



OFFICE OF THE TOWN ADMINISTRATOR

732 MAIN STREET, HARWICH, MA 02645

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

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MEMO

TO: Board of Selectmen

FROM: Joseph F. Powers, *AP* Town Administrator

CC: Meggan M. Eldredge, Assistant Town Administrator
Emily Mitchell, Town Clerk
Peter Hughes, Finance Committee Chair
Attorney John Giorgio, Town Counsel

RE: Corrections (Errata Sheet) for the 2023 Annual Town Meeting Warrant

DATE: Monday, April 3, 2023

This memorandum is provided in support of your discussion under New Business, Item C Discussion of the 2023 Annual Town Meeting Warrant.

Attached is a list of corrections of scrivener's errors or omissions (*Errata Sheet*) that were identified during the standard review process. There are three categories within this sheet; they are:

1. Corrections or omissions provided by the Finance Committee Chair;
2. Corrections or omissions provided by the Town Administrator; and
3. Confirmation of certain articles requiring a quantum of vote greater than straight majority as identified by Town Counsel.

Please note, our Town Clerk provided invaluable input and commentary in reviewing this document.

I recommend that the Board acknowledge the changes as outlined in the Errata Sheet before voting to close and sign the warrant.

Thank you.

Enclosure: One (1)

ERRATA SHEET FOR MARCH 31, 2023 ATM WARRANT DOCUMENT

FinCom corrections:

1. Article 4 : FinCom recommendation \$25,716,548 to be raised and appropriated and \$15,782,472 to be transferred
2. Article 6: there is a typo ... Regional instead of Reginal
3. Article 20: in FinCom recommendations change “to be borrowed by the Water Dept and the debt service paid from water retained earnings.

TA error:

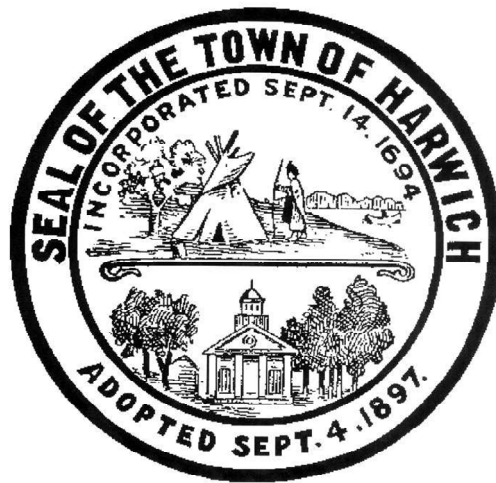
1. Replaced Table on Page 5 (Tax Rate impact)
2. Article 4: Estimated Cost does not match Table which does not match correct number in overall spreadsheet;
3. Article 40: Removed field for date insertion as no such information has been provided.

Quantum of votes:

Quantum of vote corrected (per Counsel) in the following instances:

1. Article 11: 2/3rds (lease purchase agreements)
2. Articles 19, 20, 21 – since these are all borrowing articles, they will require a 2/3rds vote.
3. Articles 37, 38, and 39 – zoning 2/3rds
4. Article 42 acquisition of an easement with an appropriation – 2/3rds vote.
5. Article 43 – sale of land – although I believe it only requires a majority vote since the land is already held for general municipal purposes, Mike usually declares a 2/3rds vote is required for the sale of any land.
6. Article 44 – acquisition of land with an appropriation – 2/3rds vote.
7. Article 48 – supplemental appropriation for acquisition of land – 2/3rds vote.
8. Article 50 - appropriation to pay unpaid bills from prior fiscal year - 4/5ths vote.
9. Article 61 – change purpose for which land is held – 2/3rds vote.

**2023
ANNUAL TOWN MEETING
WARRANT
WITH
RECOMMENDATIONS**



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

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MAY 1, 2023**

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VOTING PROCEDURES

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

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

Motions	Debatable	Non Debatable	Amendable	Non Amendable	Second Required	Second Not Required	Majority Vote	2/3 Vote	3/4 Vote	May Reconsider	Cannot Reconsider
Adjourn	X		X		X		X				X
Adjourn (in a time certain)	X		X		X		X			X	
Amendment	X		X		X		X			X	
Adopt a Resolution	X		X		X		X				X
Accept & Adopt	X		X		X		X ¹			X	
Postpone Indefinitely	X		X		X		X			X	
Previous Question		X			X				X		X
Terminate Debate											
Reconsider ²	X			X	X				X		X
Consider Articles	X		X		X				X		X
Out of Order											
Point of Order		X								X	

1. Unless a greater than simple majority required by General Laws of Town of Harwich by-laws.

2. See section 1.207

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

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

MUNICIPAL FINANCE TERMS

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

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

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

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

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

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

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

MUNICIPAL FINANCE TERMS RELATED TO CAPITAL IMPROVEMENTS

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

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

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

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

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

MUNICIPAL FINANCE TERMS RELATED TO PROPOSITION 2 ½ TERMS

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

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

CONTINGENT APPROPRIATION: An appropriation that authorizes spending for a particular purpose only if subsequently approved in a voter referendum. Under MGL c. 59 § 21C (m), towns may make appropriations from the tax levy, available funds, or borrowing contingent on the subsequent passage of a Proposition 21/2 override or exclusion question for the same purpose. If initially approved at an annual town meeting, voter approval of the contingent appropriation must occur by September 15. Otherwise, the referendum vote must occur within 90 days after the town meeting dissolves. The question may be placed before the voters at more than one election, but if

the appropriation is not approved by the applicable deadline, it is null and void. If contingent appropriations are funded through property taxes, DLS cannot approve the tax rate until the related override or exclusion question is resolved or the deadline passes, whichever occurs first.

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

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

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

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

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

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

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

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

The entire glossary can be found at:

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

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

BARNSTABLE, ss:

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

Greetings:

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

TOWN OFFICERS AND COMMITTEES

ARTICLE 1: To choose various Town Officers and Committees.

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

Finance Committee:

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia,

Mark Ameres, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

REPORTS OF TOWN OFFICERS AND COMMITTEES

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

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

Finance Committee:

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia,

Mark Ameres, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

ELECTED OFFICIALS' SALARIES

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

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

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

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

Finance Committee:

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia,

Mark Ameres, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

TOWN OPERATING BUDGET

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

SOURCES:	
Betterments	70,000
Cable Fund	214,996
CPA	166,650
Golf Infrastructure	98,450
Overlay Surplus	200,000
Water Enterprise	818,913
Wastewater Enterprise	62,148
Subtotal	1,631,157
Local Receipts	15,782,472
Taxes	25,912,033
Operating Budget	43,325,662

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

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

Inspector position from a part-time (.5 Full-Time Equivalent (FTE)) to full-time as shown in Appendix B

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

Finance Committee:

To accept and adopt:

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

Nays: 0 (Zero): None

MONOMOY REGIONAL SCHOOL DISTRICT BUDGET

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

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

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

Finance Committee:

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia,

Mark Ameres, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

CAPE COD REGIONAL TECHNICAL SCHOOL DISTRICT BUDGET

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

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

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): none

Finance Committee:

To accept and adopt:

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

Nays: 0 (Zero): None

WATER DEPARTMENT BUDGET

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

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

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

Finance Committee:

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia,

Mark Ameres, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

WASTEWATER DEPARTMENT BUDGET

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

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

Total	1,993,973
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Explanation: Included within the FY24 Wastewater Budget request in this article is funding to support a new full-time Assistant Wastewater Superintendent position. The salary for this position is budgeted at \$80,000 and contained within the Salaries line item above, benefits for this position are \$27,181 and contained within the Indirect Costs line item above.

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

Finance Committee:

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia,

Mark Ameres, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

FUND CAPE COD COMMUNITY MEDIA CENTER

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

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

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): none

Finance Committee:

To accept and adopt:

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

Nays: 0 (Zero): None

ITEMS FUNDED FROM THE CABLE FUND

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

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

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

Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted to fund equipment upgrades to Channel 22 TV at the Monomoy Regional High School access to local television for the coming year, and that \$47,222 be transferred from PEG Access Funds for this purpose. This money is available to the Town as our percentage of cable TV funds collected in the Town.

