restriction; and the Select Board and the Conservation Commission be authorized to file on behalf of the Town any and all applications for grants and/or reimbursements from the Commonwealth of Massachusetts under M.G.L. c. 132A, s. 11 and/or any others in any way connected with the scope of this Article, and the Select Board and the Conservation Commission be authorized to enter into all agreements and execute any and all instruments including the acceptance of the perpetual conservation restriction in accordance with M.G.L. c. 184, ss. 31-33 as may be necessary on behalf of the Town to effect said purchase; and to act fully thereon.

By request of the Select Board.

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

EXPENDITURE OF FUNDS FROM SALE OF 276 QUEEN ANNE ROAD

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

By request of the Select Board.

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

CORRECT ARTICLE 24 FROM THE 2023 ANNUAL TOWN MEETING

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

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

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT –HOUSEKEEPING EXPENSES

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

- A sum of money for the acquisition, creation, and preservation of the open space;
- A sum of money for the acquisition, preservation, restoration, and rehabilitation of historic resources;
- A sum of money for the acquisition, creation, preservation, and support of community housing;

- A sum of money for the administrative expenses of the Community Preservation Committee.

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

And to act fully thereon.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

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

ARTICLE 25: To see if the Town will vote to appropriate \$39,000.00 from the Community Preservation Act Fund consisting of \$17,300.00 from the FY2025 Estimated Annual Revenue and \$21,700.00 from the Community Preservation Act Undesignated Fund Balance to fund the Beach Automated External Defibrillator Project Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund –Undesignated Fund Balance, and to act fully thereon.

By request of the Community Preservation Committee.

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – COLD BROOK TRAILHEAD AND PUBLIC ACCESS PROJECT

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

By request of the Community Preservation Committee.

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – HARWICH POLICE SOCCER CLUB STREET
SOCCER PITCH

ARTICLE 27: To see if the Town will vote to appropriate \$48,700.00 from Community Preservation Act Fund FY2025 Estimated Annual Revenue to fund the Mobile Soccer Pitch Project Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund –Undesignated Fund Balance; and to act fully thereon.

By request of the Community Preservation Committee

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – AFFORDABLE HOUSING TRUST FUNDS

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

By request of the Community Preservation Committee.

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – LOWER CAPE HOUSING INSTITUTE

ARTICLE 29: To see if the Town will vote to appropriate \$7,500.00 from the Community Preservation Act Fund FY2025 Estimated Annual Revenue to fund the Lower Cape Housing Institute. Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund –Undesignated Fund Balance, and to act fully thereon.

By request of the Community Preservation Committee.

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – MONOMOY REGIONAL SCHOOL DISTRICT
PRESS BOX PROJECT

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

By request of the Community Preservation Committee

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

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

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

By request of the Community Preservation Committee.

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – 203 BANK STREET FIREHOUSE HOUSING

ARTICLE 32: To see if the Town will vote to appropriate \$400,000.00 from the Community Preservation Act Fund FY2025 Estimated Annual Revenue to fund the 203 Bank Street Community Housing Project at the Old Fire Station, and that the Town Administrator and the Select Board be authorized, as they deem appropriate, to enter into all agreements and execute any and all instruments including a CPA Grant Agreement, and the acceptance and approval of an affordable housing restriction in accordance with M.G.L. Chapter 184 as required by Section 12(a) of Chapter 44B; and to act fully thereon.

By request of the Community Preservation Committee.

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

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

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

By request of the Community Preservation Committee.

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

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

ARTICLE 34: To see if the Town will vote to appropriate \$110,000.00 from Community Preservation Act Fund FY2025 Estimated Annual Revenue to fund the Senior Softball Field Fence Project. Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund – Undesignated Fund Balance, and to act fully thereon.

By request of the Community Preservation Committee

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – SOUTH HARWICH GRAVESTONE
CONSERVATION

ARTICLE 35: To see if the Town will vote to appropriate \$23,000.00 from the Community Preservation Act Fund FY2025 Historic Preservation Reserve Fund to fund the South Harwich Cemetery Project; Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund –Undesignated Fund Balance, and to act fully thereon.

By request of the Community Preservation Committee.

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – VETERANS MEMORIAL COMPLEX ELECTRIC
IRRIGATION REPLACEMENT

ARTICLE 36: To see if the Town will vote to appropriate \$37,000.00 from Community Preservation Act Fund FY2025 Estimated Annual Revenue to fund the Veterans Field Irrigation/Electrical Project Any funds left unspent from this Article are to be returned to the Community Preservation Act Fund –Undesignated Fund Balance, and to act fully thereon.

By request of the Community Preservation Committee.

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

REPURPOSE ARTICLE 31 OF THE 2013 ANNUAL TOWN MEETING

ARTICLE 37: To see if the Town will vote to transfer \$25,000 from the appropriation under Article 31 of the 2013 Annual Town Meeting for carpeting/flooring at the Brooks Free Library to supplement the funds appropriated under Article 12 of the 2019 Annual Town Meeting for the repair of the brick sidewalk at the Brooks Free Library including the replacement of two trees along Main Street with trees whose roots do not damage sidewalks, and to act fully thereon.

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

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

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

FUND FISCAL YEAR 2024 WASTEWATER DEBT

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

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

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

ANNUAL DEPARTMENTAL REVOLVING FUNDS AUTHORIZATION

ARTICLE 39: To see if the Town will vote to set spending limits for various revolving funds that have been authorized pursuant to Section 8.2 of the Town Code; and to act fully thereon. By request of the Town Administrator.

<i>Revolving Fund</i>	<i>FY 2025 Spending Limit</i>	<i>Disposition of FY24 Fund balance</i>
<i>Golf Pro Shop and Restaurant Lease Revenue</i>	<i>\$250,000</i>	<i>Available for expenditure</i>
<i>Golf Infrastructure fund</i>	<i>\$140,000</i>	<i>Available for expenditure</i>
<i>Council on Aging</i>	<i>\$125,000</i>	<i>Available for expenditure</i>
<i>Cemetery</i>	<i>\$100,000</i>	<i>Available for expenditure</i>
<i>Community Center</i>	<i>\$100,000</i>	<i>Available for expenditure</i>
<i>Recreation</i>	<i>\$175,000</i>	<i>Available for expenditure</i>
<i>Albro House</i>	<i>\$10,000</i>	<i>Available for expenditure</i>
<i>Wetlands</i>	<i>\$6,000</i>	<i>Available for expenditure</i>
<i>204 Sisson Road Municipal Building</i>	<i>\$300,000</i>	<i>Available for expenditure</i>
<i>Sidewalks</i>	<i>\$50,000</i>	<i>Available for expenditure</i>
<i>Tax Title Collection</i>	<i>\$36,000</i>	<i>Available for expenditure</i>

Explanation: This is a customary article required by state statute. The spending limits are the same as was voted for Fiscal Year 2024.

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 1 (One): Donald Howell

TRANSFER 172 QUEEN ANNE ROAD FOR DISPOSITON

ARTICLE 40: To see if the Town will vote to transfer the care, custody and control of the parcel of land located at 172 Queen Anne Road, and any improvements thereon, containing 0.684 acres, more or less, being Assessor's Map 58, Parcel K1-3, from the board or commission having the care, custody and control thereof and for the purpose for which said property is currently held, to the Select Board for general municipal purposes and for the purpose of conveyance, and authorize the Select Board to convey said property, on such terms and conditions as the Select Board shall determine; and to authorize the Select Board to enter into all deeds and agreements and take any and all actions as may be necessary or convenient to accomplish the foregoing purposes; and to act fully thereon.

By request of the Select Board.