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

Finance Committee:

To accept and adopt:

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

Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

Abstained: 1 (One): Mark Ameres

LEASE PURCHASE AGREEMENTS

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

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

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero):

Finance Committee:

To accept and adopt:

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

Nays: 0 (Zero): None

PRESCHOOL FAMILY SUPPORT PROGRAM

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

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

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

Finance Committee:

To accept and adopt:

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

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

FUND TECHNOLOGY ENHANCEMENTS FOR BROOKS FREE LIBRARY

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

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

Finance Committee:

To accept and adopt:

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

Nays: 0 (Zero): None

Abstained: 1 (One): Robert McCready

OPIOID SETTLEMENT DISTRIBUTIONS

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

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

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

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): none

Finance Committee:

To accept and adopt:

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

Nays: 0 (Zero): None

ADOPT THE CAPITAL PLAN

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

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

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

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

The Finance Committee strongly feels the document presented in this year's warrant does not adequately present the full capital needs of the Town over the next 5 years. Last year's plan was voted on by the Town meeting with the intention of being a renewed attempt to follow the Home Rule Charter more closely, which this plan does not do. The plan adopted at last year's ATM identified \$1.6 million in items funded by free cash, in FY 2024, 12 months later, that figure has ballooned to \$4.9 million.

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 1 (One): Donald Howell

Finance Committee:

To indefinitely postpone:

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

Nays: 0 (Zero): None

CAPITAL OUTLAY PLAN ARTICLES

CAPITAL OUTLAY PLAN ITEMS FUNDED FROM FREE CASH

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

	Project	Amount	Department	Uses
1	Beautify the villages of Harwich	50,000	Administration	Designs and plans
2	Engines/Other Fire Equipped Vehicles	350,000	Fire Department	Mini-pumper
3	Equipment replacements	36,580	Fire Department	Dive equipment
4	Wixon Landing improvements	30,000	Harbormaster	Designs and specs
5	Technology reinvestment	387,000	Info. Tech.	Infrastructure, work sta.
6	Equipment replacements	64,115	Police Department	Tasers, ballistic plates
7	Police Cruisers	183,000	Police Department	Annual acquisition
8	Technology replacement	20,000	Police Department	EOC IT upgrades
9	Equipment replacements	75,000	Public Works	Ballfield mower
10	Road maintenance/improvements	700,000	Public Works	In lieu of borrowing
11	Vehicle replacements	515,000	Public Works	Annual item
12	100 Oak Street (Community Center)	145,500	Facilities Maintenance	Bleachers, fans
13	204 Sisson Road (old Middle School)	1,982,427	Facilities Maintenance	Building improvements
14	273 Queen Anne Rd (Transfer Station)	157,300	Facilities Maintenance	Generator
15	ADA compliance requirements	121,000	Facilities Maintenance	Per ADA Report
16	739 Main Street (Brooks Free Library)	90,000	Facilities Maintenance	Supplemental (roof)

TOTAL:	4,906,922
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Finance Committee Recommendation: The Finance Committee recommends no recommendation pending further information, (NRPFI). Although there are many items on this list the Finance Committee does support it cannot support the entire list as presented in one article. There was an expectation at the last Town meeting that there would be a business/financial plan put together for this year’s Town meeting on the former Middle School at 204 Sisson Road. This plan was not put together despite the best efforts of the Finance Committee to support this. Without adequate information on the future of 204 Sisson Road with regards to the Cultural Center, the Recreation uses, the Municipal needs, the maintenance requirements, staffing, and capital costs needed to support the future uses of the building, the Finance Committee does not support spending above the safety and maintenance cost of the building until the voters can be given the complete vision a business/financial plan would provide.

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): none

Finance Committee:

To not recommend pending further information:

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

Nays: 0 (Zero): None

CAPITAL OUTLAY PLAN ITEMS FUNDED FROM WATER RETAINED EARNINGS

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

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

Explanation: This project includes the repaving of access roads at the department’s wellfield located at 85 Depot Rd. Continued deterioration of the access roads makes travel to and from the remote well sites difficult and promotes excessive wear and tear on the department vehicles, especially during snow removal efforts. The purpose of the New Well Source Exploration Phase

2 is to assess potential production capacity of a new well at the site in North Harwich and obtain MassDEP approval of the testing.

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): none

Finance Committee:

To accept and adopt:

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

Nays: 0 (Zero): None

CAPITAL OUTLAY PLAN ITEMS FUNDED FROM CHAPTER 90 FUNDS

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

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

Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted, and that \$700,000 be transferred from State held Chapter 90 funds to fund the ongoing Town roads maintenance program. These are matching funds provided by the Commonwealth of Massachusetts.

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): none

Finance Committee:

To accept and adopt:

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

Nays: 0 (Zero): None

WEST HARWICH ROUTE 28 SEWER MAIN INSTALLATION

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

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

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

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): none

Finance Committee:

To accept and adopt:

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

Nays: 0 (Zero): None

WEST HARWICH ROUTE 28 WATER MAIN REPLACEMENT

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

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

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): none

Finance Committee:

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia,

Mark Ameres, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

EAST HARWICH WASTEWATER COLLECTION SYSTEM EXPANSION

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

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

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

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): none

Finance Committee:

To accept and adopt:

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

Nays: 0 (Zero): None

COMMUNITY PRESERVATION COMMITTEE ARTICLES

COMMUNITY PRESERVATION ACT – LAND BANK DEBT SERVICE

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

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): none

Finance Committee:

To accept and adopt:

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

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – HOUSEKEEPING EXPENSES

ARTICLE 23: To see if the Town will vote to appropriate or reserve for future appropriation the following sums of money from the FY 2024 estimated annual revenues of the Harwich Community Preservation Act Fund as required by G.L., Chapter 44B and Chapter 149, §298 of the Acts of 2004 as follows:

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

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

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

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): none

Finance Committee:

No recommendation pending further information:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo

LaMantia,

Mark Ameres, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – HERRING RIVER LAND PRESERVATION PROJECT

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

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): none

Finance Committee:

To accept and adopt:

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

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – FUNDING HARWICH AFFORDABLE HOUSING TRUST FUND

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

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

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

ROLL CALL VOTES:

Board of Selectmen:

Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): none

Finance Committee:

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia,

Mark Ameres, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – LOWER CAPE HOUSING INSTITUTE

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

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

Abstention: 1 (One) Donald Howell

Finance Committee:

To accept and adopt:

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

Mark Ameres, Michele Gallucci

Nays: 0 (Zero): None

Abstained: 1 (One): Robert McCready

COMMUNITY PRESERVATION ACT – BROOKS ACADEMY RENOVATIONS

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

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): none

Finance Committee:

To accept and adopt:

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

Nays: 1 (One): Angelo LaMantia

COMMUNITY PRESERVATION ACT – WAR MEMORIALS PROJECT

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

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): none

Finance Committee:

To accept and adopt:

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

Mark Ameres, Michele Gallucci

Nays: 1 (One): Robert McCready

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

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

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): none

Finance Committee:

To accept and adopt:

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

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

COMMUNITY PRESERVATION ACT – OAK STREET BIKE PATH CROSSING LIGHTS

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

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): none

Finance Committee:

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia,

Mark Ameres, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – SENIOR SOFTBALL FIELDS RESTROOMS

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

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): none

Finance Committee:

To accept and adopt:

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

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – RESURFACE COURTS AT BROOKS PARK

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

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): none

Finance Committee:

To accept and adopt:

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

Nays: 0 (Zero): None

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

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

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): none

Finance Committee:

To accept and adopt:

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

Nays: 0 (Zero): None

COMMUNITY PRESERVATION ACT – SKINEQUIT POND REMEDIATION PROJECT

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

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): none

Finance Committee:

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia,

Mark Ameres, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

ACCEPT MGL, C.41, SECTION 110A

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

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

primaries. If the Clerk's Office ever anticipated large voter registration turnout, the Town Clerk could set the deadline for the Saturday date.

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): none

Finance Committee:

To accept and adopt:

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

Nays: 0 (Zero): None

BYLAW AMENDMENTS

AMEND GENERAL BYLAWS, CHAPTER 300 – WATER

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

“§ 300-1. Authority.

ARTICLE I

Water Supply Emergency

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

§ 300-2. Purpose.

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

§ 300-3. Definitions.

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

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

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

§ 300-4. Requirements.

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

§ 300-5. Violations and penalties.

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

§ 300-6. Right of entry.

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

§ 300-7. Severability.

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

§ 300-8. Authority.

ARTICLE II

Water Use Restriction

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

§ 300-9. Purpose.

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

§ 300-10. Definitions.

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

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

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

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

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

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

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

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

§ 300-12. Restricted water uses.

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

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

§ 300-13. Notice.

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

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

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

§ 300-15. Water supply emergencies.

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

§ 300-16. Violations and penalties.

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

§ 300-17. Severability.

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

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

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

Finance Committee:

To accept and adopt:

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

Nays: 0 (Zero): None

AMEND ZONING BYLAW – CHAPTER 325, ARTICLE V USE REGULATIONS

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

T. Single- Family dwelling with accessory apartment.

1. Purpose. The intent of permitting accessory apartments is to:
 - a) Increase the number of small dwelling units available for rent in Town;
 - b) Increase the range of choices of housing accommodations;
 - c) Encourage greater diversity of **the demographic** population with particular attention to young adults and senior citizens; and
 - d) Encourage a more economic and energy-efficient use of the Town's housing supply while maintaining the appearance and character of the Town's single-family neighborhoods.

2. Definitions.
 - a) **Dwelling, Single-Family with Accessory Apartment - A single-family dwelling as a principal use, along with a dwelling unit serving as a separate accessory apartment that is, either located within the principal dwelling, attached to it or in a detached residential accessory building on the same lot. The accessory apartment shall be a self-contained dwelling unit containing a kitchen, bedroom(s) and bathroom facilities. Accessory dwellings shall have their own separate access from the principal dwelling unit. The accessory apartment shall be an accessory use related to the principal single family dwelling use.**

 - b) Owner - One or more individuals holding title to the property.

3. Criteria. – An accessory apartment is allowable within a single-family dwelling, either attached or detached, provided that the following criteria have been satisfied:
 - a) Only one accessory apartment is permitted for each principal dwelling unit.
 - b) The accessory apartment may not be held in separate ownership from the principal use.
 - c) Only one of the principal dwelling or accessory apartment may be rented at any given time and if rented, shall be rented for a term of no less than six consecutive months. **Prior to the issuance of a Building Permit, the Owner shall submit a notarized affidavit that states that the owner is or will be in residence in one of the units.**
 - d) The accessory apartment shall ~~have a net floor area not exceeding 1/2 of the net floor area of the principal dwelling unit and not more than 900 square feet~~ **not exceed 1,000 square feet of gross floor area.**
 - e) The accessory apartment shall have not more than two bedrooms.
 - f) At least one off-street parking space shall be provided for the accessory apartment.

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

- ~~hg~~). The accessory apartment shall be designed so that, to the degree reasonably feasible, the appearance of the property remains that of a single-family property with matching materials, colors, window styles and roof design for one structure, if the apartment is attached, or for both structures, if the apartment is detached.
- ~~ih~~). The principal dwelling unit and accessory apartment shall meet all **Board of Health** wastewater treatment requirements for the combined number of bedrooms.
- ~~ji~~). The proposed use shall not exceed the building or site coverage ~~in~~ **for the applicable Zoning District**.
- ~~kj~~). If an addition **to the principal dwelling** is to be ~~built~~ **constructed** for the proposed use ~~accessory apartment~~, the addition shall ~~be set back from front, side and rear lot lines the distance required in the zoning district for new construction~~ **comply all with setback requirements in the applicable Zoning District**.
- ~~k~~). **The Zoning Board of Appeals may grant a Special Permit for preexisting nonconforming principal dwellings and residential accessory buildings that do not comply with the setback or lot coverage requirements in the applicable Zoning District.**

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

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

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

create the accessory apartment within 90 days of said determination. The owner shall comply with all requirements of the State Building Code in restoring the principal dwelling or detached structure to its condition prior to the construction of the accessory apartment.

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

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

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

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

ROLL CALL VOTES:

Board of Selectmen:

Michael MacAskill, Mary Anderson, Donald Howell, Larry Ballantine

To accept and adopt:

Yeas: 0 (Zero):

Nays: 0 (Zero): None

Finance Committee:

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Mark Ameres,

Daniel Tworek, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

AMEND ZONING BYLAW – CHAPTER 325, ARTICLE XVII FLOODPLAIN REGULATIONS

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

Article XVII

Floodplain Regulations

§ 325-104 Purpose

The purpose of the Floodplain Overlay District is to:

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

§ 325-105 Establishment Of Floodplain Districts

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

§ 325-106 Abrogation

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

§ 325-107 Relation to Other Districts.

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

§ 325-108 Designation of Floodplain Administrator

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

§ 325-109 Degree Of Protection

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

§ 325-110 Severability

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

§ 325-111 Requirement To Submit New Technical Data

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

§ 325-112 Unnumbered A Zones

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

§ 325-113 Floodway Encroachments

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

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

§ 325-114 Watercourse Alterations or Relocations in Riverine Areas

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

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

§ 325-115 Drainage Requirements in AO and AH Zones

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

§ 325-116 Recreational Vehicles

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

§ 325-117 Permit Requirements

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

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

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

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

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

The Town will request from the State Building Code Appeals Board a written

and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

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

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

§ 325-120 Enforcement

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

§ 325-121 Subdivision Within Floodplain Overlay Districts

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

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

§ 325-122 Base Flood Elevation Data for Subdivision Proposals

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

§ 325-123 Use Regulations.

A. Existing Regulation

1. All development in the floodplain, including structural and nonstructural activities, whether permitted by right or by Special Permit, must be in compliance with the following:
 - a) Section of the State Building Code which addresses floodplain and coastal high-hazard areas (currently 780 CMR).
 - b) Wetland Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00).
 - c) Inland Wetlands Restriction, DEP (currently 310 CMR 13.00)
 - d) Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00).
 - e) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).
 - f) Minimum Requirements for the Subsurface Disposal of Sewage Regulations,

Town of Harwich.

g) Harwich Wetlands Protective Bylaw.

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

B. Other Use Regulations

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

§ 325-124 Permitted Uses

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

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

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

- A. Notwithstanding the provisions of any other provision of the Harwich Zoning Bylaw to the contrary, except as otherwise provided pursuant to Subsection C of this section, a person shall be allowed to lift an existing structure located in an area of special flood hazard to a new and appropriate elevation, or constructing a staircase or other attendant structure necessitated by such raising without the need for Board of Appeals relief; provided, however, that this exemption shall apply only to the minimum extent or degree necessary to allow the structure to meet the new and appropriate elevation with adequate means of ingress, egress and

- accommodation of typical basement facilities.
- B. Appurtenant to lifting an existing structure, the existing structure may be relocated elsewhere on the lot as long as said relocation does not create a new, or increase the intensity of a setback nonconformity.
- C. The exemption established pursuant to Subsection A of this section shall not be available to a person who has altered or is seeking to alter the original dimensions of a structure if, had the alteration not been made, the structure could have been raised to meet the new and appropriate elevation either without the exemption or with an exemption of lesser degree than is needed with the alteration.