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero):

TRANSFER 178 QUEEN ANNE ROAD FOR DISPOSITON

ARTICLE 41: To see if the Town will vote to transfer the care, custody and control of the parcel of land located at 178 Queen Anne Road, and any improvements thereon, containing

0.792 acres, more or less, being Assessor's Map 58, Parcel K1-4, from the board or commission having the care, custody and control thereof and for the purpose for which said property is currently held, to the Select Board for general municipal purposes and for the purpose of conveyance, and authorize the Select Board to convey said property, on such terms and conditions as the Select Board shall determine; and to authorize the Select Board to enter into all deeds and agreements and take any and all actions as may be necessary or convenient to accomplish the foregoing purposes; and to act fully thereon.

By request of the Select Board.

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

TRANSFER 246 QUEEN ANNE ROAD FOR DISPOSITON

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

By request of the Select Board.

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

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

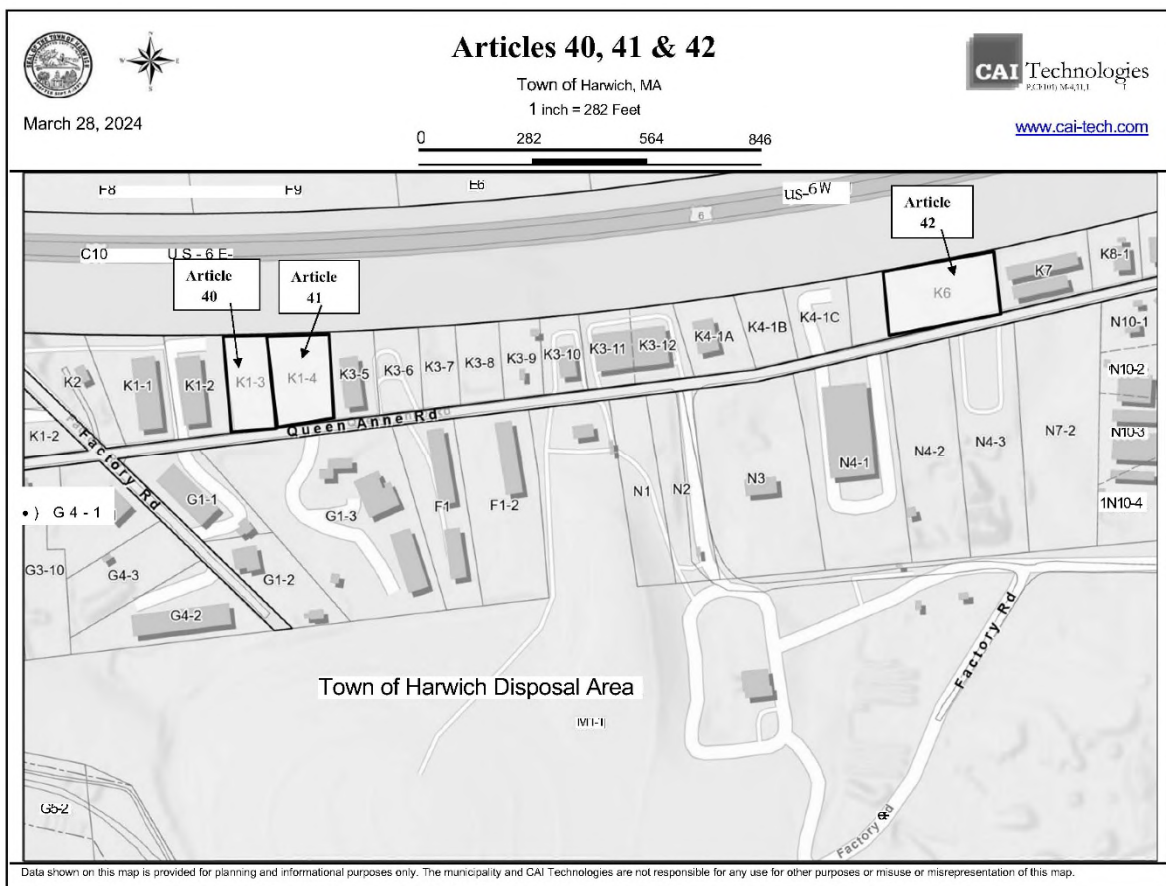
ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None



AMEND CHAPTER 7 OF THE GENERAL BYLAWS

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

§7-10 A.1

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

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

and to act fully thereon.

By request of the Select Board.

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

AMEND CHAPTER 271 OF THE GENERAL BYLAWS

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

§271-3

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

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

§271-16

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

and to act fully thereon.

By request of the Select Board.

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

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

AMENDMENTS TO THE HARWICH CHARTER

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

1. Chapter 2 Town Meeting, Section 3 Procedures:

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

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

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

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

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

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

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

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

5. Chapter 3 Select Board, Section 7. Prohibitions

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

6. Chapter 4 Town Administrator, Responsibilities for Appointment

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

7. Chapter 4 Town Administrator, Section 4 Responsibilities

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

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

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

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

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

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

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

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

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

written recommendations shall be made available for distribution to the public at least 10 days before the scheduled date of town meeting. To assist in its preparation of recommendations, the committee may require the town administrator, the head of any division or department or any other town officer or member of a town agency to furnish it with appropriate data

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

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

PETITIONED ARTICLE - HOME RULE PETITION – ATTAINABLE HOUSING

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

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

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

The petition for special legislation shall take the following form:

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

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

Section 1. Notwithstanding any general or special law to the contrary, the Harwich Affordable Housing Trust Chapter 140, shall be amended as follows:

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

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

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

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

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

By Petition (Lead Petitioner: Edward McManus)

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

DEFRAY THE EXPENSES OF THE CHASE LIBRARY AND HARWICH PORT LIBRARY

ARTICLE 47: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to help defray the expenses of the Chase Library and the Harwich Port Library; said funds to be expended under the direction of the Chase Library and Harwich Port Library Trustee, and to act fully thereon. By request of the Select Board. Estimated cost: \$20,000.

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

PROMOTE THE TOWN OF HARWICH

ARTICLE 48: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money for the Harwich Chamber of Commerce to promote the Town and its businesses and cultural endeavors to advance economic development initiatives for and with the Town of Harwich. Said monies to be used to manage and fulfill year-round visitor/resident/business information services, to promote and market the Town, to generate and initiate materials and activities that encourage the establishment, growth and sustainability of businesses in Harwich, and to implement economic development objectives and activities in partnership with the Town; and to act fully thereon. By request of the Select Board. Estimated cost: \$50,000.

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

ANNUAL ALLOCATION FOR LOCAL CULTURAL COUNCIL GRANTS

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

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

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

FUND ELECTRONIC VOTING AT TOWN MEETINGS

ARTICLE 50: To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to provide for the option of electronic voting at Town Meetings, or take any other action related thereto.

By request of the Town Moderator

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

SUPPLEMENTAL APPROPRIATION FOR PHASE 3 WATERSHED MANAGEMENT
PLAN CONSTRUCTION CONTRACTS

ARTICLE 51: To see if the Town will vote to amend the vote take under Article 19 of the 2023 Annual Town Meeting for the West Harwich Sewer Main Replacement Project to include supplementing the funds appropriated under Article 21 of the 2023 Annual Town Meeting for the East Harwich Wastewater Collection System Expansion Project; and to act fully thereon.