§ 325-126 Definitions

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

AREA OF SPECIAL FLOOD HAZARD

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

ATTENDANT STRUCTURE

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

BASE FLOOD

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

COASTAL HIGH-HAZARD AREA

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

DEVELOPMENT

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

DISTRICT

Floodplain District.

EXISTING STRUCTURE

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

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

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

standards for development in the flood hazard areas.

FLOOD INSURANCE RATE MAP (FIRM)

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

FLOOD INSURANCE STUDY

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

FLOODWAY

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

FUNCTIONALLY DEPENDENT USE

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

HIGHEST APPLICABLE FLOOD ELEVATION STANDARD

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

HIGHEST ADJACENT GRADE

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

HISTORIC STRUCTURE

Any structure that is:

- a) **Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;**
- b) **Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;**
- c) **Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or**
- d) **Individually listed on a local inventory of historic places in communities with**

historic preservation programs that have been certified either:

1. By an approved state program as determined by the Secretary of the Interior or
2. Directly by the Secretary of the Interior in states without approved programs.
[US Code of Federal Regulations, Title 44, Part 59]

LOWEST FLOOR

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

NATIONAL FLOOD INSURANCE PROGRAM (NFIP)

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

NEW AND APPROPRIATE ELEVATION

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

NEW CONSTRUCTION

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

RECREATIONAL VEHICLE

A vehicle which is:

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

REGULATORY FLOODWAY - See FLOODWAY

SPECIAL FLOOD HAZARD AREA

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

START OF CONSTRUCTION

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

STRUCTURE

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

SUBSTANTIAL DAMAGE

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

SUBSTANTIAL IMPROVEMENT

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

SUBSTANTIAL REPAIR OF A FOUNDATION

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

TYPES OF FLOOD ZONE DESIGNATIONS

1. **ZONE A - An area of special flood hazard without water surface elevations**

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

VARIANCE

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

VIOLATION

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

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

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

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

Finance Committee:

To accept and adopt:

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

Nays: 0 (Zero): None

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

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

§ 325-144 Design standards.

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

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

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

D. Design Standards for Accessory Residential Photovoltaic Arrays

1. Accessory Residential Rooftop Solar Installations

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

2. Accessory Residential Ground Mounted Solar Installations

Accessory Residential Ground Mounted Solar Installations are allowed By-Right in all residential Zoning Districts contingent upon the following requirements:

- a) **Setbacks – Accessory Residential Ground mounted solar panels must comply with all of the setback requirements in the applicable Zoning District.**
- b) **Height – Accessory Residential Ground mounted solar panels shall not exceed 15 feet in height.**
- c) **Screening – Accessory Residential Ground mounted solar panels shall be screened from view from any public or private way. The solar installation shall be screened with a minimum of six foot high solid fence or densely planted evergreen buffer.**
- d) **Location – Accessory Residential Ground mounted solar panels shall be mounted in the rear yard behind the rear building line.**

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

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

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

Finance Committee:

To accept and adopt:

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

Nays: 0 (Zero): None

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

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

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

Finance Committee:

No recommendation pending further information:

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

Nays: 0 (Zero): None

AMEND CEMETERY REGULATIONS

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

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): none

Finance Committee:

To accept and adopt:

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

Nays: 0 (Zero): None

Abstained: 1 (One): Mark Ameres

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

ARTICLE 42: To see if the Town will vote to authorize the Board of Selectmen to acquire, by gift, purchase and/or eminent domain, an easement for public utility purposes, including, without limitation, the construction, installation, operation, maintenance, repair and replacement of utilities and other related rights, appurtenances and facilities, including, but not limited to, the right to undertake directional drilling to support the Route 28 Water Main Replacement Project, and for any and all purposes incidental or related thereto, in, on, under and near a certain parcel of land located at 129 Route 28 (Assessor's Parcel ID 11-P1-0); and, further, to raise and appropriate, transfer from available funds, or borrow, a sum of money to fund any land acquisition costs and all other expenses incidental thereto; and to act fully thereon. By request of the Board of Water/Wastewater Commissioners. Estimated Cost: \$10,000.00. ***Requires 2/3 vote.***

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

Finance Committee:

To accept and adopt:

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

Nays: 0 (Zero): None

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

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

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

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

Finance Committee:

To accept and adopt:

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

Nays: 0 (Zero): None

ACQUISITION OF FOREST STREET PROPERTY

ARTICLE 44: To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain, or otherwise, that property described in a deed to Samuel D. Constan, dated June 15, 2005, recorded with the Barnstable County Registry of Deeds in Book

20143, Page 148, including four (4) parcels of land located off Forest Street, identified as Parcel ID 31-P10-0 (0 Forest Street), containing 0.840 acres, more or less; Parcel ID 31-C9-0 (0 Forest Street), containing 1.910 acres, more or less; Parcel ID 31-C1-A-0 (0 Parallel Street), containing 0.140 acres, more or less; and Parcel ID 31-C6-0 (0 Forest Street), containing 17,860 S.F., more or less; and further to authorize the Board of Selectmen to enter into all agreements and take any and all actions as may be necessary or convenient in furtherance of this article; and to act fully thereon. By request of the Board of Selectmen. Estimated cost: \$5,000. **Requires 2/3 vote.**

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

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

Finance Committee:

To accept and adopt:

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

Nays: 0 (Zero): None

AUTHORIZATION PAYMENT IN LIEU OF TAXES (PILOT) AGREEMENTS

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

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

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

Finance Committee:

To accept and adopt:

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

Nays: 0 (Zero): None

ANNUAL DEPARTMENTAL REVOLVING FUNDS AUTHORIZATION

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

<i><u>Revolving Fund</u></i>	<i><u>FY 2024 Spending Limit</u></i>	<i><u>Disposition of FY22 Fund balance</u></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>
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Explanation: This is a standard article required under the General Bylaws Chapter 8, Section 8-2. The only change requested spending limit is to increase the limit for the 204 Sisson Road Municipal Building Revolving Fund from \$225,000 to \$300,000.

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 1 (One): Donald Howell

Finance Committee:

To accept and adopt:

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

Nays: 0 (Zero): None

SUPPLEMENTAL FUNDING FOR BROOKS ACADEMY RENOVATIONS

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

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

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

Finance Committee:

To accept and adopt:

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

Nays: 0 (Zero): None

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

SUPPLEMENTAL APPROPRIATION FOR JUDAH ELDREDGE PROPERTY

ARTICLE 48: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to supplement the amount previously appropriated under Article 55 of the 2018 Annual Town Meeting for the purpose of acquiring the Judah Eldredge property located on Seth Whitefield Road; or to take any other action relative thereto. By request of the Board of Selectmen. Estimated cost: \$400,000.

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

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

Finance Committee:

To accept and adopt:

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

Nays: 0 (Zero): None

TRANSFER FREE CASH TO THE STABILIZATION FUNDS

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

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

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

Finance Committee:

To accept and adopt:

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

Nays: 0 (Zero): None

FUND PRIOR YEAR'S UNPAID BILLS

ARTICLE 50: To see if the Town will vote to raise and appropriate or transfer from available funds a sufficient sum of money to pay unpaid bills of prior years as provided for in M.G.L. Ch. 44, Section 64, and to act fully thereon. By request of the Town Administrator. Estimated cost: \$10,696. **Requires 4/5 vote.**

Prior Year Bills	
Ames Marine Service	850.00
General Code	1,195.00
GM Framingham LLC/Green Mattress	2,650.00
New England Time Solutions, Inc.	794.64

Albertsons - Safeway	27.06
Harwich Water Department	822.08
Harwich Police Department	1,793.71
Verizon	2,562.75
	10,695.24

Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted, and that \$10,696 be transferred from available funds for this purpose.

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

Finance Committee:

To accept and adopt:

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

Nays: 0 (Zero): None

DEFRAY THE EXPENSES OF THE CHASE LIBRARY AND HARWICH PORT LIBRARY

ARTICLE 51: To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$20,000 to help defray the expenses of the Chase Library and the Harwich Port Library; said funds to be expended under the direction of the Chase Library and Harwich Port Library Trustees; and to act fully thereon. By request of the Town Administrator. Estimated Cost: \$20,000

Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted, and that \$20,000 be transferred from available funds for this purpose.