By request of the Select Board

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

FUND A SEWER ASSISTANCE GRANT PROGRAM

ARTICLE 52: To see if the Town will vote to transfer from Retained Earning of the Sewer Enterprise Fund the sum of \$100,000 to implement a sewer assistance grant program that will provide financial assistance to income eligible individuals to connect their properties to the Town's sewer system and/or to decommission existing Title 5 septic systems; and further to authorized the Select Board, or its designee, to establish the grant program including eligibility criteria for participation in the program, the standards for providing assistance to individual homeowners, and the requirement for an appropriate grant agreement; and further that in making this appropriation Town Meeting make a finding that this grant program serves a valid public

purpose of supporting the Town's implementation of the Comprehensive Wastewater Management Plan by facilitating compliance with the watershed regulations of the Massachusetts Department of Environmental Protection by reducing the introduction of nitrogen into the watershed caused by septic systems; or to act fully thereon

By request of the Select Board

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

HERRING FISHERIES

ARTICLE 53: To see what action the Town will take in regard to the Herring Fisheries; and to act fully thereon. By request of the Select Board. Estimated cost: \$0.

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

ROLL CALL VOTES:

Select Board:

To accept and adopt:

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

Nays: 0 (Zero): None

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

BARNSTABLE, ss:

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

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in elections and Town affairs to meet in the Community Center Gymnasium, 100 Oak Street, in said Town on Tuesday, May 21, 2024.

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

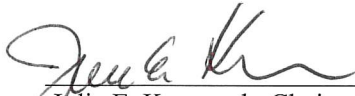
To choose on one (1) ballot the following Town Officers and Committees: One (1) member of the Select Board for a three year term; One (1) Moderator for a three year term; One (1) member of the Monomoy Regional School Committee for a three year term; Three (3) Trustees of the Brooks Free Library for a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

BALLOT QUESTION

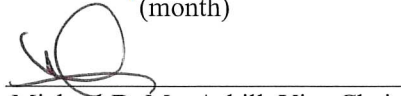
1. Shall the Town of Harwich be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay the Town's allocable share of the bond issued by the Monomoy Regional School District to pay costs of renovating and reconstructing the exterior siding of the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

YES _____ NO _____


Given under our hands this 1st day of April, 2024.
(month)



Julie E. Kavanagh, Chair



Michael D. MacAskill, Vice Chair




Jeffrey F. Handler, Clerk



Donald F. Howell

Select Board
Town of Harwich

Attest:



Emily Mitchell, Town Clerk

Posted by:

Constable

_____, 2024.

**FY 2025 OPERATING BUDGET
SELECT BOARD RECOMMENDATIONS**

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

**FY 2025 OPERATING BUDGET
SELECT BOARD RECOMMENDATIONS**

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

**FY 2025 OPERATING BUDGET
SELECT BOARD RECOMMENDATIONS**

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

**FY 2025 OPERATING BUDGET
SELECT BOARD RECOMMENDATIONS**

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

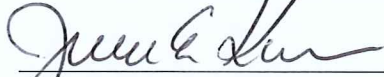
**Five Year Capital Outlay Plan
FY 2025 to 2029**

Department	Project	FY2025	FY2026	FY2027	FY 2028	FY 2029	Five Year Total
Channel 8 (The Harwich Ch.)	Equipment upgrades	47,863	24,896	45,000	16,500	46,672	180,931
	Channel 18 (The Harwich Channel)	47,863	24,896	45,000	16,500	46,672	180,931
Facilities Maintenance	100 Oak Street (Community Center)	295,000	0	653,000	0	0	948,000
Facilities Maintenance	183 Oak Street (Cranberry Valley Golf Course)	0	85,000	0	0	0	85,000
Facilities Maintenance	183 Sisson Road (Public Safety Complex)	52,000	0	0	135,000	0	187,000
Facilities Maintenance	204 Sisson Road (old Middle School)	650,000	265,000	0	0	0	915,000
Facilities Maintenance	209 Queen Anne Rd (DPW Complex)	0	0	9,177,000	0	0	9,177,000
Facilities Maintenance	273 Queen Anne Rd (Transfer Station)	0	0	0	545,000	0	545,000
Facilities Maintenance	728 Main Street (Albro House)	0	0	0	0	100,000	100,000
Facilities Maintenance	732 Main Street (Town Hall)	0	0	0	275,000	350,000	625,000
Facilities Maintenance	739 Main Street (Brooks Free Library)	0	0	40,000	740,000	0	780,000
Facilities Maintenance	80 Parallel St (Brooks Academy)	0	0	0	0	0	0
Facilities Maintenance	715 Route 28 (Harbor complex)	200,000	0	0	0	0	200,000
	Facilities Maintenance	1,197,000	350,000	9,870,000	1,695,000	450,000	13,562,000
Fire Department	Ambulances	520,000	0	550,000	0	625,000	1,695,000
Fire Department	Engines/Other Fire Equipped Vehicles	0	1,300,000	0	0	0	1,300,000
Fire Department	Vehicles	90,000	0	75,000	0	0	165,000
	Fire Department	610,000	1,300,000	625,000	0	625,000	3,160,000
Golf	Irrigation Update	0	0	0	0	0	0
Golf	Bunker renovation	0	0	0	0	900,000	900,000
	Golf	0	0	0	0	900,000	900,000
Harbormaster	Allen Harbor Jetty	0	0	2,350,000	0	0	2,350,000
Harbormaster	Herring River Ramp replacement	40,000	0	300,000	0	0	340,000
Harbormaster	Saquatucket Bulkhead replacements	0	650,000	0	9,915,000	0	10,565,000
Harbormaster	Vehicle replacement	0	65,000	0	0	0	65,000
	Harbors	40,000	715,000	2,650,000	9,915,000	0	13,320,000
Harwich Elementary School	Maintenance	120,000	0	65,000	54,000	1,115,000	1,354,000
	Harwich Elementary School	120,000	0	65,000	54,000	1,115,000	1,354,000
Information Technology	Technology reinvestment	250,000	250,000	250,000	250,000	0	1,000,000
Information Technology	Electronic Records/Content Management	150,000	100,000	100,000	100,000	100,000	550,000
	Information Technology	400,000	350,000	350,000	350,000	100,000	1,550,000
Police Department	Police Cruiser replacements	219,000	210,000	210,000	220,000	225,000	1,084,000
Police Department	Other vehicles/related equipment	0	0	0	0	0	0
Police Department	Equipment replacements	51,000	51,000	0	0	73,000	175,000
Police Department	Protective vests	0	0	0	0	70,000	70,000
	Police Department	270,000	261,000	210,000	220,000	368,000	1,329,000
Public Works	Road maintenance/improvements	0	1,750,000	1,500,000	1,500,000	1,600,000	6,350,000
Public Works	Vehicle replacements	765,000	680,000	715,000	765,000	700,000	3,625,000
	Public Works	765,000	2,430,000	2,215,000	2,265,000	2,300,000	9,975,000
Water Department	Vehicle replacements	270,000	0	0	0	0	270,000
Water Department	Equipment replacements	232,000	0	0	0	0	232,000
Water Department	Well rehabilitation	150,000	0	0	0	0	150,000
Water Department	New well construction	0	0	3,500,000	0	0	3,500,000
Water Department	196 Chatham Road improvements	0	0	0	1,500,000	0	1,500,000
Water Department	Paint Pleasant Lake Ave. tank	1,750,000	0	0	0	0	1,750,000
Water Department	Pipe discontinuity upgrade	0	1,500,000	0	0	0	1,500,000
	Water Department	2,402,000	1,500,000	3,500,000	1,500,000	0	8,902,000
Watershed (WMP)	Phase 4 Collection System design	0	0	0	0	0	0
	Watershed (WMP)	0	0	0	0	0	0
Wastewater Department	Collections System Improvements	75,000	0	0	0	0	75,000
Wastewater Department	Vehicle Replacements	0	65,000	0	0	0	65,000
	Wastewater Department	75,000	65,000	0	0	0	140,000
ANNUAL TOTALS		5,926,863	6,995,896	19,530,000	16,015,500	5,904,672	54,372,931

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

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


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



Julie E. Kavanagh, Chair



Michael D. MacAskill, Vice Chair




Jeffrey Handler, Clerk



Donald F. Howell

Select Board
Town of Harwich

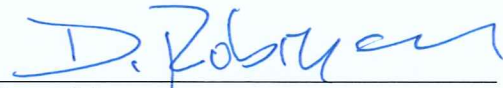
A true copy Attest:



Constable

April 4, 2024

By virtue of this Warrant I have this day notified and warned the inhabitants of the Town of Harwich, qualified to vote in elections and town affairs, to meet at the Harwich Community Center, 100 Oak Street in said Town on Monday, the 6th day of May, 2024 at the time and place for the purpose herein named by posting up attested copies thereon in the four (4) Post Office buildings, in Town Hall and Community Center in the Town of Harwich, which covers all four precincts, at least fourteen (14) days before the time of said meeting as within directed, and causing an attested copy thereof to be published in the Cape Cod Chronicle published in Barnstable County and having its circulation in the Town of Harwich.