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): none

Finance Committee:

To accept and adopt:

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

Nays: 0 (Zero): None

Abstained: 1 (One): Daniel Tworek

PROMOTE THE TOWN OF HARWICH

ARTICLE 52: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money for the Harwich Chamber of Commerce to promote the Town and its businesses and cultural endeavors to advance economic development initiatives for and with the Town of Harwich. Said monies to be used to manage and fulfill year-round visitor/resident/business information services, to promote and market the Town, to generate and initiate materials and activities that encourage the establishment, growth and sustainability of businesses in Harwich, and to implement economic development objectives and activities in partnership with the Town; and to act fully thereon. By request of the Town Administrator. Estimated cost: \$50,000.00

Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted, and that \$50,000 be transferred from available funds for this purpose. This is an increase from recent years to recognize and assist the Chamber of Commerce in their ongoing program of summer sales for resident and non-resident beach and transfer station permits. The Chamber sells permits on weekends and other times when normal Town sellers are not available.

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): none

Finance Committee:

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia,

Mark Ameres, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

SUPPLEMENTAL ANNUAL ALLOCATION OF MASS CULTURAL COUNCIL FOR LOCAL CULTURAL COUNCIL GRANTS

ARTICLE 53: To see if the Town will vote to raise and appropriate and/or transfer from available a sufficient sum of money to supplement the Massachusetts Cultural Council annual

allocation for community grant awards to artist, performers, and interpretive scientist who bring events and programs to local venues which enhance the cultural experience of Harwich citizens of all ages, and to act fully thereon. By request of the Town Administrator. Estimated Cost: \$4,000.00

Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted, and that \$4,000 be transferred from available funds for this purpose.

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

Finance Committee:

To accept and adopt:

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

Nays: 0 (Zero): None

REAFFIRM AND EXTEND M.G.L., CHAPTER 59, §5, CLAUSE 56

ARTICLE 54: To see if the Town will vote to reaffirm and extend MGL Chapter 59, §5, Clause 56. Upon acceptance of this section by the Town, the Board of Assessors may grant, real and personal property tax abatement up to 100% of the total tax assessed to members of the Massachusetts National Guard and to Reservists on active duty in foreign countries for the fiscal year they performed such service subject to eligibility criteria to be established by the Board of Assessors. The authority to grant abatements under this section shall expire after 2 years of acceptance unless extended by a vote of the city or town. Said change to take effect FY 2025 and act fully thereon. By request of the Harwich Veterans Agent and Board of Assessors.

Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted to assist members of the Massachusetts National Guard and Reservists while on active duty.

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): none

Finance Committee:

To accept and adopt:

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

Nays: 0 (Zero): None

CITIZEN INITIATIVE PETITION ARTICLES

PROHIBIT THE SALE, DISTRIBUTION AND USE OF BALLOONS

ARTICLE 55: To see if the Town will vote to prohibit the sale, distribution and use of any type of balloon inflated with any type of lighter-than-air gas within the Town of Harwich. By request of Patrick Otton

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

ADDENDUM:

A. Purpose and intent.

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

B. Definitions.

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

LIGHTER-THAN-AIR GAS

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

BALLOON

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

RESTRAINING ATTACHMENTS

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

C. Applicability.

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

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

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

D. Exemptions.

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

E. Enforcement.

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

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

F. Fines and penalties.

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

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

(1)

First offense: written warning.

(2)

Second offense: \$50.

(3)

Third offense: \$100.

Finance Committee Recommendation: The Finance Committee recommends indefinite postponement, (IPP), to allow the continuation of balloons at festive functions within the Town.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE INDEFINITELY POSTPONED (IPP). VOTE: YES-7, NO-0, ABSTAINED-1

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 0 (Zero): Zero

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

Finance Committee:

To indefinitely postpone:

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

Nays: 0 (Zero): None

Abstained: 1 (One): Michele Gallucci

ADOPT A NEW GENERAL BYLAW – PLASTIC REDUCTION

ARTICLE 56: To see if the Town will vote to amend the Town’s General Bylaw by inserting a new bylaw entitled, Plastic Reduction, as follows, and to authorize the Town Clerk to assign appropriate numbering therefor:

CHAPTER ____: PLASTIC REDUCTION

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

Effective Date

This Bylaw shall take effect on September 1, 2024.

Purpose and Intent

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

Definitions

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

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

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

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

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

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

Prohibition

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

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

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

Administration and Enforcement.

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

First Offense: Written warning

2nd Offense: \$150 fine

3rd Offense and Subsequent Offenses: \$300 fine

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

Finance Committee Recommendation: The Finance Committee recommends indefinite postponement, (IPP), to prevent an undue burden on families and businesses that have suffered enough over the past two years. It is also noted by the Finance Committee the Town has a robust recycling program at the transfer station and strongly encourages citizens to recycle.

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 1 (One): Donald Howell

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

Finance Committee:

To indefinitely postpone:

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

Nays: 0 (Zero): None

SEEK SPECIAL LEGISLATION PROHIBITING THE APPLICATION OF FERTILIZER

ARTICLE 57: To see if the Town will vote to authorize and ask the Select Board to petition the Great and General Court of the Commonwealth of Massachusetts for special legislation, the text of which is set forth, prohibiting the application of fertilizer in the Town of Harwich except for the purposes of commercial agriculture and the residential use of organic fertilizer with low nitrogen and phosphorus for the use in growing fruits and vegetables that is allowable under the USDA National Organic Program organic standards (OMRI listed). By request of Patrick Otton

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

Finance Committee Recommendation: The Finance Committee recommends indefinite postponement, (IPP). The Finance Committee encourages the proper applications of lawn fertilizers as allowed by Massachusetts General Laws.

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 0 (Zero): None

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

Finance Committee:

To indefinitely postpone:

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

Nays: 0 (Zero): None

TO ACCEPT THE LAYING OUT AS A TOWN WAY A PORTION OF OLD BREWSTER WAY

ARTICLE 58: To accept the laying out as a town way by order of the Board of Selectmen; a point of land, shown as Old Brewster Road, to facilitate and provide life safety services over the roadway. Submitted by Denise Bouvier, Trustee First Shelley Path Realty Trust and others

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

Yeas: 0 (Zero): Zero

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

Finance Committee:

No recommendation pending further information:

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

Nays: 0 (Zero): None

PETITION THE GENERAL COURT TO AMEND MGL GOVERNING THE DISPERSAL OF SCHOOL CHOICE FUNDS

ARTICLE 59: To see if the Town will vote to Ask the Board of Selectman, acting on behalf of the Town, to petition the state legislature, to amend the Massachusetts General Laws governing the dispersal of School Choice funds, to include all other forms of alternative education, as currently allowed by the state, e.g., homeschool and private school participants, etc. In addition, the petition should be made with language requesting that any changes to the MGL's should consider interim support to address any negative draw down impacts to the Public School System, during any resultant adjustment phase. By request of Daniel Baker

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

As mentioned during last year's town meeting, real estate values and AP classes are important, but does Harwich really believe that children who would thrive in an alternative state allowed education opportunity should be sacrificed to benefit others?

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

Today, if the parent/student determines that state allowed homeschooling/private schooling is the correct educational choice for the student, they have to pay 100% out of pocket. Only those of

sufficient wealth can afford school choices outside the public/charter school system. Those families that do pay out of pocket are also paying taxes supporting a public school/charter system that does not suit their needs, without the ability to recoup funds legally allotted for their child.

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

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

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

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

Finance Committee Recommendation: The Finance Committee recommends indefinite postponement, (IPP). Although there is a potential for some people to benefit from some aspects of this proposal there is not enough information about the amount of money and where it will come from to gain support from the entire committee.