A handwritten signature in blue ink, appearing to read "D. Roby", written over a horizontal line.

Constable

CONTRACTS



April 2, 2024

Joe Power, Town Administrator
Town Hall
Harwich Ma 02645

Dear Joe,

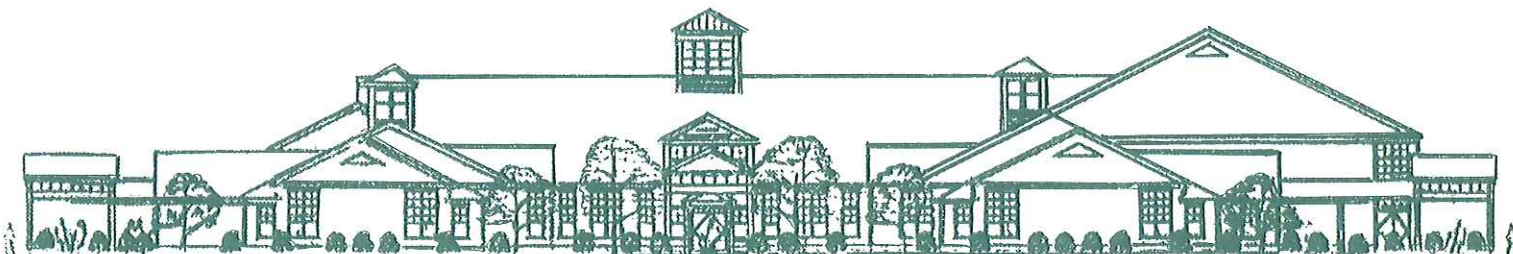
I have attached the Memorandum of Understanding between the Nutrition Program for Elder Services Meals on Wheels Program and the Harwich Community Center for the next fiscal year. The terms of the understanding remain the same as the previous year with one exception, The only change is they are requesting a 60-day notice to terminate instead of the 30-day notice from years past.

Please let me know if I can provide any additional information.
Thank you in advance for your attention to this matter.

Regards,

Carolyn Carey
Carolyn B. Carey, Director
Harwich Community Center

Enclosure



MEMORANDUM OF UNDERSTANDING

The **Nutrition Program for the Elderly** of Elder Services of Cape Cod and the Islands, Inc., whose offices are located at 68 Route 134, South Dennis, Massachusetts 02660 and the **Harwich Community Center** do hereby agree the kitchen of the **Harwich Community Center** be available each Monday through Friday for the preparation of serving of meals-on-wheels to elder citizens as outlined by Title IIIC of the Older American's Act.

This MEMORANDUM OF UNDERSTANDING shall be effective **July 1, 2024** by and between **Harwich Community Center** and **Elder Services of Cape Cod and the Islands, Inc.** This Agreement shall be in force until **June 30, 2025** unless amended by either party or either party issues a sixty- day (60) notice of cancellation.

The kitchen area and restrooms shall be available for the Nutrition Program each day Monday through Friday from **8:30 a.m. to 1:00 p.m.**

The Nutrition Program shall supply liners for waste receptacles for the kitchen. The Nutrition Program shall be responsible for cleaning the sections of the refrigerator and freezer used by the program, and proper disposal of trash after use by the Program. The **Harwich Community Center** is responsible for cleanup when the facilities are in use for other activities.

The **Harwich Community Center** provides locked storage space in the kitchen and next to kitchen areas and is responsible for trash removal and snow removal for ease of access to the building by the senior citizens. The Community Center is responsible for custodial care of the restrooms.

The **Harwich Community Center** shall provide a key to the facility to allow access for the Nutrition Program for the delivery of food.

Elder Services of Cape Cod and the Islands, Inc agrees to pay the **Town of Harwich** the sum of Seventy-five Dollars (\$75.00) per month, during each month of use of the Harwich Community Center pursuant to this Agreement, to cover the cost of electricity incurred by or on behalf of the Elder Services Nutrition Program.

The **Harwich Community Center** and the **Nutrition Program** agree to meet all requirements of inspection by fire, building and health officers.

MEMORANDUM OF UNDERSTANDING

Page 2

The **Nutrition Program** shall notify the **Harwich Community Center** if the kitchen area shall not be needed on a given day. When possible, the **Harwich Community Center** shall give a two (2) week notice to the **Nutrition Program** if the space shall be unavailable.

The **Nutrition Program** agrees to provide a current Certificate of Insurance evidencing Profession and General liability and worker's compensation coverage.

The contact person for the **Nutrition Program** at Elder Services of Cape Cod and the Islands, Inc., is:

Louis Eppers
Nutrition Program Director
Telephone (508) 394-4630

The contact person for **Harwich Community Center** is:

Carolyn B. Carey, Director
Telephone: (508) 430-7586

FOR THE PROJECT
Louis Eppers

FOR THE PROVIDER
Harwich Select Board

Signature

Signature

Signature

Signature

Signature

Louis Eppers

Signature

Date: 4/4/24

Date: _____

TOWN
ADMINISTRATOR'S
REPORT

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: Memorandum of Agreement with Cape Cod Commission

Date: April 1, 2024

This memorandum corresponds to the executed contract for consulting work to complete the Town of Harwich Hazard Mitigation Plan (HMP). The HMP is vital to the success of our Community Rating System certification under the National Flood Insurance Program. The current plan was completed in 2017 and requires an update in order to be valid. Having a HMP allows us to seek and obtain a wide variety of federal and state grants.

The Town received a federal grant to cover the costs of updating our HMP in the amount of \$18,000. Using best management practices under MGL c.30b, three quotes were sought for this work using the scope of work attached to this memo. One quote was received back from the Cape Cod Commission in the amount of \$18,000.

The timeline for completion is one year and we have designated Christine Flynn, our Director of Planning and Community Development, as the project lead.

PROCUREMENT CHECKLIST & APPROVAL FORM

STAFF LEAD: Christine Flynn DEPARTMENT: Planning & Community Department

FUNDING SOURCE: FEMA/MEMA grant

Appropriated amount: _____ Estimated cost: \$18,000 Actual cost: \$18,000

PROCUREMENT METHOD:

mgl c 30b best management practices. three quotes sought.

PURCHASE DESCRIPTION: 2025 Hazard Mitigation Plan

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.

The Town of Harwich is contracting with the Cape Cod Commission to complete the 2025 Hazard Mitigation Plan by April 30, 2025 as outlined in the Memorandum of Agreement and Scope of Work.

A current Hazard Mitigation Plan is a requirement for the Town to participate in the federal Community Rating System (CRS) under the National Flood Insurance Program. The Hazard Mitigation Plan is a vital planning document and helps to better position the Town when applying for state and federal grant funds.