FINANCE COMMITTEE RECOMMENDS THIS ARTICLE BE INDEFINITELY POSTPONED (IPP). VOTE: YES-6, NO-2

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

Finance Committee:

To indefinitely postpone:

Yeas: 6 (Six): Dana DeCosta, Karen Doucette, Mark Kelleher, Mark Ameres, Daniel Tworek, Robert McCready

Nays: 2 (Two): Peter Hughes, Michele Gallucci

INTERMUNICIPAL AGREEMENT FOR AN AGRICULTURAL/ENVIRONMENTAL
EDUCATIONAL FACILITY LOCATED AT 374 MAIN STREET

ARTICLE 60: To see if the Town will vote to authorize and Direct the Board of Selectmen to enter into an Agreement with an Established Educational Facility, private party, or Not for Profit entertee, through all means necessary including yet not limited to, a Inter-municipal agreement or long term lease for purpose to create and operate an Agricultural/Environmental Educational Facility on said land acquired at the Harwich Annual Town Meeting 2000, Article 11, situated at 374 Main Street, North Harwich, shown on Harwich Assessors Map 47 as Parcel A-10 containing 33.6 acres, more or less. Being further shown on a plan recorded in the Barnstable County Registry of Deeds in Plan 460 Page 55 and further described in the deed recorded in the Barnstable Registry of Deeds of Book 10792 Page 257 being known as The Main Street Bog. Further authorize the Board of Selectmen to pursue any means necessary to accomplish this action, including yet not limited to, partition to Massachusetts State Legislature subject to Section 7 Chapter 293 of the Acts of 1998 entitled Establishment of Cape Cod Open Space Land Acquisition Program, an any other related questions of purposeful use of said land. Execute any and all instruments as may be necessary on behalf of the Town and to ack fully thereon. By request of Leo Cakounes.

Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted to assist the Selectmen in developing an educational use of this property.

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

Finance Committee:

To accept and adopt:

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

Nays: 0 (Zero): None

AMEND ACTION OF ANNUAL MEETING OF 2000, ARTICLE 11 PURCHASE OF 374 MAIN
STREET

ARTICLE 61: To see if the Town will vote to Amend action of the Towns Annual Meeting of 2000, Article 11 purchase of 374 Main Street, North Harwich, described in deed recorded at Barnstable County Registry of Deeds Book 10792 Page 257 and shown on a plan Recorded at Barnstable County Registry of Deeds in Plan Book 460 Page 55 by adding the following...the property described in the article for (AGRICULTURAL AND ENVIRONMENTAL EDUCATION,) preservation, open space...and to ack fully thereon. By request of Leo Cakounes. ***Requires 2/3 vote.***

Finance Committee Recommendation: The Finance Committee recommends this article be accepted and adopted to add the necessary language to the deed for developing an educational use of this property.

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

Finance Committee:

To accept and adopt:

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

Nays: 0 (Zero): None

HERRING FISHERIES

ARTICLE 62: To see what action the Town will take in regard to the Herring Fisheries; and to act fully thereon. Customary Article.

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

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

ROLL CALL VOTES:

Board of Selectmen:

To accept and adopt:

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

Nays: 0 (Zero): None

Finance Committee:

To accept and adopt:

Yeas: 8 (Eight): Peter Hughes, Dana DeCosta, Karen Doucette, Mark Kelleher, Angelo LaMantia,

Mark Ameres, Robert McCready, Michele Gallucci

Nays: 0 (Zero): None

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF HARWICH
TOWN ELECTION WARRANT
MAY 16, 2023**

BARNSTABLE, ss:

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

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in elections and Town affairs to meet in the Community Center Gymnasium, 100 Oak Street, in said Town on Tuesday, May 16, 2023

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

To choose on one (1) ballot the following Town Officers and Committees: Two (2) members of the Board of Selectmen for a three year term; Two (2) members of the Monomoy Regional School Committee for a three year term; Two (2) Trustees of the Brooks Free Library for a three year term; Two (2) Water/Wastewater Commissioners for a three year term.

BALLOT QUESTIONS

1. Shall the Town of Harwich be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued for the design, permitting, and construction of a dry sewer pipe along Route 28 including any and all other costs incidental and related thereto?

YES _____ NO _____

2. Shall the Town of Harwich be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to implement Phase 3 and portions of Phase 8 of the Town of Harwich Comprehensive Wastewater Management Plan (CWMP), approved by the Massachusetts Secretary of Energy and Environmental Affairs in a Massachusetts Environmental Policy Act Certificate dated May 13, 2016, consisting of the design, permitting, and construction of sewers in the Pleasant Bay Watershed, including any and all other costs incidental and related thereto?

YES _____ NO _____

3. Shall the Town of Harwich approve the charter amendment proposed by Town Meeting summarized below?

SUMMARY

Massachusetts General Laws, Chapter 43B, Section 10, allows Town Meeting to vote to amend the Town's Charter. On May 2, 2022, Harwich's Annual Town Meeting voted to amend the Town's

Charter through Article 40 of the warrant. That Charter Amendment is conditioned upon the voters approving the same at this 2023 Annual Town Election.

The proposal will amend the Charter by deleting all references to the words “Board of Selectmen” and “Chairman,” in all instances in which they appear, and replacing those words with the gender-neutral alternatives of “Select Board,” and “Chair,” respectively. The proposal will insert a new Section 3-1-3 of the Charter to clarify that the “Select Board” maintains all duties, responsibilities, and authority of a “Board of Selectmen” under the general and special laws. Finally, the proposal will delete the definition of “He/His” in Section 10.3.1 of the Charter. These amendments serve to make the Charter’s language more gender-neutral, but do not substantively alter any of its terms.

A “YES” vote on this Ballot Question would be in favor of approving this amendment to the Charter.

A “NO” vote on this Ballot Question would be opposed to approving this amendment to the Charter.

YES _____ NO _____

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

Given under our hands this 3rd day of April, 2023.

Michael D. MacAskill, Chair

Mary E. Anderson, Vice Chair

Donald F. Howell, Clerk

Julie E. Kavanagh

Larry G. Ballantine

Board of Selectmen
Town of Harwich

A true copy Attest:

Constable

FY 2024 OPERATING BUDGET
Board of Selectmen Recommendations

LINE #	DEPT #	DEPT NAME	2022 ACTUAL	2023 ORIG BUD	2024 BOS RECOMMEND	% Change
		GENERAL FUND - BAL	3,497,289	1,819,823	1,015,050	-44.2%
1	114	MODERATOR S&W	0	1,000	1,000	0.0%
2	122	SELECTMEN S&W	11,400	762,500	12,500	-98.4%
3	122	SELECTMEN - EXP	4,225	8,750	8,750	0.0%
4		Sub-Total	15,625	771,250	21,250	-97.2%
5	131	FINANCE COMMITTEE S&W	0	3,000	3,000	0.0%
6	131	FINANCE COMMITTEE - EXP	888	2,000	2,000	0.0%
7		Sub-Total	888	5,000	5,000	0.0%
8	131	FINANCE COMMITTEE RESERVE FUND	0	50,000	50,000	0.0%
9	135	TOWN ACCOUNTANT - S&W	253,797	284,406	282,824	-0.6%
10	135	TOWN ACCOUNTANT - EXP	8,757	8,139	9,844	20.9%
11	136	AUDIT - EXP	40,000	45,000	49,000	8.9%
12		Sub-Total	302,554	337,545	341,668	1.2%
13	141	ASSESSORS - S&W	153,596	206,844	234,344	13.3%
14	141	ASSESSORS - EXP	80,062	140,450	147,080	4.7%
15		Sub-Total	233,658	347,294	381,424	9.8%
16	143	TOWN COLLECTIONS - S&W	9,460	15,000	14,000	-6.7%
17	143	TOWN COLLECTIONS - EXP	5,060	6,140	9,190	49.7%
18		Sub-Total	14,520	21,140	23,190	9.7%
19	144	POSTAGE	41,921	50,000	50,000	0.0%
20	145	TREASURER - S&W	285,319	296,268	307,839	3.9%
21	145	TREASURER - EXP	99,093	92,353	93,173	0.9%
22		Sub-Total	384,413	388,621	401,012	3.2%
23	148	MEDICARE & VACATION	335,417	444,354	506,358	14.0%
24	149	ADMINISTRATION - S&W	396,135	543,821	421,593	-22.5%
25	149	ADMINISTRATION - EXP	117,995	133,000	163,000	22.6%
26		Sub-Total	514,129	676,821	584,593	-13.6%
27	152	LEGAL SERVICES - EXP	193,633	185,000	185,000	0.0%
28	152	CLAIMS & SUITS	0	500	500	0.0%
29		Sub-Total	193,633	185,500	185,500	0.0%
30	155	INFORMATION TECHNOLOGY - S&W	62,655	91,940	94,758	3.1%
31	155	INFORMATION TECHNOLOGY - EXP	253,651	439,500	474,247	7.9%
32		Sub-Total	316,306	531,440	569,005	7.1%
33	156	IT CHANNEL 18 S&W	143,040	153,629	169,054	10.0%
34	156	IT CHANNEL 18 EXP	27,193	37,240	48,400	30.0%
35		Sub-Total	170,233	190,869	217,454	13.9%
36	157	CONSTABLE S & W	375	700	700	0.0%

FY 2024 OPERATING BUDGET
Board of Selectmen Recommendations

LINE #	DEPT #	DEPT NAME	2022 ACTUAL	2023 ORIG BUD	2024 BOS RECOMMEND	% Change
37	161	TOWN CLERK - S&W	274,661	238,499	249,927	4.8%
38	161	TOWN CLERK - EXP	40,983	61,304	60,360	-1.5%
39		Sub-Total	315,644	299,803	310,287	3.5%
40	171	CONSERVATION - S&W	153,334	160,786	197,658	22.9%
41		CONSERVATION - EXP	5,059	6,686	11,532	72.5%
42		Sub-Total	158,393	167,472	209,190	24.9%
43	173	HOUSING ADVOCATE - S&W			76,096	0.0%
44		HOUSING ADVOCATE - EXP			2,500	0.0%
45		Sub-Total			78,596	0.0%
46	174	TOWN PLANNER - S&W	128,473	153,036	174,015	13.7%
47		TOWN PLANNER - EXP	2,442	5,601	6,581	17.5%
48		Sub-Total	130,916	158,637	180,596	13.8%
49	176	BOARD OF APPEALS - S&W	0	2,050	2,050	0.0%
50		BOARD OF APPEALS - EXP	265	800	4,256	432.0%
51		Sub-Total	265	2,850	6,306	121.3%
52	180	ALBRO HOUSE - EXP	2,814	5,000	5,000	0.0%
53	181	OLD RECR BUILDING - EXP	4,239	6,500	6,500	0.0%
54	182	WEST HARWICH SCHOOL - EXP	402	1,600	0	-100.0%
55		Sub-Total	7,455	13,100	11,500	-12.2%
56	183	COMMUNITY DEVELOPMENT - S&W	5,053	0	0	0.0%
57	183	COMMUNITY DEVELOPMENT - EXP	11,032	5,898	5,898	0.0%
58		Sub-Total	16,086	5,898	5,898	0.0%
59	191	PUBLIC BUILDINGS REPAIRS	0	2,000	2,000	0.0%
60	192	TOWN/FIN COM REPORTS	0	10,000	10,000	0.0%
61	194	ADVERTISING	0	30,000	30,000	0.0%
62	210	POLICE - S&W	3,885,844	4,310,121	4536616	1.0%
63	210	POLICE - EXP	336,392	528,237	604,555	14.4%
64		Sub-Total	4,222,236	4,838,358	5,141,171	6.3%
65	220	FIRE - S&W	4,229,895	4,397,138	5,002,934	13.8%
66	220	FIRE - EXP	497,698	597,499	800,714	34.0%
67		Sub-Total	4,727,593	4,994,637	5,803,648	16.2%
68	241	BUILDING - S&W	456,026	455,517	610,081	33.9%
69	241	BUILDING - EXP	7,059	14,885	17,085	14.8%
70		Sub-Total	463,085	470,402	627,166	33.3%
71	291	EMERGENCY MANAGEMENT - S&W	5,810	5,408	5,515	2.0%
72	291	EMERGENCY MANAGEMENT - EXP	3,176	8,500	8,500	0.0%
73		Sub-Total	8,987	13,908	14,015	0.8%

**FY 2024 OPERATING BUDGET
Board of Selectmen Recommendations**

LINE #	DEPT #	DEPT NAME	2022 ACTUAL	2023 ORIG BUD	2024 BOS RECOMMEND	% Change
74	296	NATURAL RESOURSCES S&W	114,867	116,307	124,320	6.9%
75	296	NATURAL RESOURCES - EXP	25,394	27,100	27,100	0.0%
76		Sub-Total	140,262	143,407	151,420	5.6%
77	297	PLEASANT BAY ALLIANCE	23,760	25,232	25,232	0.0%
78	411	TOWN ENGINEER - S&W	0	101,589	176,277	73.5%
79	411	TOWN ENGINEER - EXP	41,420	39,350	40,850	3.8%
80		Sub-Total	41,420	140,939	217,127	54.1%
81	421	HIGHWAY - S&W	2,727,671	2,778,807	3,067,180	10.4%
82	421	HIGHWAY - EXP	3,590,599	3,355,968	3,881,470	15.7%
83		Sub-Total	6,318,271	6,134,775	6,948,650	13.3%
84	423	SNOW/ICE - S&W	110,215	40,000	40,000	0.0%
85	423	SNOW/ICE - EXP	293,332	95,000	95,000	0.0%
86		Sub-Total	403,547	135,000	135,000	0.0%
87	424	STREET LIGHTS	24,165	30,000	30,000	0.0%
88	491	CEMETERY ADMINISTRATION - S&W	71,434	71,434	80,162	12.2%
89	491	CEMETERY ADMINISTRATION - EXP	4,470	5,108	5,108	0.0%
90		Sub-Total	75,904	76,542	85,270	11.4%
91	510	BOARD OF HEALTH - S&W	213,724	269,893	284,597	5.4%
92	510	BOARD OF HEALTH - EXP	10,320	18,425	18,425	0.0%
93	510	BOARD OF HEALTH - OPIOID ABATEMENT	0	0	102,328	
93		Sub-Total	224,044	288,318	405,350	40.6%
94	540	COMMUNITY CENTER - S&W	196,209	203,327	261,935	28.8%
95	540	COMMUNITY CENTER - EXP	120,329	120,682	158,152	31.0%
96		Sub-Total	316,538	324,009	420,087	29.7%
97	541	COUNCIL ON AGING - S&W	378,115	448,127	465,118	3.8%
98	541	COUNCIL ON AGING - EXP	64,793	112,773	118,045	4.7%
99		Sub-Total	442,908	560,900	583,163	4.0%
100	542	YOUTH COUNSELOR S&W	96,854	98,154	105,148	7.1%
101	542	YOUTH COUNSELOR EXPENS	3,100	4,250	4,430	4.2%
102		Sub-Total	99,954	102,404	109,578	7.0%
103	543	VETERANS EXPENSE/BENEFITS	115,546	145,018	145,805	0.5%
104	550	DISABILTY RIGHTS - EXP	0	500	500	0.0%
105	560	HUMAN SERVICES	81,193	83,250	83,250	0.0%
106	610	LIBRARY - S&W	718,507	755,032	819,809	8.6%
107	610	LIBRARY - EXP	271,021	280,183	300,400	7.2%
108		Sub-Total	989,528	1,035,215	1,120,209	8.2%