PROCUREMENT MAY PROCEED ONLY IF SIGNATURES PROVIDED BELOW 12901742-538000-24

Funds Available: Finance Director: Megan Green Account # HMP \$18,000.00
DocuSigned by: EA0B31BD1FFB473...

Approved to proceed: Town Administrator or Designee: Joseph F. Powers
DocuSigned by: 0623C0C5799644E...

U.S. Department of Homeland Security
FEMA Region I
99 High Street
Boston, MA 02110



FEMA

Sent Via Email

October 26, 2023

Dawn Brantley
Governor's Authorized Representative
Director, Massachusetts Emergency
Management Agency
400 Worcester Road
Framingham, MA 01702

Re: Major Disaster Declaration: FEMA-4496-DR-MA
Program: Hazard Mitigation Grant Program, Assistance Listing #97.039
Recipient: Massachusetts Emergency Management Agency (MEMA)
Subrecipient: MEMA
Federal Award No.: 4496DRMAP00000135
Project: Local Hazard Multi-Jurisdictional Planning Grant #4
Project #: HMGP-4496-13P

Dear Director Brantley:

The Federal Emergency Management Agency ("FEMA"), U.S. Department of Homeland Security has awarded the above-referenced project that the Massachusetts Emergency Management Agency (MEMA) submitted under the Hazard Mitigation Grant Program ("HMGP") application for FEMA-4496-DR-MA. The subrecipient for this project is and the approved federal funding for the project is \$579,050, which is 89.4% of the total approved project cost of \$ 647,500. As a condition of the federal award, the Massachusetts Emergency Management Agency (MEMA) is required to contribute a non-Federal cost-share of \$68,450.

By accepting this Federal award, you acknowledge that the terms and conditions set forth in the following documents are incorporated into the terms and conditions of this award and will ensure that you incorporate them into any subaward to the sub applicant.

- FEMA-State Agreement for FEMA-4496-DR-MA
- FY 2020 Department of Homeland Security Standard Terms and Conditions, v. 10.1
- Hazard Mitigation Assistance Guidance (2015)
- Acknowledgment of Programmatic Requirements (enclosed)
- Obligation Report (enclosed)
- Record of Environmental Consideration (enclosed)

Dawn Brantley

-2-

October 26, 2023

If you have any questions, please contact Regina Zwinklis, Mitigation Division, FEMA Region I at regina.zwinklis@fema.dhs.gov or (202) 286.9276.

Sincerely,

**RICHARD H
VERVILLE**

Digitally signed by RICHARD
H VERVILLE
Date: 2023.10.26 15:45:36
-04'00'

Richard H. Verville
Deputy Director, Mitigation Division
FEMA Region I

cc: Simon Van Leeuwen, Assistant Director for Recovery and Mitigation, MEMA
Michelle O'Toole, State Hazard Mitigation Officer, MEMA
David Woodbury, HM Grants Coordinator, MEMA

Memorandum of Agreement
Between

Barnstable County through
Cape Cod Commission
3225 Main Street
Barnstable, MA 02630

and

Town Administrator on behalf of
Town of Harwich
732 Main Street
Harwich, MA 02645

This Memorandum of Agreement (Agreement) is entered into this ____ day of March, 2024 by and between Barnstable County, acting by and through the Cape Cod Commission (hereafter referred to as the "Commission") and the Town Administrator on behalf of the Town of Harwich (hereafter referred to as the "Town.")

WHEREAS, the Town is interested in updating its current Multi Hazard Mitigation Plan and has requested technical assistance from the Commission, and

WHEREAS, the Town has received grant funding for this project from the Federal Emergency Management Agency through the Massachusetts Emergency Management Agency.

NOW THEREFORE, the Town enters into this Memorandum of Agreement with the Commission.

1. RESPONSIBILITIES OF THE TOWN

- A) The Town agrees to work with the Commission per the attached Scope of Work and Timeline (Attachment A).
- B) The Town agrees to contribute \$18,000 toward the cost of this project as invoiced by the Commission.

2. RESPONSIBILITIES OF THE COMMISSION

The Commission agrees to provide the Town with the technical assistance outlined in the Scope of Work (Attachment A).

3. DURATION

- A) This Memorandum of Agreement shall be effective until June 30, 2025, unless an extension in time is agreed to in writing by both parties.
- B) Either the Town or the Commission may terminate this Agreement by written notice to the other party, if the other party substantially fails to fulfill its obligations hereunder through no fault of the terminating party, or if the other party violates or breaches any of the provisions of this Agreement. Such notice shall be delivered by certified mail at least thirty (30) days before such effective date. In the event of such

termination or suspension of this Agreement, the Commission shall be entitled to just and equitable compensation for satisfactory work completed, for services performed and for reimbursable expenses necessarily incurred in the performance of this Agreement up to and including the date of receipt of notice of termination or suspension.

4. AMENDMENT

This Agreement may be amended as mutually agreed by both parties in writing.

5. SIGNATORY AUTHORIZATION

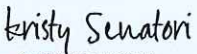
The respective signatories hereto represent and warrant that they are duly authorized to execute this Agreement on behalf of the public entity on whose behalf they have signed this Agreement, and that all substantive and procedural preconditions to their effective execution of this Agreement on behalf of said public entities have been satisfied.

6. INTEGRATED INSTRUMENT

This Agreement shall take effect as an integrated instrument.

IN WITNESS WHEREOF, the TOWN and the COMMISSION execute this Agreement this _____ day of March, in the year two thousand and twenty-four.

FOR CAPE COD COMMISSION:

DocuSigned by:

37115EEF542C4DA

Kristy Senatori, Executive Director
3/14/2024

Date


FOR TOWN OF HARWICH:



Joseph Powers, Town Administrator
March 12, 2024

Date

FOR BARNSTABLE COUNTY:

DocuSigned by:

B21BA2FA88E24D9

Elizabeth Albert, County Administrator
3/17/2024

Date

**Attachment A
Harwich Multi-Hazard Mitigation (MHM) Plan
Scope of Work**

Commission staff will assist the Town of Harwich with plan development, formatting, and consistency review with MEMA/FEMA for the 2025 Multi-Hazard Mitigation Plan (MHM Plan). After MEMA/FEMA reviews the Plan, Commission staff will assist the town, as needed, with any required editing.

As part of this project:

- The Town will designate a project team to represent the Town's needs, provide necessary information, and work with Commission staff to develop the plan
- Commission staff will conduct up to four meetings with the project team
- Commission staff will provide mapping and formatting assistance for the final 2025 MHM Plan

Commission staff will work with Town staff to complete a 2025 Multi-Hazard Mitigation Plan, which will include the following elements:

- An overview of the hazards that may impact the Town
- Development and implementation of a public engagement strategy
- A set of hazard maps
- The types and numbers of buildings (including NFIP losses), infrastructure, and critical facilities within the hazard area
- Documentation of the Town's current capabilities to mitigate and adapt to the identified vulnerabilities
 - The Town will use FEMA's recommended Capability Assessment worksheet to conduct this analysis
- Evaluation of the capabilities, and if any need improvements, development of recommended actions
- Determination of progress on action items in the 2017 MHM plan
- Preparation of a set of action items with projected time frames and assigned responsible entities to address vulnerabilities identified during the planning process
- A review and documentation of the community's compliance with the NFIP
- Description/identification of new development in Harwich since 2017 as well as other changes
- Narrative description of current priorities for the Town and how the priorities have changed since its previous MHM plan
- Following MEMA/FEMA review, the Commission will assist the Town as needed with any required editing and will provide a final plan for submittal

Plan Content Development Tasks

The outline below identifies the tasks for each part of the process and the key responsible parties for each though Commission staff will assist the Town throughout.

Chapter 1 Planning Process – Tasks

- Designate local hazard planning team, assign tasks/roles as needed (Town)
- Establish outreach strategy and opportunities for stakeholders and public involvement, including public survey, social media, and public/stakeholder meetings (Town)
- Provide description of planning process and documentation of stakeholder and public participation in plan (Commission)

Chapter 2 Natural Hazards – Tasks

- Hazard identification, local recent and historic hazard impacts; climate change impacts; select hazards for risk assessment (Town/Commission)
- Hazard profiles/narrative (Commission)

Chapter 3 Asset Inventory – Tasks

- Population statistics, including residents and visitors who could be impacted by hazard events (Town/Commission)
- Base map of Harwich (Commission)
- Natural resources description/narrative (Town/Commission)
- Built environment description, number of housing units, occupancy, age of homes, and other Census data (Town/Commission)
- Business and employment data tables (Commission)
- Critical facilities map (Commission)
- Repetitive loss properties narrative (Town/Commission)
- Narrative/description of new development since 2016 (Town)

Chapter 4 Vulnerability Assessment – Tasks

- GIS mapping and results of buildings, critical facilities, infrastructure, and people exposed to hazards (Commission)

Chapter 5 Mitigation Strategy – Tasks

- Mitigation goals (Town)
- Progress/status determination on actions in 2017 mitigation actions (Town)
- Mitigation actions for 2025 (Town)
- NFIP participation narrative (Town)
- Existing capabilities assessment (Town)
- Narrative assessment on changes in town's priorities since 2017 (Town)

Chapter 6 Plan Evaluation and Maintenance – Tasks

- Narrative on how/when plan will be implemented and maintained (Town/Commission)

Chapter 7 Plan Adoption – Tasks

- Timeline for adoption and Certificate of Adoption (Commission)

Anticipated Schedule

April 2024 – December 2024: The Commission will work with the Town of Harwich to complete a draft hazard mitigation plan update. This includes Project Team meetings.

January 2025: The Town will release a draft plan for public comment.

February 2025: Town Staff will present the draft plan to the Select Board and seek a vote to submit the plan for MEMA/FEMA review.

February – April 2025: The Draft Plan will go through the MEMA/FEMA review process. Once comments are received from MEMA/FEMA, the Commission will work with the Town to update the plan according to their feedback.

April 2025: The Select Board will vote on whether to adopt the Plan.

Town of Harwich, MA Hazard Mitigation Plan Update Scope of Work

The Town/City will prepare a Hazard Mitigation Plan Update in accordance with FEMA guidelines for Hazard Mitigation Planning. The Town/City will be assisted by a vendor for this scope of work. The Town/City's updated plan will address mitigation of multiple natural hazards that may affect the community, including flood hazards, winter storm hazards, wind hazards, wildfire hazards and geologic hazards.

Communities are strongly encouraged to undertake the planning process in accordance with the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs (EEA) Municipal Vulnerability Preparedness (MVP) program objectives. This program, which has funding available will designate municipalities who complete the Community Resilience Building Workshop process and associated deliverables. Municipalities who complete this process and develop a final report, which can be this hazard mitigation plan, could be designated as an "MVP Community," which may lead to increased standing in future funding opportunities and signify the commitment of this municipality to building resiliency and preparing for climate change. The planning process will include the following actions and elements:

Task 1-3

1. Grant Award and Contracting:

The community will procure services to facilitate this planning process update

- Hold kick-off meeting with MEMA
- Execute a contract

2. Select and Hire a Vendor:

The vendor will document the process used to develop the updated plan, including but not limited to:

- Issue an RFR/RFP
- How the plan update was prepared
- Who was involved in this process
- How the public was involved (i.e., Community outreach, local planning team participation)

3. Convene a local Hazard Mitigation Planning Committee:

The Town/City will convene a local Hazard Mitigation Planning Team. Members should include a cross-section of the community, such as residents, government officials, community leaders and business owners. This team will serve as a liaison to the vendor and assist in the plan update by providing access to relevant local data, facilitating community input on plan recommendations and priorities, reviewing draft products, and assisting with outreach to community stakeholders. With the vendor's facilitation and technical assistance, the Town/City Hazard Mitigation Planning Team will:

- Develop a mission statement
- Assign roles and responsibilities
- Develop a specific timeline for planning activities
- Hold a minimum of two community public meetings during the planning process update, one during the production of the plan update, and one during the review of the draft plan update,
- Solicit input from key stakeholders in the community, including business associations, local or regional institutions, local NGO's, and residents.
- Conduct local outreach to stakeholders through postings on the municipal web site, outreach to local print and/or online press, and use of local access cable TV where available. Outreach to neighboring communities will also be conducted.
- Provide input regarding the feasibility and prioritization of mitigation measures.
- Review the draft plan update and its goals and proposed mitigation projects.
- Oversee the implementation, maintenance and updating of the plan update.

Task 4. Revisit the Hazard Profiles for each Hazard that impacts the community:

- Using the best available existing data, the vendor will update a map of areas affected by multiple natural hazards for the Town/City. A set of hazard maps will be included within the updated Hazard Mitigation plan, and GIS files will be made available to the Town/City for integration with their other community plans. These maps will be the basis for the communities known hazards. The hazard identification update will include an assessment of the community's risks that summarizes the vulnerability of each hazard based on the location, extent, probability, and severity of the hazards. A vulnerability analysis will be conducted; your vendor may consider using FEMA's HAZUS-MH, as well as a GIS map analysis to delineate those critical facilities that are located within mapped hazard areas.
- The Town/City/ will update the description and prioritization of the natural hazards that have occurred within the community since the last plan update.

Task 5. Facility Inventory:

The Town/City will prepare an updated inventory of facilities and explain how these facilities intersect with the known hazards for the community. This task will be based on input from the community and the best available state and local information. These data may be used to develop updated GIS maps of the following items:

- Critical facilities, including the following if they exist in the community:
 - Emergency operations centers
 - City or town offices
 - Water and wastewater treatment plants
 - Sewage pumping stations
 - Police or fire stations
 - Schools
 - Hospitals
 - Day-care facilities
 - Public works garages
 - Nursing homes/elderly housing
 - Emergency shelters
- Economic Drivers:
 - Large Businesses
 - Large Employers
 - Historical or Cultural sites
- All repetitive flood loss structures and structures which have incurred substantial damage, if they exist, as defined by FEMA. These buildings(s) must be analyzed by type (Commercial / Residential), number, and general location as it relates to the known hazard areas. The addresses and associated data will be provided upon request to the community by the State NFIP Coordinator.
- Land use maps that depict the location of developed land uses, delineated by categories based on use (e.g., residential, commercial, industrial, institutional, other public use, etc.) and how it intersects with known hazards.
- Anticipated future land use areas and how they intersect with known hazards.

Task 6: Vulnerability:

Based on the previous information from Task 5, the Town/City will update the overview of each of the specific hazards and the community's vulnerability to those specific hazards. This vulnerability assessment, if possible, will include:

- Problem Statements: These will summarize the biggest issues for the community in terms of; Types and numbers of buildings, infrastructure, and critical facilities located in the hazard areas.
- All existing multiple hazard protection measures within the community, including protective measures under the National Flood Insurance Program (NFIP).
- A description of each measure, the method of enforcement, and/or the point of contact responsible for implementation of each measure.
- Historical performance of each measure and a description of improvements or changes needed.
- General description of land uses and development trends to incorporate future land use decisions.