**FY 2024 OPERATING BUDGET
Board of Selectmen Recommendations**

LINE #	DEPT #	DEPT NAME	2022 ACTUAL	2023 ORIG BUD	2024 BOS RECOMMEND	% Change
109	629	RECREATION SEASONAL S&W	224,274	219,179	298,919	36.4%
110	629	RECREATION & YOUTH S&W	259,070	264,600	279,271	5.5%
111	629	RECREATION & YOUTH EXP	43,577	48,075	59,225	23.2%
112		Sub-Total	526,922	531,854	637,415	19.8%
113	633	HARBORMASTER - S&W	338,883	360,621	386,952	7.3%
114	633	HARBORMASTER - EXP	198,819	250,879	324,470	29.3%
115		Sub-Total	537,702	611,500	711,422	16.3%
116	670	BROOKS ACADEMY MUSEUM COMMISSION - EXP	15,080	14,000	14,000	0.0%
117	670	HISTORICAL COMMISSION - S&W	0	2,040	2,040	0.0%
118	670	HISTORICAL COMMISSION - EXP	0	350	350	0.0%
119		Sub-Total	0	2,390	2,390	0.0%
120	692	CELEBRATIONS - EXP	0	1,600	1,600	0.0%
121	695	GOLF S&W	951,340	1,002,424	1,070,470	6.8%
122	695	GOLF - EXP	622,509	656,114	702,122	7.0%
123	695	GOLF CAPITAL OUTLAY	64,190	68,000	73,000	7.4%
124		Sub-Total	1,638,039	1,726,538	1,845,592	6.9%
125	698	CULTURAL AFFAIRS - S&W			80,385	0.0%
126		CULTURAL AFFAIRS - EXP			2,500	0.0%
127		Sub-Total	0	0	82,885	0.0%
128		GOLF IMA MRSD	31,741	83,538	84,418	1.1%
129	199	ELECTRICITY - CVEC	66,759	77,644	77,644	0.0%
130		Total Departmental Budgets	28,196,611	29,115,995	30,701,584	5.4%
778		Total Debt Service (Prin & Int)		3,082,196	2,541,802	-17.5%
		Semi-Fixed & Fixed Costs				
		Barnstable County Retirement System		3,504,895	3,474,024	-0.9%
		Unemployment Compensation		20,000	20,000	0.0%
		Group Health Insurance		5,275,725	5,362,192	1.6%
		OPEB		250,000	250,000	0.0%
		General Insurance		910,082	956,060	5.1%
		General Insurance Deductible		20,000	20,000	0.0%
				9,980,702	10,082,276	1.0%
		<u>TOTAL TOWN (Full Cost of Art. 4)</u>		42,178,893	43,325,662	2.7%

Enhancement of Services: Additions to Staffing

Line # Eight (8) Full-time Positions:

- 65 Fire Dept.: 4 Firefighters (4)
- 68 Building Dept.: Planning/Zoning Coordinator (1)
- 81 Highway Dept.: Custodian (at Com. Ctr.) (1)
- 97 Community Ctr.: Program Specialist (1)
- Shared 1.0 FTE resource for Conservation/Building (1)
- Building Inspector goes from .5 to 1.0 FTE

FTE = Full-Time Equivalent

**Five Year Capital Outlay Plan
FY 2024 to 2028**

Department	Title	FY2024	FY2025	FY2026	FY2027	FY 2028	Five Year Total
Administration	Beautify the villages of Harwich	50,000	50,000	50,000	50,000	50,000	250,000
Administration							
Channel 18	Equipment upgrades	4,388	47,863	24,897	45,000	16,500	138,648
Channel 18							
Facilities Maintenance	100 Oak Street (Community Center)	145,500	295,000	0	653,000	0	1,093,500
Facilities Maintenance	183 Oak Street (Cranberry Valley Golf Course)	0	0	85,000	0	0	85,000
Facilities Maintenance	183 Sisson Road (Public Safety Complex)	0	52,000	0	0	135,000	187,000
Facilities Maintenance	204 Sisson Road (old Middle School)	1,982,427	650,000	265,000	0	0	2,897,427
Facilities Maintenance	209 Queen Anne Rd (DPW Complex)	0	0	0	3,680,000	0	3,680,000
Facilities Maintenance	273 Queen Anne Rd (Transfer Station)	157,300	0	0	0	545,000	702,300
Facilities Maintenance	728 Main Street (Albro House)	0	0	0	0	0	0
Facilities Maintenance	732 Main Street (Town Hall)	0	0	0	0	275,000	275,000
Facilities Maintenance	739 Main Street (Brooks Free Library)	90,000	0	0	40,000	740,000	870,000
Facilities Maintenance	80 Parallel St (Brooks Academy)	0	175,000	350,000	350,000	0	875,000
Facilities Maintenance	715 Route 28 (Harbor complex)	0	200,000	0	0	0	200,000
Facilities Maintenance	ADA compliance requirements	121,000	0	0	0	0	121,000
Facility Maintenance							
Fire Department	Ambulances	0	450,000	0	463,500	0	913,500
Fire Department	Engines/Other Fire Equipped Vehicles	350,000	0	0	0	750,000	1,100,000
Fire Department	Equipment replacements	36,580	0	0	0	0	36,580
Fire Department	Vehicles	0	70,000	0	0	0	70,000
Fire Department							
Golf	Irrigation Update	0	1,250,000	0	0	0	1,250,000
Golf							
Harbormaster	Allen Harbor Jetty	0	0	0	2,350,000	0	2,350,000
Harbormaster	Herring River Ramp replacement	0	30,000	0	300,000	0	330,000
Harbormaster	Wixon Landing improvements	30,000	0	0	0	0	30,000
Harbormaster	Saquatucket Bulkhead replacements	0	0	650,000	0	9,915,000	10,565,000
Harbormaster	Vehicle replacement	0	0	42,000	0	0	42,000
Harbors							
Harwich Elementary School	Maintenance	0	0	180,000	100,000	100,000	380,000
Harwich Elementary School							
Information Technology	Technology reinvestment	387,000	250,000	250,000	250,000	250,000	1,387,000
Information Technology							
Police Department	Police Cruiser replacements	183,000	0	0	0	0	183,000
Police Department	Equipment replacements	64,115	56,115	56,115	18,000	0	194,345
Police Department	Technology replacement	20,000	0	0	0	0	20,000
Police Department							
Public Works	Road maintenance/improvements	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000	7,000,000
Public Works	Equipment replacements	75,000	0	0	0	0	75,000
Public Works	Vehicle replacements	515,000	605,000	555,000	650,000	505,000	2,830,000
Public Works							
Water Department	Vehicle replacements	0	175,000	0	0	0	175,000
Water Department	Equipment replacements	0	125,000	0	0	0	125,000
Water Department	Pavement management plan	175,000	0	0	0	0	175,000
Water Department	New well source exploration (phase 2)	600,000	0	0	0	0	600,000
Water Department	Rt. 28 water main replacemenet	14,700,000	0	0	0	0	14,700,000
Water Department	Paint Pleasant Lake Ave. tank	0	2,000,000	0	0	0	2,000,000
Water Department	Distribution system upgrades	0	10,000,000	0	0	0	10,000,000
Water Department	Pipe discontinuity upgrade	0	0	1,500,000	0	0	1,500,000
Water Department							
Wastewater Department	E. Harwich Collection System Expansion	50,000,000	0	0	0	0	50,000,000
Wastewater Department	Phase 4 Collection System design	0	2,500,000	0	0	0	2,500,000
Wastewater Department	Rt. 28 sewer main installation	6,500,000	0	0	0	0	6,500,000
Wastewater Department							
ANNUAL TOTALS		77,586,310	20,130,978	4,978,012	9,999,500	14,349,500	126,515,720

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

Given under our hands this 3rd day of April, 2023.

Michael D. MacAskill, Chair

Mary E. Anderson, Vice Chair

Donald F. Howell, Clerk

Julie E. Kavanagh

Larry G. Ballantine

Board of Selectmen
Town of Harwich

A true copy Attest:

Constable