Task 7. Mitigation Goals:

The Town/City with vendor support will update the mitigation strategies specific to the community's exposure to and impacts from identified natural hazards. The strategy will include:

- Create, edit, or delete goals as needed;
- Obtain public input;
- Analyze existing capabilities;
- Review mitigation actions in the previous plan and identify progress implementing those actions (include current status along with reasons why there may have been little or no progress).
- Describe how the community's priorities have changed since the previous Hazard Mitigation Plan.
- Include a description of the NFIP program and how the community will continue compliance over the next five years.
- Update a list of mitigation goal statements that focus on reducing the risks from the identified natural hazards. The goal development and project prioritization will be conducted by the Hazard Mitigation Planning Team. An example of a goal statement and an objective would be:
 - GOAL: Increase coordination between Federal, state, municipal, and private resources in pre-disaster planning, post-disaster recovery, and continuous hazard mitigation implementation.
 - OBJECTIVE: Identify the availability of additional private and public sector financial incentives for homeowners, businesses and municipalities that will allow the development and implementation of cost-effective hazard mitigation measures in high-risk areas.

Task 8. Actions:

A section that identifies and analyzes a comprehensive range of specific mitigation actions and projects being considered to reduce the effects of each hazard, with particular emphasis on new and existing buildings and infrastructure. This section will include a list of prioritized hazard mitigation projects that best meet the communities' needs for multiple hazard damage reduction:

- These projects may be non-structural (e.g., planning, regulatory measures, property acquisition, retrofitting, elevation) or structural (e.g., seawalls, dams, dikes) solutions.
- At a minimum, this list of prioritized projects will be based on a process that results in identification of cost-effective hazard mitigation projects with public input, including:
 - An analysis of proposed mitigation projects focused on several key areas, including but not limited to economic (including benefits and costs), engineering, technical, legal, environmental, social, and political feasibility. Selected options will best fit the community's needs and meet most or all aspects of the feasibility analysis.
 - Coordination with relevant Federal and state agencies for input and technical assistance.
 - *An example of ACTION: Work with the Building Department and Fire Department to waive permit fees for mechanical elevations in the business along the mill river.*
- Revise and update the mitigation action plan.
- Identify integration opportunities throughout the community as well as how the data and information from the previous plan was integrated into other mechanisms over the last five years

Task 9. Plan Review, Evaluation, and Implementation

In order to continue to be an effective representation of the jurisdiction's overall strategy for reducing its risks from natural hazards, the mitigation plan must reflect current conditions. This will require an assessment of the current development patterns and development pressures as well as an evaluation of any new hazard or risk information.

- The plan must describe changes in development that have occurred in hazard prone areas and increased or decreased the vulnerability of each jurisdiction since the last plan was approved.
- The plan must describe the status of the hazard mitigation actions in the previous plan by identifying those that have been completed or not completed. For actions that have not been completed, the plan must either describe whether the action is no longer relevant or be included as part of the updated action plan.
- The plan must describe if and how any priorities changed since the plan was previously approved. If no changes in priorities are necessary, plan updates may validate the information in the previously approved plan.

Task 10. Maintenance:

- The Town/City in conjunction with the planning team will monitor, evaluate, and update the plan.
- The Planning Team will assist the Town/City in the implementation and incorporation of the plan's goals into other local planning processes, such as a Comprehensive Plan, or other local by-laws and ordinances.
- The completed plan update will include an implementation schedule with procedures for ensuring the plan's implementation, updating and revision every five years.
-

Task 11. Public Review of Draft:

- The Planning Team will work with the community for continued public involvement to include public review of the draft plan.

Task 12. Review and Approval / Closeout:

- Submit the plan update to MEMA/FEMA for review; revised based on MEMA/FEMA comments; submit revised plan update for approval pending adoption.
- When APA is received, the plan update will be brought before the City Council or Board of Selectmen in the community for adoption.
- Send the final adopted plan update to MEMA/FEMA, Receive approval by FEMA.
- Grant closeout / final reimbursement

Budget Information- Hazard Mitigation Programs

Name of Sub-Recipient					Grant Program				
Town of Harwich					HMGP 4496-13Har				
CFDA #		Federal Identification Number		Budget (Check One)		Budget Period		SFM/Phased Project	
97.039		04-6001175		<input checked="" type="checkbox"/> New <input type="checkbox"/> Revised		From: 12/01/23 To: 5/1/26		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
FEMA	Task	Activity/Cost Classification		A. Eligible and Approved Total Cost		B. Local Share		C. Federal Share	
1	1	Grant Award and State Contracting		\$375.00		\$37.50		\$337.50	
	2	Select and Hire a Vendor		\$375.00		\$37.50		\$337.50	
	3	Convene LHMP Committee		\$3,125.00		\$312.50		\$2,812.50	
	4	Update Hazard Profiles		\$5,625.00		\$562.50		\$5,062.50	
	5	Update Critical Facility Inventory		\$1,125.00		\$112.50		\$1,012.50	
	6	Update Hazard Vulnerability		\$1,250.00		\$125.00		\$1,125.00	
	7	Update Mitigation Goals		\$1,500.00		\$150.00		\$1,350.00	
	8	Update Actions		\$2,500.00		\$250.00		\$2,250.00	
	9	Plan Review, Evaluation & Imp.		\$2,500.00		\$250.00		\$2,250.00	
	10	Plan Maintenance		\$250.00		\$25.00		\$225.00	
	11	Public Review of Draft		\$1,000.00		\$100.00		\$900.00	
	12	Review/Approval/MEMA Closeout		\$375.00		\$37.50		\$337.50	
	Subtotal			\$20,000.00		\$2,000.00		\$18,000.00	
	Project (Program) income								
	Total			\$20,000.00		\$2,000.00		\$18,000.00	
Please provide a dollar amount that you anticipate spending in each fiscal year listed below for the federal funds only. Please allocate project costs and management costs (if applicable) separately:									
	PROJECT COSTS - FEDERAL SHARE			SUB-RECIPIENT MGMT COSTS - FEDERAL SHARE			COMBINED PROJECT & MGMT		
	FY 24	\$6,000.00		FY 24	\$0.00		FY 24	\$6,000.00	
	FY 25	\$6,000.00		FY 25	\$0.00		FY 25	\$6,000.00	
	FY 26	\$6,000.00		FY 26	\$0.00		FY 26	\$6,000.00	
	TOTAL	\$18,000.00		TOTAL	\$0.00		TOTAL	\$18,000.00	
For Phased Projects, the Federal Funds obligations will be broken down by tasks and duration of the tasks.									
Mitigation Project Milestone Work Schedule									
Ob#	FEMA Amendment #	Duration (Months)		Federal Share Amount		Date of obligation			
1									
2									

MITIGATION PROJECT WORK SCHEDULE

Applicant: Town of Harwich

Grant: HMGP 4496-13Har

Task	Estimated Task Start Date	Task Duration (in months)	Estimated Task End Date
Grant Award & Contracting	12/1/2023	3	3/1/2024
Select and Hire a Vendor	3/1/2024	2	5/1/2024
Convene Local Hazard Mitigation Planning Committee	5/1/2024	2	7/1/2024
Update Hazard Profiles (concurrent)	7/1/2024	3	10/1/2024
Update Critical Facility Inventory (concurrent)	8/1/2024	3	11/1/2024
Update Hazard Vulnerability (concurrent)	8/1/2024	4	12/1/2024
Update Mitigation Goals (concurrent)	11/1/2024	6	5/1/2025
Update Actions	1/1/2025	6	7/1/2025
Plan Review, Evaluation, and Implementation	7/1/2025	3	10/1/2025
Plan Maintenance	10/1/2025	3	1/1/2026
Public Review of Draft	1/1/2026	2	3/1/2026
Review and Approval / Closeout with MEMA	3/1/2026	2	5/1/2026
Total Estimated Time for Project Completion		29 Months	

DESIGNATION OF PROJECT MANAGER FORM

Christine Flynn

(Name of Project Manager)

Director of Planning & Community Development

(Official Title)

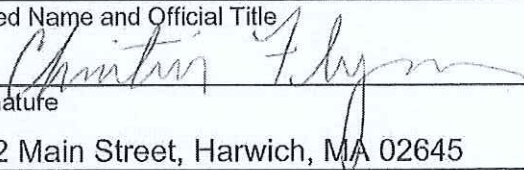
is responsible for the administration, work monitoring, and the coordination of MEMA Mitigation Programs

for the Town of Harwich
(Applicant)

Project Manager:

Christine Flynn, Director of Planning & Community Development

Typed Name and Official Title


Signature

732 Main Street, Harwich, MA 02645

Street Address

City/Town

Zip Code

(508) 430-7511

Telephone Number

Fax Number

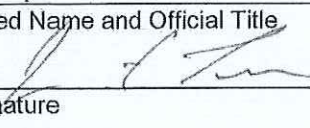
cflynn@harwich-ma.gov

e-mail

AUTHORIZING OFFICIAL:

Joseph F. Powers, Town Administrator

Typed Name and Official Title


Signature

732 Main Street, Harwich, MA 02645

Street Address

City/Town

Zip Code

(508) 430-7513

Telephone Number

Fax Number

jpowers@harwich-ma.gov

e-mail

Please return this completed form as soon as possible to:
Massachusetts Emergency Management Agency
Hazard Mitigation Department
400 Worcester Road
Framingham, MA 01702-5399

12/13/18 Revised Procurement Checklist

Please complete checklist below for contracts requiring Select Board* signature before Wednesday morning** in order to get sign-off approval from the Town Administrator or the Assistant Town Administrator.

*Note: contracts (not grants) below \$75,000 can be signed by Town Administrator.

- 1. Please provide a separate page titled "Summary of Project" which includes:
a. Provide how many bidders there were, the range of bids, and apparent low bidder.
b. Identify the funding source, such as article number and amount approved.
c. Include what you feel is pertinent, but keep this section to 4 sentences or less.
2. Finance Director has signed that funds are available: grant funded Account 12901742-538000-24
3. Please provide a single copy of the bid packet along with all supporting documents.
4. Please use K-P Law provided standardized contracts.

Buildings and Public Works
C1. Please show Prevailing Wage was used.
C2. If construction is near \$10,000 you also need:
a. Written spec sheet.
b. Advertised for two weeks on Central Register and COMMBUYS.
c. Apparent low bidder posted to Town website.
C3. If construction over \$25,000 you need C1, C2, as well as:
a. Show project was in the Capital Plan.
b. Low bidder provides 50% payment bond after Selectmen's countersignature.
C4. If construction over \$50,000 you need C1, C2, C3, as well as:
a. Bid Bond of 5% of total value.
b. Sealed Bids.
c. End of Public Works construction requirements
C5. If Building estimated construction costs are over \$300,000 and estimated design costs are over \$30,000 you'll need to follow the Designer Selection RFQ process:
a. Advertise in Central Register and local newspaper for two weeks.
b. Set a designer fee or price ceiling.
c. Use Standard Designer Application Form
C6. If Building construction over \$150,000 you'll need C1, C2, C3, C4, C5, as well as:
a. 100% payment bond was in bids.
b. 100% performance bond was in bids.
c. DCAMM certified bidders.
i. DCAMM certified sub-bids if over \$25,000.
C7. If Building construction over \$10,000,000 you'll need C1, C2, C3, C4, C5, C6, as well as:
a. Solicit qualifications prior to sealed bids.
Goods and Services
GS1. If procured using the State Bid List:
a. Over \$25,000 please show project was on the Capital Plan.
GS2. If project is over \$5,000:
a. Please provide written spec sheet used and who it was sent to.
b. Maximum contract length is three years.
GS3. If project is over \$50,000:
a. Show project was advertised for two weeks in a newspaper and on COMMBUYS.
b. Show project utilized sealed bids.
c. Apparent low bidder posted to Town website.
GS4. If project is over \$100,000:
a. Show project was advertised for two weeks in COMMBUYS and Goods and Services Bulletin.
b. Show project utilized sealed bids.
Note 1: If lowest bidder was found to be either not responsive or not responsible, the Town may begin negotiations with next lowest bidder.
Note 2: Bids may be negotiated downwards but never higher than original quote.
Note 3: Municipalities shall not provide a down payment, deposit, or provide funding before possession of purchased item.
Grant Funded
Best practices - 3 quotes
Sought - 1 received.

Original for Accounting Original for Procurement Original for Vendor Contract to Treasurer's

Signature of Town Administrator or Assistant Town Administrator: [Signature]

**Note: Failure to gain sign-off before Wednesday at noon results in the contract being delayed to the next meeting.

HARWICH HARBORMASTER DEPARTMENT

March 2024 Monthly Report

Operations

- Three commercial boats hauled out and used the closed loop pressure washing system.

Administration

- Drafted memo to Town Administrator to address concerns relating to AGL Mooring complaints on Mooring Servicing Agent public bid process.
- Submitted quarterly report to Executive Office of Economic Development (EOED) for Massworks Dredge Grant.
- Drafted memo for Select Board consideration on the assignment of a Special Purpose Mooring for Cape Cod Community Rowing at Long Pond. Submitted required public hearing notice.
- Went to waitlist with open permits: (1) Outer Harbor, (1) Wychmere Inner 0-19'11" (2) Allen Harbor, (4) Herring River North, (1) Herring River South, (2) Pleasant Bay, (3) Round Cove, (2) 40' Recreational Slip.
- Made calls to remind of March 15 mooring permit deadline.
- Mailed out Commercial Trailer Permit Applications.
- Emailed for current USCG Licenses and Insurance Certificates for 2024 Charter Season.
- Working through waitlist to assign Fish Shanty #3 at Wychmere Harbor, vacated by Eric Hesse.
- Emailed Herring River Permit Holders to come plot mooring location.
- Put together email list for HR, RC, PB to send letter with instructions for mooring equipment transfer.
- Organized copied emails for RC/PB/HR that request AGL to relinquish mooring to Lower Cape Marine Services.

Maintenance

- De-winterized and changed the sand in the media filter on the closed loop pressure washing system.
- Installed a new ramp from the parking area on the Herring River at Route 28 to the fixed pier. The new ramp improves the angle to the pier and gives better access during high tides.
- Replaced the muffler on the pressure washer for the closed loop pressure washing system.
- Painted the mooring balls for the Long Pond public moorings.
- Modified a floating dock to be used as a new dinghy dock at Allen Harbor.
- Had DPW fabricate brackets for the new dinghy dock that will be going in at Allen Harbor.
- Had the engine on 77B serviced by Harwich Port Boat Yard.
- Waxed and bottom painted 77B.
- Ran fire and dewatering pumps.
- Routine building and grounds maintenance.

Meetings

- Met with Town Administrator to discuss Mooring Servicing Agent application process and concerns communicated by rep for AGL Mooring.
- Briefed Department budget at Joint Select Board/Fincom meeting.

- Conducted site visit at 482 Pleasant Lake Ave to review proposal for seasonal ramp and dock on Long Pond.
- Met on site at Wixon Landing with Harwich Police to discuss parking plan/signage.
- Attended remote meeting with Conservation Agent, APCC, and reps from Horsley Witton Group to discuss permitting and potential funding options for construction of Route 28 Herring River Landing stormwater retrofit project.
- Participated in Open Space and Recreation Plan meeting.
- Participated in initial kick-off remote meeting on the 2025 Hazard Mitigation Plan.
- Met with TA to discuss current License Agreement for Dockside Café.
- Attended Change of Watch ceremony for Chatham Harbormaster.
- Select Board meeting – Fish Shanty License (Mar 19)
- Waterways Committee meeting – Mar 20